

ASSEMBLY BILL NO. 225—ASSEMBLYMEN FREEMAN, ANDERSON, GIBBONS,
WILLIAMS, CHOWNING, ARBERRY, BACHE, BEERS, BERMAN,
BUCKLEY, COLLINS, GIUNCHIGLIANI, GOLDWATER, HUMKE, LEE,
LESLIE, MANENDO, NOLAN, PARKS, PARNELL, PRICE, SMITH AND
TIFFANY

FEBRUARY 22, 2001

JOINT SPONSORS: SENATORS RAWSON, SCHNEIDER, NEAL, O'CONNELL,
TOWNSEND, AMODEI, MATHEWS AND SHAFFER

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions regarding meetings of public bodies.
(BDR 19-82)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to meetings of public bodies; defining the term “deliberate”; revising the
definition of “meeting” to include certain serial gatherings; revising the definition
of “public body” to include certain corporations and limited-liability companies;
providing a civil penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 241.015 is hereby amended to read as follows:
2 241.015 As used in this chapter, unless the context otherwise requires:
3 1. “Action” means:
4 (a) A decision made by a majority of the members present during a
5 meeting of a public body;
6 (b) A commitment or promise made by a majority of the members
7 present during a meeting of a public body; or
8 (c) A vote taken by a majority of the members present during a meeting
9 of a public body.
10 2. ***“Deliberate” means to examine, weigh, discuss or reflect upon the***
11 ***reasons for or against a decision or matter over which the public body***
12 ***has supervision, control, jurisdiction or advisory power. The term***
13 ***includes, without limitation, the acquisition or exchange of facts.***



* A B 2 2 5 *

1 3. "Meeting" means ~~the~~ :
2 (a) *The* gathering of members of a public body at which a quorum is
3 present to deliberate toward a decision or to take action on any matter over
4 which the public body has supervision, control, jurisdiction or advisory
5 power.
6 ~~3-1~~ (b) *Any series of gatherings of members of a public body at*
7 *which:*
8 (1) *Less than a quorum is present at any individual gathering;*
9 (2) *The members of the public body attending one or more of the*
10 *gatherings collectively constitute a quorum; and*
11 (3) *The series of gatherings were held with the intent to avoid the*
12 *requirements of this chapter.*
13 *The term does not include discussions between individual members of the*
14 *public body to educate each other on a specific issue.*
15 4. Except as otherwise provided in this subsection, "public body"
16 means ~~any~~ :
17 (a) *Any* administrative, advisory, executive or legislative body of the
18 state or a local government which expends or disburses or is supported in
19 whole or in part by tax revenue or which advises or makes
20 recommendations to any entity which expends or disburses or is supported
21 in whole or in part by tax revenue, including, but not limited to, any board,
22 commission, committee, subcommittee or other subsidiary thereof and
23 includes an educational foundation as defined in subsection 3 of NRS
24 388.750 and a university foundation as defined in subsection 3 of NRS
25 396.405.
26 (b) *Except as otherwise provided by specific statute, a corporation or*
27 *limited-liability company that receives more than 10 percent of its*
28 *operating budget in the form of grants or contributions of money derived*
29 *from tax revenue from an entity which is described in paragraph (a) and*
30 *which has the right to appoint a voting member to the governing board of*
31 *the corporation or limited-liability company. As used in this paragraph,*
32 *the phrase "grants or contributions of money derived from tax revenue"*
33 *does not include money received as payment for membership dues or as*
34 *payment for goods or services pursuant to a written agreement with the*
35 *entity.*
36 "Public body" does not include the legislature of the State of Nevada.
37 ~~14-1~~ 5. "Quorum" means a simple majority of the constituent
38 membership of a public body or another proportion established by law.
39 Sec. 2. NRS 241.037 is hereby amended to read as follows:
40 241.037 1. The attorney general may sue in any court of competent
41 jurisdiction to have an action taken by a public body declared void or for
42 an injunction against any public body or person to require compliance with
43 or prevent violations of the provisions of this chapter. The injunction:
44 (a) May be issued without proof of actual damage or other irreparable
45 harm sustained by any person.
46 (b) Does not relieve any person from criminal prosecution for the same
47 violation.
48 2. Any person denied a right conferred by this chapter may sue in the
49 district court of the district in which the public body ordinarily holds its



1 meetings or in which the plaintiff resides. A suit may seek to have an
2 action taken by the public body declared void, to require compliance with
3 or prevent violations of this chapter or to determine the applicability of this
4 chapter to discussions or decisions of the public body. The court ~~may~~
5 *shall* order payment of reasonable attorney's fees and court costs to a
6 successful plaintiff in a suit brought under this subsection.

7 3. Any suit brought against a public body pursuant to subsection 1 or 2
8 to require compliance with the provisions of this chapter must be
9 commenced within 120 days after the action objected to was taken by that
10 public body in violation of this chapter. Any such suit brought to have an
11 action declared void must be commenced within 60 days after the action
12 objected to was taken.

13 4. *In addition to any other penalty provided by law, a court may*
14 *impose a civil penalty not to exceed \$5,000 on a member of a public body*
15 *if an action taken by the public body was declared void or an injunction*
16 *was issued against the public body pursuant to this section.*

