

SENATE BILL NO. 121—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 13, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning recording of public meetings and attendance of workshops. (BDR 19-32)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

~

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

AN ACT relating to public bodies; requiring a public body to post the notice and minutes of a public meeting on the Internet; requiring a public body to make an audio recording of a public meeting and to retain the recording for 3 years; authorizing a public body to charge a fee for providing a copy of such an audio recording to a person; requiring a member of certain agencies to be present at a workshop of the agency concerning a proposed regulation of the agency; 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 241.020 is hereby amended to read as follows:  
2     241.020 1. Except as otherwise provided by specific statute, all  
3     meetings of public bodies must be open and public, and all persons must be  
4     permitted to attend any meeting of these bodies. Public officers and  
5     employees responsible for these meetings shall make reasonable efforts to  
6     assist and accommodate physically handicapped persons desiring to attend.  
7     2. Except in an emergency, written notice of all meetings must be  
8     given at least 3 working days before the meeting. The notice must include:  
9     (a) The time, place and location of the meeting.  
10    (b) A list of the locations where the notice has been posted.  
11    (c) An agenda consisting of:  
12       (1) A clear and complete statement of the topics scheduled to be  
13       considered during the meeting.  
14       (2) A list describing the items on which action may be taken and  
15       clearly denoting that action may be taken on those items.  
16       (3) A period devoted to comments by the general public, if any, and  
17       discussion of those comments. No action may be taken upon a matter  
18       raised under this item of the agenda until the matter itself has been



1 specifically included on an agenda as an item upon which action may be  
2 taken pursuant to subparagraph (2).

3 3. Minimum public notice is:

4 (a) Posting a copy of the notice at the principal office of the public  
5 body, or if there is no principal office, at the building in which the meeting  
6 is to be held, and at not less than three other separate, prominent places  
7 within the jurisdiction of the public body not later than 9 a.m. of the third  
8 working day before the meeting; ~~and~~

9 (b) *Posting a copy of the notice on a public website on the Internet or*  
10 *its successor, if any, not later than 9 a.m. of the third working day before*  
11 *the meeting; and*

12 (c) Mailing a copy of the notice to any person who has requested notice  
13 of the meetings of the body in the same manner in which notice is required  
14 to be mailed to a member of the body. A request for notice lapses 6 months  
15 after it is made. The public body shall inform the requester of this fact by  
16 enclosure with or notation upon the first notice sent. The notice must be  
17 delivered to the postal service used by the body not later than 9 a.m. of the  
18 third working day before the meeting.

19 4. Upon any request, a public body shall provide, at no charge, at least  
20 one copy of:

21 (a) An agenda for a public meeting;

22 (b) A proposed ordinance or regulation which will be discussed at the  
23 public meeting; and

24 (c) Any other supporting material provided to the members of the body  
25 for an item on the agenda, except materials:

26 (1) Submitted to the public body pursuant to a nondisclosure or  
27 confidentiality agreement;

28 (2) Pertaining to the closed portion of such a meeting of the public  
29 body; or

30 (3) Declared confidential by law.

31 5. As used in this section, "emergency" means an unforeseen  
32 circumstance which requires immediate action and includes, but is not  
33 limited to:

34 (a) Disasters caused by fire, flood, earthquake or other natural causes;  
35 or

36 (b) Any impairment of the health and safety of the public.

37 **Sec. 2.** NRS 241.035 is hereby amended to read as follows:

38 241.035 1. Each public body shall keep written minutes of each of its  
39 meetings, including:

40 (a) The date, time and place of the meeting.

41 (b) Those members of the body who were present and those who were  
42 absent.

43 (c) The substance of all matters proposed, discussed or decided and, at  
44 the request of any member, a record of each member's vote on any matter  
45 decided by vote.

46 (d) The substance of remarks made by any member of the general  
47 public who addresses the body if he requests that the minutes reflect his  
48 remarks or, if he has prepared written remarks, a copy of his prepared  
49 remarks if he submits a copy for inclusion.



1 (e) Any other information which any member of the body requests to be  
2 included or reflected in the minutes.

3 2. Minutes of public meetings are public records. Minutes ~~for~~  
4 ~~audiotape~~ **and audio** recordings of the meetings must be made available  
5 for inspection by the public within 30 working days after the adjournment  
6 of the meeting at which taken. The minutes shall be deemed to have  
7 permanent value and must be retained by the public body for at least 5  
8 years. Thereafter, the minutes may be transferred for archival preservation  
9 in accordance with NRS 239.080 to 239.125, inclusive. Minutes of  
10 meetings closed pursuant to NRS 241.030 become public records when the  
11 body determines that the matters discussed no longer require  
12 confidentiality and the person whose character, conduct, competence or  
13 health was discussed has consented to their disclosure. That person is  
14 entitled to a copy of the minutes upon request whether or not they become  
15 public records.

16 3. All or part of any meeting of a public body may be recorded on  
17 audiotape or any other means of sound or video reproduction by a member  
18 of the general public if it is a public meeting so long as this in no way  
19 interferes with the conduct of the meeting.

20 4. Each public body ~~may~~ **shall** record on audiotape or any other  
21 means of sound reproduction each of its meetings, whether public or  
22 closed. ~~[[[ An audio recording of a meeting is so recorded:~~

23 ~~— (a) The record must] :~~

24 ~~(a) Must~~ be retained by the public body for at least ~~[[year]~~ **3 years**  
25 after the adjournment of the meeting at which it was recorded.

26 (b) ~~[The record of a public meeting is]~~ **Is** a public record and must be  
27 made available for inspection by the public during the time the record is  
28 retained.

29 Any record made pursuant to this subsection must be made available to the  
30 attorney general upon request.

31 5. ~~[[If a public body elects to record a public meeting pursuant to the~~  
32 ~~provisions of subsection 4, any]~~ **Any** portion of ~~[that meeting which]~~ **a**  
33 **meeting that** is closed must also be recorded and ~~[must be]~~ retained  
34 **pursuant to subsection 4** and **must be** made available for inspection  
35 pursuant to the provisions of subsection 2 relating to records of closed  
36 meetings. Any record made pursuant to this subsection must be made  
37 available to the attorney general upon request.

38 6. **A public body may charge a fee for providing a copy of an audio**  
39 **recording of a meeting. The amount of such fee must not exceed the**  
40 **actual cost to the public body of providing such a copy.**

41 7. **A public body shall post the minutes of a meeting on a public**  
42 **website on the Internet or its successor, if any, within 30 working days**  
43 **after the adjournment of the meeting.**

44 **Sec. 3.** NRS 233B.061 is hereby amended to read as follows:

45 233B.061 1. All interested persons must be afforded a reasonable  
46 opportunity to submit data, views or arguments upon a proposed  
47 regulation, orally or in writing.

48 2. Before holding the public hearing required pursuant to subsection 3,  
49 an agency shall conduct at least one workshop to solicit comments from



1 interested persons on one or more general topics to be addressed in a  
2 proposed regulation. *If the agency is a board, commission or other similar*  
3 *body, at least one member of the body must be present at each workshop.*  
4 Not less than 15 days before the workshop, the agency shall provide notice  
5 of the time and place set for the workshop:

6 (a) In writing to each person who has requested to be placed on a  
7 mailing list; and

8 (b) In any other manner reasonably calculated to provide such notice to  
9 the general public and any business that may be affected by a proposed  
10 regulation which addresses the general topics to be considered at the  
11 workshop.

12 3. With respect to substantive regulations, the agency shall set a time  
13 and place for an oral public hearing, but if no one appears who will be  
14 directly affected by the proposed regulation and requests an oral hearing,  
15 the agency may proceed immediately to act upon any written submissions.  
16 The agency shall consider fully all written and oral submissions respecting  
17 the proposed regulation.

18 4. The agency shall keep, retain and make available for public  
19 inspection written minutes *and an audio recording* of each public hearing  
20 held pursuant to subsection 3 in the manner provided in ~~subsections 1 and~~  
21 ~~2 of NRS 241.035.~~

22 ~~5. The agency may record each public hearing held pursuant to~~  
23 ~~subsection 3 and make those recordings available for public inspection in~~  
24 ~~the manner provided in subsection 4 of~~ NRS 241.035.

25 **Sec. 4.** NRS 422.224 is hereby amended to read as follows:

26 422.224 1. Before adopting, amending or repealing any regulation  
27 for the administration of a program of public assistance or any other  
28 program for which the welfare division is responsible, the state welfare  
29 administrator shall give at least 30 days' notice of his intended action.

30 2. The notice of intent to act upon a regulation must:

31 (a) Include a statement of the need for and purpose of the proposed  
32 regulation, and either the terms or substance of the proposed regulation or a  
33 description of the subjects and issues involved, and of the time when, the  
34 place where, and the manner in which, interested persons may present their  
35 views thereon.

36 (b) Include a statement identifying the entities that may be financially  
37 affected by the proposed regulation and the potential financial impact, if  
38 any, upon local government.

39 (c) State each address at which the text of the proposed regulation may  
40 be inspected and copied.

41 (d) Be mailed to all persons who have requested in writing that they be  
42 placed upon a mailing list, which must be kept by the state welfare  
43 administrator for that purpose.

44 3. All interested persons must be afforded a reasonable opportunity to  
45 submit data, views or arguments upon a proposed regulation, orally or in  
46 writing. The state welfare administrator shall consider fully all oral and  
47 written submissions relating to the proposed regulation.

48 4. The state welfare administrator shall keep, retain and make available  
49 for public inspection written minutes *and an audio recording* of each



\* S B 1 2 1 \*

1 public hearing held pursuant to this section in the manner provided in  
2 ~~{subsections 1 and 2 of NRS 241.035.~~  
3 ~~— 5. — The state welfare administrator may record each public hearing held~~  
4 ~~pursuant to this section and make those recordings available for public~~  
5 ~~inspection in the manner provided in subsection 4 of~~ NRS 241.035.  
6 ~~{6-}~~ 5. No objection to any regulation on the ground of noncompliance  
7 with the procedural requirements of this section may be made more than 2  
8 years after its effective date.  
9 **Sec. 5.** NRS 422.2369 is hereby amended to read as follows:  
10 422.2369 1. Before adopting, amending or repealing any regulation  
11 for the administration of a program of public assistance or any other  
12 program for which the division of health care financing and policy is  
13 responsible, the administrator shall give at least 30 days' notice of his  
14 intended action.  
15 2. The notice of intent to act upon a regulation must:  
16 (a) Include a statement of the need for and purpose of the proposed  
17 regulation, and either the terms or substance of the proposed regulation or a  
18 description of the subjects and issues involved, and of the time when, the  
19 place where, and the manner in which, interested persons may present their  
20 views thereon.  
21 (b) Include a statement identifying the entities that may be financially  
22 affected by the proposed regulation and the potential financial impact, if  
23 any, upon local government.  
24 (c) State each address at which the text of the proposed regulation may  
25 be inspected and copied.  
26 (d) Be mailed to all persons who have requested in writing that they be  
27 placed upon a mailing list, which must be kept by the administrator for that  
28 purpose.  
29 3. All interested persons must be afforded a reasonable opportunity to  
30 submit data, views or arguments upon a proposed regulation, orally or in  
31 writing. The administrator shall consider fully all oral and written  
32 submissions relating to the proposed regulation.  
33 4. The administrator shall keep, retain and make available for public  
34 inspection written minutes *and an audio recording* of each public hearing  
35 held pursuant to this section in the manner provided in ~~{subsections 1 and 2~~  
36 ~~of NRS 241.035.~~  
37 ~~— 5. — The administrator may record each public hearing held pursuant to~~  
38 ~~this section and make those recordings available for public inspection in~~  
39 ~~the manner provided in subsection 4 of~~ NRS 241.035.  
40 ~~{6-}~~ 5. An objection to any regulation on the ground of noncompliance  
41 with the procedural requirements of this section may not be made more  
42 than 2 years after its effective date.

