

Amendment No. 264

Senate Amendment to Senate Bill No. 83

(BDR 19-43)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“**Section 1.** NRS 241.033 is hereby amended to read as follows:

241.033 1. A public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it has ~~given~~ :

(a) *Given* written notice to that person of the time and place of the meeting ~~[. Except as otherwise provided in subsection 2, the]~~ ; and

(b) *Received proof of service of the notice.*

2. *The* written notice *required pursuant to subsection 1:*

JCB/KMG

Date: 4/18/2005

S.B. No. 83—Makes various changes relating to conduct of closed meeting by Board of Regents of University of Nevada to consider character, alleged misconduct, professional competence, or physical or mental health of person.



(a) *Except as otherwise provided in subsection 3*, must be:

~~[(a)]~~ (1) Delivered personally to that person at least 5 working days before the meeting; or

~~[(b)]~~ (2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting ~~[-~~

→ ~~A public body must receive proof of service of the notice required by this subsection before such a meeting may be held.~~

~~—2.] ; and~~

(b) *Must include:*

(1) *A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and*

(2) *A statement of the provisions of subsection 4.*

3. The Nevada Athletic Commission is exempt from the requirements of ~~[(paragraphs (a) and (b))]~~ *paragraph (a)* of subsection ~~[1,]~~ 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

~~[(3-)]~~ 4. *If a public body holds a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, that person may:*

(a) *Attend any portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered by the public body; and*

(b) *Present testimony and written evidence to the public body during the closed meeting.*

5. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person whose character, alleged misconduct, professional competence, or physical or mental health was considered at the meeting.”.

Amend the title of the bill by deleting the first through fifth lines and inserting:

“AN ACT relating to meetings of public bodies; requiring a public body to allow a person whose character, alleged misconduct, professional competence, or physical or mental health is being considered by the public body in a closed meeting to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to conduct of closed meeting by public body to consider character, alleged misconduct, professional competence, or physical or mental health of person. (BDR 19-43)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law prohibits a public body from holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person, except an elected member of a public body, unless it has given written notice to that person of the time and place of the meeting. (NRS 241.030, 241.031, 241.033)

This bill requires a public body to allow a person who is the subject of such a closed meeting of the public body to attend the closed meeting and to present testimony and written evidence during the meeting. The bill also requires the public body to include in the written notice that must be sent to the person who is the subject of such a closed meeting a list of the general topics concerning the person that will be considered at the meeting and a statement that the person has the right to attend and present testimony and written evidence during the meeting.