

SENATE BILL NO. 416—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing violations of Open Meeting Law. (BDR 19-102)

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; authorizing the Attorney General to recover attorney's fees and court costs in certain suits concerning violations of the Open Meeting Law; providing civil penalties for repeated violations of the Open Meeting Law; and providing other matters properly relating thereto.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General shall cause to be posted on the Internet website for the Office of the Attorney General a list of each public body or person against whom the Attorney General has, in the immediately preceding 2 years, been a successful plaintiff in two or more suits brought under subsection 1 of NRS 241.037.

2. Each entry on the list posted pursuant to subsection 1 concerning a public body or person must:

(a) Include, without limitation, a summary of the violations of this chapter by the public body or person; and

(b) Remain on the website for at least 1 year after the entry was initially included on the list.



Sec. 2. NRS 241.037 is hereby amended to read as follows:

241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:

(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. *A court:*

(a) May order payment of reasonable attorney's fees and court costs to the Attorney General if he is a successful plaintiff in a suit brought under subsection 1.

(b) Shall order payment of reasonable attorney's fees and court costs to the Attorney General if the Attorney General is a successful plaintiff in a suit brought under subsection 1 and that suit is the second or subsequent successful suit brought by the Attorney General against the same public body or person within the immediately preceding 2 years.

3. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.

~~3.1~~ 4. Any suit brought against a public body pursuant to subsection 1 or ~~3.1~~ 3 to require compliance with the provisions of this chapter must be commenced within 120 days after the action objected to was taken by that public body in violation of this chapter. Any such suit brought to have an action declared void must be commenced within 60 days after the action objected to was taken.

5. *A public body or person is liable for a civil penalty of not more than \$5,000 for each act that the public body or person commits, if:*

(a) A court of competent jurisdiction determines that the act constitutes a violation of one or more of the provisions of this chapter; and

(b) The act was preceded, within a period of 2 years, by another act committed by the same public body or person, as applicable, which preceding act was also determined by a court of



1 *competent jurisdiction to constitute a violation of one or more of*
2 *the provisions of this chapter.*

3 *↪ A civil penalty imposed pursuant to this subsection is in*
4 *addition to any other penalty or remedy provided in law or equity,*
5 *and all money collected as a civil penalty pursuant to this*
6 *subsection must be deposited in the State General Fund.*

7 **Sec. 3.** This act becomes effective upon passage and approval.



