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SENATE BILL NO. 83—SENATORS COFFIN, AMODEI,  
CARE, CEGAVSKE, SCHNEIDER AND BEERS

FEBRUARY 17, 2005

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JOINT SPONSORS: ASSEMBLYMEN GIUNCHIGLIANI,  
CARPENTER, MANENDO, MCCLAIN AND SHERER

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Referred to Committee on Government Affairs

SUMMARY—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. (BDR 19-43)

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

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

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AN ACT relating to meetings of public bodies; requiring the Board of Regents of the University of Nevada to allow a person whose character, alleged misconduct, professional competence, or physical or mental health is being considered by the Board of Regents in a closed meeting to attend the meeting and present testimony and written evidence during the meeting; providing additional requirements relating to the required notice for such a meeting; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law prohibits a public body from holding a meeting to consider the  
2 character, alleged misconduct, professional competence, or physical or mental  
3 health of any person, except an elected member of a public body, unless it has  
4 given written notice to that person of the time and place of the meeting. (NRS  
5 241.030, 241.031, 241.033)

6 This bill requires the Board of Regents of the University of Nevada to allow a  
7 person who is the subject of such a closed meeting of the Board of Regents to



8 attend the closed meeting and to present testimony and written evidence during the  
9 meeting. The bill also requires the Board of Regents to include in the written notice  
10 that must be sent to the person who is the subject of such a closed meeting a list of  
11 the general topics concerning the person that will be considered at the meeting and  
12 a statement that the person has the right to attend and present testimony and written  
13 evidence during the meeting.

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

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

3 *1. If the Board of Regents of the University of Nevada holds a*  
4 *closed meeting to consider the character, alleged misconduct,*  
5 *professional competence, or physical or mental health of a person,*  
6 *that person may:*

7 *(a) Attend any portion of the closed meeting during which the*  
8 *character, alleged misconduct, professional competence, or*  
9 *physical or mental health of the person is being considered by the*  
10 *Board of Regents; and*

11 *(b) Present testimony and written evidence to the Board of*  
12 *Regents during the closed meeting.*

13 *2. The Board of Regents shall include in the written notice*  
14 *required to be provided pursuant to subsection 1 of NRS 241.033*  
15 *to any person whose character, alleged misconduct, professional*  
16 *competence, or physical or mental health is being considered by*  
17 *the Board of Regents during a closed meeting:*

18 *(a) A list of the general topics concerning the person that will*  
19 *be considered by the Board of Regents during the closed meeting;*  
20 *and*

21 *(b) A statement of the provisions of subsection 1.*

22 **Sec. 2.** NRS 241.030 is hereby amended to read as follows:

23 241.030 1. Except as otherwise provided in NRS 241.031  
24 and 241.033, *and section 1 of this act*, nothing contained in this  
25 chapter prevents a public body from holding a closed meeting to  
26 consider the character, alleged misconduct, professional  
27 competence, or physical or mental health of a person.

28 2. A public body may close a meeting upon a motion which  
29 specifies the nature of the business to be considered.

30 3. This chapter does not:

31 (a) Apply to judicial proceedings.

32 (b) Prevent the removal of any person who willfully disrupts a  
33 meeting to the extent that its orderly conduct is made impractical.

34 (c) Prevent the exclusion of witnesses from a public or private  
35 meeting during the examination of another witness.



1 (d) Require that any meeting be closed to the public.

2 (e) Permit a closed meeting for the discussion of the  
3 appointment of any person to public office or as a member of a  
4 public body.

5 4. The exception provided by this section, and electronic  
6 communication, must not be used to circumvent the spirit or letter of  
7 this chapter in order to discuss or act upon a matter over which the  
8 public body has supervision, control, jurisdiction or advisory  
9 powers.



