

Senate Bill No. 83—Senators Coffin, Amodei,
Care, Cegavske, Schneider and Beers

Joint Sponsors: Assemblymen Giunchigliani,
Carpenter, Manendo, McClain and Sherer

CHAPTER.....

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 attend the meeting, have an attorney or other representative present at 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:

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, have an attorney or other representative of his choosing present with him at the meeting and 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 statement of those rights and a list of the general topics concerning the person that will be considered at the meeting.

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

(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.~~

~~—2.1 ; 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, the public body must allow that person to:*

(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;

(b) Have an attorney or other representative of his choosing present with him during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health 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.