

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

FEBRUARY 17, 2005

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

Referred to Committee on Government Affairs

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)

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.

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:

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 a public body to allow a person who is the subject of such a
7 closed meeting of the public body to attend the closed meeting, have an attorney or
8 other representative of his choosing present with him at the meeting and present
9 testimony and written evidence during the meeting. The bill also requires the public



10 body to include in the written notice that must be sent to the person who is the
11 subject of such a closed meeting a statement of those rights and a list of the general
12 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:

1 **Section 1.** NRS 241.033 is hereby amended to read as follows:
2 241.033 1. A public body shall not hold a meeting to
3 consider the character, alleged misconduct, professional
4 competence, or physical or mental health of any person unless it has
5 ~~given~~ :

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

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

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

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

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

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

16 ~~→ A public body must receive proof of service of the notice~~
17 ~~required by this subsection before such a meeting may be held.~~
18 ~~—2.] ; and~~

19 (b) *Must include:*

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

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

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

29 ~~[(3)]~~ 4. *If a public body holds a closed meeting to consider the*
30 *character, alleged misconduct, professional competence, or*
31 *physical or mental health of a person, the public body must allow*
32 *that person to:*

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

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



1 (c) *Present written evidence, provide testimony and present*
2 *witnesses relating to his character, alleged misconduct,*
3 *professional competence, or physical or mental health to the*
4 *public body during the closed meeting.*

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



