

ASSEMBLY BILL NO. 257—ASSEMBLYMEN ELLISON, GOICOECHEA;
HICKEY, LIVERMORE AND SEGERBLOM

MARCH 10, 2011

JOINT SPONSORS: SENATORS BROWER, GUSTAVSON,
HALSETH, HARDY AND RHOADS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Open Meeting
Law. (BDR 19-107)

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 the Open Meeting Law; revising provisions
governing periods devoted to public comment; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The Open Meeting Law requires that meetings of public bodies be open to the
2 public, with limited exceptions. Under the Open Meeting Law, a public body is
3 required to provide written notice of all such meetings, which must include an
4 agenda with a period devoted to comments by the general public and discussion of
5 those comments. However, a public body is prohibited from taking action upon a
6 matter that is raised during such a period for public comment until the matter has
7 been specifically included on an agenda and is denoted to be an item upon which
8 the public body may take action. (NRS 241.020) This bill requires the public body,
9 at a minimum, to provide periods devoted to public comment and discussion of any
10 public comments as follows: (1) one period at the beginning of the meeting before
11 any items on which action may be taken are heard by the public body and one
12 period before the adjournment of the meeting; or (2) a period after each item on the
13 agenda on which action may be taken is discussed by the public body, but before
14 the public body takes action on the item.



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

- 1 **Section 1.** NRS 241.020 is hereby amended to read as follows:
2 241.020 1. Except as otherwise provided by specific statute,
3 all meetings of public bodies must be open and public, and all
4 persons must be permitted to attend any meeting of these public
5 bodies. A meeting that is closed pursuant to a specific statute may
6 only be closed to the extent specified in the statute allowing the
7 meeting to be closed. All other portions of the meeting must be open
8 and public, and the public body must comply with all other
9 provisions of this chapter to the extent not specifically precluded by
10 the specific statute. Public officers and employees responsible for
11 these meetings shall make reasonable efforts to assist and
12 accommodate persons with physical disabilities desiring to attend.
13 2. Except in an emergency, written notice of all meetings must
14 be given at least 3 working days before the meeting. The notice
15 must include:
16 (a) The time, place and location of the meeting.
17 (b) A list of the locations where the notice has been posted.
18 (c) An agenda consisting of:
19 (1) A clear and complete statement of the topics scheduled to
20 be considered during the meeting.
21 (2) A list describing the items on which action may be taken
22 and clearly denoting that action may be taken on those items.
23 (3) ~~[A period]~~ **Periods** devoted to comments by the general
24 public, if any, and discussion of those comments. **Comments by the**
25 **general public must be taken:**
26 **(I) At the beginning of the meeting before any items on**
27 **which action may be taken are heard by the public body and again**
28 **before the adjournment of the meeting; or**
29 **(II) After each item on the agenda on which action may**
30 **be taken is discussed by the public body, but before the public body**
31 **takes action on the item.**
32 **↪ The provisions of this subparagraph do not prohibit a public**
33 **body from taking comments by the general public in addition to**
34 **what is required pursuant to sub-subparagraph (I) or (II).**
35 **Regardless of whether a public body takes comments from the**
36 **general public pursuant to sub-subparagraph (I) or (II), the public**
37 **body must allow the general public to comment on any matter that**
38 **is not specifically included on the agenda as an action item at**
39 **some time before adjournment of the meeting.** No action may be
40 taken upon a matter raised ~~[under this item of the agenda]~~ **during a**
41 **period devoted to comments by the general public** until the matter
42 itself has been specifically included on an agenda



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1 as an item upon which action may be taken pursuant to
2 subparagraph (2).

3 (4) If any portion of the meeting will be closed to consider
4 the character, alleged misconduct or professional competence of a
5 person, the name of the person whose character, alleged misconduct
6 or professional competence will be considered.

7 (5) If, during any portion of the meeting, the public body will
8 consider whether to take administrative action against a person, the
9 name of the person against whom administrative action may be
10 taken.

11 3. Minimum public notice is:

12 (a) Posting a copy of the notice at the principal office of the
13 public body or, if there is no principal office, at the building in
14 which the meeting is to be held, and at not less than three other
15 separate, prominent places within the jurisdiction of the public body
16 not later than 9 a.m. of the third working day before the meeting;
17 and

18 (b) Providing a copy of the notice to any person who has
19 requested notice of the meetings of the public body. A request for
20 notice lapses 6 months after it is made. The public body shall inform
21 the requester of this fact by enclosure with, notation upon or text
22 included within the first notice sent. The notice must be:

23 (1) Delivered to the postal service used by the public body
24 not later than 9 a.m. of the third working day before the meeting for
25 transmittal to the requester by regular mail; or

26 (2) If feasible for the public body and the requester has
27 agreed to receive the public notice by electronic mail, transmitted to
28 the requester by electronic mail sent not later than 9 a.m. of the third
29 working day before the meeting.

30 4. If a public body maintains a website on the Internet or its
31 successor, the public body shall post notice of each of its meetings
32 on its website unless the public body is unable to do so because of
33 technical problems relating to the operation or maintenance of its
34 website. Notice posted pursuant to this subsection is supplemental to
35 and is not a substitute for the minimum public notice required
36 pursuant to subsection 3. The inability of a public body to post
37 notice of a meeting pursuant to this subsection as a result of
38 technical problems with its website shall not be deemed to be a
39 violation of the provisions of this chapter.

40 5. Upon any request, a public body shall provide, at no charge,
41 at least one copy of:

42 (a) An agenda for a public meeting;

43 (b) A proposed ordinance or regulation which will be discussed
44 at the public meeting; and



(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➤ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➤ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or



- 1 (b) Any impairment of the health and safety of the public.
2 **Sec. 2.** This act becomes effective on July 1, 2011.

