

Amendment No. 391

Assembly Amendment to Assembly Bill No. 257

(BDR 19-107)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/BJE



Date: 4/24/2011

A.B. No. 257—Revises provisions relating to the Open Meeting Law.
(BDR 19-107)



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.

~

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:**

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body ~~to, before taking action on an agenda item that is denoted as an item on which the public body may take action,~~ to provide ~~to a period,~~ **two separate periods** devoted to public comment ~~on the agenda item. The public body is also required to provide one additional period for public comment immediately before the adjournment of the meeting.~~ **one before the adjournment of the meeting, each of which must allow for discussion of any public comments.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the

meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) An agenda consisting of:

- (1) A clear and complete statement of the topics scheduled to be considered during the meeting.

- (2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

- (3) ~~At least one period devoted to comments by the general public, if any, on the item, which must be taken at the beginning of the meeting and before the adjournment of the meeting, and discussion of those comments. A public body shall provide such a period before taking action on the item. A public body shall provide an additional period devoted to comments by the general public, if any, and discussion of those comments immediately before the adjournment of the meeting.~~ No action may be taken upon a matter raised ~~under~~ this item of the agenda during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

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

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

3. Minimum public notice is:

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

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

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

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

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required

1 pursuant to subsection 3. The inability of a public body to post notice of a meeting
2 pursuant to this subsection as a result of technical problems with its website shall
3 not be deemed to be a violation of the provisions of this chapter.

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

6 (a) An agenda for a public meeting;

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (b) Any impairment of the health and safety of the public.

45 **Sec. 2.** This act becomes effective on July 1, 2011.