

ASSEMBLY BILL NO. 445—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to the posting of notices for public meetings. (BDR 19-1121)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under Nevada's Open Meeting Law, a public body is required to post a notice,
2 an agenda and certain other information about each of its meetings, with certain
3 exceptions. The notice must be posted at the principal office of the public body, or
4 if there is no principal office, at the building in which the meeting is to be held, and
5 at not less than three other separate, prominent places within the jurisdiction of the
6 public body not later than 9 a.m. of the third working day before the meeting. (NRS
7 241.020) **Section 2** of this bill requires the Department of Administration to
8 establish and maintain a location on the official website of the State for the posting
9 of notices by public bodies that are required by the Open Meeting Law. **Section 2**
10 also requires that the location be identified on the official website in a clear and
11 conspicuous manner. **Section 1** of this bill revises the notice provision of the Open
12 Meeting Law to require the posting of notices of public meetings on the State's
13 official website. **Section 4** of this bill requires the Department of Administration to
14 have the location on the State's official website fully operational by January 1,
15 2014. **Section 6** of this bill requires the posting of notices of meetings by public
16 bodies to the location on the official website of the State beginning on January 1,
17 2014, except that **section 5** of this bill allows public bodies of local governments
18 until July 1, 2014, to comply with the new requirement.



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 by placing the term "for possible action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➤ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an



1 agenda 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 (6) Notification that:

12 (I) Items on the agenda may be taken out of order;

13 (II) The public body may combine two or more agenda
14 items for consideration; and

15 (III) The public body may remove an item from the
16 agenda or delay discussion relating to an item on the agenda at any
17 time.

18 (7) Any restrictions on comments by the general public. Any
19 such restrictions must be reasonable and may restrict the time, place
20 and manner of the comments, but may not restrict comments based
21 upon viewpoint.

22 3. Minimum public notice is:

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

28 ~~and~~
29 (b) *Posting the notice on the official website of the State*
30 *pursuant to section 2 of this act not later than 9 a.m. of the third*
31 *working day before the meeting is to be held, unless the public*
32 *body is unable to do so because of technical problems relating to*
33 *the operation or maintenance of the official website of the State;*
34 *and*

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

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

43 (2) If feasible for the public body and the requester has
44 agreed to receive the public notice by electronic mail, transmitted to



1 the requester by electronic mail sent not later than 9 a.m. of the third
2 working day before the meeting.

3 4. If a public body maintains a website on the Internet or its
4 successor, the public body shall post notice of each of its meetings
5 on its website unless the public body is unable to do so because of
6 technical problems relating to the operation or maintenance of its
7 website. Notice posted pursuant to this subsection is supplemental to
8 and is not a substitute for the minimum public notice required
9 pursuant to subsection 3. The inability of a public body to post
10 notice of a meeting pursuant to this subsection as a result of
11 technical problems with its website shall not be deemed to be a
12 violation of the provisions of this chapter.

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

15 (a) An agenda for a public meeting;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

21 **Sec. 2.** Chapter 232 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 *1. The Department shall establish and maintain a location on*
24 *the official website of the State for the posting of notices by public*
25 *bodies as required pursuant to NRS 241.020. The location must be*
26 *identified on the official website of the State in a clear and*
27 *conspicuous manner.*

28 *2. The location established pursuant to subsection 1 shall*
29 *include a place for the posting of electronic links to the Internet*
30 *website or any electronic mail addresses, if available, of each*
31 *public body which has posted a notice pursuant to NRS 241.020,*
32 *from which a person may request the information and supporting*
33 *materials that a public body must provide to a requester pursuant*
34 *to NRS 241.020.*

35 *3. The Department shall provide for:*

36 *(a) The transmission to the Department by public bodies of:*

37 *(1) Notices required pursuant to NRS 241.020; and*

38 *(2) The Internet website or any electronic mail addresses, if*
39 *available, of a public body that has submitted a notice for posting*
40 *on the official website of the State.*

41 *(b) The timely and efficient posting of such notices and*
42 *electronic links to addresses on the official website of Nevada.*

43 *4. The Department may adopt regulations to carry out the*
44 *provisions of this section.*



1 **5. As used in this section, “public body” has the meaning**
2 **ascribed to it in NRS 241.015.**

3 **Sec. 3.** NRS 232.212 is hereby amended to read as follows:

4 232.212 As used in NRS 232.212 to 232.227, inclusive, **and**
5 **section 2 of this act**, unless the context requires otherwise:

6 1. “Department” means the Department of Administration.

7 2. “Director” means the Director of the Department.

8 **Sec. 4.** The Department of Administration shall have the
9 location on the official website of the State required pursuant to
10 section 2 of this act fully operational on or before January 1, 2014.

11 **Sec. 5.** Notwithstanding the provisions of section 6 of this act,
12 a public body of a local government is not required to comply with
13 the amendatory provisions of this act until July 1, 2014.

14 **Sec. 6.** 1. This section and sections 2 to 5, inclusive, of this
15 act become effective upon passage and approval.

16 2. Section 1 of this act becomes effective on January 1, 2014.

