

SENATE BILL NO. 224—SENATOR CARE

MARCH 13, 2009

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning voting by members of certain public bodies. (BDR 19-675)

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 public bodies; revising provisions concerning voting in certain counties by members of public bodies that are required to be composed entirely of elected officials; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill eliminates an exception set forth in existing law which currently  
2 enables public bodies that are required to be composed entirely of elected officials  
3 to take action by a vote of less than a majority of all the members of the body if the  
4 legal counsel for the body determines that a member of the body is required by the  
5 Nevada Ethics in Government Law (chapter 281A of NRS) to abstain from voting  
6 on the action. This bill applies to counties whose population is 40,000 or more  
7 (currently Clark, Washoe, Elko and Douglas Counties and Carson City). (NRS  
8 241.0355) Thus, in those larger counties, this bill removes the ability of a public  
9 body which is required to be composed entirely of elected officials to take action by  
10 a vote of less than a majority of all the members of the body.

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

1 **Section 1.** NRS 241.0355 is hereby amended to read as  
2 follows:

3 241.0355 1. A public body that is required to be composed of  
4 elected officials only may not take action by vote unless at least a  
5 majority of all the members of the public body vote in favor of the  
6 action. For purposes of this subsection, a public body may not count  
7 an abstention as a vote in favor of an action.



1        2. In a county whose population is 40,000 or more, the  
2 provisions of subsection 5 of NRS 281A.420 do not apply to a  
3 public body that is required to be composed of elected officials only  
4 . [~~unless before abstaining from the vote, the member of the public~~  
5 ~~body receives and discloses the opinion of the legal counsel~~  
6 ~~authorized by law to provide legal advice to the public body that the~~  
7 ~~abstention is required pursuant to NRS 281A.420. The opinion of~~  
8 ~~counsel must be in writing and set forth with specificity the factual~~  
9 ~~circumstances and analysis leading to that conclusion.]~~

