



STATE OF NEVADA
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April 28, 2015

The Honorable John Ellison, Chair
Assembly Committee on Government Affairs
Nevada Assembly
401 South Carson Street
Carson City, NV 89701-4747

Re: SB 70

Dear Mr. Ellison:

The Office of the Attorney General requests your support for SB 70. This bill revises NRS Chapter 241, the Nevada Open Meeting Law (OML), and builds on the Attorney General's goal of providing clear guidance to public bodies in the OML to better ensure compliance and increase transparency in government.

Section 2 of this bill deletes the extraneous word "constituent" from the statutory definition of "quorum" set forth in NRS 241.015 to clarify that a quorum consists of a simple majority unless a different number is prescribed by law. This section also defines "working day" as every day of the week except Saturday, Sunday and holidays prescribed by law.

Section 3 provides clarification in NRS 241.016 of which provisions of law allowing for closed meetings or exemptions from the OML prevail over the general provisions of the OML.

Section 4 amends NRS 241.020(d)(5) to require sufficient notice on agenda items of possible administrative action regarding a person, to clarify application of the statute in instances where a public body is considering some action that is not necessarily adverse, such as appointing a person to a position of employment. Section 4 also requires public bodies to document their compliance with the notice requirements of the OML for each meeting.

Section 5 amends NRS 241.025 to prohibit a public body from designating a person to attend a meeting of the body in the place of a member of the body in order to obtain a quorum and take action, unless otherwise authorized by law.

The Honorable John Ellison, Chair
Page 2
April 28, 2015

Section 6 amends NRS 241.035 to require public bodies to approve minutes of a meeting of the body within 45 days after the meeting or at the next meeting of the public body, whichever occurs later, unless good cause for delay is shown, and to make minutes and recordings of meetings available to the public within 30 working days after the adjournment of a meeting.

Section 7 amends NRS 241.039 to clarify that a complaint may be filed with the Office of the Attorney General alleging a violation of the OML. This section further clarifies that documents that are obtainable from another source pursuant to a valid public records request do not become confidential simply because they are contained in the Attorney General's investigative file, and that work product of the Attorney General remains confidential, but that a complaint filed with the Attorney General and any resulting findings of fact and conclusions of law are public record.

The remaining sections do not contain substantive proposals, but rather revise existing statutes to comport with the revisions detailed above.

Thank you for your consideration of this bill. If you have any questions, please do not hesitate to contact me at 688-1966 or bkandt@ag.nv.gov.

Sincerely,

ADAM PAUL LAXALT
Attorney General

By:



Brett Kandt
Special Assistant Attorney General

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cc: Assembly Committee on Government Affairs