

Amendment No. CA6

Conference Committee Amendment to (BDR 19-107)  
Assembly Bill No. 257 Second Reprint

Proposed by: Conference Committee

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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.

HAC



Date: 6/4/2011

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.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

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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, all meetings of  
3 public bodies must be open and public, and all persons must be permitted to attend  
4 any meeting of these public bodies. A meeting that is closed pursuant to a specific

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

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

9 (a) The time, place and location of the meeting.

10 (b) A list of the locations where the notice has been posted.

11 (c) An agenda consisting of:

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

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

16 (3) ~~[A period]~~ *Periods* devoted to comments by the general public, if any,  
17 and discussion of those comments. *Comments by the general public must be*  
18 *taken:*

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

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

24 *↳ The provisions of this subparagraph do not prohibit a public body from taking*  
25 *comments by the general public in addition to what is required pursuant to sub-*  
26 *subparagraph (I) or (II). Regardless of whether a public body takes comments*  
27 *from the general public pursuant to subparagraph (I) or (II), the public body*  
28 *must allow the general public to comment on any matter that is not specifically*  
29 *included on the agenda as an action item at some time before adjournment of the*  
30 *meeting.* No action may be taken upon a matter raised ~~[under this item of the~~  
31 ~~agenda] during a period devoted to comments by the general public~~ until the  
32 matter itself has been specifically included on an agenda as an item upon which  
33 action may be taken pursuant to subparagraph (2).

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

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

41 3. Minimum public notice is:

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

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

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

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

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

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

14 (a) An agenda for a public meeting;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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