

Amendment No. 647

Senate Amendment to Assembly Bill No. 253 First Reprint	(BDR 19-947)
<b>Proposed by:</b> Senate Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

NAS/HAC



Date: 5/17/2021

A.B. No. 253—Revises provisions relating to governmental administration.  
(BDR 19-947)





## ASSEMBLY BILL NO. 253—ASSEMBLYWOMAN CONSIDINE

MARCH 12, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 19-947)

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 governmental administration; ~~revising provisions relating to when a subcommittee or working group of a public body is subject to the Open Meeting Law;~~ setting forth certain requirements for meetings of public bodies that use remote technology systems; revising the notice requirements for a meeting of a public body; revising provisions relating to the privilege of certain persons to publish defamatory matter at a public meeting; revising requirements for notice of intent to act upon a regulation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

~~Under existing law, a subcommittee or working group of at least two persons who are appointed by certain public bodies is subject to the requirements of the Open Meeting Law if: (1) a majority of the membership of the subcommittee or working group are members or staff of the public body that appointed the subcommittee or working group; or (2) the subcommittee or working group is authorized to make a recommendation to the public body to take any action. (NRS 241.015) Section 1 of this bill provides, instead, that a subcommittee or working group is subject to the requirements of the Open Meeting Law if: (1) a majority of the membership of the subcommittee or working group are members of the public body or staff; and (2) at least two members of the subcommittee or working group are members of the public body.~~

The Open Meeting Law authorizes a public body to conduct a meeting by means of teleconference or videoconference. (NRS 241.023) **Section 3** of this bill authorizes, under certain circumstances, a public body to conduct a meeting using a remote technology system. **Section 1** defines “remote technology system” as a system or other means of communication which uses electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting even though the person is not physically present at the meeting. **Section 2** of this bill requires the notice of a public meeting that uses a remote technology system to include information about how a member of the public may hear, observe, participate in and provide public comment at the meeting through the remote technology system.

The Open Meeting Law sets forth the minimum public notice requirements of a meeting, which include 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

25 9 a.m. of the third working day before the meeting. (NRS 241.020) **Section 2** of this bill  
26 requires, instead, that the public body post a copy of the notice at the principal office of the  
27 public body.

28 Additionally, **sections 2 and 3** require that if a public body holds a meeting using a  
29 remote technology system and does not have a physical location for the meeting, the public  
30 body is required to have an Internet website and post on its Internet website the notice of the  
31 meeting and any supporting material for the material.

32 **Section 3 of this bill: (1) sets forth certain requirements for a public body to hold a**  
33 **meeting using a remote technology system; and (2) prohibits a public body whose**  
34 **members are all required to be elected officials from holding a meeting using a remote**  
35 **technology system unless the public body designates a physical location where members**  
36 **of the public may attend and participate in the meeting.**

37 The Open Meeting Law provides that a witness who is testifying before a public body is  
38 absolutely privileged to publish defamatory matter as part of a public hearing. (NRS  
39 241.0353) **Section 5** of this bill provides, instead, that, subject to a qualified privilege, a  
40 witness who is testifying before a public body may publish defamatory matter as part of a  
41 public hearing.

42 Existing law requires certain agencies of the Executive Department of the State  
43 Government, at the time of giving notice of intent to act upon a regulation, under certain  
44 circumstances, to deposit one copy of the notice and text of the proposed regulation with the  
45 librarian of the main public library in the county. (NRS 233B.0607) **Section 6** of this bill  
46 requires, instead, that the agency post a copy of the notice and text on the Internet website of  
47 the agency. **Section 6** also requires that the agency provide in print or an electronic format a  
48 copy of the notice and text to any person who requests a copy from the agency.

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

1 **Section 1.** NRS 241.015 is hereby amended to read as follows:

2 241.015 As used in this chapter, unless the context otherwise requires:

3 1. "Action" means:

4 (a) A decision made by a majority of the members present, whether in person  
5 or by means of electronic communication, during a meeting of a public body;

6 (b) A commitment or promise made by a majority of the members present,  
7 whether in person or by means of electronic communication, during a meeting of a  
8 public body;

9 (c) If a public body may have a member who is not an elected official, an  
10 affirmative vote taken by a majority of the members present, whether in person or  
11 by means of electronic communication, during a meeting of the public body; or

12 (d) If all the members of a public body must be elected officials, an affirmative  
13 vote taken by a majority of all the members of the public body.

14 2. "Deliberate" means collectively to examine, weigh and reflect upon the  
15 reasons for or against the action. The term includes, without limitation, the  
16 collective discussion or exchange of facts preliminary to the ultimate decision.

17 3. "Meeting":

18 (a) Except as otherwise provided in paragraph (b), means:

19 (1) The gathering of members of a public body at which a quorum is  
20 present, whether in person, *by use of a remote technology system* or by means of  
21 electronic communication, to deliberate toward a decision or to take action on any  
22 matter over which the public body has supervision, control, jurisdiction or advisory  
23 power.

24 (2) Any series of gatherings of members of a public body at which:

25 (I) Less than a quorum is present, whether in person or by means of  
26 electronic communication, at any individual gathering;

1 (II) The members of the public body attending one or more of the  
2 gatherings collectively constitute a quorum; and

3 (III) The series of gatherings was held with the specific intent to avoid  
4 the provisions of this chapter.

5 (b) Does not include a gathering or series of gatherings of members of a public  
6 body, as described in paragraph (a), at which a quorum is actually or collectively  
7 present, whether in person or by means of electronic communication:

8 (1) Which occurs at a social function if the members do not deliberate  
9 toward a decision or take action on any matter over which the public body has  
10 supervision, control, jurisdiction or advisory power.

11 (2) To receive information from the attorney employed or retained by the  
12 public body regarding potential or existing litigation involving a matter over which  
13 the public body has supervision, control, jurisdiction or advisory power and to  
14 deliberate toward a decision on the matter, or both.

15 (3) To receive training regarding the legal obligations of the public body,  
16 including, without limitation, training conducted by an attorney employed or  
17 retained by the public body, the Office of the Attorney General or the Commission  
18 on Ethics, if at the gathering the members do not deliberate toward a decision or  
19 action on any matter over which the public body has supervision, control,  
20 jurisdiction or advisory power.

21 4. Except as otherwise provided in NRS 241.016, "public body" means:

22 (a) Any administrative, advisory, executive or legislative body of the State or a  
23 local government consisting of at least two persons which expends or disburses or  
24 is supported in whole or in part by tax revenue or which advises or makes  
25 recommendations to any entity which expends or disburses or is supported in whole  
26 or in part by tax revenue, including, but not limited to, any board, commission,  
27 committee, subcommittee or other subsidiary thereof and includes a library  
28 foundation as defined in NRS 379.0056, an educational foundation as defined in  
29 subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3  
30 of NRS 396.405, if the administrative, advisory, executive or legislative body is  
31 created by:

32 (1) The Constitution of this State;

33 (2) Any statute of this State;

34 (3) A city charter and any city ordinance which has been filed or recorded  
35 as required by the applicable law;

36 (4) The Nevada Administrative Code;

37 (5) A resolution or other formal designation by such a body created by a  
38 statute of this State or an ordinance of a local government;

39 (6) An executive order issued by the Governor; or

40 (7) A resolution or an action by the governing body of a political  
41 subdivision of this State;

42 (b) Any board, commission or committee consisting of at least two persons  
43 appointed by:

44 (1) The Governor or a public officer who is under the direction of the  
45 Governor, if the board, commission or committee has at least two members who are  
46 not employees of the Executive Department of the State Government;

47 (2) An entity in the Executive Department of the State Government, if the  
48 board, commission or committee otherwise meets the definition of a public body  
49 pursuant to this subsection; or

50 (3) A public officer who is under the direction of an agency or other entity  
51 in the Executive Department of the State Government, if the board, commission or  
52 committee has at least two members who are not employed by the public officer or  
53 entity;

1 (c) A limited-purpose association that is created for a rural agricultural  
2 residential common-interest community as defined in subsection 6 of NRS  
3 116.1201; and

4 (d) A subcommittee or working group consisting of at least two persons who  
5 are appointed by a public body described in paragraph (a), (b) or (c) if:

6 (1) A majority of the membership of the subcommittee or working group  
7 are members or staff members of the public body that appointed the subcommittee ;  
8 or

9 (2) The subcommittee or working group is authorized by the public body to  
10 make a recommendation to the public body for the public body to take any action,  
11 for working group; and

12 ~~(2) At least two members of the subcommittee or working group are~~  
13 ~~members of the public body.]~~

14 5. “Quorum” means a simple majority of the membership of a public body or  
15 another proportion established by law.

16 6. *“Remote technology system” means any system or other means of*  
17 *communication which uses any electronic, digital or other similar technology to*  
18 *enable a person from a remote location to attend, participate, vote or take any*  
19 *other action in a meeting, even though the person is not physically present at the*  
20 *meeting. The term includes, without limitation, teleconference and*  
21 *videoconference systems.*

22 7. “Supporting material” means material that is provided to at least a quorum  
23 of the members of a public body by a member of or staff to the public body and that  
24 the members of the public body would reasonably rely on to deliberate or take  
25 action on a matter contained in a published agenda. The term includes, without  
26 limitation, written records, audio recordings, video recordings, photographs and  
27 digital data.

28 ~~7.]~~ 8. “Working day” means every day of the week except Saturday, Sunday  
29 and any day declared to be a legal holiday pursuant to NRS 236.015.

30 **Sec. 2.** NRS 241.020 is hereby amended to read as follows:

31 241.020 1. Except as otherwise provided by specific statute, all meetings of  
32 public bodies must be open and public, and all persons must be permitted to attend  
33 any meeting of these public bodies ~~at a physical location or by means of a~~  
34 ~~remote technology system.~~ A meeting that is closed pursuant to a specific statute  
35 may only be closed to the extent specified in the statute allowing the meeting to be  
36 closed. All other portions of the meeting must be open and public, and the public  
37 body must comply with all other provisions of this chapter to the extent not  
38 specifically precluded by the specific statute. Public officers and employees  
39 responsible for these meetings shall make reasonable efforts to assist and  
40 accommodate persons with physical disabilities desiring to attend.

41 2. If any portion of a meeting is open to the public, the public officers and  
42 employees responsible for the meeting must make reasonable efforts to ensure the  
43 facilities for the meeting are large enough to accommodate the anticipated number  
44 of attendees. No violation of this chapter occurs if a member of the public is not  
45 permitted to attend a public meeting because the facilities for the meeting have  
46 reached maximum capacity if reasonable efforts were taken to accommodate the  
47 anticipated number of attendees. Nothing in this subsection requires a public body  
48 to incur any costs to secure a facility outside the control or jurisdiction of the public  
49 body or to upgrade, improve or otherwise modify an existing facility to  
50 accommodate the anticipated number of attendees.

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

1 (a) The time, place and location of the meeting. *If the meeting is held using a*  
2 *remote technology system pursuant to NRS 241.023 and has no physical location,*  
3 *the notice must include information on how a member of the public may:*

4 (1) *Use the remote technology system to hear and observe the meeting;*  
5 (2) *Participate in the meeting by telephone; and*  
6 (3) *Provide live public comment during the meeting and, if authorized by*  
7 *the public body, provide prerecorded public comment.*

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

9 (c) The name, ~~and~~ contact information *and business address* for the person  
10 designated by the public body from whom a member of the public may request the  
11 supporting material for the meeting described in subsection 7 and ~~at~~ :

12 (1) A list of the locations where the supporting material is available to the  
13 public ~~at~~; *or*

14 (2) *Information about how the supporting material may be found on the*  
15 *Internet website of the public body.*

16 (d) An agenda consisting of:

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

19 (2) A list describing the items on which action may be taken and clearly  
20 denoting that action may be taken on those items by placing the term “for possible  
21 action” next to the appropriate item or, if the item is placed on the agenda pursuant  
22 to NRS 241.0365, by placing the term “for possible corrective action” next to the  
23 appropriate item.

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

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

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

31 ➤ The provisions of this subparagraph do not prohibit a public body from taking  
32 comments by the general public in addition to what is required pursuant to sub-  
33 subparagraph (I) or (II). Regardless of whether a public body takes comments from  
34 the general public pursuant to sub-subparagraph (I) or (II), the public body must  
35 allow the general public to comment on any matter that is not specifically included  
36 on the agenda as an action item at some time before adjournment of the meeting.  
37 No action may be taken upon a matter raised during a period devoted to comments  
38 by the general public until the matter itself has been specifically included on an  
39 agenda as an item upon which action may be taken pursuant to subparagraph (2).

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

44 (5) If, during any portion of the meeting, the public body will consider  
45 whether to take administrative action regarding a person, the name of that person.

46 (6) Notification that:

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

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

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

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

4 4. Minimum public notice is:

5 (a) Posting a copy of the notice at the principal office of the public body . ~~for,~~  
6 ~~if there is no principal office, at the building in which the meeting is to be held, and~~  
7 ~~at not less than three other separate, prominent places within the jurisdiction of the~~  
8 ~~public body not later than 9 a.m. of the third working day before the meeting;] If~~  
9 ~~the meeting is held using a remote technology system pursuant to NRS 241.023~~  
10 ~~and has no physical location, the public body must also post the notice to the~~  
11 ~~Internet website of the public body not later than 9 a.m. of the third working day~~  
12 ~~before the meeting is to be held unless the public body is unable to do so because~~  
13 ~~of technical problems relating to the operation or maintenance of the Internet~~  
14 ~~website of the public body.~~

15 (b) Posting the notice on the official website of the State pursuant to NRS  
16 232.2175 not later than 9 a.m. of the third working day before the meeting is to be  
17 held, unless the public body is unable to do so because of technical problems  
18 relating to the operation or maintenance of the official website of the State . ~~[- and]~~

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

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

26 (2) ~~[If feasible for the public body and the requester has agreed to receive~~  
27 ~~the public notice by electronic mail, transmitted] Transmitted~~ to the requester by  
28 electronic mail sent not later than 9 a.m. of the third working day before the  
29 meeting.

30 5. For each of its meetings, a public body shall document in writing that the  
31 public body complied with the minimum public notice required by paragraph (a) of  
32 subsection 4. The documentation must be prepared by every person who posted a  
33 copy of the public notice and include, without limitation:

34 (a) The date and time when the person posted the copy of the public notice;

35 (b) The address of the location where the person posted the copy of the public  
36 notice; and

37 (c) The name, title and signature of the person who posted the copy of the  
38 notice.

39 6. ~~[[~~ *Except as otherwise provided in paragraph (a) of subsection 4, if*  
40 *a public body maintains a website on the Internet or its successor, the public body*  
41 *shall post notice of each of its meetings on its website unless the public body is*  
42 *unable to do so because of technical problems relating to the operation or*  
43 *maintenance of its website. Notice posted pursuant to this subsection is*  
44 *supplemental to and is not a substitute for the minimum public notice required*  
45 *pursuant to subsection 4. The inability of a public body to post notice of a meeting*  
46 *pursuant to this subsection as a result of technical problems with its website shall*  
47 *not be deemed to be a violation of the provisions of this chapter.*

48 7. Upon any request, a public body shall provide, at no charge, at least one  
49 copy of:

50 (a) An agenda for a public meeting;

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



1 (c) Subject to the provisions of subsection 8 or 9, as applicable, any other  
2 supporting material provided to the members of the public body for an item on the  
3 agenda, except materials:

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

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

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

9 **↳** The public body shall make at least one copy of the documents described in  
10 paragraphs (a), (b) and (c) available to the public at the meeting to which the  
11 documents pertain. As used in this subsection, "proprietary information" has the  
12 meaning ascribed to it in NRS 332.025.

13 8. Unless it must be made available at an earlier time pursuant to NRS  
14 288.153, a copy of supporting material required to be provided upon request  
15 pursuant to paragraph (c) of subsection 7 must be:

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

19 (b) If the supporting material is provided to the members of the public body at  
20 the meeting, made available at the meeting to the requester at the same time the  
21 material is provided to the members of the public body.

22 **↳** If the requester has agreed to receive the information and material set forth in  
23 subsection 7 by electronic mail, the public body shall, if feasible, provide the  
24 information and material by electronic mail.

25 9. Unless the supporting material must be posted at an earlier time pursuant to  
26 NRS 288.153, **and except as otherwise provided in subsection 11**, the governing  
27 body of a county or city whose population is 45,000 or more shall post the  
28 supporting material described in paragraph (c) of subsection 7 to its website not  
29 later than the time the material is provided to the members of the governing body  
30 or, if the supporting material is provided to the members of the governing body at a  
31 meeting, not later than 24 hours after the conclusion of the meeting. Such posting is  
32 supplemental to the right of the public to request the supporting material pursuant  
33 to subsection 7. The inability of the governing body, as a result of technical  
34 problems with its website, to post supporting material pursuant to this subsection  
35 shall not be deemed to be a violation of the provisions of this chapter.

36 10. ~~[A]~~ **Except as otherwise provided in subsection 11, a** public body may  
37 provide the public notice, information or supporting material required by this  
38 section by electronic mail. Except as otherwise provided in this subsection, if a  
39 public body makes such notice, information or supporting material available by  
40 electronic mail, the public body shall inquire of a person who requests the notice,  
41 information or supporting material if the person will accept receipt by electronic  
42 mail. If a public body is required to post the public notice, information or  
43 supporting material on its website pursuant to this section, the public body shall  
44 inquire of a person who requests the notice, information or supporting material if  
45 the person will accept by electronic mail a link to the posting on the website when  
46 the documents are made available. The inability of a public body, as a result of  
47 technical problems with its electronic mail system, to provide a public notice,  
48 information or supporting material or a link to a website required by this section to  
49 a person who has agreed to receive such notice, information, supporting material or  
50 link by electronic mail shall not be deemed to be a violation of the provisions of  
51 this chapter.

1 11. *If a public body holds a meeting using a remote technology system*  
 2 *pursuant to NRS 241.023 and has no physical location for the meeting, the public*  
 3 *body must:*

4 (a) *Have an Internet website; and*

5 (b) *Post to its Internet website:*

6 (1) *The public notice required by this section; and*

7 (2) *Supporting material not later than the time the material is provided to*  
 8 *the members of the governing body or, if the supporting material is provided to*  
 9 *the members of the governing body at a meeting, not later than 24 hours after the*  
 10 *conclusion of the meeting.*

11 *↳ The inability of the governing body, as a result of technical problems with its*  
 12 *Internet website, to post supporting material pursuant to this subsection shall not*  
 13 *be deemed to be a violation of the provisions of this chapter.*

14 12. As used in this section, “emergency” means an unforeseen circumstance  
 15 which requires immediate action and includes, but is not limited to:

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

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

18 **Sec. 3.** NRS 241.023 is hereby amended to read as follows:

19 241.023 1. ~~[(A)]~~ *Except as otherwise provided in subsection 2, a public body*  
 20 *may conduct a meeting by means of ~~[teleconference or videoconference]~~ a remote*  
 21 *technology system if:*

22 (a) A quorum is actually or collectively present, whether in person , *by using*  
 23 *the remote technology system* or by means of electronic communication . ~~[(and)]~~

24 (b) ~~[(There is)]~~ *Members of the public are permitted to:*

25 (1) *Attend and participate at* a physical location designated for the  
 26 meeting where members of the public are permitted to attend and participate ~~[(and)]~~ ; *or*

27 (2) *Hear and observe the meeting, participate in the meeting by telephone*  
 28 *and provide live public comment during the meeting using the remote technology*  
 29 *system. A public body may also allow public comment by means of prerecorded*  
 30 *messages.*

31 (c) *The public body ~~[(can)]~~ reasonably ~~[(ensure)]~~ ensures that any person who is*  
 32 *not a member of the public body or a member of the public but is otherwise*  
 33 *required or allowed to participate in the meeting is able to participate in the*  
 34 *portion of the meeting that pertains to ~~[(them)]~~ the person using the remote*  
 35 *technology system. The public body shall be deemed to have complied with the*  
 36 *requirements of this paragraph if the public body provides the person with a web-*  
 37 *based link and a telephone number, in case of technical difficulties, that allows*  
 38 *the person in real time to attend and participate in the meeting. Nothing in this*  
 39 *paragraph requires a public body to provide a person with technical support to*  
 40 *address the person’s individual hardware, software or other technical issues.*

41 2. ~~[(A)]~~ *If all members of a public body:*

42 *(a) Are required to be elected officials, the public body shall not conduct a*  
 43 *meeting by means of a remote technology system without a physical location*  
 44 *designated for the meeting where members of the public are permitted to attend*  
 45 *and participate.*

46 *(b) Are not required to be elected officials, the public body shall not conduct*  
 47 *a meeting by means of a remote technology system without a physical location*  
 48 *designated for the meeting where members of the public are permitted to attend*  
 49 *and participate unless the public body complies with the provisions of subsection*  
 50 *11 of NRS 241.020.*

51 3. If any member of a public body attends a meeting by means of  
 52 ~~[(teleconference or videoconference)]~~ *a remote technology system*, the chair of the  
 53 public body, or his or her designee, must make reasonable efforts to ensure that:

1 (a) Members of the public body and members of the public present at the  
2 physical location of the meeting can hear or observe each member attending by  
3 ~~teleconference or videoconference;~~ *a remote technology system;* and

4 (b) Each member of the public body in attendance can participate in the  
5 meeting.

6 **Sec. 4.** (Deleted by amendment.)

7 **Sec. 5.** NRS 241.0353 is hereby amended to read as follows:

8 241.0353 1. Any statement which is made by a member of a public body  
9 during the course of a public meeting is absolutely privileged and does not impose  
10 liability for defamation or constitute a ground for recovery in any civil action.

11 2. ~~Subject to a qualified privilege,~~ *a* witness who is testifying before a  
12 public body ~~is absolutely privileged to~~ *may* publish defamatory matter as part of a  
13 public meeting. ~~It is unlawful to misrepresent any fact knowingly~~  
14 when testifying before a public body.

15 **Sec. 6.** NRS 233B.0607 is hereby amended to read as follows:

16 233B.0607 1. The agency shall at the time of giving the notice of intent to  
17 act upon a regulation required pursuant to NRS 233B.060:

18 (a) Deposit one copy of the notice and text of the proposed regulation with the  
19 State Library, Archives and Public Records Administrator;

20 (b) Keep at least one copy of the notice and text available in each of its offices  
21 from the date of the notice to the date of the hearing, for inspection and copying by  
22 the public; and

23 (c) ~~If the agency does not maintain an office in a county, deposit one copy of~~  
24 ~~the notice and text with the librarian of the main public library in the county.~~ *Post*  
25 *a copy of the notice and text of the proposed regulation on the Internet website of*  
26 *the agency.*

27 2. *The agency shall provide in print or an electronic format a copy of the*  
28 *notice of intent to act upon a regulation required pursuant to NRS 233B.060 and*  
29 *the text of the proposed regulation to any person who requests a copy from the*  
30 *agency.*

31 3. The text of the proposed regulation so disseminated must include the entire  
32 text of any section of the Nevada Administrative Code which is proposed for  
33 amendment or repeal.

34 ~~3.~~ 4. After the final version of an adopted regulation is received, each such  
35 librarian may discard the deposited copy of the text of the proposed regulation.

36 **Sec. 7.** *This act becomes effective upon passage and approval.*