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ASSEMBLY BILL NO. 257—ASSEMBLYMEN ELLISON, GOICOECHEA;  
HICKEY, LIVERMORE AND SEGERBLOM

MARCH 10, 2011

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JOINT SPONSORS: SENATORS BROWER, GUSTAVSON,  
HALSETH, HARDY AND RHOADS

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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  
2 public, with limited exceptions. Under the Open Meeting Law, a public body is  
3 required to provide written notice of all such meetings, which must include an  
4 agenda with a period devoted to comments by the general public and discussion of  
5 those comments. However, a public body is prohibited from taking action upon a  
6 matter that is raised during such a period for public comment until the matter has  
7 been specifically included on an agenda and is denoted to be an item upon which  
8 the public body may take action. (NRS 241.020) This bill requires the public body,  
9 before taking action on an agenda item that is denoted as an item on which the  
10 public body may take action, to provide a period devoted to public comment on the  
11 agenda item. The public body is also required to provide one additional period for  
12 public comment immediately before the adjournment of the meeting.

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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,  
3 all meetings of public bodies must be open and public, and all  
4 persons must be permitted to attend any meeting of these public  
5 bodies. A meeting that is closed pursuant to a specific statute may  
6 only be closed to the extent specified in the statute allowing a  
7 meeting to be closed. All other portions of the meeting must be open  
8 and public, and the public body must comply with all other  
9 provisions of this chapter to the extent not specifically precluded by  
10 the specific statute. Public officers and employees responsible for  
11 these meetings shall make reasonable efforts to assist and  
12 accommodate persons with physical disabilities desiring to attend.
- 13       2. Except in an emergency, written notice of all meetings must  
14 be given at least 3 working days before the meeting. The notice  
15 must include:
- 16       (a) The time, place and location of the meeting.
  - 17       (b) A list of the locations where the notice has been posted.
  - 18       (c) An agenda consisting of:
    - 19           (1) A clear and complete statement of the topics scheduled to  
20 be considered during the meeting.
    - 21           (2) A list describing the items on which action may be taken  
22 and clearly denoting that action may be taken on those items.
    - 23           (3) ~~[A]~~ *For each item included on the agenda as an item*  
24 *upon which action may be taken pursuant to subparagraph (2), a*  
25 *period devoted to comments by the general public [, if any,] on the*  
26 *item, and discussion of those comments. A public body shall*  
27 *provide such a period before taking action on the item. A public*  
28 *body shall provide an additional period devoted to comments by*  
29 *the general public, if any, and discussion of those comments*  
30 *immediately before the adjournment of the meeting.* No action may  
31 be taken upon a matter raised under ~~[this item of the agenda]~~ *a*  
32 *period devoted to comments by the general public* until the matter  
33 itself has been specifically included on an agenda as an item upon  
34 which action may be taken pursuant to subparagraph (2).
    - 35           (4) If any portion of the meeting will be closed to consider  
36 the character, alleged misconduct or professional competence of a  
37 person, the name of the person whose character, alleged misconduct  
38 or professional competence will be considered.
    - 39           (5) If, during any portion of the meeting, the public body will  
40 consider whether to take administrative action against a person, the  
41 name of the person against whom administrative action may be  
42 taken.



1 3. Minimum public notice is:

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

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

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

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

20 4. If a public body maintains a website on the Internet or its  
21 successor, the public body shall post notice of each of its meetings  
22 on its website unless the public body is unable to do so because of  
23 technical problems relating to the operation or maintenance of its  
24 website. Notice posted pursuant to this subsection is supplemental to  
25 and is not a substitute for the minimum public notice required  
26 pursuant to subsection 3. The inability of a public body to post  
27 notice of a meeting pursuant to this subsection as a result of  
28 technical problems with its website shall not be deemed to be a  
29 violation of the provisions of this chapter.

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

32 (a) An agenda for a public meeting;

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

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

38 (1) Submitted to the public body pursuant to a nondisclosure  
39 or confidentiality agreement which relates to proprietary  
40 information;

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

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



1   ↳ The public body shall make at least one copy of the documents  
2 described in paragraphs (a), (b) and (c) available to the public at  
3 the meeting to which the documents pertain. As used in this  
4 subsection, “proprietary information” has the meaning ascribed to it  
5 in NRS 332.025.

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

8       (a) If the supporting material is provided to the members of the  
9 public body before the meeting, made available to the requester at  
10 the time the material is provided to the members of the public body;  
11 or

12       (b) If the supporting material is provided to the members of the  
13 public body at the meeting, made available at the meeting to the  
14 requester at the same time the material is provided to the members  
15 of the public body.

16   ↳ If the requester has agreed to receive the information and material  
17 set forth in subsection 5 by electronic mail, the public body shall, if  
18 feasible, provide the information and material by electronic mail.

19       7. A public body may provide the public notice, information  
20 and material required by this section by electronic mail. If a public  
21 body makes such notice, information and material available by  
22 electronic mail, the public body shall inquire of a person who  
23 requests the notice, information or material if the person will accept  
24 receipt by electronic mail. The inability of a public body, as a result  
25 of technical problems with its electronic mail system, to provide a  
26 public notice, information or material required by this section to a  
27 person who has agreed to receive such notice, information or  
28 material by electronic mail shall not be deemed to be a violation of  
29 the provisions of this chapter.

30       8. As used in this section, “emergency” means an unforeseen  
31 circumstance which requires immediate action and includes, but is  
32 not limited to:

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

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

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

