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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 to provide two separate periods devoted to public comment: (1) one at the  
10 beginning of the meeting; and (2) one before the adjournment of the meeting, each  
11 of which must allow for discussion of any public comments.

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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



\* A B 2 5 7 R 1 \*

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

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

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

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

15 (c) An agenda consisting of:

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

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

20 (3) ~~[A period]~~ *At least two periods* devoted to comments by  
21 the general public, if any, *which must be taken at the beginning of*  
22 *the meeting and before the adjournment of the meeting*, and  
23 discussion of those comments. No action may be taken upon a  
24 matter raised ~~[under this item of the agenda]~~ *during a period*  
25 *devoted to comments by the general public* until the matter itself  
26 has been specifically included on an agenda as an item upon which  
27 action may be taken pursuant to subparagraph (2).

28 (4) If any portion of the meeting will be closed to consider  
29 the character, alleged misconduct or professional competence of a  
30 person, the name of the person whose character, alleged misconduct  
31 or professional competence will be considered.

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

36 3. Minimum public notice is:

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

43 (b) Providing a copy of the notice to any person who has  
44 requested notice of the meetings of the public body. A request for  
45 notice lapses 6 months after it is made. The public body shall inform



1 the requester of this fact by enclosure with, notation upon or text  
2 included within the first notice sent. The notice must be:

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

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

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

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

22 (a) An agenda for a public meeting;

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

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

28 (1) Submitted to the public body pursuant to a nondisclosure  
29 or confidentiality agreement which relates to proprietary  
30 information;

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

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

36 ➔ The public body shall make at least one copy of the documents  
37 described in paragraphs (a), (b) and (c) available to the public at  
38 the meeting to which the documents pertain. As used in this  
39 subsection, "proprietary information" has the meaning ascribed to it  
40 in NRS 332.025.

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

43 (a) If the supporting material is provided to the members of the  
44 public body before the meeting, made available to the requester at



1 the time the material is provided to the members of the public body;  
2 or

3 (b) If the supporting material is provided to the members of the  
4 public body at the meeting, made available at the meeting to the  
5 requester at the same time the material is provided to the members  
6 of the public body.

7 ➤ If the requester has agreed to receive the information and material  
8 set forth in subsection 5 by electronic mail, the public body shall, if  
9 feasible, provide the information and material by electronic mail.

10 7. A public body may provide the public notice, information  
11 and material required by this section by electronic mail. If a public  
12 body makes such notice, information and material available by  
13 electronic mail, the public body shall inquire of a person who  
14 requests the notice, information or material if the person will accept  
15 receipt by electronic mail. The inability of a public body, as a result  
16 of technical problems with its electronic mail system, to provide a  
17 public notice, information or material required by this section to a  
18 person who has agreed to receive such notice, information or  
19 material by electronic mail shall not be deemed to be a violation of  
20 the provisions of this chapter.

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

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

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

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

