

ASSEMBLY BILL NO. 389—ASSEMBLYMAN OHRENSCHALL

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding the Open Meeting Law. (BDR 19-226)

FISCAL NOTE: Effect on Local Government: No.  
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 the Open Meeting Law; requiring a public body to make a reasonable effort to allow the expression of certain opinions at a public meeting; making the provisions of chapter 241 of NRS applicable to a nonprofit corporation that has the power of eminent domain; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 **Section 1** of this bill requires a public body to make a reasonable effort to allow  
2 the expression of competing opinions concerning any agenda item at a public  
3 meeting.  
4 **Section 2** of this bill requires a nonprofit corporation that has the power of  
5 eminent domain to comply with the provisions of chapter 241 of NRS.

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

- 1 **Section 1.** Chapter 241 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:  
3 *A public body shall make a reasonable effort to allow the*  
4 *expression of competing opinions concerning any item on the*  
5 *agenda for a meeting of the public body.*  
6 **Sec. 2.** NRS 241.015 is hereby amended to read as follows:  
7 241.015 As used in this chapter, unless the context otherwise  
8 requires:  
9 1. “Action” means:



1 (a) A decision made by a majority of the members present  
2 during a meeting of a public body;

3 (b) A commitment or promise made by a majority of the  
4 members present during a meeting of a public body;

5 (c) If a public body may have a member who is not an elected  
6 official, an affirmative vote taken by a majority of the members  
7 present during a meeting of the public body; or

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

11 2. "Meeting":

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

13 (1) The gathering of members of a public body at which a  
14 quorum is present to deliberate toward a decision or to take action  
15 on any matter over which the public body has supervision, control,  
16 jurisdiction or advisory power.

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

19 (I) Less than a quorum is present at any individual  
20 gathering;

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

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

25 (b) Does not include a gathering or series of gatherings of  
26 members of a public body, as described in paragraph (a), at which a  
27 quorum is actually or collectively present:

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

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

37 3. Except as otherwise provided in this subsection, "public  
38 body" means:

39 (a) Any administrative, advisory, executive or legislative body  
40 of the State or a local government which expends or disburses or is  
41 supported in whole or in part by tax revenue or which advises or  
42 makes recommendations to any entity which expends or disburses or  
43 is supported in whole or in part by tax revenue, including, but not  
44 limited to, any board, commission, committee, subcommittee or  
45 other subsidiary thereof and includes an educational foundation as



1 defined in subsection 3 of NRS 388.750 and a university foundation  
2 as defined in subsection 3 of NRS 396.405; ~~and~~

3 (b) A limited-purpose association that is created for a rural  
4 agricultural residential common-interest community as defined in  
5 subsection 6 of NRS 116.1201 ~~;~~ *and*

6 *(c) A nonprofit corporation organized or existing under the*  
7 *provisions of chapter 82 of NRS that has the authority to exercise*  
8 *the power of eminent domain pursuant to subsection 2 of*  
9 *NRS 37.0095.*

10 ➔ “Public body” does not include the Legislature of the State of  
11 Nevada.

12 4. “Quorum” means a simple majority of the constituent  
13 membership of a public body or another proportion established by  
14 law.

15 **Sec. 3.** (Deleted by amendment.)

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

17 **Sec. 5.** (Deleted by amendment.)

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

19 **Sec. 7.** (Deleted by amendment.)

20 **Sec. 8.** (Deleted by amendment.)

21 **Sec. 9.** (Deleted by amendment.)

22 **Sec. 10.** (Deleted by amendment.)

23 **Sec. 11.** (Deleted by amendment.)



