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SECOND REPRINT

S.B. 77

SENATE BILL NO. 77—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON PUBLIC LANDS)

PREFILED JANUARY 26, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public bodies.
(BDR 19-466)

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.

AN ACT relating to public bodies; exempting certain predecisional and deliberative meetings of public bodies from the requirements of the Open Meeting Law; 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 set forth specifically in statute. (NRS 241.020)
3 Existing federal law exempts certain predecisional interagency or intraagency
4 memorandums or letters that are part of the deliberative process from disclosure
5 under the federal Freedom of Information Act. (5 U.S.C. § 552) **Sections 1 and 2**
6 of this bill exempt from the requirements of the Open Meeting Law certain
7 meetings conducted by a public body for the purpose of engaging in predecisional
8 and deliberative discussions relating to an action under the federal National
9 Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.), including, without
10 limitation, the review and discussion of drafts of environmental impact statements
11 describing the environmental effects of proposed actions within the jurisdiction of
12 the public body.



* S B 7 7 R 2 *

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 **1. A public body that has entered into a memorandum of**
4 **understanding or other agreement with a federal agency for the**
5 **purpose of engaging with the federal agency on an action under**
6 **the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321**
7 **et seq., may hold a closed meeting to engage in predecisional and**
8 **deliberative discussions on the subject of the memorandum or**
9 **agreement. Any such discussions in a closed meeting must:**

10 **(a) Occur only during the period before the federal agency**
11 **publicly releases the document addressing the action under the**
12 **National Environmental Policy Act and begins the corresponding**
13 **public comment period; and**

14 **(b) Be required by the federal agency to be kept confidential**
15 **under the memorandum of understanding or other agreement.**

16 **2. If a public body holds a closed meeting pursuant to**
17 **subsection 1, the public body shall not include any item in the**
18 **discussions for the closed meeting other than the subject of the**
19 **memorandum or agreement entered into with the federal agency.**

20 **Sec. 2.** NRS 241.016 is hereby amended to read as follows:

21 241.016 1. The meetings of a public body that are quasi-
22 judicial in nature are subject to the provisions of this chapter.

23 2. The following are exempt from the requirements of this
24 chapter:

25 (a) The Legislature of the State of Nevada.

26 (b) Judicial proceedings, including, without limitation,
27 proceedings before the Commission on Judicial Selection and,
28 except as otherwise provided in NRS 1.4687, the Commission on
29 Judicial Discipline.

30 (c) Meetings of the State Board of Parole Commissioners when
31 acting to grant, deny, continue or revoke the parole of a prisoner or
32 to establish or modify the terms of the parole of a prisoner.

33 3. Any provision of law, including, without limitation, NRS
34 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350,
35 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415,
36 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247,
37 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730,
38 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,
39 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311,
40 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
41 696B.550, 703.196 and 706.1725, **and section 1 of this act**, which:



1 (a) Provides that any meeting, hearing or other proceeding is not
2 subject to the provisions of this chapter; or

3 (b) Otherwise authorizes or requires a closed meeting, hearing
4 or proceeding,

5 ↪ prevails over the general provisions of this chapter.

6 4. The exceptions provided to this chapter, and electronic
7 communication, must not be used to circumvent the spirit or letter of
8 this chapter to deliberate or act, outside of an open and public
9 meeting, upon a matter over which the public body has supervision,
10 control, jurisdiction or advisory powers.

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

12 **Sec. 4.** This act becomes effective upon passage and approval.



