Assembly Bill No. 445–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to public bodies; requiring that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; requiring the Department to establish a directory of public bodies and to include the directory on the official website of the State in a clear and conspicuous location; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under Nevada's Open Meeting Law, a public body is required to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. The notice must be posted 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 9 a.m. of the third working day before the meeting. (NRS 241.020) **Section 2** of this bill requires the Department of Administration to establish and maintain a location on the official website of the State for the posting of notices by public bodies that are required by the Open Meeting Law. **Section 2** also requires that the location be identified on the official website in a clear and conspicuous manner. **Section 1** of this bill revises the notice provision of the Open Meeting Law to require the posting of notices of public meetings on the State's official website.

Section 2.5 of this bill requires the Department to: (1) establish a directory of all public bodies; and (2) include the directory on the official website of the State in a clear and conspicuous location.

Section 4 of this bill requires the Department to have the locations on the State's official website fully operational by January 1, 2014. **Section 6** of this bill requires the posting of notices of meetings by public bodies to the official website of the State beginning on January 1, 2014, except that **section 5** of this bill allows public bodies of local governments until July 1, 2014, to comply with the new requirement.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

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

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may

only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

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

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

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

(c) An agenda consisting of:

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

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item.

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

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

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

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

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

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

(6) Notification that:

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

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

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

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

3. Minimum public notice is:

(a) 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 9 a.m. of the third working day before the meeting; ~~[and]~~

(b) ***Posting the notice on the official website of the State pursuant to section 2 of this act not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and***

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

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

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

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of

technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

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

(a) An agenda for a public meeting;

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

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

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

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

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

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

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

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

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

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

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public

body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

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

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

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

Sec. 1.5. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.

Sec. 2. ***1. The Department shall establish and maintain a location on the official website of the State for the posting of notices by public bodies as required pursuant to NRS 241.020. The location must be identified on the official website of the State in a clear and conspicuous manner.***

2. The location established pursuant to subsection 1 must include a place for the posting of electronic links to the Internet website or any electronic mail addresses, if available, of each public body which has posted a notice pursuant to NRS 241.020, from which a person may request the information and supporting materials that a public body must provide to a requester pursuant to NRS 241.020.

3. The Department shall provide for:

(a) The transmission to the Department by public bodies of:

(1) Notices required pursuant to NRS 241.020; and

(2) The Internet website or any electronic mail addresses, if available, of a public body that has submitted a notice for posting on the official website of the State.

(b) The timely and efficient posting of such notices and electronic links to addresses on the official website of Nevada.

4. The Department may adopt regulations to carry out the provisions of this section.

Sec. 2.5. ***The Department shall establish a directory of all public bodies and include the directory on the official website of the State in a clear and conspicuous location.***

Sec. 3. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, ***and sections 2 and 2.5 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Administration.

2. "Director" means the Director of the Department.

3. "Public body" has the meaning ascribed to it in NRS 241.015.

Sec. 4. The Department of Administration shall have the locations on the official website of the State required pursuant to sections 2 and 2.5 of this act fully operational on or before January 1, 2014.

Sec. 5. Notwithstanding the provisions of section 6 of this act, a public body of a local government is not required to comply with the amendatory provisions of this act until July 1, 2014.

Sec. 6. 1. This section and sections 2 to 5, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on January 1, 2014.