

ASSEMBLY BILL NO. 409—ASSEMBLYMEN SHERER, KNECHT,
BROWN, COLLINS, CONKLIN, GEDDES, GIUNCHIGLIANI,
HETTRICK AND MARVEL

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Authorizes public bodies to provide certain notice
and information by electronic mail. (BDR 19-1084)

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; authorizing public bodies to
provide certain notice of meetings and other information
by electronic mail; and providing other matters properly
relating thereto.

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. Public officers and employees responsible for these
6 meetings shall make reasonable efforts to assist and accommodate
7 physically handicapped persons desiring to attend.
8 2. Except in an emergency, written notice of all meetings must
9 be given at least 3 working days before the meeting. The notice
10 must include:
11 (a) The time, place and location of the meeting.
12 (b) A list of the locations where the notice has been posted.
13 (c) An agenda consisting of:
14 (1) A clear and complete statement of the topics scheduled to
15 be considered during the meeting.



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

3 (3) A period devoted to comments by the general public, if
4 any, and discussion of those comments. No action may be taken
5 upon a matter raised under this item of the agenda until the matter
6 itself has been specifically included on an agenda as an item upon
7 which action may be taken pursuant to subparagraph (2).

8 3. Minimum public notice is:

9 (a) Posting a copy of the notice at the principal office of the
10 public body ~~[]~~ or , if there is no principal office, at the building in
11 which the meeting is to be held, and at not less than three other
12 separate, prominent places within the jurisdiction of the public body
13 not later than 9 a.m. of the third working day before the meeting;
14 and

15 (b) ~~[Mailing]~~ *Providing* a copy of the notice to any person who
16 has requested notice of the meetings of the *public* body . ~~[in the~~
17 ~~same manner in which notice is required to be mailed to a member~~
18 ~~of the body.]~~ A request for notice lapses 6 months after it is made.
19 The public body shall inform the requester of this fact by enclosure
20 with , ~~[or]~~ notation upon *or text included within* the first notice sent.
21 The notice must be ~~[delivered]~~ :

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

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

29 4. If a public body maintains a website on the Internet or its
30 successor, the public body shall post notice of each of its meetings
31 on its website unless the public body is unable to do so because of
32 technical problems relating to the operation or maintenance of its
33 website. Notice posted pursuant to this subsection is supplemental to
34 and is not a substitute for the minimum public notice required
35 pursuant to subsection 3. The inability of a public body to post
36 notice of a meeting pursuant to this subsection as a result of
37 technical problems with its website shall not be deemed to be a
38 violation of the provisions of this chapter.

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

41 (a) An agenda for a public meeting;

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

44 (c) Any other supporting material provided to the members of
45 the *public* body for an item on the agenda, except materials:



- 1 (1) Submitted to the public body pursuant to a nondisclosure
- 2 or confidentiality agreement;
- 3 (2) Pertaining to the closed portion of such a meeting of the
- 4 public body; or
- 5 (3) Declared confidential by law.

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

10 6. *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*
15 *accept receipt by electronic mail. The inability of a public body, as*
16 *a result of technical problems with its electronic mail system, to*
17 *provide a public notice, information or material required by this*
18 *section to a person who has agreed to receive such notice,*
19 *information or material by electronic mail shall not be deemed to*
20 *be a violation of the provisions of this chapter.*

21 7. 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, 2003.

