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**A.B. 64**

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ASSEMBLY BILL NO. 64—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public meetings.  
(BDR 19-445)

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 public meetings; revising the definition of “meeting” for purposes of the Open Meeting Law; requiring that each speaker during a period devoted to public comment be allowed a minimum time to provide public comment; authorizing, under certain circumstances, a public body to refuse to accept certain public comment relating to a contested case; revising provisions relating to requirements for meetings conducted by means of a remote technology system; revising provisions relating to privilege for certain statements and testimony made at a public meeting; revising provisions relating to the applicability of certain provisions of the Open Meeting Law to certain proceedings; 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 law defines the term “meeting” for purposes of the Open Meeting Law and  
4 provides that the term does not include certain gatherings by members of a public  
5 body to receive information from the attorney employed or retained by the public  
6 body regarding potential or existing litigation involving a matter over which the  
7 public body has supervision, control, jurisdiction or advisory power and to  
8 deliberate toward a decision on the matter, or both. (NRS 241.015) **Section 1** of this



9 bill provides instead that a “meeting” does not include certain gatherings by  
10 members of a public body to: (1) receive legal advice from the attorney employed  
11 or retained by the public body regarding a matter over which the public body has  
12 supervision, control, jurisdiction or advisory power; and (2) deliberate on the  
13 matter, provided such deliberation is limited to the legal advice.

14 Existing law requires a public body to take comments by the general public at  
15 certain times during a meeting. (NRS 241.021) Existing law further requires a  
16 public body to provide notice of all meetings at least 3 working days before the  
17 meeting which must include certain information, including any restrictions on  
18 comments by the general public. (NRS 241.020) **Section 3** of this bill provides that  
19 during each period devoted to public comment, each speaker must be allowed to  
20 provide at least 3 minutes of public comment.

21 **Section 2** of this bill makes a conforming change to provide that any restriction  
22 relating to public comment on the agenda must be consistent with **section 3**.  
23 **Section 3** additionally authorizes a public body to refuse to accept public comment  
24 relating to issues of fact or law in a contested case which is before the public body  
25 until after that case has reached a final decision and any petition for judicial review  
26 is concluded.

27 With certain exceptions, existing law authorizes a public body to conduct a  
28 meeting by means of a remote technology system but prohibits a public body from  
29 holding a meeting to consider a contested case or a regulation by means of a remote  
30 technology system unless there is a physical location for the meeting where  
31 members of the general public are permitted to attend and participate. (NRS  
32 241.023) **Section 4** of this bill prohibits instead a public body from holding a  
33 meeting by means of a remote technology system unless there is a physical location  
34 for the meeting where members of the general public are permitted to attend and  
35 participate if, at the meeting, the public body will adjudicate certain contested cases  
36 or hold a workshop or a hearing on a regulation.

37 Existing law further requires that if a meeting is conducted using a remote  
38 technology system, clear and complete instructions for a member of the general  
39 public to be able to call in to the meeting to provide public comment must be read  
40 verbally before the first period of the day devoted to public comment. (NRS  
41 241.023) **Section 4** provides instead that such a requirement applies if the meeting  
42 is conducted using a remote technology system and a physical location is not  
43 designated for the meeting where members of the general public are permitted to  
44 attend and participate.

45 Existing law provides certain privileges for statements and testimony made at a  
46 public meeting, including an authorization, subject to a qualified privilege, for a  
47 witness who is testifying before a public body to publish defamatory matter as  
48 a part of a public meeting. (NRS 241.0353) **Section 5** of this bill provides instead  
49 that: (1) a witness who, subject to certain penalties relating to perjury, testifies  
50 under oath before a public body may publish defamatory matter as part of a public  
51 meeting; and (2) in general, no provision of the Open Meeting Law shall be  
52 construed to affect any civil cause of action for defamation, libel, slander or any  
53 similar cause of action arising from defamatory statements made by a member of  
54 the public while he or she provides public comment to a public body.

55 Existing law provides that: (1) certain requirements of the Open Meeting Law  
56 do not apply to proceedings relating to an investigation conducted to determine  
57 whether to proceed with disciplinary action against a licensee unless the licensee  
58 requests that the proceedings be conducted in such a manner; and (2) if the  
59 regulatory body decides to proceed with disciplinary action against the licensee, all  
60 proceedings that are conducted after that decision and are related to that  
61 disciplinary action are subject to such provisions of the Open Meeting Law. (NRS  
62 622.320) A “licensee” is a person who holds any license, certificate, registration,  
63 permit or similar type of authorization issued by a regulatory body which has



64 authority to regulate certain occupations or professions. (NRS 622.040, 622.060)  
65 **Section 6** of this bill provides instead that: (1) the provisions of the Open Meeting  
66 Law which require a meeting to be noticed and open to the public do not apply to  
67 such proceedings unless the licensee requests that such proceedings be conducted  
68 pursuant to those provisions; and (2) if the regulatory body decides to proceed with  
69 disciplinary action against the licensee, all proceedings that are conducted after that  
70 decision and are related to that disciplinary action are subject to all provisions of  
71 the Open Meeting Law.

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

1       **Section 1.** NRS 241.015 is hereby amended to read as follows:  
2       241.015 As used in this chapter, unless the context otherwise  
3 requires:  
4       1. "Action" means:  
5       (a) A decision made by a majority of the voting members  
6 present, whether in person, by use of a remote technology system or  
7 by means of electronic communication, during a meeting of a public  
8 body;  
9       (b) A commitment or promise made by a majority of the voting  
10 members present, whether in person, by use of a remote technology  
11 system or by means of electronic communication, during a meeting  
12 of a public body;  
13       (c) If a public body may have a member who is not an elected  
14 official, an affirmative vote taken by a majority of the voting  
15 members present, whether in person, by use of a remote technology  
16 system or by means of electronic communication, during a meeting  
17 of the public body; or  
18       (d) If all the members of a public body must be elected officials,  
19 an affirmative vote taken by a majority of all the members of the  
20 public body.  
21       2. "Administrative action against a person" means an action  
22 that is uniquely personal to the person and includes, without  
23 limitation, the potential for a negative change in circumstances to  
24 the person. The term does not include the denial of any application  
25 where the denial does not change the present circumstance or  
26 situation of the person.  
27       3. "Deliberate" means collectively to examine, weigh and  
28 reflect upon the reasons for or against the action. The term includes,  
29 without limitation, the collective discussion or exchange of facts  
30 preliminary to the ultimate decision.  
31       4. "Meeting":  
32       (a) Except as otherwise provided in paragraphs (b) and (c),  
33 means:



1 (1) The gathering of members of a public body at which a  
2 quorum is present, whether in person, by use of a remote technology  
3 system or by means of electronic communication, to deliberate  
4 toward a decision or to take action on any matter over which the  
5 public body has supervision, control, jurisdiction or advisory power.

6 (2) Any series of gatherings of members of a public body at  
7 which:

8 (I) Less than a quorum is present, whether in person, by  
9 use of a remote technology system or by means of electronic  
10 communication, at any individual gathering;

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

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

15 (b) Does not include any gathering or series of gatherings of  
16 members of a public body if the members do not deliberate toward a  
17 decision or take action on any matter over which the public body  
18 has supervision, control, jurisdiction or advisory power.

19 (c) Does not include a gathering or series of gatherings of  
20 members of a public body at which a quorum is actually or  
21 collectively present, whether in person, by use of a remote  
22 technology system or by means of electronic communication, to  
23 receive ~~[information]~~ *legal advice* from the attorney employed or  
24 retained by the public body regarding ~~[potential or existing litigation~~  
25 ~~involving]~~ a matter over which the public body has supervision,  
26 control, jurisdiction or advisory power and to deliberate ~~[toward a~~  
27 ~~decision]~~ on the matter, ~~[or both.]~~ *provided such deliberation is*  
28 *limited to the legal advice.*

29 5. Except as otherwise provided in NRS 241.016, “public  
30 body” means:

31 (a) Any administrative, advisory, executive or legislative body  
32 of the State or a local government consisting of at least two persons  
33 which expends or disburses or is supported in whole or in part by  
34 tax revenue or which advises or makes recommendations to any  
35 entity which expends or disburses or is supported in whole or in part  
36 by tax revenue, including, but not limited to, any board,  
37 commission, committee, subcommittee or other subsidiary thereof  
38 and includes a library foundation as defined in NRS 379.0056 and  
39 an educational foundation as defined in subsection 3 of NRS  
40 388.750, if the administrative, advisory, executive or legislative  
41 body is created by:

42 (1) The Constitution of this State;

43 (2) Any statute of this State;

44 (3) A city charter and any city ordinance which has been  
45 filed or recorded as required by the applicable law;



1 (4) The Nevada Administrative Code;

2 (5) A resolution or other formal designation by such a body  
3 created by a statute of this State or an ordinance of a local  
4 government;

5 (6) An executive order issued by the Governor; or

6 (7) A resolution or an action by the governing body of a  
7 political subdivision of this State;

8 (b) Any board, commission or committee consisting of at least  
9 two persons appointed by:

10 (1) The Governor or a public officer who is under the  
11 direction of the Governor, if the board, commission or committee  
12 has at least two members who are not employees of the Executive  
13 Department of the State Government;

14 (2) An entity in the Executive Department of the State  
15 Government, if the board, commission or committee otherwise  
16 meets the definition of a public body pursuant to this subsection; or

17 (3) A public officer who is under the direction of an agency  
18 or other entity in the Executive Department of the State  
19 Government, if the board, commission or committee has at least two  
20 members who are not employed by the public officer or entity;

21 (c) A limited-purpose association that is created for a rural  
22 agricultural residential common-interest community as defined in  
23 subsection 6 of NRS 116.1201;

24 (d) A subcommittee or working group consisting of at least two  
25 persons who are appointed by a public body described in paragraph  
26 (a), (b) or (c) if:

27 (1) A majority of the membership of the subcommittee or  
28 working group are members or staff members of the public body  
29 that appointed the subcommittee; or

30 (2) The subcommittee or working group is authorized by the  
31 public body to make a recommendation to the public body for the  
32 public body to take any action; and

33 (e) A university foundation as defined in subsection 3 of  
34 NRS 396.405.

35 6. "Quorum" means a simple majority of the voting  
36 membership of a public body or another proportion established by  
37 law.

38 7. "Remote technology system" means any system or other  
39 means of communication which uses any electronic, digital or other  
40 similar technology to enable a person from a remote location to  
41 attend, participate, vote or take any other action in a meeting, even  
42 though the person is not physically present at the meeting. The term  
43 includes, without limitation, teleconference and videoconference  
44 systems.



1 8. "Supporting material" means material that is provided to at  
2 least a quorum of the members of a public body by a member of or  
3 staff to the public body and that the members of the public body  
4 would reasonably rely on to deliberate or take action on a matter  
5 contained in a published agenda. The term includes, without  
6 limitation, written records, audio recordings, video recordings,  
7 photographs and digital data.

8 9. "Working day" means every day of the week except  
9 Saturday, Sunday and any day declared to be a legal holiday  
10 pursuant to NRS 236.015.

11 **Sec. 2.** NRS 241.020 is hereby amended to read as follows:

12 241.020 1. Except as otherwise provided by specific statute,  
13 all meetings of public bodies must be open and public, and all  
14 persons must be permitted to attend any meeting of these public  
15 bodies at a physical location or by means of a remote technology  
16 system. A meeting that is closed pursuant to a specific statute may  
17 only be closed to the extent specified in the statute allowing the  
18 meeting to be closed. All other portions of the meeting must be open  
19 and public, and the public body must comply with all other  
20 provisions of this chapter to the extent not specifically precluded by  
21 the specific statute. Public officers and employees responsible for  
22 these meetings shall make reasonable efforts to assist and  
23 accommodate persons with physical disabilities desiring to attend.

24 2. If any portion of a meeting is open to the public, the public  
25 officers and employees responsible for the meeting must make  
26 reasonable efforts to ensure the facilities for the meeting are large  
27 enough to accommodate the anticipated number of attendees. No  
28 violation of this chapter occurs if a member of the public is not  
29 permitted to attend a public meeting because the facilities for the  
30 meeting have reached maximum capacity if reasonable efforts were  
31 taken to accommodate the anticipated number of attendees. Nothing  
32 in this subsection requires a public body to incur any costs to secure  
33 a facility outside the control or jurisdiction of the public body or to  
34 upgrade, improve or otherwise modify an existing facility to  
35 accommodate the anticipated number of attendees.

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

39 (a) The time, place and location of the meeting. If the meeting is  
40 held using a remote technology system pursuant to NRS 241.023  
41 and has no physical location, the notice must include information on  
42 how a member of the public may:

43 (1) Use the remote technology system to hear and observe  
44 the meeting;

45 (2) Participate in the meeting by telephone; and



1 (3) Provide live public comment during the meeting and, if  
2 authorized by the public body, provide prerecorded public comment.

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

4 (c) The name, contact information and business address for the  
5 person designated by the public body from whom a member of the  
6 public may request the supporting material for the meeting  
7 described in subsection 7 and:

8 (1) A list of the locations where the supporting material is  
9 available to the public; or

10 (2) Information about how the supporting material may be  
11 found on the Internet website of the public body.

12 (d) An agenda consisting of:

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

15 (2) A list describing the items on which action may be taken  
16 and clearly denoting that action may be taken on those items by  
17 placing the term "for possible action" next to the appropriate item  
18 or, if the item is placed on the agenda pursuant to NRS 241.0365, by  
19 placing the term "for possible corrective action" next to the  
20 appropriate item.

21 (3) Periods devoted to comments by the general public, if  
22 any, and discussion of those comments.

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

27 (5) If, during any portion of the meeting, the public body will  
28 consider whether to take administrative action regarding a person,  
29 the name of that person.

30 (6) Notification that:

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

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

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

37 (7) Any restrictions on comments by the general public. Any  
38 such restrictions must be reasonable *and consistent with NRS*  
39 *241.021* and may restrict the time, place and manner of the  
40 comments, but may not restrict comments based upon viewpoint.

41 (8) If the meeting is being held using a remote technology  
42 system pursuant to NRS 241.023 and does not have a physical  
43 location designated for the meeting where members of the general  
44 public are permitted to attend and participate, clear and complete  
45 instructions for a member of the general public to be able to call in



1 to the meeting to provide public comment, including, without  
2 limitation, a telephone number and any necessary identification  
3 number of the meeting or other access code.

4 4. Minimum public notice is:

5 (a) Posting a copy of the notice at the principal office of the  
6 public body or, if the meeting has a physical location, at the building  
7 in which the meeting is to be held. If the meeting is held using a  
8 remote technology system pursuant to NRS 241.023 and has no  
9 physical location, the public body must also post the notice to the  
10 Internet website of the public body not later than 9 a.m. of the third  
11 working day before the meeting is to be held unless the public body  
12 is unable to do so because of technical problems relating to the  
13 operation or maintenance of the Internet website of the public body.

14 (b) Posting the notice on the official website of the State  
15 pursuant to NRS 232.2175 not later than 9 a.m. of the third working  
16 day before the meeting is to be held, unless the public body is  
17 unable to do so because of technical problems relating to the  
18 operation or maintenance of the official website of the State.

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

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

27 (2) Transmitted to the requester by electronic mail sent not  
28 later than 9 a.m. of the third working day before the meeting.

29 5. For each of its meetings, a public body shall document in  
30 writing that the public body complied with the minimum public  
31 notice required by paragraph (a) of subsection 4. The documentation  
32 must be prepared by every person who posted a copy of the public  
33 notice and include, without limitation:

34 (a) The date and time when the person posted the copy of the  
35 public notice;

36 (b) The address of the location where the person posted the copy  
37 of the public notice; and

38 (c) The name, title and signature of the person who posted the  
39 copy of the notice.

40 6. Except as otherwise provided in paragraph (a) of subsection  
41 4, if a public body maintains a website on the Internet or its  
42 successor, the public body shall post notice of each of its meetings  
43 on its website unless the public body is unable to do so because of  
44 technical problems relating to the operation or maintenance of its  
45 website. Notice posted pursuant to this subsection is supplemental to





1 and is not a substitute for the minimum public notice required  
2 pursuant to subsection 4. The inability of a public body to post  
3 notice of a meeting pursuant to this subsection as a result of  
4 technical problems with its website shall not be deemed to be a  
5 violation of the provisions of this chapter.

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

8 (a) An agenda for a public meeting;

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

11 (c) Subject to the provisions of subsection 8 or 9, as applicable,  
12 any other supporting material provided to the members of the public  
13 body for an item on the agenda, except materials:

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

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

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

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

27 8. Unless it must be made available at an earlier time pursuant  
28 to NRS 288.153, a copy of supporting material required to be  
29 provided upon request pursuant to paragraph (c) of subsection 7  
30 must be:

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

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

39 ↪ If the requester has agreed to receive the information and material  
40 set forth in subsection 7 by electronic mail, the public body shall, if  
41 feasible, provide the information and material by electronic mail.

42 9. Unless the supporting material must be posted at an earlier  
43 time pursuant to NRS 288.153, and except as otherwise provided in  
44 subsection 11, the governing body of a county or city whose  
45 population is 52,000 or more shall post the supporting material



1 described in paragraph (c) of subsection 7 to its website not later  
2 than the time the material is provided to the members of the  
3 governing body or, if the supporting material is provided to the  
4 members of the governing body at a meeting, not later than 24 hours  
5 after the conclusion of the meeting. Such posting is supplemental to  
6 the right of the public to request the supporting material pursuant to  
7 subsection 7. The inability of the governing body, as a result of  
8 technical problems with its website, to post supporting material  
9 pursuant to this subsection shall not be deemed to be a violation of  
10 the provisions of this chapter.

11 10. Except as otherwise provided in subsection 11, a public  
12 body may provide the public notice, information or supporting  
13 material required by this section by electronic mail. Except as  
14 otherwise provided in this subsection, if a public body makes such  
15 notice, information or supporting material available by electronic  
16 mail, the public body shall inquire of a person who requests the  
17 notice, information or supporting material if the person will accept  
18 receipt by electronic mail. If a public body is required to post the  
19 public notice, information or supporting material on its website  
20 pursuant to this section, the public body shall inquire of a person  
21 who requests the notice, information or supporting material if the  
22 person will accept by electronic mail a link to the posting on the  
23 website when the documents are made available. The inability of a  
24 public body, as a result of technical problems with its electronic  
25 mail system, to provide a public notice, information or supporting  
26 material or a link to a website required by this section to a person  
27 who has agreed to receive such notice, information, supporting  
28 material or link by electronic mail shall not be deemed to be a  
29 violation of the provisions of this chapter.

30 11. If a public body holds a meeting using a remote technology  
31 system pursuant to NRS 241.023 and has no physical location for  
32 the meeting, the public body must:

33 (a) Have an Internet website; and

34 (b) Post to its Internet website:

35 (1) The public notice required by this section; and

36 (2) Supporting material not later than the time the material is  
37 provided to the members of the governing body or, if the supporting  
38 material is provided to the members of the governing body at a  
39 meeting, not later than 24 hours after the conclusion of the meeting.

40 ➤ The inability of the governing body, as a result of technical  
41 problems with its Internet website, to post supporting material  
42 pursuant to this subsection shall not be deemed to be a violation of  
43 the provisions of this chapter.



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

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

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

7 **Sec. 3.** NRS 241.021 is hereby amended to read as follows:

8 241.021 1. Except as otherwise provided in this section,  
9 comments by the general public must be taken by a public body:

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

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

16 2. Regardless of whether a public body takes comments from  
17 the general public pursuant to paragraph (a) or (b) of subsection 1,  
18 the public body must allow the general public to comment on any  
19 matter that is not specifically included on the agenda as an action  
20 item at some time before adjournment of the meeting. No action  
21 may be taken upon a matter raised during a period devoted to  
22 comments by the general public until the matter itself has been  
23 specifically included on an agenda as an item upon which action  
24 may be taken pursuant to subparagraph (2) of paragraph (d) of  
25 subsection 3 of NRS 241.020.

26 3. The provisions of subsections 1 and 2 do not prohibit a  
27 public body from taking comments by the general public in addition  
28 to what is required pursuant to subsection 1 or 2.

29 4. If the agenda for a meeting authorizes the continuation of the  
30 meeting of a public body to one or more other calendar days, the  
31 public body must have a period devoted to comments by the general  
32 public:

33 (a) At the beginning of each day that the meeting is held before  
34 any item on which action may be taken is heard by the public body  
35 and again before the meeting recesses for the day or the  
36 adjournment of the meeting; or

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

40 *5. During each period devoted to public comment, each*  
41 *speaker must be allowed to provide to the public body at least 3*  
42 *minutes of public comment.*

43 *6. A public body may refuse to accept public comment*  
44 *relating to issues of fact or law in a contested case, as defined in*  
45 *NRS 233B.032, which is before the public body until after that*



1 *case has reached a final decision and any pending petition for*  
2 *judicial review is concluded.*

3 **Sec. 4.** NRS 241.023 is hereby amended to read as follows:

4 241.023 1. Except as otherwise provided in subsection 2, a  
5 public body may conduct a meeting by means of a remote  
6 technology system if:

7 (a) A quorum is actually or collectively present, whether in  
8 person, by using the remote technology system or by means of  
9 electronic communication.

10 (b) Members of the public are permitted to:

11 (1) Attend and participate at a physical location designated  
12 for the meeting where members of the public are permitted to attend  
13 and participate; or

14 (2) Hear and observe the meeting, participate in the meeting  
15 by telephone and provide live public comment during the meeting  
16 using the remote technology system. A public body may also allow  
17 public comment by means of prerecorded messages.

18 (c) The public body reasonably ensures that any person who is  
19 not a member of the public body or a member of the public but is  
20 otherwise required or allowed to participate in the meeting is able to  
21 participate in the portion of the meeting that pertains to the person  
22 using the remote technology system. The public body shall be  
23 deemed to have complied with the requirements of this paragraph if  
24 the public body provides the person with a web-based link and a  
25 telephone number, in case of technical difficulties, that allows the  
26 person in real time to attend and participate in the meeting. Nothing  
27 in this paragraph requires a public body to provide a person with  
28 technical support to address the person's individual hardware,  
29 software or other technical issues.

30 2. If all members of a public body:

31 (a) Are required to be elected officials, the public body shall not  
32 conduct a meeting by means of a remote technology system without  
33 a physical location designated for the meeting where members of  
34 the public are permitted to attend and participate.

35 (b) Are not required to be elected officials, the public body shall  
36 not conduct a meeting by means of a remote technology system  
37 without a physical location designated for the meeting where  
38 members of the public are permitted to attend and participate unless  
39 the public body complies with the provisions of subsection 11 of  
40 NRS 241.020.

41 3. If any member of a public body attends a meeting by means  
42 of a remote technology system, the chair of the public body, or his  
43 or her designee, must make reasonable efforts to ensure that:



1 (a) Members of the public body and members of the public  
2 present at the physical location of the meeting can hear or observe  
3 each member attending by a remote technology system; and

4 (b) Each member of the public body in attendance can  
5 participate in the meeting.

6 4. Notwithstanding the provisions of subsections 1, 2 and 3, a  
7 public body may not hold a meeting ~~[to consider]~~ *by means of a*  
8 *remote technology system unless there is a physical location for*  
9 *the meeting where members of the general public are permitted to*  
10 *attend and participate if, at the meeting, the public body will:*

11 (a) *Adjudicate* a contested case ~~[, as defined in NRS 233B.032]~~  
12 *for which notice is required pursuant to NRS 233B.121; or*

13 (b) *Hold a workshop or a hearing on* a regulation ~~[as defined in~~  
14 ~~NRS 233B.038 by means of a remote technology system unless~~  
15 ~~there is a physical location for the meeting where members of the~~  
16 ~~general public are permitted to attend and participate.]~~ *pursuant to*  
17 *NRS 233B.040 to 233B.120, inclusive.*

18 5. If a meeting is conducted pursuant to this section using a  
19 remote technology system ~~[,]~~ *and a physical location is not*  
20 *designated for the meeting where members of the general public*  
21 *are permitted to attend and participate*, before the first period of the  
22 day devoted to public comment, the clear and complete instructions  
23 for a member of the general public to be able to call in to the  
24 meeting to provide public comment, including, without limitation, a  
25 telephone number or any necessary identification number of the  
26 meeting or other access code, must be read verbally.

27 **Sec. 5.** NRS 241.0353 is hereby amended to read as follows:

28 241.0353 1. Any statement which is made by a member of a  
29 public body during the course of a public meeting is absolutely  
30 privileged and does not impose liability for defamation or constitute  
31 a ground for recovery in any civil action.

32 2. ~~[Subject to a qualified privilege, a]~~ A witness who ~~[is~~  
33 ~~testifying]~~ *testifies under oath, subject to the penalties set forth in*  
34 *NRS 199.120*, before a public body may publish defamatory matter  
35 as part of a public meeting. It is unlawful to misrepresent any fact  
36 knowingly when testifying before a public body.

37 3. *Except as otherwise provided by law, nothing in this*  
38 *chapter shall be construed to affect any civil cause of action for*  
39 *defamation, libel, slander or any similar cause of action arising*  
40 *from defamatory statements made by a member of the public while*  
41 *he or she provides public comment to a public body.*

42 **Sec. 6.** NRS 622.320 is hereby amended to read as follows:

43 622.320 1. The provisions of *chapter 241 of NRS* ~~[241.020]~~  
44 *requiring a meeting to be noticed and open to members of the*  
45 *public* do not apply to proceedings relating to an investigation



1 conducted to determine whether to proceed with disciplinary action  
2 against a licensee, unless the licensee requests that the proceedings  
3 be conducted pursuant to those provisions.

4 2. If the regulatory body decides to proceed with disciplinary  
5 action against the licensee, all proceedings that are conducted after  
6 that decision and are related to that disciplinary action are subject to  
7 the provisions of *chapter 241 of NRS* . [~~241.020.~~]

⑩





