

[Agenda item 3.a.4]

OML Task Force meeting
November 9, 2010
Supporting document for:
Agenda 3.a.4

Concept: Revise NRS 241.015(3), Definitions, to clarify the scope of the definition of public body. Many groups or entities unsure of the application of NRS 241.015(3) seek advice from this office to determine whether the OML applies to it or not. We propose to clarify the current definition it by reference to the creation of the body and to the nature of its membership.

[Pattern: section 10-502, Annotated Code of Maryland]

NRS 241.015(3):

Except as otherwise provided in this subsection, “public body” means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two individuals which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue; ~~including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405;~~ and

(b) is created by

1. the Nevada Constitution;
2. a Nevada statute;
3. a county or municipal charter;
4. an ordinance;
5. a resolution of the county’s highest legislative body;
6. an executive order of the Governor; or
7. an executive order or the chief executive authority of a political subdivision of the State.

(c) “public body” includes:

1. any multimember board, commission, or committee appointed by the Governor or chief executive authority of a

political subdivision of the State or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the Political subdivision, if the entity has at least two individuals not employed by the State county or other political subdivision of the State.

2. any multimember board, commission, or committee that is appointed by an entity in the Executive branch of State Government, the members of which are appointed by the Governor, and that otherwise meet the definition of public body under this subsection; or

3. any multimember board, commission, or committee that is appointed by an official who is subject to the policy direction of an entity described in item 2 of this item and also includes at least two individuals who are not members of the appointing entity.

(d) "Public body" does not include:

(1) the Legislature of the State of Nevada;

(2) judicial proceedings, or quasi-judicial proceedings;

~~(b)~~(e) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201 is a public body. ~~"Public body" does not include the Legislature of the State of Nevada.~~