

2024 OML Task Force Proposed Changes

NRS 241.015(4) (as amended by 2023's AB52) – passed to include at 5/8 meeting

4. “Meeting”:
- (a) Except as otherwise provided in paragraphs (b) and (c), means:
 - (1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.
 - (2) Any series of gatherings of members of a public body at which:
 - (I) Less than a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, at any individual gathering;
 - (II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and
 - (III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.
 - (b) Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.
 - (c) Does not include a gathering or series of gatherings of members of a public body at which a quorum is actually or collectively present, whether in person, by use of a remote technology system or by means of electronic communication, to receive ~~information~~ **legal advice** from the attorney employed or retained by the public body regarding ~~potential or existing litigation involving~~ a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate ~~toward a decision on~~ **about** the matter, ~~or both~~ **provided deliberation is limited to the legal advice given.**

NRS 241.023(4) (as amended by 2023's AB219) – passed to include at 5/8 meeting

4. NRS 241.023(4): Notwithstanding the provisions of subsections 1, 2 and 3, a public body may not hold a meeting to consider a contested case, as defined in NRS 233B.032 or a regulation as defined in NRS 233B.038 by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate.
- (a) For purposes of this subsection, consideration of a contested case means a due process hearing or appeal for which notice is required pursuant to NRS 233B.121.***

(b) For purposes of this subsection, consideration of a regulation means a hearing or workshop required by NRS Chapter 233B to comply with the provisions of this chapter.

NRS 622.320 Inapplicability of certain provision of Open Meeting Law to certain investigatory proceedings; applicability of that provision to certain disciplinary proceedings. – passed to include at 5/8 meeting

1. The provisions of NRS 241.020 *and NRS 241.023* do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee, unless the licensee requests that the proceedings be conducted pursuant to those provisions.
2. If the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to the provisions of NRS 241.020 *and NRS 241.023*.

NRS 241.023(5) (as amended by 2023's AB219) – passed to include at 5/8 meeting

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

NRS 241 New Provision

A public body may refuse to accept public comment relating to issues of fact or law in a contested case, as defined in NRS 233B.032, before it until after that case has reached a final decision and any pending petitions for judicial review are concluded.

NRS 241.0353 Certain statements and testimony are privileged.

1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.
2. ~~Subject to a qualified privilege, a~~ *A* witness who ~~is~~ *is* testifying ~~before a public body~~ *under oath and subject to the penalties of NRS 199.120* may publish defamatory matter as part of a public meeting. It is unlawful to misrepresent any fact knowingly when testifying before a public body.

3. Nothing in this chapter shall confer any privilege or protection for statements beyond those privileges and protections otherwise provided by law.

NRS 241 New Provision (as added by 2023's AB219)

1. Except as otherwise provided in this section, comments by the general public must be taken by a public body:
 - (a) 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
 - (b) 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.
2. Regardless of whether a public body takes comments from the general public pursuant to paragraph (a) or (b) of subsection 1, 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) of paragraph (d) of subsection 3 of NRS 241.020.
3. ***Each period of public comment must allow each speaker no less than three minutes to provide comment to the public body.*** The provisions of subsections 1 and 2 do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to subsection 1 or 2.
4. If the agenda for a meeting authorizes the continuation of the meeting of a public body to one or more other calendar days, the public body must have a period devoted to comments by the general public:
 - (a) At the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or the adjournment of the meeting; or
 - (b) 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.