

**Section 6: Restore OAG’s language to clarify a public body is not required to undertake costs to obtain an adequate facility  
(previously circulated and agreed to by less than quorum group on 4/22)**

NRS 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.

- a. Public meetings should be held in facilities that are reasonably large enough to accommodate anticipated attendance by members of the public.*
- b. If all persons desiring to attend a meeting are not permitted to attend because of the size of the facility or facilities, no violation of this chapter may be found if the public body has made reasonable efforts to accommodate the anticipated attendance.*
- c. For purposes of this section, “reasonable efforts” does not require the public body to incur any costs to secure a facility outside the body’s control or jurisdiction or to upgrade, improve, or otherwise modify an existing facility to better accommodate anticipated attendance.*

**Section 10: Provide additional clarity and restrictions regarding when the OAG is allowed not investigate an OML complaint that was filed in bad faith or by an individual without an interest significantly affected by the public body.**

NRS 241.039 1. A complaint that alleges a violation of this chapter may be filed with the Office of the Attorney General. *The Office of the Attorney General shall notify a public body identified in a complaint of the alleged violation not more than 14 days after the complaint is filed.*

2. Except as otherwise provided in ~~subsection 3 and~~ NRS 241.0365, the Attorney General ~~shall~~ :

*(a) Shall investigate and prosecute any violation of this chapter ~~+~~ alleged in a 51 complaint filed not later than 120 days after the alleged violation with the Office 52 of the Attorney General.*

*(b) Except as otherwise provided in paragraph (c), shall not investigate and prosecute any violation of this chapter alleged in a complaint filed with the Office of the Attorney General later than 120 days after the alleged violation.*

*(c) May, at his or her discretion, investigate and prosecute any violation of this chapter alleged in a complaint filed more than 120 days after the alleged violation with the Office of the Attorney General if:*

*(1) The alleged violation was not discoverable at the time that the alleged violation occurred; and*

*(2) The complaint is filed not more than 1 year after the alleged violation with the Office of the Attorney General.*

~~*3. [The Attorney General is not required to investigate or prosecute any violation of this chapter if the Attorney General believes that a complaint has been filed in bad faith or by a person whose interests are not significantly affected by the action of the public body.*~~

*3. The Attorney General is not required to investigate or prosecute any violation of this chapter if the Attorney General determines that a complaint has been filed in bad faith or by a person whose interests are not significantly affected by the action of the public body.*

*(a) The Attorney General may only determine that a complaint is filed in bad faith if the Attorney General determines that:*

*(1) Complainant has filed at least one previous complaint against the same public body in within the past 12 month period;*

*(2) Complainant's prior complaints against the public body in the past twelve months have not resulted in a finding of a violation of Chapter 241; and*

*(3) Complainant has a past pattern of demonstrated hostility or antipathy toward the public body, its members, or staff.*

*(b) The Attorney General may only determine that a person's interests are not significantly affected by the action of the public body if the Attorney General determines that:*

*(1) The public body against whom the complaint is lodged is not a statewide entity;*

*(2) Complainant does reside within the jurisdiction of the public body against whom the complaint is lodged; and*

*(3) Complainant, has not demonstrated that he or she has an interest that is affected by an action taken by the public body against whom the complaint is lodged that would give the Complainant standing to challenge the action of public body in a court of law.*