



**STATE OF NEVADA
COMMISSION ON ETHICS**
<http://ethics.nv.gov>

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS;
NEVADA COMMISSION ON ETHICS' LEGISLATIVE SUBCOMMITTEE; and
NEVADA COMMISSION ON ETHICS' PERSONNEL MANUAL SUBCOMMITTEE**

March 20, 2013

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics and its Subcommittees. The Commission on Ethics held public meetings on Wednesday, March 20, 2013, beginning at 9:00 a.m. at the following locations:

**Office of the Attorney General
100 North Carson Street
Mock Court Room
Carson City, Nevada 89701**

and via video-conference to:

**Grant Sawyer State Building
555 E. Washington Avenue
Attorney General Conference Room, Suite 4500
Las Vegas, Nevada 89101**

MEETING OF THE NEVADA COMMISSION ON ETHICS' LEGISLATIVE SUBCOMMITTEE

1. Call to Order and Roll Call.

Chairman of this Subcommittee Gregory J. Gale called the meeting to order and introduced the subcommittee members at 9:00 a.m. on Wednesday, March 20, 2013.

Present at the Carson City Location were Commissioners Paul H. Lamboley, Esq., Cheryl A. Lau, Esq., Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq. and Executive Assistant Valerie Carter. Present at the Las Vegas location were Commissioners Gregory J. Gale and Keith A. Weaver, Esq., and Senior Investigator Michael E. Lawrence.

Commissioner James M. Shaw was also present in Carson City, but did not participate in the meeting.

2. Open Session for Public Comment.

No public comment.

3. Work Session: Discussion and possible action regarding S.B. 228 and other measures to be considered in the 2013 Legislative Session.

Executive Director Caren Cafferata-Jenkins, Esq. gave an overview of each of the proposed amendments to S.B. 228 which the Subcommittee had discussed at its previous meeting held March 15, 2013. She discussed the presentation of S.B. 228 and the Commission's proposed amendments before the Senate Committee on Legislative Operations and Elections. She discussed some of the amendments that were proposed and presented to the Senate Committee by outside agencies and individuals regarding S.B. 228. Executive Director Cafferata-Jenkins stated that she will be producing a "mockup" pursuant to the Senate Committee's request, which will include the prior proposed amendments and any additional changes the Legislative Subcommittee agrees on at this meeting. (See exhibit 1 for final amendments.) She believes the final mockup will combine our amendments, along with those proposed amendments from the Secretary of State's office and the City of Reno, and will clear up any confusion within the Senate Committee.

The Legislative Subcommittee discussed the amendments to S.B. 228 submitted to the Senate Committee by Incline Village resident Aaron Katz. A discussion ensued regarding these amendments. Executive Director Cafferata-Jenkins reminded the Subcommittee that Mr. Katz said that 3 out of 5 of his concerns were addressed at the hearing before the Senate Committee. However, the Subcommittee ultimately decided that it will not support Mr. Katz's additional amendments, as they are outside of the current scope of what the Commission is trying to accomplish.

The Legislative Subcommittee also addressed Senator Hardy's Bill, S.B. 283 and its impact on the Commission. A lengthy discussion ensued regarding the language in the bill. The Subcommittee ultimately decided the Commission should not actively support or oppose S.B. 283, but that Executive Director Cafferata-Jenkins can offer the Commission's concerns regarding the language to Senator Hardy, if he is willing to consider the Commission's view.

4. Open Session for Public Comment.

No public comment.

5. Adjournment

The Subcommittee Meeting adjourned at 11:27 a.m.

MEETING OF THE NEVADA COMMISSION ON ETHICS'
PERSONNEL MANUAL SUBCOMMITTEE

1. Call to Order and Roll Call.

The meeting was called to order at 11:40 a.m. on Wednesday, March 15, 2013.

Present in Carson City were Commissioner Paul H. Lamboley, Esq., Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq. and Executive Assistant Valerie Carter. Present in Las Vegas were Commissioners Gregory J. Gale and Tim Cory, Esq., and Senior Investigator Michael E. Lawrence. Commissioner John Carpenter was present telephonically.

Commissioner Gale nominated Commission Cory to Chair this Subcommittee. Commissioner Carpenter seconded the nomination. The nomination was put to a vote and carried unanimously.

2. Open Session for Public Comment.

No public comment.

3. Work Session: Discussion and possible action regarding the creation of a Staff Personnel Policies and Procedures Manual.

Commissioner Lamboley discussed what he believed to be the purpose of this Subcommittee. He believes there needs to be a physical work product that comes from the Subcommittee, although he understand there is no need to reinvent the wheel, as the State of Nevada has many administrative procedures in place. The subcommittee's mission is to create a manual that is specific to this agency.

Commissioner Cory discussed charts that the Executive Director had previously created which outlined the Staff's current structure and also proposed new possible structures. He believes this might be a good place to start as far as outlining and evaluating the current staff structure and hierarchy.

Commissioner Gale agreed that the Subcommittee should focus on issues specific to the agency, and suggested that the Executive Director and Commission Counsel inform the Subcommittee members what they deem necessary for the Personnel Manual that is not already addressed by the current State of Nevada Employee Handbook.

Commission Counsel Yvonne Nevarez-Goodson suggested the Subcommittee focus on the role of the Executive Director, the Commission Counsel and the Commission, i.e. how, when and why would the Executive Director and Commission Counsel turn to the Commission to make decisions and vice versa. Specifically, what issues should remain at the Commission level and what issues should remain in the control of the Executive Director or the Commission Counsel.

Commissioner Lamboley believes that it is the Subcommittee's responsibility to come up with the contents of this Personnel Manual, as Staffs' attention is needed elsewhere at this time. Commissioner Lamboley offered that he has sample publications in his possession, which he believes will be a good starting point. He will distribute these documents to the Subcommittee members for their review.

4. Open Session for Public Comment.

No public comment.

5. Adjournment

The Subcommittee meeting was adjourned at 12:18 p.m.

MEETING OF THE NEVADA COMMISSION ON ETHICS

1. Call to Order and Roll Call.

Chairman Paul H. Lamboley, Esq. called the meeting to order and introduced the Commission members at 1:18 p.m. on Wednesday, March 20, 2013.

Present at the Carson City location were Chairman Paul H. Lamboley, Esq., Commissioner Cheryl A. Lau, Esq., Commissioner James M. Shaw, Executive Director Caren Cafferata-Jenkins, Esq., Commission Counsel Yvonne Nevarez-Goodson, Esq. and Executive Assistant Valerie Carter. Present at the Las Vegas location were Vice-Chairman Gregory J. Gale, Commissioner Keith A. Weaver, Esq., Commissioner Tim Cory, Esq., Commissioner Magdalena Groover and Senior Investigator Michael E. Lawrence. Present telephonically from Elko, Nevada was Commissioner John Carpenter.

2. Open Session for Public Comment.

No public comment.

3. Open Session for consideration and approval of Minutes of the February 20, 2013 Commission meeting.

Commissioner Lau moved to approve the Minutes of the February 20, 2013 Commission meeting. Commissioner Shaw seconded the motion. The motion was put to a vote and carried unanimously.

4. Open Session for report and recommendations from the *Legislative Subcommittee* and for consideration and possible action on the matters presented.

Executive Director Caren Cafferata-Jenkins, Esq. reported to the Commission that the Legislative Subcommittee met at length earlier in the day and have decided to take a stand only on Senate Bill 228, which was introduced by Senator Parks. Executive Director Cafferata-Jenkins reported she and Senator Parks presented the bill, along with the proposed amendments, to the Senate Committee on Legislative Operations and Elections on March 19,

2013. She reported that at the hearing a number of additional concerns were brought to the Commission's attention by the City of Reno, the Secretary of State's Office, by an individual in Incline Village and other individuals to make the bill better. In its meeting this morning, the Legislative Subcommittee went over these concerns, addressed each one, and decided how it would proceed with its proposed amendments to the Bill. The Executive Director went through S.B. 228 and explained each of the Subcommittee's proposed amendments. She stated that she is in the process of marking up the bill with the proposed amendments and will present them to the Senate Committee in a Work Session on March 26, 2013, where she hopes they will vote to move the bill to the Assembly and no additional amendments will be made. Executive Director Cafferata-Jenkins urged Commissioners to contact any Legislators they know to impress upon them the importance of S.B. 228. A discussion ensued regarding the proposed changes.

Commissioner Lamboley reported that the proposed amendments submitted by Mr. Katz of Incline Village, will not be supported by the Commission. He also reported that the Subcommittee decided the Commission will neither support, nor actively oppose S.B. 283.

Chairman Lamboley thanked the Subcommittee members and Staff for all of their efforts regarding S.B. 228, which he believes has been a long time coming.

Commissioner Gale moved to approve the report of the Legislative Subcommittee and the amendments to S.B. 228 (see exhibit 1 for final amendments), and also moved that Staff and the Subcommittee members continue their work with full authority to resolve any issues that may come up subsequently. Commissioner Cory seconded the motion. The motion was put to a vote and passed unanimously.

5. Open Session for report and recommendations from the Personnel Manual Subcommittee and for consideration and possible action on the matters presented.

Chairman Lamboley reported that Commissioner Cory has been selected to Chair the Personnel Subcommittee which consists of Commissioners Carpenter, Lamboley, Gale, and Cory, and will accept input from Staff. The subcommittee met earlier in the morning and has accepted the responsibility of developing a work product. The subcommittee will reconvene at a later date to continue its mission.

6. Open Session for report on agency status and operations by Executive Director and Commission Counsel.

Executive Director Cafferata-Jenkins reported that she will be attending hearings and monitoring the legislature regularly. She believes it is important for the Commission to be recognized as being active in the process without being aggressive in asking for support, but rather offering information. She asked that Commissioners use whatever resources they may have.

The Executive Director also reported that Staff is very busy after having somewhat of a quiet winter, things have picked up quickly. She reported that intern Jessica Atkinson has continued working with the Senior Legal Researcher Janet Jacobsen and Commission Counsel Yvonne Nevarez-Goodson and is making progress on the Digests.

Commission Counsel did not have anything to report under this agenda item.

7. Closed Session to discuss potential or pending litigation.

This agenda item was confidential and not open to the public.

8. Open Session for Commissioner comments on matters including, without limitation, future agenda items, upcoming meeting dates and meeting procedures.

The Commissioners and Staff acknowledged the passing of former long-term Commission member John Marvel, and honored him with a moment of silence. Commission members and staff remembered John Marvel by sharing a few thoughts and stories in memoriam.

9. Open Session for Public Comment.

No public comment.

10. Adjournment

Commissioner Lau moved to adjourn the meeting. Commissioner Shaw seconded the Motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 2:25 p.m.

Minutes prepared by:

Valerie Carter

Valerie Carter
Executive Assistant

Minutes approved April 17, 2013:

Paul H. Lamboley, Esq.
Chairman

EXHIBIT 1

EXHIBIT 1



**STATE OF NEVADA
COMMISSION ON ETHICS**

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Proposed Amendments to S.B. 228, as Introduced
Senate Committee on Legislative Operations and Procedures
Tuesday, March 26, 2013

**(Includes Amendments Addressing Comments/Concerns from Secretary of State, City of Reno
and Public Expressed During March 19, 2013 Committee Hearing)**

1) Legislative Counsel's Digest, page 1:

Delete lines 15 and 16 and retain the following language: “‘capacity to the interests of another person’ in NRS 281A.420.”

(No need to reference the term “catchall” in the Digest)

2) Sec. 6, page 3, lines 10-11:

Delete “sharing its expenses” from definition of “household” as follows:

*“Household” means an association of persons who live in the same home or dwelling
[~~,-sharing its expenses~~].*

(Some persons living within a household do not share expenses, i.e., children, friends, etc.)

3) Sec. 28, pages 10- 11:

Delete entirety of new language in subsection 3, lines 7-10 on page 11 (eliminates all amendments to Sec. 28).

(Proposed language did not comport with Commission’s intent, any statutory amendment to NRS 281A.020 deemed unnecessary at this time.)

4) Sec. 30, page 11, lines 17-18:

Delete “sharing its expenses” as follows:

*“Household” means an association of persons who live in the same home or dwelling
~~[, sharing its expenses]~~.*

(Some persons living within a household do not share expenses, i.e., children, friends, etc.)

5) Sec. 39, page 19:

Delete lines 13-16 (new subsection 5).

Retain existing subsection numbers for NRS 281A.400 for ease of public reference in existing NCOE opinions.

Move language proposed for new subsection 5 to new subsection 11, but amend language to read as follows:

A public officer or employee shall not concurrently serve as a public officer or employee and hold a separate public office [by virtue of which] in which the public officer or employee [may exercise control] exercises controlling influence over any employment or operational circumstances of his or her employment, or that of his or her employer, supervisor or agency.

(Commission intent to capture both “boss of his boss” and “boss of himself” circumstances; i.e., serving concurrently as school board member and teacher; city council member and city manager or city employee; etc. Employment or operational circumstances include, without limitation, budget and compensation authority, staffing, leave, other benefits, and etc.)

6) Sec. 40, page 23:

Amend subsection 6 of NRS 281.410 to read as follows:

6. The provisions of subsection 5 do not apply to ~~{a}~~:

(a) A former public officer who was a member of the governing body of a state agency, or advisory body to the governing body, if:

~~{a}~~ (1) The governing body or advisory body performs functions that involve introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy; or

(2) The former public officer ~~{is}~~:

(i) Is engaged in the profession, occupation or business regulated by the state agency;

~~{b}~~ The former public officer holds

(ii) Holds a license issued by the state agency; and

~~{(e) Holding}~~

~~(iii) Is required to hold a license issued by the state agency ~~{is}~~ as a requirement for membership on the governing body of the state agency.~~

~~(b) A former public officer who was a member of a local legislative body, or advisory body to such a local legislative body.~~

(c) (POTENTIAL TO EXEMPT CERTAIN OTHER PUBLIC OFFICERS AND EMPLOYEES OF LOCAL GOVERNMENT?)

(“Cooling-off” requirements NOT intended to affect public officers who serve on governing bodies of state or local governments which are solely responsible for public policy-making.)

(Should local governments provide examples of certain public officers and employees who should be exempt from the “cooling-off” provisions, the Commission is amenable to changes to this section. However, the public policy behind existing law and this expansion to local governments is to prohibit a revolving door by governmental regulators of private businesses and industries at the state and local levels.)

7) Sec. 40, page 24:

Amend line 18 to read as follows:

An opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and

(Commission intent to authorize request for relief from strict application of the provisions herein pursuant to a confidential first-party request for opinion as specifically set forth in NRS 281A.440(1))

8) Sec. 40, page 24:

Amend lines 24-27 as follows:

9. As used in this section, “regulation” ~~{has}~~ :

(a) As applied to a state agency:

(1) Has the meaning ascribed to it in NRS 233B.038 ~~{and also includes}~~ ; and

(2) Includes regulations which are adopted by ~~{an}~~ a state agency that is not subject to the requirements of chapter 233B of NRS.

(b) As applied to a local agency, includes any ordinance, code or other governing law.

(Existing definition for “regulation” as used in “cooling-off” provisions of NRS 281A.550, which is being repealed and replaced in this section, applied only to State agencies. The “cooling-off” prohibitions are being expanded to local agencies and the definition of “regulation” must also now apply to local agencies).

9) Sec. 41, pages 25-26 (end of paragraph (a) of subsection 4 of NRS 281A.440):

Delete all new language in lines 39-44 on page 25 and lines 1-2 on page 26, and retain otherwise original language in the last sentence of paragraph (a) of subsection 4 of NRS 281A.420.

Current S.B. 228 amends NRS 281A.420(4)(a):

The presumption set forth in this paragraph ~~[does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.]~~ *exempts a public officer from the requirements set forth in subsection 1 when the benefit or detriment accruing to the public officer is not greater than that accruing to any other member of any general business, profession, occupation or group which is affected by the matter.*

Amend back to original language as follows:

The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

(Proposed amendment confuses disclosure obligations and deemed unnecessary.)

10) Sec. 42, page 29:

The Commission has authority over public officers and employees only, but this amendment governs governments. Delete lines 15-20 (new subsection 5) and replace (rewrite) with the following new language:

5. A public officer who is a member of the governing body of any county, city or other political subdivision shall not sell goods or services to the county, city or other political subdivision unless:

(a) The public officer, or an entity in which the public officer has a significant pecuniary interest, offers the sole source of supply of the goods or services within the area served by the governing body; and

(b) The governing body:

(1) Issues a public notice of the meeting which specifically mentions that such a purchase of goods or services will be considered; and

(2) Approves the purchase ~~[upon a two-thirds vote.]~~ according to law.

7) **Sec. 42, page 29:**

Amend line 24 to read as follows:

The Commission pursuant to subsection 1 of NRS 281A.440; and

(Commission intent to authorize request for relief from strict application of the provisions herein pursuant to a confidential first-party request for opinion as specifically set forth in NRS 281A.440(1))

8) **Sec. 43, pages 32 and 33:**

Delete lines 5-11 on page 32. Retain original language of last sentence of subsection 5 of NRS 281A.440, except for the following deletions:

The investigatory panel shall cause a record of its proceedings in each matter to be kept ~~[, and such a record must remain confidential until the investigatory panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter]~~.

Delete lines 34-45 and page 32 and delete lines 1-5 on page 33 and amend subsection 8 of NRS 281A.440 as follows:

8. Except as otherwise provided in ~~[this subsection, each]~~ *subsection 9, any information, communication, record, document or other material which is* in the possession of the Commission or its staff ~~[that]~~ *and* is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, ~~[the Commission's copy of the request and all materials and information gathered in an investigation of the request]~~ *the record of a proceeding of the investigatory panel required pursuant to subsection 5:*

(a) Is confidential and not a public record pursuant to Chapter 239 of the Nevada Revised Statutes until the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter ~~[-The]~~ *or* the public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 ~~[may]~~ in writing ~~[authorize]~~ *authorizes* the Commission to make its ~~[files, material and information]~~ *information, communications, records, documents or other materials* which are related to the request publicly available ~~[-]~~, *whichever occurs first.*

(b) Becomes a public record pursuant to Chapter 239 of the Nevada Revised Statutes after written notice of the final determination of the investigatory panel regarding just and sufficient cause for the Commission to render an opinion in the matter is served on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2.

Add new subsection to NRS 281A.440 as follows:

9. Except as otherwise provided in this section, the investigative file of the Commission is confidential. At any time after being served with written notice of the final determination of the investigatory panel regarding just and sufficient cause for the Commission to render an opinion in the matter, the subject of the request for opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of the Nevada Revised Statutes.

Change all remaining subsection numbers throughout NRS 281A.440 accordingly.

9) Sec. 43, page 34, after line 18:

Add new subsection as follows:

15. As used in this section, the investigative file of the Commission related to a request for opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to this section includes, without limitation, any information obtained by the Commission via any form of communication during the course of an investigation and any record, document or other material created or maintained during an investigation related to the subject, whether or not acquired through a subpoena.

(Commission's intent is to protect its investigative file as confidential except when it presents information from its investigative file as evidence against the Subject in rendering an opinion in the matter. This practice mirrors that of the Attorney General with regard to investigations of various State licensing boards. See, e.g., NRS 622A.330 and 625.425

10) Sec. 45, pages 36 and 37:

Delete proposed new language at the end of paragraph (a) of subsection 5 of NRS 281A.480.

(Proposed language did not comport with Commission's intent, any statutory amendment to NRS 281A.480 deemed unnecessary at this time)

11) Sec. 45, pages 36-37, lines 36-45 on page 36 and lines 1-9 on page 37:

Amend provisions which provide safe harbor from a willful violation as follows:

5. An action taken by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of a provision of those sections if the public officer or employee establishes by sufficient evidence that the public officer or employee satisfied all of the following requirements:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by the public body on which the public officer ~~[represents]~~ serves or by the employer of the public employee ~~[or upon the manual published by the Commission pursuant to NRS 281A.290.~~

~~(b) The public officer or employee was unable, through no fault of the public officer or employee, to obtain an opinion from the Commission before the action was taken];~~ and

~~(c)~~ (b) The public officer or employee took action that was not contrary to a prior published opinion issued by the Commission.

(Commission encourages public officers and employees to rely upon legal counsel. Such good faith reliance should shield the public officer or employee from a willful violation without need to appear before the Commission for an opinion. The Commission's manual is not an appropriate reference to rely upon for safe-harbor from a willful violation of the Ethics in Government Law)

12) Sec. 57, page 43, lines 11-13:

Amend effective dates of bill as follows:

1. This section and sections 1 to 38, inclusive, 41, 43 to 48, inclusive, and 56 of this act become effective upon passage and approval.
2. Sections 39, 40, 42, and 49 to 55, inclusive, of this act become effective on January 1, 2014.

(Changes effective dates of the bill to provide requisite time for any necessary notice of amendments and/or training for public officers and employees)

13) Transitory Provisions (Grandfather Clauses):

NRS 281A.550(3) is proposed to be repealed and replaced in subsection 5 of NRS 281A.410 (Sec. 40 of S.B. 228) to codify all “cooling-off” provisions affecting former public officers and employees in a single section. NRS 281A.550 was originally enacted and codified as NRS 281.236 in 1993 and included the following Grandfather Clause:

“Ch. 597, Stats. 1993, the source of subsection 3 of this section, contains the following provision not included in NRS:

The provisions of subsection 3 of [NRS 281.236] do not apply to the service or employment of a public officer or employee who is serving or is employed by an agency, division or department of the executive branch of government on July 12, 1993, or was such an officer or employee before July 12, 1993, unless on or after that date, that person is appointed to serve as an officer or retained as an employee of another agency, division or department of the executive branch of government for which subsequent employment is restricted pursuant to subsection 3 of [NRS 281.236.]”

The Commission proposes to include the same or similar Grandfather Clause in S.B. 228 to ensure that the recodification of NRS 281A.550(3) as the new NRS 281A.410(5) does not negatively affect those employed on or before the original effective date of the legislation in 1993.

Further, the existing provisions of NRS 281A.550(3) govern cooling off requirements for former public officers and employees of the Executive Department of State Government. The provisions are being amended in Sec. 40 of S.B. 228 (NRS 281A.410(5)) to include former public officers and employees of local governments. Accordingly, the Commission proposes a similar Grandfather Clause for existing public officers and employees of such local governments who will be affected by this amendment as of the effective date of this amendment.

SENATE BILL NO. 228—SENATOR PARKS (BY REQUEST)

MARCH 11, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to public servants. (BDR 23-445)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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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 servants; revising provisions relating to public officers and employees; revising provisions relating to statements of financial disclosure; revising provisions relating to ethics in government and the enforcement of such provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill makes various changes to provisions relating to public officers and
2 employees, ethics in government and the ethics laws. (Chapters 281 and 281A of
3 NRS)
4 Existing law requires certain candidates for public office and certain public
5 officers to file annual statements of financial disclosure with the Secretary of State.
6 (NRS 281.558-281.581) Sections 2-10 of this bill define certain terms relating to
7 the statements of financial disclosure.
8 Sections 11-13, 42 and 49-55 of this bill revise provisions prohibiting public
9 officers and employees from being interested in or benefiting from governmental
10 contracts and clarify certain procedures for voiding governmental contracts or other
11 actions which violate ethics laws.
12 Sections 18-24 and 30-32 of this bill enact and revise various definitions in the
13 Nevada Ethics in Government Law. Section 19 revises and makes applicable
14 throughout the Ethics Law the existing definition of “commitment in a private
15 capacity to the interests of another person” in NRS 281A.420, but retains without
16 change the definition’s catchall provision.
17 Section 23 of this bill defines “pecuniary interest,” and sections 40 and 42 of
18 this bill require proof of a significant pecuniary interest in defining various types of
19 unethical conduct.
20 Section 25 of this bill enacts provisions for computing periods prescribed or
21 allowed under the Ethics Law. Sections 26 and 40 of this bill move and revise
22 certain existing provisions from NRS 281A.410 requiring certain public officers to
23 file disclosures if they have represented or counseled a private person for

Delete lines 15 and 16 and retain the following language: “capacity to the interests of another person’ in NRS 281A.420.”



24 compensation before certain agencies. **Section 27** of this bill authorizes the
25 Commission on Ethics to apply for and accept grants, contributions, services and
26 money for the purposes of carrying out the Ethics Law.

27 **Sections 33-37** of this bill make various changes concerning the Commission
28 on Ethics and the duties of the Executive Director of the Commission and the
29 Commission Counsel. Those changes include: (1) adjusting the eligibility
30 requirements for certain members of the Commission; (2) requiring the Chair of the
31 Commission to designate a qualified person to perform the duties of the Executive
32 Director if the Executive Director is disqualified or unable to act on a particular
33 matter; (3) revising the administration of the assessments paid by cities and
34 counties in semiannual installments to the Commission; and (4) expanding the
35 Commission's authority to adopt regulations to carry out the Ethics Law.

36 **Section 38** of this bill directs public officers and employees who request the
37 issuance of a subpoena on their behalf in ethics proceedings to serve the subpoena
38 in the manner provided in the Nevada Rules of Civil Procedure and to pay the costs
39 of such service.

40 **Sections 39-44** of this bill make various changes to provisions in the Ethics
41 Law, including provisions relating to conflicts of interests for public officers and
42 employees, disclosures and abstentions, the rendering of opinions and conduct of
43 investigations by the Commission on Ethics and the duties of specialized and local
44 ethics committees.

45 **Section 39** of this bill revises provisions proscribing various types of unethical
46 conduct.

47 **Section 40** of this bill revises restrictions on various public officers and
48 employees representing or counseling private persons for compensation before
49 certain agencies, and moves and revises the existing "cooling off" provisions from
50 NRS 281A.550 prohibiting various public officers and employees from accepting
51 compensation from certain persons or entities for a specified period after leaving
52 public service.

53 **Section 46** of this bill provides new requirements relating to informing,
54 educating and instructing public officers and employees concerning the statutory
55 ethical standards and the duties of public officers and employees under the Ethics
56 Law.

57 **Section 48** of this bill authorizes the Commission on Ethics to request the
58 drafting of 2 legislative measures for each regular session of the Legislature.

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

1 **Section 1.** Chapter 281 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this
3 act.

4 **Sec. 2.** *As used in NRS 281.558 to 281.581, inclusive, and*
5 *sections 2 to 10, inclusive, of this act, unless the context otherwise*
6 *requires, the words and terms defined in NRS 281.558 and*
7 *sections 3 to 10, inclusive, of this act have the meanings ascribed*
8 *to them in those sections.*

9 **Sec. 3.** *"Business entity" means an organization or*
10 *enterprise operated for economic gain, including, without*
11 *limitation, a proprietorship, partnership, firm, business, company,*
12 *trust, joint venture, syndicate, corporation or association.*



1 **Sec. 4.** *“Domestic partner” means a person in a domestic*
2 *partnership.*

3 **Sec. 5.** *“Domestic partnership” means:*

4 1. *A domestic partnership as defined in NRS 122A.040; or*

5 2. *A domestic partnership which was validly formed in*
6 *another jurisdiction and which is substantially equivalent to a*
7 *domestic partnership as defined in NRS 122A.040, regardless of*
8 *whether it bears the name of a domestic partnership or is*
9 *registered in this State.*

10 **Sec. 6.** *“Household” means an association of persons who*
11 *live in the same home or dwelling, sharing its expenses.*

12 **Sec. 7.** *“Intentionally” means voluntarily or deliberately,*
13 *rather than accidentally or inadvertently. The term does not*
14 *require proof of bad faith, ill will, evil intent or malice.*

15 **Sec. 8.** *“Knowingly” imports a knowledge that the facts exist*
16 *which constitute the act or omission, and does not require*
17 *knowledge of the prohibition against the act or omission.*
18 *Knowledge of any particular fact may be inferred from the*
19 *knowledge of such other facts as should put an ordinarily prudent*
20 *person upon inquiry.*

21 **Sec. 9.** *“Member of the candidate’s or public officer’s*
22 *household” means:*

23 1. *The spouse or domestic partner of the candidate or public*
24 *officer;*

25 2. *A person who lives in the household of the candidate or*
26 *public officer;*

27 3. *A person who does not live in the household of the*
28 *candidate or public officer, but who is dependent on and receiving*
29 *substantial support from the candidate or public officer; or*

30 4. *A person who lives in the household of the candidate or*
31 *public officer for 6 months or more in the year immediately*
32 *preceding the year in which the candidate or public officer files a*
33 *statement of financial disclosure.*

34 **Sec. 10.** *“Political subdivision” means any county, city or*
35 *other local government as defined in NRS 354.474.*

36 **Sec. 11.** 1. *In addition to any other penalty provided by law,*
37 *any governmental grant, contract or lease made or other*
38 *governmental action taken by a public officer or employee in*
39 *violation of this chapter or chapter 281A of NRS is voidable by the*
40 *State, county, city or political subdivision.*

41 2. *The Attorney General, district attorney or city attorney*
42 *shall give notice of the intent to void a governmental grant,*
43 *contract or lease or other governmental action pursuant to this*
44 *section not later than 30 days after adjudication of the violation.*

Delete “sharing its expenses” from definition of “household” as follows:

“Household” means an association of persons who live in the same home or dwelling
~~*[,sharing its expenses]*~~.



* S B 2 2 8 *

1 3. *In determining whether to void a governmental grant,*
2 *contract or lease or other governmental action pursuant to this*
3 *section, the interests of innocent third parties who could be*
4 *damaged must be taken into account.*

5 4. *In addition to any other penalty provided by law, the*
6 *Attorney General, district attorney or city attorney may:*

7 (a) *Pursue any other available legal or equitable remedies as a*
8 *result of a violation of this chapter or chapter 281A of NRS by a*
9 *public officer or employee; and*

10 (b) *Recover any fee, compensation, gift or benefit received by a*
11 *person as a result of a violation of this chapter or chapter 281A of*
12 *NRS by a public officer or employee. An action to recover*
13 *pursuant to this section must be brought within 2 years after the*
14 *violation or reasonable discovery of the violation.*

15 **Sec. 12.** NRS 281.221 is hereby amended to read as follows:

16 281.221 1. Except as otherwise provided in this section ~~†~~
17 *and NRS 281A.430*, it is unlawful for ~~†any†~~ a state officer who is
18 not a member of the Legislature to:

19 (a) Become a contractor under any contract or order for supplies
20 or other kind of contract authorized by or for the State or any of its
21 departments, or the Legislature or either of its houses, or to be
22 interested, directly or indirectly, as principal, in any kind of contract
23 so authorized.

24 (b) Be interested in any contract made by the officer or to be a
25 purchaser or interested in any purchase under a sale made by the
26 officer in the discharge of the officer's official duties.

27 2. ~~†Any†~~ A member of any board, commission or similar body
28 who is engaged in the profession, occupation or business regulated
29 by the board, commission or body may supply or contract to supply,
30 in the ordinary course of the member's business, goods, materials or
31 services to any state or local agency, except the board, ~~†or†~~
32 commission *or body* of which he or she is a member, if the member
33 has not taken part in developing the contract plans or specifications
34 and the member will not be personally involved in opening,
35 considering or accepting offers.

36 3. A full- or part-time faculty member in the Nevada System of
37 Higher Education may bid on or enter into a contract with a
38 governmental agency, or may benefit financially or otherwise from
39 a contract between a governmental agency and a private entity, if
40 the contract complies with the policies established by the Board of
41 Regents of the University of Nevada pursuant to NRS 396.255.

42 4. A state officer, other than an officer described in subsection
43 2 or 3, may bid on or enter into a contract with a governmental
44 agency if the contracting process is controlled by rules of open
45 competitive bidding, the sources of supply are limited, the officer



1 has not taken part in developing the contract plans or specifications
2 and the officer will not be personally involved in opening,
3 considering or accepting offers.

4 5. ~~{Any}~~ *In addition to any other penalty provided by law, any*
5 *governmental* contract made *or other governmental action taken* in
6 violation of this section may be declared void ~~at the instance of the~~
7 ~~State or of any other person interested in the contract except an~~
8 ~~officer prohibited from making or being interested in the contract.~~
9 ~~6. Any person violating~~ *pursuant to section 11 of this act.*

10 6. *A person who violates* this section is guilty of a gross
11 misdemeanor and shall forfeit his or her office.

12 **Sec. 13.** NRS 281.230 is hereby amended to read as follows:

13 281.230 1. Except as otherwise provided in this section and
14 NRS 218A.970, ~~{281A.530}~~ *281A.430* and 332.800, the following
15 persons shall not, in any manner, directly or indirectly, receive any
16 commission, personal profit or compensation of any kind resulting
17 from any contract or other significant transaction in which the
18 employing state, county, municipality, township, district or quasi-
19 municipal corporation is in any way directly interested or affected:

20 (a) State, county, municipal, district and township officers of the
21 State of Nevada;

22 (b) Deputies and employees of state, county, municipal, district
23 and township officers; and

24 (c) Officers and employees of quasi-municipal corporations.

25 2. A member of any board, commission or similar body who is
26 engaged in the profession, occupation or business regulated by the
27 board, commission or body may, in the ordinary course of his or her
28 business, bid on or enter into a contract with any governmental
29 agency, except the board, ~~or~~ commission *or body* of which he or
30 she is a member, if the member has not taken part in developing the
31 contract plans or specifications and the member will not be
32 personally involved in opening, considering or accepting offers.

33 3. A full- or part-time faculty member or employee of the
34 Nevada System of Higher Education may bid on or enter into a
35 contract with a governmental agency, or may benefit financially or
36 otherwise from a contract between a governmental agency and a
37 private entity, if the contract complies with the policies established
38 by the Board of Regents of the University of Nevada pursuant to
39 NRS 396.255.

40 4. A public officer or employee, other than an officer or
41 employee described in subsection 2 or 3, may bid on or enter into a
42 contract with a governmental agency if the contracting process is
43 controlled by rules of open competitive bidding, the sources of
44 supply are limited, the public officer or employee has not taken part
45 in developing the contract plans or specifications and the public



1 officer or employee will not be personally involved in opening,
2 considering or accepting offers. If a public officer who is authorized
3 to bid on or enter into a contract with a governmental agency
4 pursuant to this subsection is a member of the governing body of the
5 agency, the public officer, pursuant to the requirements of NRS
6 281A.420, shall disclose his or her interest in the contract and shall
7 not vote on or advocate the approval of the contract.

8 5. A person who violates any of the provisions of this section
9 shall be punished as provided in NRS 197.230 and:

10 (a) Where the commission, personal profit or compensation is
11 \$650 or more, for a category D felony as provided in NRS 193.130.

12 (b) Where the commission, personal profit or compensation is
13 less than \$650, for a misdemeanor.

14 6. *In addition to any other penalty provided by law:*

15 (a) A person who violates the provisions of this section shall
16 pay any commission, personal profit or compensation resulting from
17 the contract or transaction to the employing state, county,
18 municipality, township, district or quasi-municipal corporation as
19 restitution.

20 (b) *Any governmental contract made or other governmental*
21 *action taken in violation of this section may be declared void*
22 *pursuant to section 11 of this act.*

23 **Sec. 14.** NRS 281.558 is hereby amended to read as follows:

24 281.558 ~~{As used in NRS 281.558 to 281.581, inclusive,~~
25 ~~“candidate”}~~ *“Candidate”* means any person:

- 26 1. Who files a declaration of candidacy;
- 27 2. Who files an acceptance of candidacy; or
- 28 3. Whose name appears on an official ballot at any election.

29 **Sec. 15.** NRS 281.571 is hereby amended to read as follows:

30 281.571 1. Statements of financial disclosure, as approved
31 pursuant to NRS 281A.470 or in such electronic form as the
32 Secretary of State otherwise prescribes, must contain the following
33 information concerning the candidate for public office or public
34 officer:

35 (a) The candidate’s or public officer’s length of residence in the
36 State of Nevada and the district in which the candidate for public
37 office or public officer is registered to vote.

38 (b) Each source of the candidate’s or public officer’s income, or
39 that of any member of the candidate’s or public officer’s household
40 who is 18 years of age or older. No listing of individual clients,
41 customers or patients is required, but if that is the case, a general
42 source such as “professional services” must be disclosed.

43 (c) A list of the specific location and particular use of real estate,
44 other than a personal residence:



1 (1) In which the candidate for public office or public officer
2 or a member of the candidate's or public officer's household has a
3 legal or beneficial interest;

4 (2) Whose fair market value is \$2,500 or more; and

5 (3) That is located in this State or an adjacent state.

6 (d) The name of each creditor to whom the candidate for public
7 office or public officer or a member of the candidate's or public
8 officer's household owes \$5,000 or more, except for:

9 (1) A debt secured by a mortgage or deed of trust of real
10 property which is not required to be listed pursuant to paragraph (c);
11 and

12 (2) A debt for which a security interest in a motor vehicle for
13 personal use was retained by the seller.

14 (e) If the candidate for public office or public officer has
15 received gifts in excess of an aggregate value of \$200 from a donor
16 during the preceding taxable year, a list of all such gifts, including
17 the identity of the donor and value of each gift, except:

18 (1) A gift received from a person who is related to the
19 candidate for public office or public officer *by blood, adoption,*
20 *marriage or domestic partnership* within the third degree of
21 consanguinity or affinity.

22 (2) Ceremonial gifts received for a birthday, wedding,
23 anniversary, holiday or other ceremonial occasion if the donor does
24 not have a substantial interest in the legislative, administrative or
25 political action of the candidate for public office or public officer.

26 (f) A list of each business entity with which the candidate for
27 public office or public officer or a member of the candidate's or
28 public officer's household is involved as a trustee, beneficiary of a
29 trust, director, officer, owner in whole or in part, limited or general
30 partner, or holder of a class of stock or security representing 1
31 percent or more of the total outstanding stock or securities issued by
32 the business entity.

33 (g) A list of all public offices presently held by the candidate for
34 public office or public officer for which this statement of financial
35 disclosure is required.

36 2. The Secretary of State may adopt regulations necessary to
37 carry out the provisions of this section.

38 ~~3. As used in this section, "member of the candidate's or~~
39 ~~public officer's household" includes:~~

40 ~~(a) The spouse of the candidate for public office or public~~
41 ~~officer;~~

42 ~~(b) A person who does not live in the same home or dwelling,~~
43 ~~but who is dependent on and receiving substantial support from the~~
44 ~~candidate for public office or public officer; and~~



~~1 (c) A person who lived in the home or dwelling of the candidate
2 for public office or public officer for 6 months or more in the year
3 immediately preceding the year in which the candidate for public
4 office or public officer files the statement of financial disclosure.~~

5 **Sec. 16.** NRS 281.573 is hereby amended to read as follows:

6 281.573 1. Except as otherwise provided in subsection 2,
7 statements of financial disclosure required by the provisions of NRS
8 ~~281.558 to 281.572, inclusive,~~ **281.559 and 281.561** must be
9 retained by the Secretary of State for 6 years after the date of filing.

10 2. For public officers who serve more than one term in either
11 the same public office or more than one public office, the period
12 prescribed in subsection 1 begins on the date of the filing of the last
13 statement of financial disclosure for the last public office held.

14 **Sec. 17.** Chapter 281A of NRS is hereby amended by adding
15 thereto the provisions set forth as sections 18 to 27, inclusive, of this
16 act.

17 **Sec. 18.** *“Agency” means any state or local agency.*

18 **Sec. 19.** *“Commitment in a private capacity to the interests of
19 another person” means a commitment, interest or relationship of a
20 public officer or employee to a person:*

21 1. *Who is the spouse or domestic partner of the public officer
22 or employee;*

23 2. *Who is a member of the household of the public officer or
24 employee;*

25 3. *Who is related to the public officer or employee, or to the
26 spouse or domestic partner of the public officer or employee, by
27 blood, adoption, marriage or domestic partnership within the third
28 degree of consanguinity or affinity;*

29 4. *Who employs the public officer or employee, the spouse or
30 domestic partner of the public officer or employee or a member of
31 the household of the public officer or employee;*

32 5. *With whom the public officer or employee has a
33 substantial and continuing business relationship; or*

34 6. *With whom the public officer or employee has any other
35 commitment, interest or relationship that is substantially similar to
36 a commitment, interest or relationship described in subsections 1
37 to 5, inclusive.*

38 **Sec. 20.** *“Domestic partner” means a person in a domestic
39 partnership.*

40 **Sec. 21.** *“Domestic partnership” means:*

41 1. *A domestic partnership as defined in NRS 122A.040; or*

42 2. *A domestic partnership which was validly formed in
43 another jurisdiction and which is substantially equivalent to a
44 domestic partnership as defined in NRS 122A.040, regardless of*



1 *whether it bears the name of a domestic partnership or is*
2 *registered in this State.*

3 **Sec. 22.** *“Local agency” means any local legislative body,*
4 *agency, bureau, board, commission, department, division, office or*
5 *other unit of any county, city or other political subdivision.*

6 **Sec. 23.** *“Pecuniary interest” means any beneficial or*
7 *detrimental interest in a matter that consists of or is measured in*
8 *money or is otherwise related to money, including, without*
9 *limitation:*

10 *1. Anything of economic value; and*

11 *2. Payments or other money which a person is owed or*
12 *otherwise entitled to by virtue of any statute, regulation, code,*
13 *ordinance or contract or other agreement.*

14 **Sec. 24.** *“State agency” means any agency, bureau, board,*
15 *commission, department, division, office or other unit of the*
16 *Executive Department of the State Government.*

17 **Sec. 25.** *In computing any period prescribed or allowed by*
18 *this chapter:*

19 *1. If the period begins to run on the occurrence of an act or*
20 *event, the day on which the act or event begins is excluded from*
21 *the computation.*

22 *2. The last day of the period is included in the computation,*
23 *except that if the last day falls on a Saturday, Sunday, legal*
24 *holiday or holiday proclaimed by the Governor or on a day on*
25 *which the office of the Commission is not open for the conduct of*
26 *business, the period is extended to the close of business on the*
27 *next business day.*

28 **Sec. 26.** *1. Not later than January 15 of each year, a State*
29 *Legislator or public officer who has, within the preceding*
30 *calendar year, represented or counseled a private person for*
31 *compensation before an agency shall disclose for each occurrence*
32 *of such representation or counseling during the preceding*
33 *calendar year:*

34 *(a) The name of the private person;*

35 *(b) The nature of the representation or counseling; and*

36 *(c) The name of the agency.*

37 *2. The disclosure required pursuant to subsection 1 must be*
38 *made in writing and timely filed with the Commission on a form*
39 *prescribed by the Commission. For the purposes of this*
40 *subsection, the disclosure is timely filed if, on or before the last*
41 *day for filing, the disclosure is:*

42 *(a) Delivered in person to the principal office of the*
43 *Commission in Carson City.*

44 *(b) Mailed to the Commission by first-class mail, or other class*
45 *of mail that is at least as expeditious, postage prepaid. Filing by*



1 *mail is complete upon timely depositing the disclosure with the*
2 *United States Postal Service.*

3 *(c) Dispatched to a third-party commercial carrier for delivery*
4 *to the Commission within 3 calendar days. Filing by third-party*
5 *commercial carrier is complete upon timely depositing the*
6 *disclosure with the third-party commercial carrier.*

7 *(d) Transmitted to the Commission by facsimile machine or*
8 *other electronic means authorized by the Commission. Filing by*
9 *facsimile machine or other electronic means is complete upon*
10 *receipt of the transmission by the Commission.*

11 *3. The Commission shall retain a disclosure filed pursuant to*
12 *this section for 6 years after the date on which the disclosure was*
13 *filed.*

14 **Sec. 27.** *The Commission may apply for and accept grants,*
15 *contributions, services or money for the purposes of carrying out*
16 *the provisions of this chapter only if the action is approved by a*
17 *majority vote in an open public meeting of the Commission.*

18 **Sec. 28.** NRS 281A.020 is hereby amended to read as follows:
19 281A.020 1. It is hereby declared to be the public policy of
20 this State that:

21 (a) A public office is a public trust and shall be held for the sole
22 benefit of the people.

23 (b) A public officer or employee must commit himself or herself
24 to avoid conflicts between the private interests of the public officer
25 or employee and those of the general public whom the public officer
26 or employee serves.

27 2. The Legislature finds and declares that:

28 (a) The increasing complexity of state and local government,
29 more and more closely related to private life and enterprise, enlarges
30 the potentiality for conflict of interests.

31 (b) To enhance the people's faith in the integrity and
32 impartiality of public officers and employees, adequate guidelines
33 are required to show the appropriate separation between the roles of
34 persons who are both public servants and private citizens.

35 (c) In interpreting and applying the provisions of this chapter
36 that are applicable to State Legislators, the Commission must give
37 appropriate weight and proper deference to the public policy of this
38 State under which State Legislators serve as "citizen Legislators"
39 who have other occupations and business interests, who are
40 expected to have particular philosophies and perspectives that are
41 necessarily influenced by the life experiences of the Legislator,
42 including, without limitation, professional, family and business
43 experiences, and who are expected to contribute those philosophies
44 and perspectives to the debate over issues with which the
45 Legislature is confronted.



1 (d) The provisions of this chapter do not, under any
2 circumstances, allow the Commission to exercise jurisdiction or
3 authority over or inquire into, intrude upon or interfere with the
4 functions of a State Legislator that are protected by legislative
5 privilege and immunity pursuant to the Constitution of the State of
6 Nevada or NRS 41.071.

7 *3. Any act or conduct by a public officer or employee which
8 does not comport with the public policy declared in this section but
9 which does not violate any other specific provision of this chapter
10 does not constitute a violation of this chapter.*

Delete entirety of new language in subsection 3, lines 7-10 on page 11
(eliminates all amendments to Sec. 28).

11 **Sec. 29.** NRS 281A.030 is hereby amended to read as follows:
12 281A.030 As used in this chapter, unless the context otherwise
13 requires, the words and terms defined in NRS 281A.040 to
14 281A.170, inclusive, *and sections 18 to 24, inclusive, of this act*
15 have the meanings ascribed to them in those sections.

16 **Sec. 30.** NRS 281A.100 is hereby amended to read as follows:
17 281A.100 “Household” means an association of persons who
18 live in the same home or dwelling, sharing its expenses . ~~{and who
19 are related by blood, adoption or marriage.}~~

Delete “sharing its expenses” as follows:
*“Household” means an association of persons who live in the same home or
dwelling*
~~{sharing its expenses}.~~

20 **Sec. 31.** NRS 281A.125 is hereby amended to read as follows:
21 281A.125 “Member of a local legislative body” means a
22 member of a board of county commissioners, a governing body of a
23 city or a governing body of any other political subdivision who
24 performs any function that involves introducing, voting upon or
25 otherwise acting upon any matter of a permanent or general
26 character which may reflect public policy . ~~{and which is not
27 typically restricted to identifiable persons or groups.}~~

28 **Sec. 32.** NRS 281A.160 is hereby amended to read as follows:
29 281A.160 1. “Public officer” means a person elected or
30 appointed to a position which:

31 (a) Is established by the Constitution of the State of Nevada, a
32 statute of this State or a charter or ordinance of any county, city or
33 other political subdivision; and

34 (b) Involves the exercise of a public power, trust or duty. ~~{As
35 used in this section, “the}~~

36 *2. For the purposes of subsection 1:*
37 *(a) A position is established by the Constitution of the State of*
38 *Nevada, a statute of this State or a charter or ordinance of any*
39 *county, city or other political subdivision if the position is*
40 *established or created directly by the source of authority or if the*
41 *source of authority authorizes a public body or officer to establish*
42 *or create the position.*

43 (b) “The exercise of a public power, trust or duty” means:



1 (1) Actions taken in an official capacity which involve a
2 substantial and material exercise of administrative discretion in the
3 formulation of public policy;

4 (2) The expenditure of public money; and

5 (3) The administration of laws and rules of the State or any
6 county, city or other political subdivision.

7 ~~12-1~~ 3. *“Public officer” includes, without limitation, a person*
8 *appointed, contracted with or otherwise employed, with or without*
9 *compensation, to perform the duties of a position which is a public*
10 *office or to serve in such a position on a temporary, interim or*
11 *acting basis.*

12 4. “Public officer” does not include:

13 (a) Any justice, judge or other officer of the court system;

14 (b) Any member of a board, commission or other body whose
15 function is advisory;

16 (c) Any member of a special district whose official duties do not
17 include the formulation of a budget for the district or the
18 authorization of the expenditure of the district’s money; or

19 (d) A county health officer appointed pursuant to NRS 439.290.

20 ~~13-1~~ 5. “Public office” does not include an office held by:

21 (a) Any justice, judge or other officer of the court system;

22 (b) Any member of a board, commission or other body whose
23 function is advisory;

24 (c) Any member of a special district whose official duties do not
25 include the formulation of a budget for the district or the
26 authorization of the expenditure of the district’s money; or

27 (d) A county health officer appointed pursuant to NRS 439.290.

28 **Sec. 33.** NRS 281A.200 is hereby amended to read as follows:

29 281A.200 1. The Commission on Ethics, consisting of eight
30 members, is hereby created.

31 2. The Legislative Commission shall appoint to the
32 Commission four residents of the State, at least two of whom ~~are~~
33 *must be* former public officers ~~or~~ *or employees*, and at least one of
34 whom must be an attorney licensed to practice law in this State.

35 3. The Governor shall appoint to the Commission four
36 residents of the State, at least two of whom must be former public
37 officers or ~~public~~ employees, and at least one of whom must be an
38 attorney licensed to practice law in this State.

39 4. Not more than four members of the Commission may be
40 members of the same political party. *The provisions of NRS*
41 *281.057 do not apply to this subsection.*

42 5. Not more than four members *of the Commission* may be
43 residents of the same county.

44 ~~15-1~~ 6. None of the members of the Commission may, while the
45 member is serving on the Commission:



- 1 (a) Hold another public office;
2 (b) Be actively involved in the work of any political party or
3 political campaign; or
4 (c) Communicate directly with a State Legislator or a member of
5 a local legislative body on behalf of someone other than himself or
6 herself or the Commission, for compensation, to influence:
7 (1) The State Legislator with regard to introducing or voting
8 upon any matter or taking other legislative action; or
9 (2) The member of the local legislative body with regard to
10 introducing or voting upon any ordinance or resolution, taking other
11 legislative action or voting upon:
12 (I) The appropriation of public money;
13 (II) The issuance of a license or permit; or
14 (III) Any proposed subdivision of land or special
15 exception or variance from zoning regulations.
16 ~~16.1~~ 7. After the initial terms, the terms of the members are 4
17 years. Any vacancy in the membership must be filled by the
18 appropriate appointing authority for the unexpired term. Each
19 member may serve no more than two consecutive full terms.
20 **Sec. 34.** NRS 281A.240 is hereby amended to read as follows:
21 281A.240 1. In addition to any other duties imposed upon the
22 Executive Director, the Executive Director shall:
23 (a) Maintain complete and accurate records of all transactions
24 and proceedings of the Commission.
25 (b) Receive requests for opinions pursuant to NRS 281A.440.
26 (c) Gather information and conduct investigations regarding
27 requests for opinions received by the Commission and submit
28 recommendations to the investigatory panel appointed pursuant to
29 NRS 281A.220 regarding whether there is just and sufficient cause
30 to render an opinion in response to a particular request.
31 (d) Recommend to the Commission any regulations or
32 legislation that the Executive Director considers desirable or
33 necessary to improve the operation of the Commission and maintain
34 high standards of ethical conduct in government.
35 (e) Upon the request of any public officer or the employer of a
36 public employee, conduct training on the requirements of this
37 chapter, the rules and regulations adopted by the Commission and
38 previous opinions of the Commission. In any such training, the
39 Executive Director shall emphasize that the Executive Director is
40 not a member of the Commission and that only the Commission
41 may issue opinions concerning the application of the statutory
42 ethical standards to any given set of facts and circumstances. The
43 Commission may charge a reasonable fee to cover the costs of
44 training provided by the Executive Director pursuant to this
45 subsection.



1 (f) Perform such other duties, not inconsistent with law, as may
2 be required by the Commission.

3 2. The Executive Director shall, within the limits of legislative
4 appropriation, employ such persons as are necessary to carry out any
5 of the Executive Director's duties relating to:

6 (a) The administration of the affairs of the Commission; and

7 (b) The investigation of matters under the jurisdiction of the
8 Commission.

9 *3. If the Executive Director is prohibited from acting on a
10 particular matter or is otherwise unable to act on a particular
11 matter, the Chair of the Commission shall designate a qualified
12 person to perform the duties of the Executive Director with regard
13 to that particular matter.*

14 **Sec. 35.** NRS 281A.260 is hereby amended to read as follows:

15 281A.260 1. The Commission Counsel is the legal adviser to
16 the Commission. For each opinion of the Commission, the
17 Commission Counsel shall prepare, at the direction of the
18 Commission, the appropriate findings of fact and conclusions as to
19 relevant standards and the propriety of particular conduct. ~~within~~
20 ~~the time set forth in subsection 6 of NRS 281A.440.~~ The
21 Commission Counsel shall not issue written opinions concerning the
22 applicability of the statutory ethical standards to a given set of facts
23 and circumstances except as directed by the Commission.

24 2. The Commission may rely upon the legal advice of the
25 Commission Counsel in conducting its daily operations.

26 3. If the Commission Counsel is prohibited from acting on a
27 particular matter or is otherwise unable to act on a particular matter,
28 the Commission may:

29 (a) Request that the Attorney General appoint a deputy to act in
30 the place of the Commission Counsel; or

31 (b) Employ outside legal counsel.

32 **Sec. 36.** NRS 281A.270 is hereby amended to read as follows:

33 281A.270 1. Each county whose population is 10,000 or
34 more and each city whose population is 15,000 or more and that is
35 located within such a county shall pay an assessment for the costs
36 incurred by the Commission each biennium in carrying out its
37 functions pursuant to this chapter. The total amount of money to be
38 derived from assessments paid pursuant to this subsection for a
39 biennium must be determined by the Legislature in the legislatively
40 approved budget of the Commission for that biennium. The
41 assessments must be apportioned among each such city and county
42 based on the proportion that the total population of the city or the
43 total population of the unincorporated area of the county bears to the
44 total population of all such cities and the unincorporated areas of all
45 such counties in this State.



1 2. On or before July 1 of each odd-numbered year, the
2 Executive Director shall, in consultation with the Budget Division
3 of the Department of Administration and the Fiscal Analysis
4 Division of the Legislative Counsel Bureau, determine for the next
5 ensuing biennium the amount of the assessments due for each city
6 and county that is required to pay an assessment pursuant to
7 subsection 1. The assessments must be paid to the Commission in
8 semiannual installments that are due on or before August 1 and
9 February 1 of each year of the biennium. The Executive Director
10 shall send out a billing statement to each such city or county which
11 states the amount of the semiannual installment payment due from
12 the city or county.

13 3. Any money that the Commission receives pursuant to
14 subsection 2:

15 (a) Must be deposited in the State Treasury, accounted for
16 separately in the State General Fund and credited to the budget
17 account for the Commission;

18 (b) May only be used to carry out the provisions of this chapter
19 and only to the extent authorized for expenditure by the Legislature;

20 ~~and~~
21 (c) Does not revert to the State General Fund at the end of any
22 fiscal year ~~+~~; and

23 (d) *Does not revert to a city or county if:*

24 (1) *The actual expenditures by the Commission are less*
25 *than the amount of the assessments approved by the Legislature*
26 *pursuant to subsection 1 and the city or county has already*
27 *remitted its semiannual installment to the Commission for the*
28 *billing period; or*

29 (2) *The budget of the Commission is modified after the*
30 *amount of the assessments has been approved by the Legislature*
31 *pursuant to subsection 1 and the city or county has already*
32 *remitted its semiannual installment to the Commission for the*
33 *billing period.*

34 4. If any installment payment is not paid on or before the date
35 on which it is due, the Executive Director shall make reasonable
36 efforts to collect the delinquent payment. If the Executive Director
37 is not able to collect the arrearage, the Executive Director shall
38 submit a claim for the amount of the unpaid installment payment to
39 the Department of Taxation. If the Department of Taxation receives
40 such a claim, the Department shall deduct the amount of the claim
41 from money that would otherwise be allocated from the Local
42 Government Tax Distribution Account to the city or county that
43 owes the installment payment and shall transfer that amount to the
44 Commission.



1 5. As used in this section, “population” means the current
2 population estimate for that city or county as determined and
3 published by the Department of Taxation and the demographer
4 employed pursuant to NRS 360.283.

5 **Sec. 37.** NRS 281A.290 is hereby amended to read as follows:

6 281A.290 The Commission shall:

7 1. Adopt ~~procedural~~ regulations:

8 (a) To facilitate the receipt of inquiries by the Commission;

9 (b) For the filing of a request for an opinion with the
10 Commission;

11 (c) For the withdrawal of a request for an opinion by the person
12 who filed the request; ~~and~~

13 (d) To facilitate the prompt rendition of opinions by the
14 Commission ~~;~~;

15 *(e) Specifying the information sufficient to satisfy the
16 disclosure requirements of subsection 1 of NRS 281A.420; and*

17 *(f) Which are proper and necessary to carry out the provisions
18 of this chapter.*

19 2. *Define by regulation the term “gift” for the purposes of
20 this chapter.*

21 3. Prescribe, by regulation, forms and procedures for the
22 submission of statements of acknowledgment filed by public
23 officers pursuant to NRS 281A.500, maintain files of such
24 statements and make the statements available for public inspection.

25 ~~3-~~ 4. Cause the making of such investigations as are
26 reasonable and necessary for the rendition of its opinions pursuant
27 to this chapter.

28 ~~4-~~ 5. Inform the Attorney General or district attorney of all
29 cases of noncompliance with the requirements of this chapter.

30 ~~5-~~ 6. Recommend to the Legislature such further legislation
31 as the Commission considers desirable or necessary to promote and
32 maintain high standards of ethical conduct in government.

33 ~~6-~~ 7. Publish a manual for the use of public officers and
34 employees that contains:

35 (a) Hypothetical opinions which are abstracted from opinions
36 rendered pursuant to subsection 1 of NRS 281A.440, for the future
37 guidance of all persons concerned with ethical standards in
38 government;

39 (b) Abstracts of selected opinions rendered pursuant to
40 subsection 2 of NRS 281A.440; and

41 (c) An abstract of the requirements of this chapter.

42 ➔ The Legislative Counsel shall prepare annotations to this chapter
43 for inclusion in the Nevada Revised Statutes based on the abstracts
44 and published opinions of the Commission.



1 **Sec. 38.** NRS 281A.300 is hereby amended to read as follows:
2 281A.300 1. The Chair and Vice Chair of the Commission
3 may administer oaths.

4 2. The Commission, upon majority vote, may issue a subpoena
5 to compel the attendance of a witness and the production of books
6 and papers. Upon the request of the Executive Director or the public
7 officer or ~~public~~ employee who is the subject of a request for an
8 opinion, the Chair or, in the Chair's absence, the Vice Chair, may
9 issue a subpoena to compel the attendance of a witness and the
10 production of books and papers. *A public officer or employee who*
11 *requests the issuance of a subpoena pursuant to this subsection*
12 *must serve the subpoena in the manner provided in the Nevada*
13 *Rules of Civil Procedure for service of subpoenas in a civil action*
14 *and must pay the costs of such service.*

15 3. Before issuing a subpoena to a public officer or ~~public~~
16 employee who is the subject of a request for an opinion ~~to~~
17 *compel his or her attendance as a witness or his or her production*
18 *of books or papers*, the Executive Director shall submit a written
19 request to the public officer or ~~public~~ employee requesting:

- 20 (a) The appearance of the public officer or ~~public~~ employee as
21 a witness; or
22 (b) The production by the public officer or ~~public~~ employee of
23 any books and papers relating to the request for an opinion.

24 4. Each written request submitted by the Executive Director
25 pursuant to subsection 3 must specify the time and place for the
26 attendance of the public officer or ~~public~~ employee or the
27 production of any books and papers, and designate with certainty
28 the books and papers requested, if any. If the public officer or
29 ~~public~~ employee fails or refuses to attend at the time and place
30 specified or produce the books and papers requested by the
31 Executive Director within 5 business days after receipt of the
32 request, the Chair may issue the subpoena. Failure of the public
33 officer or ~~public~~ employee to comply with the written request of
34 the Executive Director shall be deemed a waiver by the public
35 officer or ~~public~~ employee of the time set forth in subsections 4, 5
36 and 6 of NRS 281A.440.

37 5. If any witness refuses to attend, testify or produce any books
38 and papers as required by the subpoena, the Chair of the
39 Commission may report to the district court by petition, setting forth
40 that:

- 41 (a) Due notice has been given of the time and place of
42 attendance of the witness or the production of the books and papers;
43 (b) The witness has been subpoenaed by the Commission
44 pursuant to this section; and



1 (c) The witness has failed or refused to attend or produce the
2 books and papers required by the subpoena before the Commission,
3 or has refused to answer questions propounded to the witness, and
4 asking for an order of the court compelling the witness to attend and
5 testify or produce the books and papers before the Commission.

6 6. Upon such a petition, the court shall enter an order directing
7 the witness to appear before the court at a time and place to be fixed
8 by the court in its order, the time to be not more than 10 days after
9 the date of the order, and then and there show cause why the witness
10 has not attended, testified or produced the books or papers before
11 the Commission. A certified copy of the order must be served upon
12 the witness.

13 7. If it appears to the court that the subpoena was regularly
14 issued by the Commission, the court shall enter an order that the
15 witness appear before the Commission, at the time and place fixed
16 in the order, and testify or produce the required books and papers.
17 Upon failure to obey the order, the witness must be dealt with as for
18 contempt of court.

19 **Sec. 39.** NRS 281A.400 is hereby amended to read as follows:

20 281A.400 A code of ethical standards is hereby established to
21 govern the conduct of public officers and employees:

22 1. A public officer or employee shall not seek or accept any
23 gift, service, favor, employment, engagement, emolument or
24 economic opportunity which would tend ~~improperly~~ to influence a
25 reasonable person in the public officer's or employee's position to
26 depart from the faithful and impartial discharge of the public
27 officer's or employee's public duties.

28 2. A public officer or employee shall not use the public
29 officer's or employee's position in government to secure or grant
30 unwarranted privileges, preferences, exemptions or advantages for
31 ~~the~~ :

32 (a) *The* public officer or employee ~~[- any]~~ ;

33 (b) *Any* business entity in which the public officer or employee
34 has a significant pecuniary interest ~~[- or any]~~ ; or

35 (c) *Any* person to whom the public officer or employee has a
36 commitment in a private capacity to the interests of that person. ~~As~~
37 ~~used in this subsection:~~

38 ~~—(a) “Commitment in a private capacity to the interests of that~~
39 ~~person” has the meaning ascribed to “commitment in a private~~
40 ~~capacity to the interests of others” in subsection 8 of~~
41 ~~NRS 281A.420.~~

42 ~~—(b) “Unwarranted” means without justification or adequate~~
43 ~~reason.~~



1 3. A public officer or employee shall not participate as an agent
2 of government in the negotiation , ~~for~~ execution *or approval* of a
3 contract between the government and ~~any~~ :

- 4 (a) *The public officer or employee;*
- 5 (b) *Any business entity in which the public officer or employee*
6 *has a significant pecuniary interest ~~+~~; or*
- 7 (c) *Any person to whom the public officer or employee has a*
8 *commitment in a private capacity to the interests of that person.*

9 4. A public officer or employee shall not accept any salary,
10 retainer, augmentation, expense allowance or other compensation
11 from any private source for the performance of the public officer's
12 or employee's *public* duties . ~~as a public officer or employee.~~

13 5. *A public officer or employee shall not concurrently serve*
14 *as a public officer or employee and hold a public office by virtue*
15 *of which the public officer or employee may exercise control over*
16 *his or her employer or supervisor.*

17 6. If a public officer or employee acquires, through the public
18 officer's or employee's public duties or relationships, any
19 information which by law or practice is not at the time available to
20 people generally, the public officer or employee shall not use the
21 information to further ~~the~~ *a significant* pecuniary ~~interests of the~~
22 *interest of:*

- 23 (a) *The public officer or employee ; or ~~any~~*
- 24 (b) *Any other person or business entity.*

25 ~~6.~~ 7. A public officer or employee shall not suppress any
26 governmental report or other *official* document because it might
27 tend to affect unfavorably ~~the public officer's or employee's~~ *a*
28 *significant* pecuniary ~~interests.~~ *interest of:*

- 29 (a) *The public officer or employee;*
- 30 (b) *Any business entity in which the public officer or employee*
31 *has a significant pecuniary interest; or*
- 32 (c) *Any person to whom the public officer or employee has a*
33 *commitment in a private capacity to the interests of that person.*

34 ~~7.~~ 8. Except for State Legislators who are subject to the
35 restrictions set forth in subsection ~~8.~~ 9, a public officer or
36 employee shall not use governmental time, property, equipment or
37 other facility to benefit ~~the public officer's or employee's~~ *a*
38 *significant* personal or ~~financial~~ *pecuniary* interest ~~+~~ *of the*
39 *public officer or employee, any business entity in which the public*
40 *officer or employee has a significant pecuniary interest, or any*
41 *person to whom the public officer or employee has a commitment*
42 *in a private capacity to the interests of that person.* This subsection
43 does not prohibit:

44 (a) A limited use of governmental property, equipment or other
45 facility for personal purposes if:

Move language proposed for new subsection 5 to new subsection 11, but amend language to read as follows:

A public officer or employee shall not concurrently serve as a public officer or employee and hold a separate public office by virtue of which in which the public officer or employee may exercise control exercises controlling influence over any employment or operational circumstances of his or her employment, or that of his or her employer, supervisor or agency.



1 (1) The public officer *or employee* who is responsible for
2 and has authority to authorize the use of such property, equipment
3 or other facility has established a policy allowing the use or the use
4 is necessary as a result of emergency circumstances;

5 (2) The use does not interfere with the performance of the
6 public officer's or employee's public duties;

7 (3) The cost or value related to the use is nominal; and

8 (4) The use does not create the appearance of impropriety;

9 (b) The use of mailing lists, computer data or other information
10 lawfully obtained from a governmental agency which is available to
11 members of the general public for nongovernmental purposes; or

12 (c) The use of telephones or other means of communication if
13 there is not a special charge for that use.

14 ➔ If a governmental agency incurs a cost as a result of a use that is
15 authorized pursuant to this subsection or would ordinarily charge a
16 member of the general public for the use, the public officer or
17 employee shall promptly reimburse the cost or pay the charge to the
18 governmental agency.

19 ~~18-~~ 9. A State Legislator shall not:

20 (a) Use governmental time, property, equipment or other facility
21 for a nongovernmental purpose or for the private benefit of the State
22 Legislator or any other person. This paragraph does not prohibit:

23 (1) A limited use of state property and resources for personal
24 purposes if:

25 (I) The use does not interfere with the performance of the
26 State Legislator's public duties;

27 (II) The cost or value related to the use is nominal; and

28 (III) The use does not create the appearance of
29 impropriety;

30 (2) The use of mailing lists, computer data or other
31 information lawfully obtained from a governmental agency which is
32 available to members of the general public for nongovernmental
33 purposes; or

34 (3) The use of telephones or other means of communication
35 if there is not a special charge for that use.

36 (b) Require or authorize a legislative employee, while on duty,
37 to perform personal services or assist in a private activity, except:

38 (1) In unusual and infrequent situations where the
39 employee's service is reasonably necessary to permit the State
40 Legislator or legislative employee to perform that person's official
41 duties; or

42 (2) Where such service has otherwise been established as
43 legislative policy.

44 ~~19-~~ 10. A public officer or employee shall not , *through the*
45 *influence of a subordinate*, attempt to benefit ~~the public officer's~~



1 ~~or employee's~~ a significant personal or ~~financial~~ pecuniary
2 interest ~~[through the influence]~~ of ~~[a subordinate.~~

3 ~~—10. A] :~~

- 4 (a) *The public officer or employee;*
- 5 (b) *Any business entity in which the public officer or employee*
6 *has a significant pecuniary interest; or*
- 7 (c) *Any person to whom the public officer or employee has a*
8 *commitment in a private capacity to the interests of that person.*

9 11. *Except as otherwise provided in this subsection, a public*
10 *officer or employee shall not use the public officer's or employee's*
11 *position in government to seek other employment or contracts*
12 ~~*[through the use of the public officer's or employee's official*~~
13 ~~*position.] for:*~~

- 14 (a) *The public officer or employee;*
- 15 (b) *Any business entity in which the public officer or employee*
16 *has a significant pecuniary interest; or*
- 17 (c) *Any person to whom the public officer or employee has a*
18 *commitment in a private capacity to the interests of that person.*

19 *↪ A public officer or employee may state or affirm that he or she*
20 *holds a position as a public officer or employee and may describe*
21 *or discuss his or her functions, duties and experiences as a public*
22 *officer or employee, including, without limitation, providing such*
23 *information on a resume or other application for future*
24 *employment or appointment or election to a public office.*

25 **Sec. 40.** NRS 281A.410 is hereby amended to read as follows:
26 281A.410 ~~*[In addition to the requirements of the code of*~~
27 ~~*ethical standards:]*~~

28 1. ~~*[If]*~~ *Except as otherwise provided in this section, a public*
29 *officer or employee [serves in a state agency of the Executive*
30 *Department or an agency of any county, city or other political*
31 *subdivision, the public officer or employee:*

32 ~~*—(a) Shall] shall*~~ not ~~*[accept]*~~ :

33 (a) *Accept additional* compensation ~~*[from any private person]*~~ to
34 represent or counsel ~~*[the]*~~ a private person on any issue pending
35 before *the Legislature or any agency, including* the agency in
36 which that public officer or employee serves ; ~~*[, if the agency makes*~~
37 ~~*decisions:]*~~ and

38 (b) If the public officer or employee leaves the service of ~~*[the]*~~
39 *an agency, [shall not,]* for 1 year after ~~*[leaving the service of the*~~
40 ~~*agency, represent or counsel for]*~~ *the termination of his or her*
41 *service, accept* compensation *to represent or counsel* a private
42 person ~~*[upon]*~~ on any issue which was under consideration by the
43 agency during the public officer's or employee's service. As used in
44 this paragraph, "issue" includes a case, proceeding, application,

Move language proposed for new subsection 5 to new subsection 11, but amend language to read as follows:

A public officer or employee shall not concurrently serve as a public officer or employee and hold a separate public office [by virtue of which] in which the public officer or employee [may exercise control] exercises controlling influence over any employment or operational circumstances of his or her employment, or that of his or her employer, supervisor or agency.



1 contract or determination, but does not include the proposal or
2 consideration of legislative measures or administrative regulations.

3 2. A State Legislator or a member of a local legislative body,
4 or a public officer or employee whose public service requires less
5 than half of his or her time, may represent or counsel a private
6 person before an agency in which he or she does not serve ~~†. Any~~
7 ~~other†~~, *except that a member of a local legislative body or a public*
8 *officer or employee of a local agency shall not represent or counsel*
9 *a private person for compensation before any †state agency of the*
10 *Executive or Legislative Department.*

11 ~~—3.— Not later than January 15 of each year, any State Legislator~~
12 ~~or other public officer who has, within the preceding year,~~
13 ~~represented or counseled a private person for compensation before a~~
14 ~~state agency of the Executive Department shall disclose for each~~
15 ~~such representation or counseling during the previous calendar year:~~

16 ~~—(a) The name of the client;~~

17 ~~—(b) The nature of the representation; and~~

18 ~~—(c) The name of the state agency.~~

19 ~~—4.— The disclosure required by subsection 3 must be made in~~
20 ~~writing and filed with the Commission on a form prescribed by the~~
21 ~~Commission. For the purposes of this subsection, the disclosure is~~
22 ~~timely filed if, on or before the last day for filing, the disclosure is~~
23 ~~filed in one of the following ways:~~

24 ~~—(a) Delivered in person to the principal office of the~~
25 ~~Commission in Carson City.~~

26 ~~—(b) Mailed to the Commission by first class mail, or other class~~
27 ~~of mail that is at least as expeditious, postage prepaid. Filing by mail~~
28 ~~is complete upon timely depositing the disclosure with the United~~
29 ~~States Postal Service.~~

30 ~~—(c) Dispatched to a third party commercial carrier for delivery to~~
31 ~~the Commission within 3 calendar days. Filing by third party~~
32 ~~commercial carrier is complete upon timely depositing the~~
33 ~~disclosure with the third party commercial carrier.~~

34 ~~—5.— The Commission shall retain a disclosure filed pursuant to~~
35 ~~subsections 3 and 4 for 6 years after the date on which the disclosure~~
36 ~~was filed.† local agency in the county in which he or she serves.~~

37 *3. A former member of the Public Utilities Commission of*
38 *Nevada shall not:*

39 *(a) Accept any compensation from a public utility or parent*
40 *organization or subsidiary of a public utility; or*

41 *(b) Appear before the Public Utilities Commission of Nevada*
42 *to testify on behalf of a public utility or parent organization or*
43 *subsidiary of a public utility,*

44 *↳ for 1 year after the termination of the member's service on the*
45 *Public Utilities Commission of Nevada.*



1 4. A former member of the State Gaming Control Board or
2 the Nevada Gaming Commission shall not:

3 (a) Accept any compensation from a person who holds a
4 license issued pursuant to chapter 463 or 464 of NRS or who is
5 required to register with the Nevada Gaming Commission
6 pursuant to chapter 463 of NRS; or

7 (b) Appear before the State Gaming Control Board or the
8 Nevada Gaming Commission on behalf of a person who holds a
9 license issued pursuant to chapter 463 or 464 of NRS or who is
10 required to register with the Nevada Gaming Commission
11 pursuant to chapter 463 of NRS,

12 ↪ for 1 year after the termination of the member's service on the
13 State Gaming Control Board or the Nevada Gaming Commission.

14 5. In addition to the other prohibitions set forth in this
15 section, and except as otherwise provided in subsection 6, a former
16 public officer or employee of an agency, except a clerical
17 employee, shall not solicit or accept compensation from a person
18 or entity whose activities are governed by, or which is a part of a
19 business or industry whose activities are governed by, regulations
20 adopted by the agency for 1 year after the termination of the
21 former public officer's or employee's service or period of
22 employment if:

23 (a) The former public officer's or employee's principal duties
24 included the formulation of policy contained in the regulations
25 governing that business or industry;

26 (b) During the immediately preceding year, the former public
27 officer or employee directly performed activities, or controlled or
28 influenced an audit, decision, investigation or other action, which
29 significantly affected that business or industry; or

30 (c) As a result of the former public officer's or employee's
31 governmental service or employment, the former public officer or
32 employee possesses knowledge of the trade secrets of a direct
33 competitor in that business or industry.

34 6. The provisions of subsection 5 do not apply to a former
35 public officer who was a member of the governing body of a state
36 agency if:

37 (a) The former public officer is engaged in the profession,
38 occupation or business regulated by the state agency;

39 (b) The former public officer holds a license issued by the state
40 agency; and

41 (c) Holding a license issued by the state agency is a
42 requirement for membership on the governing body of the state
43 agency.

44 7. In addition to the other prohibitions set forth in this
45 section, a former public officer or employee of an agency, except a

Amend subsection 6 of NRS 281.410 to read as follows:

6. The provisions of subsection 5 do not apply to ~~4~~ :

(a) A former public officer who was a member of the governing body of a state agency, or advisory body to the governing body, if:

~~(a)~~ (1) The governing body or advisory body performs functions that involve introducing, voting upon or otherwise acting upon any matter of a permanent or general character which may reflect public policy; or

~~(2)~~ The former public officer ~~is~~ :

~~(i)~~ Is engaged in the profession, occupation or business regulated by the state agency;

~~(b)~~ The former public officer holds

~~(ii)~~ Holds a license issued by the state agency; and

~~(c)~~ Holding

~~(iii)~~ Is required to hold a license issued by the state agency ~~is~~ as a requirement for membership on the governing body of the state agency.

(b) A former public officer who was a member of a local legislative body, or advisory body to such a local legislative body.

(c) (POTENTIAL TO EXEMPT CERTAIN OTHER PUBLIC OFFICERS AND EMPLOYEES OF LOCAL GOVERNMENT?)



1 *clerical employee, shall not solicit or accept compensation from a*
2 *person to whom a contract for supplies, materials, equipment or*
3 *services was awarded by the agency for 1 year after the*
4 *termination of the public officer's or employee's service or period*
5 *of employment, if:*

- 6 (a) *The amount of the contract exceeded \$25,000;*
- 7 (b) *The contract was awarded within the 12-month period*
8 *immediately preceding the termination of the public officer's or*
9 *employee's service or period of employment; and*
- 10 (c) *The position held by the former public officer or employee*
11 *at the time the contract was awarded allowed for the former public*
12 *officer or employee to affect or influence the awarding of the*
13 *contract.*

14 8. *The Commission may relieve a current or former public*
15 *officer or employee from the strict application of the provisions of*
16 *this section if:*

- 17 (a) *The current or former public officer or employee requests*
18 *an opinion from the Commission pursuant to NRS 281A.440; and*
- 19 (b) *The Commission determines that such relief is not contrary*
20 *to:*
 - 21 (1) *The best interests of the public;*
 - 22 (2) *The continued ethical integrity of the agency; and*
 - 23 (3) *The provisions of this chapter.*

24 9. *As used in this section, "regulation" has the meaning*
25 *ascribed to it in NRS 233B.038 and also includes regulations*
26 *adopted by an agency that is not subject to the requirements of*
27 *chapter 233B of NRS.*

28 **Sec. 41.** NRS 281A.420 is hereby amended to read as follows:

29 281A.420 1. Except as otherwise provided in this section, a
30 public officer or employee shall not approve, disapprove, vote,
31 abstain from voting or otherwise act upon a matter:

- 32 (a) Regarding which the public officer or employee has accepted
33 a gift or loan;
- 34 (b) In which the public officer or employee has a *significant*
35 *pecuniary interest; or*
- 36 (c) Which would reasonably be affected by the public officer's
37 or employee's commitment in a private capacity to the ~~interest of~~
38 ~~others,~~ *interests of another person,*

39 ~~without disclosing sufficient~~ information concerning the gift ~~or~~
40 ~~or~~ loan, *significant pecuniary* interest or commitment *in a private*
41 *capacity to the interests of the person that is sufficient* to inform
42 the public of the potential effect of the action or abstention upon the
43 person who provided the gift or loan, upon the public officer's or
44 employee's *significant* pecuniary interest, or upon the ~~persons~~
45 *person* to whom the public officer or employee has a commitment in

Amend line 18 to read as follows:

An opinion from the Commission pursuant to subsection 1 of NRS 281A.440; and

Amend lines 24-27 as follows:

9. As used in this section, "regulation" ~~has~~ :

(a) As applied to a state agency:

(1) Has the meaning ascribed to it in NRS 233B.038 ~~and also includes~~ ; and

(2) Includes regulations which are adopted by ~~an~~ a state agency that is not subject to the requirements of chapter 233B of NRS.

(b) As applied to a local agency, includes any ordinance, code or other governing law.



1 a private capacity. Such a disclosure must be made at the time the
2 matter is considered. If the public officer or employee is a member
3 of a body which makes decisions, the public officer or employee
4 shall make the disclosure in public to the chair and other members
5 of the body. If the public officer or employee is not a member of
6 such a body and holds an appointive office, the public officer or
7 employee shall make the disclosure to the supervisory head of the
8 public officer's or employee's organization or, if the public officer
9 holds an elective office, to the general public in the area from which
10 the public officer is elected.

11 2. The provisions of subsection 1 do not require a public
12 officer to disclose:

13 (a) Any campaign contributions that the public officer reported
14 in a timely manner pursuant to NRS 294A.120 or 294A.125; or

15 (b) Any contributions to a legal defense fund that the public
16 officer reported in a timely manner pursuant to NRS 294A.286.

17 3. Except as otherwise provided in this section, in addition to
18 the requirements of subsection 1, a public officer shall not vote upon
19 or advocate the passage or failure of, but may otherwise participate
20 in the consideration of, a matter with respect to which the
21 independence of judgment of a reasonable person in the public
22 officer's situation would be materially affected by:

- 23 (a) The public officer's acceptance of a gift or loan;
- 24 (b) The public officer's *significant* pecuniary interest; or
- 25 (c) The public officer's commitment in a private capacity to the
26 interests of ~~others.~~ *another person.*

27 4. In interpreting and applying the provisions of subsection 3:

28 (a) It must be presumed that the independence of judgment of a
29 reasonable person in the public officer's situation would not be
30 materially affected by the public officer's *acceptance of a gift or*
31 *loan, significant* pecuniary interest or ~~the public officer's~~
32 *commitment in a private capacity to the interests of others.* *another*
33 *person* where the resulting benefit or detriment accruing to the
34 public officer, or if the public officer has a commitment in a private
35 capacity to the interests of ~~others.~~ *another person*, accruing to the
36 other ~~persons.~~ *person*, is not greater than that accruing to any other
37 member of ~~the~~ *any* general business, profession, occupation or
38 group that is affected by the matter. The presumption set forth in
39 this paragraph ~~does not affect the applicability of the requirements~~
40 ~~set forth in subsection 1 relating to the disclosure of the pecuniary~~
41 ~~interest or commitment in a private capacity to the interests of~~
42 ~~others.~~ *exempts a public officer from the requirements set forth in*
43 *subsection 1 when the benefit or detriment accruing to the public*
44 *officer is not greater than that accruing to any other member of*

Delete all new language in lines 39-44 on page 25 and lines 1-2 on page 26, and retain otherwise original language in the last sentence of paragraph (a) of subsection 4 of NRS 281A.420.

Amend back to original language as follows:

The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.



1 *any general business, profession, occupation or group which is*
2 *affected by the matter.*

3 (b) The Commission must give appropriate weight and proper
4 deference to the public policy of this State which ~~favours~~ :

5 (1) *Favors* the right of a public officer to perform the duties
6 for which the public officer was elected or appointed and to vote or
7 otherwise act upon a matter, provided the public officer has properly
8 disclosed the public officer's acceptance of a gift or loan, ~~the public~~
9 ~~officer's~~ *significant* pecuniary interest or ~~the public officer's~~
10 commitment in a private capacity to the interests of ~~others~~ *another*
11 *person* in the manner required by subsection 1 ~~Because~~ ; and

12 (2) *Acknowledges that* abstention by a public officer disrupts
13 the normal course of representative government and deprives the
14 public and the public officer's constituents of a voice in
15 governmental affairs . ~~the provisions of this section are intended~~
16 ~~to require abstention only in clear cases where the independence of~~
17 ~~judgment of a reasonable person in the public officer's situation~~
18 ~~would be materially affected by the public officer's acceptance of a~~
19 ~~gift or loan, the public officer's pecuniary interest or the public~~
20 ~~officer's commitment in a private capacity to the interests of others.~~

21 5. Except as otherwise provided in NRS 241.0355, if a public
22 officer declares to the body or committee in which the vote is to be
23 taken that the public officer will abstain from voting because of the
24 requirements of this section, the necessary quorum to act upon and
25 the number of votes necessary to act upon the matter, as fixed by
26 any statute, ordinance or rule, is reduced as though the member
27 abstaining were not a member of the body or committee.

28 6. The provisions of this section do not, under any
29 circumstances:

30 (a) Prohibit a member of a local legislative body from
31 requesting or introducing a legislative measure; or

32 (b) Require a member of a local legislative body to take any
33 particular action before or while requesting or introducing a
34 legislative measure.

35 7. The provisions of this section do not, under any
36 circumstances, apply to State Legislators or allow the Commission
37 to exercise jurisdiction or authority over State Legislators. The
38 responsibility of a State Legislator to make disclosures concerning
39 gifts, loans, interests or commitments and the responsibility of a
40 State Legislator to abstain from voting upon or advocating the
41 passage or failure of a matter are governed by the Standing Rules of
42 the Legislative Department of State Government which are adopted,
43 administered and enforced exclusively by the appropriate bodies of
44 the Legislative Department of State Government pursuant to Section
45 6 of Article 4 of the Nevada Constitution.

Delete all new language in lines 1-2 and retain otherwise original language in the last sentence of paragraph (a) of subsection 4 of NRS 281A.420



* S B 2 2 8 *

1 8. As used in this section ~~†~~
2 ~~—(a) “Commitment in a private capacity to the interests of others”~~
3 ~~means a commitment to a person:~~
4 ~~—(1) Who is a member of the public officer’s or employee’s~~
5 ~~household;~~
6 ~~—(2) Who is related to the public officer or employee by~~
7 ~~blood, adoption or marriage within the third degree of consanguinity~~
8 ~~or affinity;~~
9 ~~—(3) Who employs the public officer or employee or a~~
10 ~~member of the public officer’s or employee’s household;~~
11 ~~—(4) With whom the public officer or employee has a~~
12 ~~substantial and continuing business relationship; or~~
13 ~~—(5) Any other commitment or relationship that is~~
14 ~~substantially similar to a commitment or relationship described in~~
15 ~~subparagraphs (1) to (4), inclusive, of this paragraph.~~

16 ~~—(b) “Public† , “public officer” and “public employee” do not~~
17 ~~include a State Legislator.~~

18 **Sec. 42.** NRS 281A.430 is hereby amended to read as follows:

19 281A.430 1. ~~†~~~~Except~~ *Notwithstanding the provisions of*
20 *NRS 281.221 and 281.230, and except* as otherwise provided in this
21 section and NRS ~~†281A.530†~~ *218A.970* and 332.800, a public
22 officer or employee shall not , *directly or through a third party,*
23 *perform any contract,* bid on or enter into ~~†~~~~a†~~ *any contract or*
24 *modify or renew any contract if:*

25 *(a) The contract is* between ~~†a governmental†~~ *the* agency *in*
26 *which the public officer or employee serves* and ~~†any†~~ :

- 27 *(1) The public officer or employee; or*
- 28 *(2) Any* business entity in which the public officer or
29 employee has a significant pecuniary interest ~~†~~ ; *or*

30 *(b) The contract is between an agency that has any*
31 *connection, relation or affiliation with the agency in which the*
32 *public officer or employee serves and:*

- 33 *(1) The public officer or employee; or*
- 34 *(2) Any business entity in which the public officer or*
35 *employee has a significant pecuniary interest,*
36 *↪ if the duties or services to be performed or provided for the*
37 *agency pursuant to the contract are the same or similar duties*
38 *performed by the public officer or employee for the agency in*
39 *which he or she serves.*

40 2. A ~~†member of any board, commission or similar body who~~
41 ~~is engaged in the profession, occupation or business regulated by~~
42 ~~such board, commission or body may, in the ordinary course of his~~
43 ~~or her business, bid on or enter into a contract with any~~
44 ~~governmental agency, except the board, commission or body on~~
45 ~~which he or she is a member, if the member has not taken part in~~



~~developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.~~ public officer or employee may perform a contract, bid on or enter into a contract or modify or renew a contract with an agency in which the public officer or employee serves, or a related agency as described in paragraph (b) of subsection 1, if:

(a) The contract is subject to competitive selection and, at the time the contract is bid on, entered into, modified or renewed:

(1) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not used as a result of the applicability of NRS 332.112 or 332.148;

(2) The sources of supply are limited and no other person expresses an interest in the contract;

(3) The public officer or employee has not taken part in developing the contract plans or specifications; and

(4) The public officer or employee is not personally involved in opening, considering or accepting offers.

(b) The contract, by its nature, is not adapted to be awarded by competitive selection and, at the time the contract is bid on, entered into, modified or renewed:

(1) The public officer or employee has not taken part in developing the contract plans or specifications and is not personally involved in opening, considering, or accepting offers; and

(2) The contract:

(I) Has been approved by the agency through the application of internal procedures in which a public officer or employee may obtain approval to engage in such contracts; or

(II) Is not exclusive to the public officer or employee and is the type of contract that is available to all persons with the requisite qualifications.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may *perform a contract*, bid on or enter into a contract *or modify or renew a contract* with ~~a governmental~~ an agency, or may benefit financially or otherwise from a contract between ~~a governmental~~ an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. ~~A public officer or employee, other than a public officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if:~~

~~(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not~~



1 ~~employed as a result of the applicability of NRS 332.112 or~~
2 ~~332.148;~~

3 ~~—(b) The sources of supply are limited;~~
4 ~~—(c) The public officer or employee has not taken part in~~
5 ~~developing the contract plans or specifications; and~~
6 ~~—(d) The public officer or employee will not be personally~~
7 ~~involved in opening, considering or accepting offers.~~

8 ~~→~~ If a public officer who is authorized to *perform a contract*, bid
9 on or enter into a contract *or modify or renew a contract* with ~~the~~
10 ~~governmental~~ *an* agency pursuant to this ~~subsection~~ *section* is a
11 member of the governing body of the agency, the public officer,
12 pursuant to the requirements of NRS 281A.420, shall disclose the
13 public officer’s interest in the contract and shall not vote on or
14 advocate the approval of the contract.

15 5. *The purchase of goods or services by any county, city or*
16 *other political subdivision upon a two-thirds vote of its governing*
17 *body from a member of the governing body who is the sole source*
18 *of supply within the area served by the governing body is not*
19 *unlawful or unethical if the public notice of the meeting*
20 *specifically mentions that such a purchase will be discussed.*

21 6. *The Commission may relieve a public officer or employee*
22 *from the strict application of the provisions of this section if:*

23 (a) *The public officer or employee requests an opinion from*
24 *the Commission pursuant to NRS 281A.440; and*

25 (b) *The Commission determines that such relief is not contrary*
26 *to:*

- 27 (1) *The best interests of the public;*
- 28 (2) *The continued ethical integrity of the agency; and*
- 29 (3) *The provisions of this chapter.*

30 7. *As used in this section, “contract, by its nature, is not*
31 *adapted to be awarded by competitive selection” includes, without*
32 *limitation:*

33 (a) *A contract for services which may only be contracted from*
34 *a sole or limited source;*

35 (b) *A contract for professional services, including, without*
36 *limitation, a contract for the services of:*

- 37 (1) *An expert witness;*
- 38 (2) *A professional engineer;*
- 39 (3) *A registered architect;*
- 40 (4) *An attorney;*
- 41 (5) *An accountant; or*
- 42 (6) *Any other professional, if the services of that*
43 *professional are not adapted to competitive selection;*

44 (c) *A contract for services necessitated by an emergency*
45 *affecting the national, state or local defense or an emergency*

Delete lines 15-20 (new subsection 5) and replace (rewrite) with the following new language:

5. A public officer who is a member of the governing body of any county, city or other political subdivision shall not sell goods or services to the county, city or other political subdivision unless:

(a) The public officer, or an entity in which the public officer has a significant pecuniary interest, offers the sole source of supply of the goods or services within the area served by the governing body; and

(b) The governing body:

(1) Issues a public notice of the meeting which specifically mentions that such a purchase of goods or services will be considered; and

(2) Approves the purchase ~~[upon a two-thirds vote.]~~ according to law.

Amend line 24 to read as follows:

The Commission pursuant to subsection 1 of NRS 281A.440; and



1 *caused by a natural or human-caused disaster or any other*
2 *unforeseeable circumstances; or*
3 *(d) Any other contract which is open or available to the public*
4 *at large.*

5 **Sec. 43.** NRS 281A.440 is hereby amended to read as follows:

6 281A.440 1. The Commission shall render an opinion
7 interpreting the statutory ethical standards and apply the standards to
8 a given set of facts and circumstances within 45 days after receiving
9 a request, on a form prescribed by the Commission, from a public
10 officer or employee who is seeking guidance on questions which
11 directly relate to the propriety of the requester's own past, present or
12 future conduct as ~~an~~ *a public* officer or employee, unless the
13 public officer or employee waives the time limit. ~~The public officer~~
14 ~~or employee may also request the Commission to hold a public~~
15 ~~hearing regarding the requested opinion.~~ If a requested opinion
16 relates to the propriety of the requester's own present or future
17 conduct, the opinion of the Commission is:

18 (a) Binding upon the requester as to the requester's future
19 conduct; and

20 (b) Final and subject to judicial review pursuant to NRS
21 233B.130, except that a proceeding regarding this review must be
22 held in closed court without admittance of persons other than those
23 necessary to the proceeding, unless this right to confidential
24 proceedings is waived by the requester.

25 2. The Commission may render an opinion interpreting the
26 statutory ethical standards and apply the standards to a given set of
27 facts and circumstances:

28 (a) Upon request from a specialized or local ethics committee.

29 (b) Except as otherwise provided in this subsection, upon
30 request from a person, if the requester submits:

31 (1) The request on a form prescribed by the Commission;
32 and

33 (2) All related evidence deemed necessary by the Executive
34 Director and the investigatory panel to make a determination of
35 whether there is just and sufficient cause to render an opinion in the
36 matter.

37 (c) Upon the Commission's own motion regarding the propriety
38 of conduct by a public officer or employee. The Commission shall
39 not initiate proceedings pursuant to this paragraph based solely upon
40 an anonymous complaint.

41 ➤ The Commission shall not render an opinion interpreting the
42 statutory ethical standards or apply those standards to a given set of
43 facts and circumstances if the request is submitted by a person who
44 is incarcerated in a correctional facility in this State.



1 3. Upon receipt of a request for an opinion by the Commission
2 or upon the motion of the Commission pursuant to subsection 2, the
3 Executive Director shall investigate the facts and circumstances
4 relating to the request to determine whether there is just and
5 sufficient cause for the Commission to render an opinion in the
6 matter. The Executive Director shall notify the public officer or
7 employee who is the subject of the request and provide the public
8 officer or employee an opportunity to submit to the Executive
9 Director a response to the allegations against the public officer or
10 employee within 30 days after the date on which the public officer
11 or employee received the notice of the request. The purpose of the
12 response is to provide the Executive Director with any information
13 relevant to the request which the public officer or employee believes
14 may assist the Executive Director and the investigatory panel in
15 conducting the investigation. The public officer or employee is not
16 required in the response or in any proceeding before the
17 investigatory panel to assert, claim or raise any objection or defense,
18 in law or fact, to the allegations against the public officer or
19 employee and no objection or defense, in law or fact, is waived,
20 abandoned or barred by the failure to assert, claim or raise it in the
21 response or in any proceeding before the investigatory panel.

22 4. The Executive Director shall complete the investigation and
23 present a *written* recommendation relating to just and sufficient
24 cause , *including, without limitation, the specific evidence or*
25 *reasons that support the recommendation,* to the investigatory
26 panel within 70 days after the receipt of or the motion of the
27 Commission for the request, unless the public officer or employee
28 waives this time limit. ~~If, after the investigation, the Executive~~
29 ~~Director determines that there is just and sufficient cause for the~~
30 ~~Commission to render an opinion in the matter, the Executive~~
31 ~~Director shall state such a recommendation in writing, including,~~
32 ~~without limitation, the specific evidence that supports the Executive~~
33 ~~Director's recommendation. If, after the investigation, the Executive~~
34 ~~Director determines that there is not just and sufficient cause for the~~
35 ~~Commission to render an opinion in the matter, the Executive~~
36 ~~Director shall state such a recommendation in writing, including,~~
37 ~~without limitation, the specific reasons for the Executive Director's~~
38 ~~recommendation.]~~

39 5. Within 15 days after the Executive Director has provided the
40 ~~[Executive Director's]~~ *written* recommendation in the matter to the
41 investigatory panel ~~[]~~ *pursuant to subsection 4,* the investigatory
42 panel shall *conclude the investigation and* make a final
43 determination regarding whether there is just and sufficient cause
44 for the Commission to render an opinion in the matter, unless the
45 public officer or employee waives this time limit. The investigatory



1 panel shall not determine that there is just and sufficient cause for
 2 the Commission to render an opinion in the matter unless the
 3 Executive Director has provided the public officer or employee an
 4 opportunity to respond to the allegations against the public officer or
 5 employee as required by subsection 3. The investigatory panel shall
 6 cause a record of its proceedings *to be made* in each matter . ~~to be~~
 7 ~~kept, and such a~~ *The record of the investigatory panel* must
 8 ~~remain~~ *be kept* confidential ~~until the investigatory panel~~
 9 ~~determines whether there is just and sufficient cause for~~ *by* the
 10 Commission ~~to render an opinion~~ in the ~~matter~~ *manner and for*
 11 *the period prescribed by subsection 8.*

12 6. If the investigatory panel determines that there is just and
 13 sufficient cause for the Commission to render an opinion in the
 14 matter, the Commission shall hold a hearing and render an opinion
 15 in the matter within 60 days after the determination of just and
 16 sufficient cause by the investigatory panel, unless the public officer
 17 or employee waives this time limit.

18 7. Each request for an opinion that a public officer or employee
 19 submits to the Commission pursuant to subsection 1, each opinion
 20 rendered by the Commission in response to such a request and any
 21 motion, determination, evidence or record of a hearing relating to
 22 such a request are confidential unless the public officer or employee
 23 who requested the opinion:

24 (a) Acts in contravention of the opinion, in which case the
 25 Commission may disclose the request for the opinion, the contents
 26 of the opinion and any motion, evidence or record of a hearing
 27 related thereto;

28 (b) Discloses the request for the opinion, the contents of the
 29 opinion, or any motion, evidence or record of a hearing related
 30 thereto; or

31 (c) Requests the Commission to disclose the request for the
 32 opinion, the contents of the opinion, or any motion, evidence or
 33 record of a hearing related thereto.

34 8. Except as otherwise provided in this subsection, ~~each~~
 35 ~~document~~ *all files, material and information* in the possession of
 36 the Commission or its staff that is related to a request for an opinion
 37 regarding a public officer or employee submitted to or initiated by
 38 the Commission pursuant to subsection 2, including, without
 39 limitation, the Commission's copy of the request , *the record of the*
 40 *investigatory panel* and all *files*, materials and information gathered
 41 ~~or created in~~ *an* the investigation of the request, ~~is~~ *are*
 42 confidential ~~until~~ *and are not discoverable except to the extent*
 43 *that* the investigatory panel determines ~~whether~~ there is just and
 44 sufficient cause to render an opinion in the matter ~~The public~~
 45 ~~officer or employee who is the subject of a request for an opinion~~

Delete lines 5-11 on page 32. Retain original language of last sentence of subsection 5 of NRS 281A.440, except for the following deletions:

The investigatory panel shall cause a record of its proceedings in each matter to be kept ~~[, and such a record must remain confidential until the investigatory panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter]~~ .

Delete lines 34-45 and delete lines 1-5 on page 33 and amend subsection 8 of NRS 281A.440 as follows:

8. Except as otherwise provided in ~~this subsection, each~~ subsection 9, any information, communication, record, document or other material which is in the possession of the Commission or its staff ~~that~~ and is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2 , including, without limitation, ~~the Commission's copy of the request and all materials and information gathered in an investigation of the request~~ the record of a proceeding of the investigatory panel required pursuant to subsection 5:

(a) Is confidential and not a public record pursuant to Chapter 239 of the Nevada Revised Statutes until the investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter ~~The~~ or the public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 ~~may~~ in writing ~~authorize~~ authorizes the Commission to make its ~~files, material and information~~ information, communications, records, documents or other materials which are related to the request publicly available ~~;~~, whichever occurs first.

(b) Becomes a public record pursuant to Chapter 239 of the Nevada Revised Statutes after written notice of the final determination of the investigatory panel regarding just and sufficient cause for the Commission to render an opinion in the matter is served on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2.



1 ~~submitted or initiated pursuant to subsection 2 may in writing~~
2 ~~authorize the Commission to make its files, material and~~
3 ~~information which are related to the request publicly available.] and~~
4 *relies on the files, materials and information in support of the*
5 *determination.*

6 9. ~~Except as otherwise provided in paragraphs (a) and (b), the~~
7 ~~proceedings of the investigatory panel are confidential until the~~
8 ~~investigatory panel determines whether there is just and sufficient~~
9 ~~cause to render an opinion in the matter. A person who:~~

10 ~~—(a) Requests an opinion from the Commission pursuant to~~
11 ~~paragraph (b) of subsection 2 may:~~

12 ~~—(1) At any time, reveal to a third party the alleged conduct of~~
13 ~~a public officer or employee underlying the request that the person~~
14 ~~filed with the Commission or the substance of testimony, if any, that~~
15 ~~the person gave before the Commission.~~

16 ~~—(2) After the investigatory panel determines whether there is~~
17 ~~just and sufficient cause to render an opinion in the matter, reveal to~~
18 ~~a third party the fact that the person requested an opinion from the~~
19 ~~Commission.~~

20 ~~—(b) Gives testimony before the Commission may:~~

21 ~~—(1) At any time, reveal to a third party the substance of~~
22 ~~testimony that the person gave before the Commission.~~

23 ~~—(2) After the investigatory panel determines whether there is~~
24 ~~just and sufficient cause to render an opinion in the matter, reveal to~~
25 ~~a third party the fact that the person gave testimony before the~~
26 ~~Commission.~~

27 ~~10.]~~ Whenever the Commission holds a hearing pursuant to
28 this section, the Commission shall:

29 (a) Notify the person about whom the opinion was requested of
30 the place and time of the Commission’s hearing on the matter;

31 (b) Allow the person to be represented by counsel; and

32 (c) Allow the person to hear the evidence presented to the
33 Commission and to respond and present evidence on the person’s
34 own behalf.

35 ➤ The Commission’s hearing may be held no sooner than 10 days
36 after the notice is given unless the person agrees to a shorter time.

37 ~~11.]~~ **10.** If a person who is not a party to a hearing before the
38 Commission, including, without limitation, a person who has
39 requested an opinion pursuant to paragraph (a) or (b) of subsection
40 2, wishes to ask a question of a witness at the hearing, the person
41 must submit the question to the Executive Director in writing. The
42 Executive Director may submit the question to the Commission if
43 the Executive Director deems the question relevant and appropriate.
44 This subsection does not require the Commission to ask any
45 question submitted by a person who is not a party to the proceeding.

Add new subsection to NRS 281A.440 as follows:

9. Except as otherwise provided in this section, the investigative file of the Commission is confidential. At any time after being served with written notice of the final determination of the investigatory panel regarding just and sufficient cause for the Commission to render an opinion in the matter, the subject of the request for opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of the Nevada Revised Statutes.

Change all remaining subsection numbers throughout NRS 281A.440 accordingly.



1 ~~H2-1~~ 11. If a person who requests an opinion pursuant to
2 subsection 1 or 2 does not:

- 3 (a) Submit all necessary information to the Commission; and
- 4 (b) Declare by oath or affirmation that the person will testify
- 5 truthfully,
- 6 → the Commission may decline to render an opinion.

7 ~~H3-1~~ 12. For good cause shown, the Commission may take
8 testimony from a person by telephone or video conference.

9 ~~H4-1~~ 13. For the purposes of NRS 41.032, the members of the
10 Commission and its employees shall be deemed to be exercising or
11 performing a discretionary function or duty when taking an action
12 related to the rendering of an opinion pursuant to this section.

13 ~~H5-1~~ 14. A meeting or hearing that the Commission or the
14 investigatory panel holds to receive information or evidence
15 concerning the propriety of the conduct of a public officer or
16 employee pursuant to this section and the deliberations of the
17 Commission and the investigatory panel on such information or
18 evidence are not subject to the provisions of chapter 241 of NRS.

19 **Sec. 44.** NRS 281A.470 is hereby amended to read as follows:

20 281A.470 1. Any ~~{department, board, commission or other}~~
21 *state* agency ~~{of the State}~~ or the governing body of a county or an
22 incorporated city may establish a specialized or local ethics
23 committee to complement the functions of the Commission. A
24 specialized or local ethics committee may:

25 (a) Establish a code of ethical standards suitable for the
26 particular ethical problems encountered in its sphere of activity. The
27 standards may not be less restrictive than the statutory ethical
28 standards.

29 (b) Render an opinion upon the request of any public officer or
30 employee of its own organization or level seeking an interpretation
31 of its ethical standards on questions directly related to the propriety
32 of the public officer's or employee's own future official conduct or
33 refer the request to the Commission. Any public officer or employee
34 subject to the jurisdiction of the committee shall direct the public
35 officer's or employee's inquiry to that committee instead of the
36 Commission.

37 (c) Require the filing of statements of financial disclosure by
38 public officers on forms prescribed by the committee or the city
39 clerk if the form has been:

40 (1) Submitted, at least 60 days before its anticipated
41 distribution, to the Secretary of State for review; and

42 (2) Upon review, approved by the Secretary of State. *The*
43 *Secretary of State shall not approve the form unless the form*
44 *contains all the information required to be included in a statement*
45 *of financial disclosure pursuant to NRS 281.571.*

After line 18, add new subsection as follows:

15. As used in this section, the investigative file of the Commission related to a request for opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to this section includes, without limitation, any information obtained by the Commission via any form of communication during the course of an investigation and any record, document or other material created or maintained during an investigation related to the subject, whether or not acquired through a subpoena.



1 2. *The Secretary of State is not responsible for the costs of*
2 *producing or distributing a form for filing a statement of financial*
3 *disclosure pursuant to the provisions of subsection 1.*

4 3. A specialized or local ethics committee shall not attempt to
5 interpret or render an opinion regarding the statutory ethical
6 standards.

7 ~~13-1~~ 4. Each request for an opinion submitted to a specialized
8 or local ethics committee, each hearing held to obtain information
9 on which to base an opinion, all deliberations relating to an opinion,
10 each opinion rendered by a committee and any motion relating to
11 the opinion are confidential unless:

12 (a) The public officer or employee acts in contravention of the
13 opinion; or

14 (b) The requester discloses the content of the opinion.

15 **Sec. 45.** NRS 281A.480 is hereby amended to read as follows:

16 281A.480 1. In addition to any other penalties provided by
17 law, the Commission may impose on a public officer or employee or
18 former public officer or employee civil penalties:

19 (a) Not to exceed \$5,000 for a first willful violation of this
20 chapter;

21 (b) Not to exceed \$10,000 for a separate act or event that
22 constitutes a second willful violation of this chapter; and

23 (c) Not to exceed \$25,000 for a separate act or event that
24 constitutes a third willful violation of this chapter.

25 2. In addition to any other penalties provided by law, the
26 Commission may impose a civil penalty not to exceed \$5,000 and
27 assess an amount equal to the amount of attorney's fees and costs
28 actually and reasonably incurred by the person about whom an
29 opinion was requested pursuant to NRS 281A.440 against a person
30 who prevents, interferes with or attempts to prevent or interfere with
31 the discovery or investigation of a violation of this chapter.

32 3. If the Commission finds that a violation of a provision of
33 this chapter by a public officer or employee or former public officer
34 or employee has resulted in the realization of a financial benefit by
35 the current or former public officer or employee or another person,
36 the Commission may, in addition to any other penalties provided by
37 law, require the current or former public officer or employee to pay
38 a civil penalty of not more than twice the amount so realized.

39 4. In addition to any other penalties provided by law, if a
40 proceeding results in an opinion that:

41 (a) One or more willful violations of this chapter have been
42 committed by a State Legislator removable from office only through
43 expulsion by the State Legislator's own House pursuant to Section 6
44 of Article 4 of the Nevada Constitution, the Commission shall:



1 (1) If the State Legislator is a member of the Senate, submit
2 the opinion to the Majority Leader of the Senate or, if the Majority
3 Leader of the Senate is the subject of the opinion or the person who
4 requested the opinion, to the President Pro Tempore of the Senate;
5 or

6 (2) If the State Legislator is a member of the Assembly,
7 submit the opinion to the Speaker of the Assembly or, if the Speaker
8 of the Assembly is the subject of the opinion or the person who
9 requested the opinion, to the Speaker Pro Tempore of the Assembly.

10 (b) One or more willful violations of this chapter have been
11 committed by a state officer removable from office only through
12 impeachment pursuant to Article 7 of the Nevada Constitution, the
13 Commission shall submit the opinion to the Speaker of the
14 Assembly and the Majority Leader of the Senate or, if the Speaker
15 of the Assembly or the Majority Leader of the Senate is the person
16 who requested the opinion, to the Speaker Pro Tempore of the
17 Assembly or the President Pro Tempore of the Senate, as
18 appropriate.

19 (c) One or more willful violations of this chapter have been
20 committed by a public officer other than a public officer described
21 in paragraphs (a) and (b), the willful violations shall be deemed to
22 be malfeasance in office for the purposes of NRS 283.440 and the
23 Commission:

24 (1) May file a complaint in the appropriate court for removal
25 of the public officer pursuant to NRS 283.440 when the public
26 officer is found in the opinion to have committed fewer than three
27 willful violations of this chapter.

28 (2) Shall file a complaint in the appropriate court for removal
29 of the public officer pursuant to NRS 283.440 when the public
30 officer is found in the opinion to have committed three or more
31 willful violations of this chapter.

32 ➔ This paragraph grants an exclusive right to the Commission, and
33 no other person may file a complaint against the public officer
34 pursuant to NRS 283.440 based on any violation found in the
35 opinion.

36 5. An action taken by a public officer or employee or former
37 public officer or employee relating to this chapter is not a willful
38 violation of a provision of those sections if the public officer or
39 employee establishes by sufficient evidence that the public officer or
40 employee satisfied all of the following requirements:

41 (a) The public officer or employee relied in good faith upon the
42 advice of the legal counsel retained by the public body which the
43 public officer represents or by the employer of the public employee
44 or upon the manual published by the Commission pursuant to NRS
45 281A.290 . **† For purposes of this paragraph, a public officer or**

Amend NRS 281A.480(5)(a) as follows:

(a) The public officer or employee relied in good faith upon the advice of the legal counsel retained by the public body on which the public officer **[represents] serves** or by the employer of the public employee ~~for upon the manual published by the Commission pursuant to NRS 281A.290.~~

Delete lines 44 and 45 and all proposed new language at the end of paragraph (a) of subsection 5 of NRS 281A.480.



1 *employee has not relied in good faith upon the advice of legal*
2 *counsel if the public officer or employee has personal knowledge*
3 *that the advice of the legal counsel is inaccurate or contrary to*
4 *law.*

5 (b) The public officer or employee was unable, through no fault
6 of the public officer or employee, to obtain an opinion from the
7 Commission before the action was taken. ~~}; and{~~

8 (c) The public officer or employee took action that was not
9 contrary to a prior published opinion issued by the Commission.

10 6. In addition to any other penalties provided by law, a public
11 employee who commits a willful violation of this chapter is subject
12 to disciplinary proceedings by the employer of the public employee
13 and must be referred for action in accordance to the applicable
14 provisions governing the employment of the public employee.

15 7. The provisions of this chapter do not abrogate or decrease
16 the effect of the provisions of the Nevada Revised Statutes which
17 define crimes or prescribe punishments with respect to the conduct
18 of public officers or employees. If the Commission finds that a
19 public officer or employee has committed a willful violation of this
20 chapter which it believes may also constitute a criminal offense, the
21 Commission shall refer the matter to the Attorney General or the
22 district attorney, as appropriate, for a determination of whether a
23 crime has been committed that warrants prosecution.

24 8. The imposition of a civil penalty pursuant to subsection 1, 2
25 or 3 is a final decision for the purposes of judicial review pursuant
26 to NRS 233B.130.

27 9. A finding by the Commission that a public officer or
28 employee has violated any provision of this chapter must be
29 supported by a preponderance of the evidence unless a greater
30 burden is otherwise prescribed by law.

31 **Sec. 46.** NRS 281A.500 is hereby amended to read as follows:

32 281A.500 1. *On or before the date on which a public officer*
33 *takes office, the public officer must be informed of the statutory*
34 *ethical standards and the duty to file an acknowledgment of the*
35 *statutory ethical standards in accordance with this section by:*

36 (a) *For an appointed public officer, the appointing authority of*
37 *the public officer; and*

38 (b) *For an elected public officer of:*

39 (1) *The county and other political subdivisions within the*
40 *county except cities, the county clerk;*

41 (2) *The city, the city clerk;*

42 (3) *The Legislative Department of the State Government,*
43 *the Director of the Legislative Counsel Bureau; and*

44 (4) *The Executive Department of the State Government, the*
45 *Chief of the Budget Division of the Department of Administration.*

Delete proposed new language at the end of paragraph (a) of subsection 5 of NRS 281A.480, lines 1-4.

~~(b) The public officer or employee was unable, through no fault of the public officer or employee, to obtain an opinion from the Commission before the action was taken}; and~~

~~(c)~~ (b) The public officer or employee took action that was not contrary to a prior published opinion issued by the Commission.



1 2. *Within 30 days after a public employee begins*
2 *employment:*

3 (a) *The Administrator of the Division of Human Resource*
4 *Management of the Department of Administration, or his or her*
5 *designee, shall provide each new public employee of a state agency*
6 *with the information prepared by the Commission concerning the*
7 *statutory ethical standards; and*

8 (b) *The manager of each local agency, or his or her designee,*
9 *shall provide each new public employee of the local agency with*
10 *the information prepared by the Commission concerning the*
11 *statutory ethical standards.*

12 3. *Within 6 months after the date on which a public officer*
13 *takes office or a public employee of a state agency begins*
14 *employment, the public officer or employee shall complete a*
15 *course on the statutory ethical standards conducted by the*
16 *Executive Director pursuant to NRS 281A.240 or by a designee of*
17 *the Executive Director.*

18 4. Each public officer shall acknowledge that the public
19 officer:

20 (a) Has received, read and understands the statutory ethical
21 standards; and

22 (b) Has a responsibility to inform himself or herself of any
23 amendments to the statutory ethical standards as soon as reasonably
24 practicable after each session of the Legislature.

25 ~~12-1~~ 5. The acknowledgment must be executed on a form
26 prescribed by the Commission and must be filed with the
27 Commission:

28 (a) If the public officer is elected to office at the general
29 election, on or before January 15 of the year following the public
30 officer's election.

31 (b) If the public officer is elected to office at an election other
32 than the general election or is appointed to office, on or before the
33 30th day following the date on which the public officer takes office.

34 ~~13-1~~ 6. Except as otherwise provided in this subsection, a public
35 officer shall execute and file the acknowledgment once for each
36 term of office. If the public officer serves at the pleasure of the
37 appointing authority and does not have a definite term of office,
38 the public officer, in addition to executing and filing the
39 acknowledgment after the public officer takes office in accordance
40 with subsection ~~12-1~~ 5, shall execute and file the acknowledgment on
41 or before January 15 of each even-numbered year while the public
42 officer holds that office.

43 ~~14-1~~ 7. For the purposes of this section, the acknowledgment is
44 timely filed if, on or before the last day for filing, the
45 acknowledgment is : ~~filed in one of the following ways:~~



1 (a) Delivered in person to the principal office of the
2 Commission in Carson City.

3 (b) Mailed to the Commission by first-class mail, or other class
4 of mail that is at least as expeditious, postage prepaid. Filing by mail
5 is complete upon timely depositing the acknowledgment with the
6 United States Postal Service.

7 (c) Dispatched to a third-party commercial carrier for delivery to
8 the Commission within 3 calendar days. Filing by third-party
9 commercial carrier is complete upon timely depositing the
10 acknowledgment with the third-party commercial carrier.

11 ~~15-1~~ *(d) Transmitted to the Commission by facsimile machine*
12 *or other electronic means authorized by the Commission. Filing by*
13 *facsimile machine or other electronic means is complete upon*
14 *receipt of the transmission by the Commission.*

15 8. The form for making the acknowledgment must contain:

16 (a) The address of the Internet website of the Commission where
17 a public officer may view the statutory ethical standards and print a
18 ~~hard~~ copy ~~of~~ *of the standards*; and

19 (b) The telephone number and mailing address of the
20 Commission where a public officer may make a request to obtain a
21 ~~hard~~ *printed* copy of the statutory ethical standards from the
22 Commission.

23 ~~16-1~~ 9. Whenever the Commission, or any public officer or
24 employee as part of the public officer's or employee's official
25 duties, provides a public officer with a ~~hard~~ *printed* copy of the
26 form for making the acknowledgment, a ~~hard~~ *printed* copy of the
27 statutory ethical standards must be included with the form.

28 ~~17-1~~ 10. The Commission shall retain each acknowledgment
29 filed pursuant to this section for 6 years after the date on which the
30 acknowledgment was filed.

31 ~~18-1~~ 11. Willful refusal to execute and file the acknowledgment
32 required by this section shall be deemed to be:

33 (a) A willful violation of this chapter for the purposes of
34 NRS 281A.480; and

35 (b) Nonfeasance in office for the purposes of NRS 283.440 and,
36 if the public officer is removable from office pursuant to NRS
37 283.440, the Commission may file a complaint in the appropriate
38 court for removal of the public officer pursuant to that section. This
39 paragraph grants an exclusive right to the Commission, and no other
40 person may file a complaint against the public officer pursuant to
41 NRS 283.440 based on any violation of this section.

42 ~~19-1~~ 12. As used in this section, "general election" has the
43 meaning ascribed to it in NRS 293.060.



1 **Sec. 47.** NRS 281A.540 is hereby amended to read as follows:
2 281A.540 ~~{H-}~~ In addition to any other penalties provided by
3 law, ~~{a}~~ **any** governmental grant, contract or lease ~~entered into in~~
4 ~~violation of this chapter is voidable by the State, county, city or~~
5 ~~political subdivision. In a determination under this section of~~
6 ~~whether to void a grant, contract or lease, the interests of innocent~~
7 ~~third parties who could be damaged must be taken into account. The~~
8 ~~Attorney General, district attorney or city attorney must give notice~~
9 ~~of the intent to void a grant, contract or lease under this section no~~
10 ~~later than 30 days after the Commission has determined that there~~
11 ~~has been a related violation of this chapter.~~

12 ~~2. In addition to any other penalties provided by law, a contract~~
13 ~~prohibited by NRS 281.230 which is knowingly entered into by a~~
14 ~~person designated in subsection 1 of NRS 281.230 is void.~~

15 ~~3. Any action taken by the State in violation of this chapter is~~
16 ~~voidable, except that the interests of innocent third parties in the~~
17 ~~nature of the violation must be taken into account. The Attorney~~
18 ~~General may also pursue any other available legal or equitable~~
19 ~~remedies.~~

20 ~~4. In addition to any other penalties provided by law, the~~
21 ~~Attorney General may recover any fee, compensation, gift or benefit~~
22 ~~received by a person as a result of a violation of this chapter by a~~
23 ~~public officer. An action to recover pursuant to this section must be~~
24 ~~brought within 2 years after the violation or reasonable discovery of~~
25 ~~the violation.]~~ **made or other governmental action taken in**
26 **violation of this chapter may be declared void pursuant to section**
27 **11 of this act.**

28 **Sec. 48.** NRS 218D.175 is hereby amended to read as follows:
29 218D.175 1. For a regular session, the Governor or the
30 Governor's designated representative may request the drafting of
31 not more than 100 legislative measures which have been approved
32 by the Governor or the Governor's designated representative on
33 behalf of the officers, agencies, boards, commissions, departments
34 and other units of the Executive Department. The requests must be
35 submitted to the Legislative Counsel on or before September 1
36 preceding the regular session.

37 2. The Department of Administration may request on or before
38 the 19th day of a regular session, without limitation, the drafting of
39 as many legislative measures as are necessary to implement the
40 budget proposed by the Governor and to provide for the fiscal
41 management of the State. In addition to the requests otherwise
42 authorized pursuant to this section, the Governor may request the
43 drafting of not more than 5 legislative measures on or before the
44 19th day of a regular session to propose the Governor's legislative
45 agenda.



1 3. For a regular session, the following constitutional officers
2 may request, without the approval of the Governor or the
3 Governor’s designated representative, the drafting of not more than
4 the following numbers of legislative measures, which must be
5 submitted to the Legislative Counsel on or before September 1
6 preceding the regular session:

7		
8	Lieutenant Governor.....	1
9	Secretary of State.....	5
10	State Treasurer.....	2
11	State Controller.....	2
12	Attorney General	15
13		

14 4. *For a regular session, the Commission on Ethics created
15 by NRS 281A.200 may request, without the approval of the
16 Governor or the Governor’s designated representative, the
17 drafting of not more than 2 legislative measures, which must be
18 submitted to the Legislative Counsel on or before September 1
19 preceding the regular session.*

20 5. Each request made pursuant to this section must be on a
21 form prescribed by the Legislative Counsel. The legislative
22 measures requested pursuant to subsections 1 , ~~and~~ 3 and 4 must
23 be prefiled on or before December 20 preceding the regular session.
24 A legislative measure that is not prefiled on or before that date shall
25 be deemed withdrawn.

26 **Sec. 49.** NRS 245.075 is hereby amended to read as follows:

27 245.075 1. Except as otherwise provided in NRS 281.230,
28 281A.430 ~~1, 281A.530~~ and 332.800, it is unlawful for any county
29 officer , *directly or indirectly*, to be interested in any contract made
30 by the county officer or *to* be a purchaser or ~~be~~ interested in any
31 purchase of a sale made by the county officer in the discharge of his
32 or her official duties.

33 2. Any contract made in violation of ~~subsection 1~~ *this section*
34 may be declared void at the instance of the county interested or of
35 any other person interested in the contract except the officer
36 prohibited from making or being interested in the contract.

37 3. Any person ~~violating~~ *who violates* this section ~~1, directly or~~
38 ~~indirectly.~~ is guilty of a gross misdemeanor and shall forfeit his or
39 her office.

40 **Sec. 50.** NRS 268.384 is hereby amended to read as follows:

41 268.384 1. Except as otherwise provided in NRS 281.230,
42 281A.430 ~~1, 281A.530~~ and 332.800, it is unlawful for any city
43 officer , *directly or indirectly*, to be interested in any contract made
44 by the city officer ~~1~~ or to be a purchaser or interested ~~1, directly or~~



1 ~~indirectly,~~ in any purchase of a sale made by the city officer in the
2 discharge of *his or her* official duties.

3 2. Any person ~~violating~~ *who violates* this section is guilty of
4 a gross misdemeanor and shall forfeit his or her office.

5 **Sec. 51.** NRS 268.386 is hereby amended to read as follows:

6 268.386 Any contract made in violation of NRS 268.384 may
7 be declared void at the instance of the city interested or of any other
8 person interested in the contract except ~~and~~ *the* officer prohibited
9 from making or being interested in the contract.

10 **Sec. 52.** NRS 269.071 is hereby amended to read as follows:

11 269.071 1. ~~##~~ *Except as otherwise provided in NRS*
12 *281.230, 281A.430 and 332.800, it* is unlawful for any member of a
13 town board or board of county commissioners acting for any town to
14 become a contractor under any contract or order for supplies or any
15 other kind of contract authorized by or for the board of which he or
16 she is a member, or to be interested, directly or indirectly, as
17 principal ~~+~~ in any kind of contract so authorized.

18 2. Any person ~~violating subsection 1~~ *who violates this*
19 *section* is guilty of a gross misdemeanor and shall forfeit his or her
20 office.

21 **Sec. 53.** NRS 269.072 is hereby amended to read as follows:

22 269.072 1. ~~##~~ *Except as otherwise provided in NRS*
23 *281.230, 281A.430 and 332.800, it* is unlawful for any town officer,
24 directly or indirectly, to be interested in any contract made by the
25 town officer ~~+~~ or *to* be a purchaser or ~~be~~ interested in any
26 purchase under a sale made by the town officer in the discharge of
27 *his or her* official duties.

28 2. Any person ~~violating subsection 1~~ *who violates this*
29 *section* is guilty of a gross misdemeanor and shall forfeit his or her
30 office.

31 **Sec. 54.** NRS 269.073 is hereby amended to read as follows:

32 269.073 Any contract made in violation of NRS 269.071 or
33 269.072 may be declared void at the instance of the town or any
34 person interested in the contract except ~~and~~ *the* officer prohibited
35 from making or being interested in the contract.

36 **Sec. 55.** NRS 332.800 is hereby amended to read as follows:

37 332.800 1. Except as otherwise provided in NRS 281.230 ~~+~~
38 *and* 281A.430, ~~and 281A.530,~~ a member of the governing body
39 may not be interested, directly or indirectly, in any contract entered
40 into by the governing body, but the governing body may purchase
41 supplies, not to exceed \$1,500 in the aggregate in any 1 calendar
42 month from a member of such governing body ~~+~~ when not to do so
43 would be of great inconvenience due to a lack of any other local
44 source.



1 2. An evaluator may not be interested, directly or indirectly, in
2 any contract awarded by such governing body or its authorized
3 representative.

4 3. A member of a governing body who furnishes supplies in
5 the manner permitted by subsection 1 may not vote on the allowance
6 of the claim for such supplies.

7 4. A ~~violation of~~ *person who violates* this section is *guilty of*
8 a misdemeanor and, in the case of a member of a governing body, *a*
9 *violation is* cause for removal from office.

10 **Sec. 56.** NRS 281A.530 and 281A.550 are hereby repealed.

11 **Sec. 57.** 1. This section and sections 1 to 45, inclusive, and
12 47 to 56, inclusive, of this act become effective upon passage and
13 approval.

14 2. Section 46 of this act becomes effective on January 1, 2014.

TEXT OF REPEALED SECTIONS

281A.530 Purchase of goods or services by local government from member of governing body not unlawful or unethical; conditions. The purchase of goods or services by a local government upon a two-thirds vote of its governing body from a member of the governing body who is the sole source of supply within the area served by the governing body is not unlawful or unethical if the public notice of the meeting specifically mentioned that such a purchase would be discussed.

281A.550 Employment of certain former public officers and employees by regulated businesses prohibited; certain former public officers and employees prohibited from soliciting or accepting employment from certain persons contracting with State or local government; determination by Commission.

1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

↳ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

Sec. 57: Amend effective dates of bill as follows:

1. This section and sections 1 to 38, inclusive, 41, 43 to 48, inclusive, and 56 of this act become effective upon passage and approval.

2. Sections 39, 40, 42, and 49 to 55, inclusive, of this act become effective on January 1, 2014.

Transitory Provisions (Grandfather Clauses):

NRS 281A.550(3) is proposed to be repealed and replaced in subsection 5 of NRS 281A.410 (Sec. 40 of S.B. 228) to codify all "cooling-off" provisions affecting former public officers and employees in a single section. NRS 281A.550 was originally enacted and codified as NRS 281.236 in 1993 and included the following Grandfather Clause:

"Ch. 597, Stats. 1993, the source of subsection 3 of this section, contains the following provision not included in NRS:

The provisions of subsection 3 of [NRS 281.236] do not apply to the service or employment of a public officer or employee who is serving or is employed by an agency, division or department of the executive branch of government on July 12, 1993, or was such an officer or employee before July 12, 1993, unless on or after that date, that person is appointed to serve as an officer or retained as an employee of another agency, division or department of the executive branch of government for which subsequent employment is restricted pursuant to subsection 3 of [NRS 281.236.]"

The Commission proposes to include the same or similar Grandfather Clause in S.B. 228 to ensure that the recodification of NRS 281A.550(3) as the new NRS 281A.410(5) does not negatively affect those employed on or before the original effective date of the legislation in 1993.

Further, the existing provisions of NRS 281A.550(3) govern cooling off requirements for former public officers and employees of the Executive Department of State Government. The provisions are being amended in Sec. 40 of S.B. 228 (NRS 281A.410(5)) to include former public officers and employees of local governments. Accordingly, the Commission proposes a similar Grandfather Clause for existing public officers and employees of such local governments who will be affected by this amendment as of the effective date of this amendment.



(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,
↳ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment



or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

- (a) The amount of the contract exceeded \$25,000;
- (b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and
- (c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

- (a) The best interests of the public;
- (b) The continued ethical integrity of the State Government or political subdivision, as applicable; and
- (c) The provisions of this chapter,

↳ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.

7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:

- (a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;
- (b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.



8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

③

