

Agenda Item 3



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

**MINUTES
of the meeting of the
NEVADA COMMISSION ON ETHICS**

The Commission on Ethics held a public meeting on
Wednesday, January 16, 2019, at 10:00 a.m.
at the following location:

**Nevada Commission on Ethics
704 W. Nye Lane
Suite 204
Carson City, NV 89703**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics. Verbatim transcripts are available for public inspection at the Commission's office located in Carson City.

1. Call to Order and Roll Call.

Chair Cheryl A. Lau, Esq. appeared telephonically and called the meeting to order at 10:03 a.m. Also appearing telephonically were Vice-Chair Keith A. Weaver, Esq. and Commissioners Barbara Gruenewald, Esq., Teresa Lowry, Esq., and Amanda Yen, Esq. Appearing in Carson City were Commissioners Brian Duffrin, Phillip K. (P.K.) O'Neill, and Kim Wallin, CPA. Present for Commission staff in Carson City were Executive Director Yvonne M. Nevarez-Goodson, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Judy Prutzman, Esq., and Executive Assistant Kari Pedroza.

The pledge of allegiance was conducted.

2. Public Comment.

The Chair asked for public comment. No public comment was provided.

3. Approval of Minutes of the December 4, 2018 Commission Meeting.

Commissioner Yen moved to approve the December 4, 2018 Minutes. Commissioner Wallin seconded the motion. The Motion was put to a vote and carried unanimously.

4. Discussion and approval of a Proposed Stipulation concerning Ethics Complaint No. 18-062C regarding Lawrence Weekly, Chair, Board of Directors, Las Vegas Convention and Visitors Authority, State of Nevada.

Chair Lau recognized that Mr. Lawrence Weekly was not in attendance but that he was provided proper notice of the Agenda Item and understood that the Commission would proceed in his absence.

Associate Counsel Judy A. Prutzman, Esq. appeared on behalf of the Executive Director Nevarez-Goodson and provided an overview of the Ethics Complaint Case No. 18-062C and the Proposed Stipulated Agreement. The Complaint alleged that Mr. Weekly violated the Ethics Law when he used approximately \$1,400 worth of Southwest Airlines gift cards purchased by the Las Vegas Convention and Visitors Authority (“LVCVA”) for personal travel. A Review Panel consisting of 3 members of the Commission on Ethics determined that just and sufficient cause exists for the Commission to render an Opinion regarding the allegations pertaining to NRS 281A.400 subsections (1), (2), (7) and (9).

The Proposed Stipulated Agreement reflects that Mr. Weekly supported an outside audit of the LVCVA’s purchase/receipt of Southwest Airline gift cards and publicly accepted responsibility for his personal use of such gift cards under certain circumstances. However, the personal use of LVCVA property and the failure to reimburse the entire amount of his personal flights results in a willful violation of the Ethics Law and the imposition of a \$2,398.64 civil penalty (\$1,000.00 penalty plus an additional \$1,398.64 penalty equal to twice the financial amount realized for the cost of the flight that was not reimbursed).

Commission Counsel Tracy Chase stated for the record that Commissioners Gruenewald, Wallin and Yen served as members of the Review Panel and would be precluded from participating in this item.

Commissioner Duffrin made a motion to accept the terms of the Stipulated Agreement as presented by the parties and direct Commission Counsel to finalize the Stipulation in appropriate form. Chair Lau seconded the motion. The Motion was put to a vote and carried as follows:

Chair Lau:	Aye.
Commissioner Duffrin:	Aye.
Commissioner O’Neill:	Aye.
Commissioner Lowry:	Aye.
Vice Chair Weaver:	Aye.

5. Report by the Executive Director on agency status and operations and possible direction thereon. Items to be discussed include:
- Education and Outreach by the Commission
 - Case and Opinion Status Update
 - Meeting Schedule
 - FY19 Budget Update
 - Commission’s 2019 Bill Draft Request No. 23-191

Education and Outreach by the Commission: Executive Director Nevarez-Goodson provided an update on the Commission’s efforts in training, outreach, and education conducted during the fiscal year. She informed the Commission that she has received a few additional requests for training for newly elected officials and would be providing trainings in Las Vegas later in the week as well as the following week. She extended an invitation to any interested Commissioners to attend any presentation.

Case and Opinion Status Update: Executive Director Nevarez-Goodson summarized the Case Status Log which identifies all pending cases before the Commission and pointed out the overall increase in cases received during the current fiscal year which she would highlight at the upcoming Legislative meetings.

Meeting Schedule: Executive Director Nevarez-Goodson referenced the 2019 Commission Meeting schedule provided to the Commission, reiterating that meetings would be

scheduled for the third Wednesday of each month and asked that Commissioners be available on these days. She stated that the next meeting in February would be a brief teleconference and the March meeting would likely be held in Las Vegas.

FY19 Budget Update: Executive Director Nevarez-Goodson reserved her budget update for the next Agenda Item.

Commission's 2019 Bill Draft Request No. 23-191: The Executive Director provided an update to the Commission on the status of the proposed Bill Draft Request (BDR). She reported that staff has received a draft of the proposed BDR from the Legislative Counsel Bureau (LCB) and are awaiting the final version of the proposed BDR and once received will provide it to the Commission. She stated that the next steps will include presentations to both the Assembly and Senate Committees on Legislative Operations and Elections. She asked the Commission for questions and/ or concerns about the plan going forward in the Legislative Session.

Commissioner O'Neill asked to be apprised of upcoming presentations to the Legislature so that the Commissioners may attend and provide support to staff. Executive Director Nevarez-Goodson confirmed that she would keep the Commissioners apprised of the schedule.

Commissioner O'Neill moved to accept the Executive Director's report. Commissioner Lowry seconded the motion. The motion was put to a vote and carried unanimously.

6. Consideration and approval for the Executive Director to pursue Requests for Enhancements from the Legislature for the Commission's Biennial Budget (FY20 – FY21), including, without limitation:

- Salary Enhancements
- Additional Staff Position
- Travel funds for Investigations
- Digital Training/ Outreach Platform
- Travel funds for Outreach/ Training
- Conversion to Enterprise Information Technology Services (EITS)
- New Office Lease (Additional Space)
- Equipment Replacement
- Staff Cell Phones
- Investigatory Resources
- Additional Training funds to attend the annual Conference on Governmental Ethics Law (COGEL)

Executive Director Nevarez-Goodson outlined the above Enhancements that were requested as part of the Commission's "Agency Requested Budget" to the Governor for the next biennium, but were not included in the Governor's Recommended Budget. Director Nevarez-Goodson explained the need and justification for these enhancements which were previously supported by the Commission and requested whether the Commission would like to pursue these enhancements through a requested Budget Amendment or further consideration by the Legislature. Training enhancements were discussed by the Commission which could be included as an amendment to the Commission's Bill. Executive Director Nevarez-Goodson notified the Commission regarding current budget (FY19 Budget) expenditures for LCB's services in drafting regulations and in the amount of \$5,500. To fund the expense the approved budget for equipment replacement was used, which will delay computer replacement.

Commissioner Wallin made a motion to approve the Executive Director's report including the pursuit of enhancements. Commissioner Gruenewald seconded the motion. The Motion was put to a vote and carried unanimously.

7. Commissioner comments and identification of future agenda items. No action will be taken under this agenda item.

No commissioner comments.

8. Public Comment.

No public comment.

9. Adjournment.

Commissioner Wallin made a motion to adjourn the public meeting. Commissioner Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

The meeting adjourned at 10:59 a.m.

Minutes prepared by:

[/s/ Kari Pedroza](#)

Kari Pedroza
Executive Assistant

[/s/ Yvonne M. Nevarez-Goodson](#)

Yvonne M. Nevarez-Goodson, Esq.
Executive Director

Minutes approved February 20, 2019:

[/s/ Cheryl A. Lau](#)

Cheryl A. Lau, Esq.
Chair

[/s/ Keith A. Weaver](#)

Keith A. Weaver, Esq.
Vice-Chair

Agenda Item 4



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Gerald Antinoro, Sheriff, Storey
County, State of Nevada,

Request for Opinion No. **17-21C**

Subject. /

PROPOSED OPINION

I. INTRODUCTION AND PROCEDURAL HISTORY

Pursuant to NRS 281A.440(2)(b), a *Third-Party Request for Opinion* ("Complaint") was filed with the Nevada Commission on Ethics ("Commission") on June 26, 2017, alleging that Gerald Antinoro, ("Antinoro"), Storey County Sheriff, violated various provisions of the Ethics in Government Law set forth in Chapter 281A of the Nevada Revised Statutes ("Ethics Law").

On or about July 12, 2017, the Commission served Antinoro via certified mail with a *Notice to Subject* advising him of the allegations set forth in the Complaint implicating NRS 281A.400(2) (using public position to grant an unwarranted advantage to himself or others), NRS 281A.400(7) (using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest) and NRS 281A.400(9) (attempting to benefit a personal or pecuniary interest through the influence of a subordinate).

On July 17, 2017, Antinoro, by and through his attorney, Katherine F. Parks, Esq., with Thorndal Armstrong Delk Balkenbush & Eisinger, provided a waiver of statutory time limits for an investigation and a hearing in this matter pursuant to NRS 281A.440(6) and submitted a response to the allegations on September 28, 2017.

On February 26, 2018, the Commission's Review Panel ("Panel") issued its *Panel Determination* finding just and sufficient cause for the Commission to hold a hearing and render an opinion in this matter based on credible evidence that alleged Antinoro violated NRS 281A.400(2) and (7) related to Antinoro's use of the Sheriff's Office for his step-child's supervised visitation appointment.¹ Additionally, Under NAC 281A.435, the Panel concluded that the facts did not establish credible evidence to substantiate just and sufficient cause for the Commission to consider the alleged violations of NRS 281A.400(2) and NRS 281A.400(9) related to the investigation conducted by Antinoro's subordinate of a child welfare matter involving Antinoro's step-child. Therefore, those allegations were dismissed. Pursuant to NRS 281A.740, the Panel determined that Antinoro's conduct could be corrected by a deferral agreement that contained certain

¹ Commissioners Gruenewald, Stewart and Yen served on the Investigatory Panel and are precluded by NRS 281A.220(4) from participation in further matters after issuance of the Panel Determination. Accordingly, the necessary quorum to act upon this matter and the number of votes necessary is reduced as though these members were not members of the Commission under NAC 281A.200. All other Commissioners are eligible to participate in the consideration of this matter.

conditions. However, no deferral agreement was presented to the Panel for approval. Consequently, in furtherance of its determination, the Panel issued a Referral Order on March 22, 2018, referring the Complaint to the Commission to render an opinion in the matter.

On March 29, 2018, the Commission issued a *Notice of Hearing and Scheduling Order and Notice of Hearing and Meeting to Consider Your Character, Alleged Misconduct, Professional Competence or Health (NRS 241.033)* setting a hearing for June 20, 2018 to consider dispositive motions. Thereafter, each party filed a Motion for Summary Judgment (collectively the “Motions”), which were fully briefed and submitted for the Commission’s consideration. After considering the parties’ briefs and arguments, presented by their representative counsel, and considering the entire record, the Commission issued an order on July 2, 2018, denying both Motions. In addition, the Commission instructed Commission Counsel to issue a *Notice of Adjudicatory Hearing and Scheduling Order (“NOAHSO”)* allowing further discovery and scheduling an adjudicatory hearing before the Commission on October 17, 2018, which was issued on July 2, 2018. Later amendments of the NOAHSO were issued to clarify certain procedural matters.

On July 10, 2018, Antinoro signed a *Waiver of Notice Required under NRS 241.033(1) to Consider Character, Misconduct, or Competence of Person in Ethics Complaint Adjudicatory Hearing and Other Proceedings to be Heard by the State of Nevada Commission on Ethics*.

On September 13, 2018, the Executive Director filed a *Motion in Limine to Exclude Certain Evidence or Testimony (“Motion in Limine”)*. Subject Antinoro’s opposition to the *Motion in Limine* was served on the Executive Director on September 24, 2018 and was filed with the Commission on September 25, 2018. On October 9, 2018, the Chair issued an *Order granting in part and denying in part the Motion in Limine*.

On October 8, 2018, the Executive Director filed *Executive Director’s Objection* to certain evidence or testimony. On October 10, 2018, the Chair of the Commission held a Prehearing Conference which was attended by Executive Director Nevarez-Goodson represented by Associate Counsel Prutzman and Subject Antinoro represented by Ms. Parks, Esq. The Chair provided the parties information on the adjudicatory hearing process established in Section 58 of Approved Regulation of the Commission on Ethics, LCB No. R108-18, and received comments from the parties on exhibit objections, use of declarations, stipulations and redactions, among other matters. On October 10, 2018, an order was issued detailing pre-hearing rulings issued by the Chair.

On October 17, 2018, the Commission held an adjudicatory hearing to consider whether Antinoro had violated NRS 281A.400(2) or NRS 281A.400(7). At the conclusion of the adjudicatory hearing and after fully considering the record, testimony, evidence and arguments of the parties, in accordance with the requirements of the law including, without limitation, the mitigating factors set forth in NRS 281A.475, the Commission deliberated and announced its decision on the record that, based upon a preponderance of evidence, Subject Antinoro engaged in one willful violation of NRS 281A.400(7). No violation was found with regard to NRS 281A.400(2). A penalty in the amount of \$2,500.00 was imposed on Antinoro. The Commission now renders this written opinion setting forth its formal findings of fact and conclusions of law in compliance with NRS 233B.125.

II. FINDINGS OF FACT

In rendering this opinion, the Commission reviewed and considered all evidence and testimony set forth in the record including the following facts to be established under the preponderance of evidence standard set forth in NRS 281A.480:

1. Antinoro is the elected Sheriff of Storey County, a public officer as defined in NRS 281A.160.
2. Storey County is a political subdivision as defined in NRS 281A.145.
3. The Storey County Sheriff's Office is a local agency as defined in NRS 281A.119.
4. The Storey County Sheriff has a station located at 205 South C. Street, Virginia City, Nevada ("Main Station") and a substation located in Lockwood, Nevada ("Lockwood Substation").
5. The Main Station is open to the public for business Monday through Friday, 8 a.m. to 5 p.m., and the Lockwood Substation is open to the public for business Tuesday through Thursday, 10 a.m. to 3 p.m.
6. The Main Station and the Lockwood Substation ("Stations") are not regularly open to the public for business outside of the posted public business hours. There are certain exceptions to the weekend closures for special events. In addition, the public may request assistance by calling dispatch or 911, or possibly knock on the locked door of the respective station to determine whether a deputy is on duty and/or available to respond.
7. During the relevant time period, Antinoro was married to Laura Antinoro, the prior spouse of Clarence Gempel ("Gempel").
8. Laura Antinoro and Clarence Gempel were divorced on November 30, 2011.
9. The Divorce Decree awarded sole legal and physical custody of a minor child to Laura Antinoro. Gempel was granted supervised visitation with the minor child every other Saturday from 9 a.m. until 1 p.m. Laura Antinoro was permitted to choose the location for the supervised visitation and who would provide the supervision.
10. On approximately May 5, 2017, Gempel contacted Mrs. Antinoro requesting visitation with the minor child.
11. On approximately May 14, 2017, Gempel and Mrs. Antinoro agreed that supervised child visitation would occur on Saturday, May 20, 2017, at a local park.
12. Thereafter, in a conversation between Mrs. Antinoro and Antinoro, Mrs. Antinoro expressed a concern about the upcoming supervised child visitation because Gempel had not seen the minor child in approximately 6 years. In that conversation, Antinoro offered the Main Station for the visitation since it is a secure location. No other alternatives were considered.
13. Antinoro has a significant personal interest in assuring his step-child was properly supervised during the child visitation with Gempel.

14. Mrs. Antinoro testified that whenever her ex-husband Gempel requested visitation with their minor child, she “never at any time said no” to the visitation. On this occasion, Mrs. Antinoro told Gempel that she would be “happy to meet him wherever he wanted” and suggested a park. Within minutes, she changed her mind and altered the location to the Main Station. Her reasons for the change pertained to her concerns about the length of time between supervised child visitations and because she believed Gempel had contact with a person that she found to be deranged, therefore, she did not want the visitation to be conducted in the “open.”
15. Gempel resided in Arizona and was agreeable to a supervised child visitation in accordance with the Divorce Decree. He brought his current spouse to Nevada for the visitation. The record and testimony before the Commission did not establish facts supporting the existence of any implied or actual threat made by Gempel associated with the safety of the minor child or that of Mrs. Antinoro.
16. On May 20, 2017, the Main Station was closed to the public. Antinoro unlocked the doors of the Main Station for the supervised child visitation.
17. Gempel and his current spouse arrived mid-morning for the supervised child visitation and the visitation occurred mainly in the squad room of the Main Station. The squad room is a large open room with work stations.
18. Two deputies were on duty on May 20, 2017, and they were busy conducting a shift change at the time of the supervised child visitation and advising one another of matters relevant thereto. Neither deputy provided any assistance nor did they involve themselves with the visitation.
19. Prior to opening the Main Station, Antinoro did not know that the two deputies were on duty at the Main Station. Antinoro welcomed the Gempels and supervised the child visitation, which was without incident.
20. Antinoro testified that his use of the Main Station for supervised child visitation could be classified as a “civil standby” to protect the welfare of the mother and minor child. However, Mrs. Antinoro did not request a civil standby and Antinoro did not seek the services of the on-duty deputies, contact dispatch to report the civil standby, or complete an incident report as is protocol because there were no problems with the visitation.
21. Antinoro testified that for officer safety, it was best practices or standard procedure for an officer to call dispatch and complete an incident report when conducting a civil standby. He did not contact dispatch for this matter because he felt it was a “low-level” issue.
22. The Storey County Sheriff’s Office has established a policy manual. In synopsis, the policy manual contains the following provisions that apply to all members of the Sheriff’s Office, including the Sheriff, and which the Commission determines are relevant:
 - a. Policy 106.1 – Establishes that all members [of the Storey County Sheriff’s Office], regardless of assignment (Detention or Sheriff’s Office), are required to conform to the provisions of the manual.

- b. Policy 204 – Establishes methods by which the policy manual may be amended pursuant to departmental directives or special orders.
- c. Policy 214.5 – Establishes that a departmental directive or special order to ensure the effective operations of the Sheriff's Office are promulgated by either the Sheriff or authorized designee.
- d. Policy 320.2 – Requires that members of the Sheriff's Office responding to incidents of domestic violation and violation of related court orders must stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is a criminal behavior. It is also the policy of the Sheriff's Office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.
- e. Policy 472 – Establishes policy on civil disputes that mandates members of the Sheriff's Office must not become personally involved in the dispute and shall at all times remain impartial. The policy does not reference providing supervised visitation for a child custody civil matter. Instead, the policy references civil standbys to maintain the peace at the scene of a civil dispute with the goal of safeguarding persons and property, provided that the member refrain from providing legal advice or inappropriate advice. The policy details two forms of civil disputes for standby assistance: (1) standby to retrieve personal property and (2) procedures for violation of court orders should be addressed by issuing court, unless there is an immediate need for an arrest, which arrest must be approved by a supervisor.
- f. Policy 1050 – Establishes policy on "Nepotism and Conflicting Relationships" which defines "conflict of interest" to be "any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationships." The policy defines "relative" to include a spouse and step-child. The policy mandates that whenever an employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative, the employee shall notify their supervisor. If there is no supervisor, the employee shall notify dispatch to have another uninvolved employee to relieve the involved employee or remain present to witness the action.

23. Antinoro admitted that the written policies of the Sheriff's Office do not specifically reference supervised child visitations and that he used the Main Station for the supervised child visitation under the "generalized" civil standby policy.

24. Neither the Sheriff nor his designee issued a departmental directive or special order that permitted a member of the Sheriff's Office to hold or supervise a private child visitation during non-business hours at the Main Station pursuant to Policy 204.

25. Neither the Sheriff nor his designee issued a departmental directive or special order establishing an exception to the public hours established for the Main Station to permit a member of the Sheriff's Office to provide supervised child visitations services for himself or for the public pursuant to Policy 214.5.

26. The Sheriff's Office does not provide information to the public regarding child visitation services, it has no established program or protocols governing such services, and it does not train its administrative staff or police officers on child visitation services.
27. Ms. Gavenda, Administrative Assistant II, Storey County Sheriff's Office, testified the Main Station was open from 8 to 5, Monday through Friday, and the doors are locked when the facility is not open to the public. She also testified that if a deputy was in the Main Station after hours, the deputy might be able to respond should someone knock on the door for assistance.
28. Ms. Gavenda did not recall ever having received a request for the Sheriff's Office to provide supervised child visitation services. She testified that if she had received such a call, no written or other protocols had been established to allow administrative staff to schedule or permit supervised visitation in the Sheriff's office. The matter would be referred to dispatch or alternatively, if a deputy was available to take the call, it could be transferred accordingly.
29. Storey County Dispatch produced dispatch records ("CAD Incident Reports") that detailed domestic or child custody incidents occurring between May 1, 2016 and May 1, 2018. These records pertained to responses to child welfare matters and associated child custody exchanges which occurred at various locations.
30. In responding to interrogatories, Antinoro identified one CAD record he thought pertained to a previous supervised child visitation that lasted 30 minutes and occurred at the Main Station on December 1, 2017. See ED 557.
31. A detail review of the CAD Incident Record ED 557 and testimony associated with its verification confirmed that it was an incomplete version or redacted record. ED 623 represented the complete document.
32. ED 623 indicates that the reporting party was directed to the Detention Facility (identified as "911" in the record) for assistance and the matter was a civil standby for an issue pertaining to a custody agreement which took approximately 20 minutes. Upon review of ED 623, Antinoro could not confirm whether the reported incident pertained to a 30-minute supervised child visitation at the Main Station.
33. When questioned about the other CAD Incident Records, Antinoro was unable to confirm whether any supervised child visitation had occurred at the Main Station or at the Lockwood Substation between May 1, 2016 and May 1, 2018.
34. Based upon a review of the entire record, the Commission does not find that the CAD Incident Records establish that any supervised child visitation had occurred between May 1, 2016 and May 1, 2018, at either the Main Station or the Lockwood Substation.
35. Antinoro testified that, in his history with the Sheriff's Office, he had personal knowledge of the Sheriff's Office being open for members of the public as a place to conduct child custody exchanges. Separately, he recalled one prior supervised child visitation, which possibly occurred in 2011 or 2012.
36. Ms. Parsons, a Senior Communications Specialist employed by Storey County Dispatch for over 10 years, testified that, during her service as a dispatcher, she was

aware of requests for civil standbys for child custody exchanges, but did not recall ever receiving or processing any requests for supervised child visitation by law enforcement or from the public. If Dispatch had received such a request, the protocol would be to route the inquiry to the Sheriff's Office.

37. Additionally, Ms. Parsons does not recall ever receiving a call from the public to utilize the Storey County Sheriff's Office for supervised child visitation services, including a request for such services after hours.
38. Sergeant Kern, who has been employed approximately 9 years by the Storey County Sheriff's Office, testified that civil standbys usually pertain to property exchanges or child custody exchanges. A civil standby generally takes approximately 5 to 30 minutes, however, they could be longer. He recalls possibly one family utilizing the squad room at the Main Station for a supervised child visitation in the past, but could not confirm any specific details because he was not involved in the matter. Sergeant Kern testified that the recalled visitation was the only one of like nature that he was aware of during his term of service for Storey County. In addition, Sergeant Kern confirmed that it is not part of the Sheriff's Office training or written protocols for officers to make its facilities available for supervised child visitations.
39. Sergeant Kern, as a supervisor in the Sheriff's Office, testified that he was aware of the nepotism policy [Policy 1050], which defines a "conflict of interest" as: "[a]ny actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship." When asked whether he would allow a deputy he supervised to use his official position to supervise a child visitation for his own step-child, Sergeant Kern indicated he would comply with the policy and, at a minimum, have another officer who was not related to the matter be present.
40. The Commission finds that there was not an established policy governing supervised child visitations by the Storey County Sheriff's Office. The record demonstrates that supervised child visitations would be very unusual and so infrequent as to have no written policies or protocols.
41. The Commission does not find that a policy had been created by custom or practice that would permit the after-hour use of the squad room at the Main Station for a private supervised child visitation matter. The testimony presented on the prior use of the Main Station for one supervised child visitation years ago was inconclusive and without specifics as to whether it was conducted pursuant to a court order or as a civil standby. The testimony did not provide evidence that government resources or facilities were provided for private supervised child visitation matters for employees and members of the Sheriff's Office. Furthermore, use of government facilities for a private purpose benefitting a relative would be inconsistent with other established written policies of the Sheriff's Office.
42. Based upon the record, the Commission does not find credible evidence establishing that the supervised child visitation constituted a civil standby. The matter was not of an urgent nature, did not constitute an emergency situation, and no established protocols for a civil standby were followed, such as reporting to dispatch, asking another deputy to assist given the nepotism policy, completion of an incident report and other relevant protocols.

43. Based upon the record, the Commission finds that the supervised child visitation was a private civil matter and the Sheriff's Office had a practice of referring private civil matters to appropriate resources.
44. Even arguably if the supervised child visitation constituted a police matter, Antinoro did not comply with established policies of the Sheriff's Office, including the nepotism policy restricting handing matters for relatives who are persons to whom there is a private commitment. He did not direct his spouse to administration, dispatch or another member of the Sheriff's Office to ascertain the availability of police resources to handle the subject civil matter because it was "easier" to deal with it himself.
45. Although other officers were present at the Main Station, performing other duties on the weekend day of the subject supervised child visitation, Antinoro did not request any other member to handle the situation or be present during the visitation given his conflict.
46. The record establishes that Antinoro violated NRS 281A.400(7) by using his authority as Sheriff of Storey County to personally and singularly offer, schedule and oversee a supervised child visitation for his own step-child in furtherance of his significant personal interest. In particular Antinoro offered the Main Station as a secure location and personally opened government facilities for a private civil matter at a time the facility was closed to the public. In doing so, the record establishes that Antinoro did not follow established Storey County Sheriff's Office policies and procedures, which were designed to prevent him from utilizing his official authority to use government property and resources in furtherance of a private, civil matter.
47. Pursuant to the Divorce Decree, Antinoro, as a private citizen, certainly could have supervised the subject child visitation at a private location rather than utilizing Storey County government facilities.
48. The record does not establish by a preponderance of evidence that Antinoro violated NRS 281A.400(2), pertaining to improper use of a government position to grant an "unwarranted" preference or privilege given the definition of "unwarranted" set forth therein.

III. STATEMENT OF THE ISSUE AND RELEVANT STATUTES

A. ISSUE

The issues considered by the Commission are whether Antinoro's conduct in utilizing government property to benefit a significant personal interest constitutes a violation of either NRS 281A.400(2) or NRS 281A.400(7). The Nevada Legislature has expressly declared that public office is a public trust to be held for the sole benefit of the people. The Ethics Law governs the conduct of public officers and employees and requires that public officers and employees must avoid conflicts between their private interests and those of the general public they serve. See NRS 281A.020(1) and NRS 281A.400 (Code of Ethical Standards).

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B. RELEVANT STATUTES

1. Duty to Avoid Conflicts - NRS 281A.020(1) provides:

1. It is hereby declared to be the public policy of this State that:
 - (a) A public office is a public trust and shall be held for the sole benefit of the people.
 - (b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.

2. Use of Government position to secure or grant “unwarranted” privileges, preferences or advantages – NRS 281A.400(2) provides:

A public officer or employee shall not use the public officer’s or employee’s position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. As used in this subsection, “unwarranted” means without justification or adequate reason.

3. Improper use of Government Resources and Property - NRS 281A.400(7) provides:

Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee. This subsection does not prohibit:

- (a) A limited use of governmental property, equipment or other facility for personal purposes if:
 - (1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;
 - (2) The use does not interfere with the performance of the public officer’s or employee’s public duties;
 - (3) The cost or value related to the use is nominal; and
 - (4) The use does not create the appearance of impropriety;
- (b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or
- (c) The use of telephones or other means of communication if there is not a special charge for that use.

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

4. Standards for Determining Willful Violation – NRS 281A.475 provides:

1. In determining whether a violation of this chapter is a willful violation and, if so, the amount of any civil penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480, the Commission shall consider [:], without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances, extent and gravity of the violation;

(b) The number and history of previous warnings issued to or violations of the provisions of this chapter by the public officer or employee;

(c) The cost to the Commission to conduct the investigation and any hearing relating to the violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation, any attempts to rectify the violation before any complaint is filed and any cooperation by the public officer or employee in resolving the complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation;

(f) The extent of any financial gain resulting from the violation; and

(g) Any other matter justice may require.

2. The factors set forth in this section are not exclusive or exhaustive, and the Commission may consider other factors in the disposition of the matter if they bear a reasonable relationship to the Commission's determination of the severity of the violation.

3. In applying the factors set forth in this section, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation.

5. Definitions applicable to Willfulness Determination:

NRS 281A.105 “Intentionally” defined:

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

NRS 281A.115 “Knowingly” defined:

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

NRS 281A.170 “Willful” defined:

“Willful violation” means a violation where the public officer or employee:

1. Acted intentionally and knowingly; or
2. Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter,

↳ unless the Commission determines, after applying the factors set forth in NRS 281A.475, that the public officer's or employee's act or failure to act has not resulted in a sanctionable violation of this chapter.

6. Civil Penalties for Willful Violations – NRS 281A.480 provides in pertinent part:

1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.475, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

- (a) Not to exceed \$5,000 for a first willful violation of this chapter;
- (b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and
- (c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

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

IV. DECISION

A. WILLFUL VIOLATION OF NRS 281A.400(7) - IMPROPER USE OF GOVERNMENT RESOURCES AND PROPERTY

The Ethics Law is designed to preserve the public trust and ensure that public officers and employees maintain proper separation between their public duties and private interests. See NRS 281A.020. In furtherance of State policy to protect the public trust, the Code of Ethical Standards was enacted to require proper separation of private interests and commitments from public duties. See NRS 281A.400. The Commission has recognized that public officers and employees should not participate or be involved with matters that directly pertain to relatives because such participation, at a minimum, creates an appearance of impropriety and often creates an impermissible conflict under the Ethics Law. See *In re Murnane*, Comm'n Op. No. 15-45A (2016) and *In re Murray*, Comm'n Op. No. 08-07C (2008).

Based upon the preponderance of evidence standard, the Commission does not find there to be a violation of NRS 281A.400(2). Remaining at issue is whether Antinoro's conduct in personally using government facilities was for a significant personal interest and, if so, whether the use constitutes a violation of the Ethics Law or is permitted under NRS 281A.400(7). NRS 281A.400(7) contains a strict prohibition against a public officer or employee from using government time, resources, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or public employee. Pursuant to NRS 281A.400(7)(a), a limited-use exception to the strict prohibition is established when the use is either the result of an emergency or the governmental agency established a policy permitting the use. In either case, the use must not interfere with the performance of public duties, the cost or value must be nominal and the use may not create an appearance of impropriety.

Antinoro contends that his use of the government facility (Main Station) for a supervised child visitation between his spouse, her ex-husband and his minor step-child was similar to an authorized use previously provided to the general public by the Sheriff's Office. Specifically, Antinoro contends that the use was permitted under his official authority and public duty to maintain public safety through civil standby services, as addressed in Policy 472 of the Storey County Sheriff's Office. Alternatively, Antinoro asserts that should Policy 472 not be controlling, a *de facto* policy was created by custom and practice of the Sheriff's Office that permits supervised child visitations to occur at the Main Station.

The Commission's analysis determines whether Antinoro had a significant personal interest in using the Main Station for the supervised child visitation and whether the use of government property was for an official purpose or private matter within the prohibition set forth in NRS 281A.400(7). The Commission then considers whether the limited-use exception applies. The Commission considers whether the use of government property was permitted under NRS 281A.400(7)(a) because it was a result of an emergency or otherwise permitted by an established policy of the Storey County Sheriff's Office.

1. Antinoro's Use of the Main Station for the Supervised Child Visitation was for a Substantial Personal Interest Prohibited by NRS 281A.400(7)

Antinoro contends his use of the Main Office for the supervised child visitation was in performance of his public duties. Certainly, police services may be requested by the public to assist in keeping the peace and maintaining the safety of persons involved in civil disputes. However, the record does not establish that police intervention was requested or necessary to keep the peace or that an emergency situation existed in which the safety of any person was at issue.

Antinoro holds a significant personal interest in assuring the child visitation for his step-child was properly supervised. Even though Antinoro's spouse expressed a concern about the visitation, the record did not establish that Grepel, who resided out of state, had made any implied or actual threats to Antinoro, his spouse or the minor child. Contrary to the concern, Mrs. Antinoro testified that she would not "at any time" say "no" to visitation. On this particular occasion, Mrs. Antinoro told Grepel that she would be "happy to meet him wherever he wanted" and suggested a park. In communications with his spouse, Antinoro testified that he offered the Main Station for the supervised child visitation. Mrs. Antinoro then moved the supervised visitation to the Main Station, without objection from Grepel.

The supervised child visitation was held on a weekend when the Main Station was closed to the public and took approximately one hour. Antinoro used his official authority to open the Main Station to conduct the supervised child visitation. Antinoro confirmed he did not know whether the Main Station would even be occupied at the time he opened the doors. Present during the supervised child visitation were Antinoro, his spouse, Mr. Grepel, Mr. Grepel's spouse, and the minor child. Antinoro indicated that two deputies were on duty conducting a shift change at the time. However, Antinoro did not discuss the matter with the deputies nor did he utilize their services because the supervised child visitation was a "low-level" issue he could handle himself. By all accounts, the visitation was friendly, lacking any dispute and without incident. No party testified that the visitation created an emergency situation or necessitated or required police intervention to protect the safety of any person.

Credible evidence was not provided to establish that Antinoro's personal supervision of his step-child's visitation constituted a police civil standby situation. Antinoro, himself, had no safety concerns. Moreover, Gempel had not made any threats and Mrs. Antinoro did not specifically request police intervention, a civil standby or the use of police facilities. The record and policies of the Sheriff's Office establish that child exchanges and property exchanges are likely of short duration and are the type of civil standbys usually conducted by the Storey County Sheriff's Office. Antinoro testified that it was proper procedure for officer safety to report a civil standby to dispatch and complete an incident report. However, Antinoro did not notify dispatch or contact on-duty deputies to notify them that he was conducting a civil standby and he did not prepare a police incident report. If Antinoro considered the supervision of his own step-child's visitation to be a police matter or a safety concern, it should have been properly handled pursuant to established policies and protocols of the Storey County Sheriff's Office.

Antinoro should have complied with Policy 320.2 associated with facilitating civil disputes to appropriate civil remedies and community resources. Antinoro did not consider nor discuss with his spouse any alternate locations or resources. Further, Policy 472, addressing civil disputes and civil standbys, mandates that members of the Sheriff's Office must not become personally involved in the disputes and shall at all times remain impartial. Here, the opposite occurred. Antinoro was personally involved in the matter as the child's step-father. Antinoro singularly supervised his step-child's visitation in accordance with the Divorce Decree. However, in doing so, Antinoro did not comply with Policy 472 or Policy 1050 pertaining to conflicts of interest. Policy 1050 addresses handling police matters for relatives and instructs on proper avoidance of a conflict of interest. However, Antinoro did not follow the Policy's directives to contact a supervising deputy or notify dispatch. Two deputies were on duty and available at the Main Station and neither were advised of the situation. Instead, Antinoro chose to use his official authority to permit use of the Main Station for his private matter. The lack of compliance with written policy directives of the Storey County Sheriff's Office confirms that Antinoro's use of the Main Station was a private use rather than a civil standby situation requiring implementation of police powers.

By handling the matter himself, Antinoro acted outside of the established policies and protocols of the Sheriff's Office. Antinoro should not have placed himself in a compromising situation between private interests and public duties. Accordingly, based upon the record, the Commission determines that Antinoro's use of the Main Station for his step-child's supervised visitation was in furtherance of a significant personal interest and was restricted by NRS 281A.400(7).

2. The Limited-use Exception set forth in NRS 281A.400(7)(a)

The Commission next considers whether the subject use was permitted by the limited-use exception established in the statute. NRS 281A.400(7) is not violated when the circumstances confirm there is a limited use of governmental property, equipment or other facility for personal purposes provided that:

- (1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;
- (2) The use does not interfere with the performance of the public officer's or employee's public duties;
- (3) The cost or value related to the use is nominal; and
- (4) The use does not create the appearance of impropriety.

All four requirements must be met by the public officer or employee to be entitled to application of the limited-use exception. Initially, it is noted that the record does not establish the existence of an emergency nor does Antinoro contend that to be the case. Consequently, the Commission focusses on analyzing whether the use was permitted by an established and controlling policy. Antinoro contends that his use was permitted by Policy 472 governing civil standbys. Alternatively, he asserts that a *de facto* policy had been created permitting the use by custom and practice. In support of his positions, Antinoro asserts that, as the Sheriff, he could authorize the use, there was no interference with his job duties, the cost was nominal, and there was no appearance of impropriety.

Certainly, Antinoro can establish policies, directives or special orders under his authority as the Sheriff of Storey County. The central issue presented is not one of authority, but whether a policy had actually been established in writing or by custom or practice (a *de facto* policy), which would have permitted the personal or private use of the Main Station to benefit a significant personal interest. A policy is a standard course of action that has been officially established by an organization. See Black's Law Dictionary, 10th Edition, 2014. At a minimum, establishment of a policy, given the reference to the past-tense of the verb "established," connotes a past action, whether it be established by transmission to the organization and its personnel in writing or through knowledge, instruction, training or other relevant act.

Policy 472 governs the conduct of members of the Sheriff's Office in performing a civil standby under established protocols. The Commission is not persuaded that Policy 472 applies or governs this situation because it does not apply to the use of government property for a private matter by a member of the Sheriff's Office given the policy's stated impartiality requirements. Furthermore, Policy 472 does not establish protocols or even reference the rendering of supervised child visitations to the general public. Likewise, details permitting an after-hours use of government facilities for supervised child visitation are absent. It is further noted that Policy 320.2 establishes a protocol to refer civil domestic issues to appropriate civil resources.

Significantly, the directives of Policy 472 safeguard impartiality. Antinoro did not take any steps to remain impartial in compliance with established policy, which at a minimum, creates an appearance of impropriety under the Ethics Law given Antinoro's private use of government property. Antinoro handled his relatives' matter himself, without notification or assistance from other officers or notification to dispatch, without completion of an incident report and without referral to other civil resources. The conflict of interest is evident because Antinoro used the authority of his public office to handle his own significant private matter. Policy 1050 governing nepotism applies to the situation and the matter should have been handled by a disinterested member of the Sheriff's Office, including associated notification and reporting protocols. The policies of the Sheriff's Office do not permit or excuse the personal use of the government facility presented under the circumstances. Here, impartiality and conflict policy mandates applied, but were disregarded.

Separately, the Commission is not convinced and does not find that a *de facto* policy had been established based upon the prior use of the Main Station for a supervised child visitation. Child exchanges are not the same as conducting a private supervised visitation of a relative's child after-hours in a government facility.² The record and policy

² The fact that the Storey County Dispatch facility now has a designated area to promote public safety, which is monitored by cameras, is irrelevant and not determinative.² The area was established after the conduct at issue to provide a secure location for the private sales of goods and to conduct child exchanges.

parameters establish that child exchanges and property exchanges are likely of short duration and are the type of civil standbys usually conducted by the Storey County Sheriff's Office. Supervised child visitations vary and would be of longer duration, requiring dedicated resources, and are not addressed in policy.

Further, the record does not contain any documented instance verifying that a member of the Sheriff's Office used government facilities to supervise a child visitation for his own benefit or for the benefit of a relative, with the sole exception of Antinoro. Notably, supervised child visitations were so unusual that a testifying dispatcher and administrative personnel did not recall any calls requesting the use or the actual use of Sheriff's Office facilities for supervised child visitation. Antinoro recalls one supervised child visitation at the Main Station that occurred possibly in 2011 or 2012. Sergeant Kerns recalls one family using the facility for supervised child visitation purposes years ago.³ With the exception of the prior supervised child visitation recalled, no witness testified to specific facts or details pertaining to prior supervised child visitations, no incident reports were produced, no member of the Sheriff's Office testified whether any such visitations were supervised by law enforcement or whether government facilities were made available for such visitations after hours. The witnesses' recollections pertaining to the prior supervised child visitation were general in nature, lacked detail, and established that such a situation was infrequent, if not rare. Importantly, the record does not establish any protocols or associated training for a deputy or other member of the Sheriff's Department regarding scheduling or supervising child visitation matters in a government facility. The lack of uniformity, absence of protocols and infrequent occurrences serve to negate the existence of a *de facto* policy established by custom or practice.

The Commission determines that not all requirements of the limited-use exception have been established. Antinoro's use of the Main Station to supervise his own step-child's visitation created an appearance of impropriety, constituted a conflict and was not permitted by an established written policy or *de facto* policy of the Sheriff's Office. Antinoro either could have, but did not, participate in the supervised child visitation at a non-government location, or properly follow the policies of the Sheriff's Office and directives of the Ethics Law to avoid the conflict or appearance of impropriety for a supervised child visitation at the Main Station. Based upon the record, the Commission determines that Antinoro violated NRS 281A.400(7) because his private use of government facilities benefitted his own significant personal interests and such use was not permitted by the limited-use exception.

B. INTENTIONAL AND KNOWINGLY

Prior to application of the mitigating factors set forth in NRS 281A.475, the Commission considered whether Antinoro's use of government property for his step-child's supervised visitation was intentional and knowing, which terms are defined in NRS 281A.105 and NRS 281A.115. The legislative history enacting these provisions associated with the definition of a willful violation of NRS Chapter 281A requires the Commission to interpret the meanings of "intentional" and "knowing" consistent with Nevada case law. See Legislative Minutes of Assembly Committee on Elections, Procedures, Ethics and Constitutional Amendments, May 12, 2009, and Senate Committee on Judiciary, May 21, 2009, regarding Senate Bill 160 of the 75th Legislative Session of Nevada (2009).

³ It is likely that both recollections involved the same supervised child visitation. However, even if there were two incidents, it would not have been determinative to the analysis.

For an act to be intentional, NRS 281A.105 requires that Antinoro acted “voluntarily and deliberately.” See *In re Fine v. Nevada Commission on Judicial Discipline*, 116 Nev. 1001 (2000) (“the relevant inquiry regarding willful misconduct is an inquiry into the intentional nature of the actor’s conduct.”). Here, Antinoro offered the Sheriff’s Main Station for the supervised child visitation, even when other options were available to him. Antinoro’s conduct was not accidental or inadvertent nor did he claim it to be. *Id.*⁴

The Ethics Law requires that Antinoro had knowledge of his actions or use of the government facilities for a private purpose. See NRS 281A.115 (definition of “knowingly”). It is properly noted that the provisions of NRS Chapter 281A do not require Antinoro to have actual knowledge that his conduct violated the Ethics Law but it does impose constructive knowledge on a public officer when other facts are present that should put an ordinarily prudent person upon inquiry. See *Garcia v. The Sixth Judicial District Court of Nevada*, 117 Nev. 697, 30 P.3d 1110 (2001) (“constructive knowledge fulfills a statutory requirement that an act be done ‘knowingly.’ State of mind need not be proved by positive or direct evidence but may be inferred from conduct and the facts and circumstances disclosed by the evidence.”); and *State v. Rhodig*, 101 Nev. 608, 707 P.2d 549 (1985) (“... the law does not require knowledge that such an act or omission is unlawful.”).

The Commission confirmed in a recent opinion that the Subject’s conduct was willful pursuant to NRS 281A.170 because he acted intentionally and knowingly, as those terms are defined in NRS 281A.105 and 281A.115, respectively. See *In re Boldt*, Comm’n Op. No. 17-37C (2018). As established in NRS 281A.400(7), the impropriety in using government facilities for a private use when no exception applies is clear and unambiguous. As in *Boldt*, the record before the Commission established that Antinoro intentionally and knowingly acted when he used the Main Station, a government facility, after hours for a private child visitation, which he accessed for the supervised visit.

C. NRS 281A.475 - MITIGATING FACTORS AND CIVIL PENALTY

The Commission considers all relevant mitigating factors set forth in NRS 281A.475 in determining whether a civil penalty is appropriate. However, each factor may not necessarily be present or be provided equal weight. In synopsis, these factors are:

1. Seriousness of Violation,
2. History of Warnings or Violations,
3. Cost of Investigation and Hearings,
4. Mitigating Factors (cooperation, self-reporting, correction of violation, etc.),
5. Restitution or Reimbursements paid to Affected Parties,
6. Extent of Financial Gain, and
7. Other Matters as Justice Requires.

NRS 281A.400(7) establishes a strict prohibition against use of public facilities and resources unless the use is permitted by the limited-use exception. The Commission considered the lack of associated costs and absence of financial gain and the history of Antinoro’s two previous violations, which occurred prior to the conduct at issue. The Commission provided less weight to the two prior violations than other factors given that Antinoro stipulated to resolve RFO No. 14-59C as a non-willful violation, and RFO No. 16-54C remains subject to appellate proceedings.⁵

⁴ The law does not require proof that the intentional behavior was engaged in bad faith or with malicious motive to be deemed willful. See *In re Matson*, Comm’n Op. No. 14-70C (2016).

⁵ In public comment occurring during the Commission’s public meeting on October 17, 2018, assertions were made by a member of the public alleging improper conduct by Antinoro. This alleged conduct

The Commission provided greater weight to factors pertaining to the seriousness of this violation as established by the record, including the strict prohibition in the Ethics Law restricting public officers and employees use of public facilities to benefit a significant personal interest, the obvious conflict associated with handling matters for relatives benefiting Antinoro's own significant private interests, lack of self-reporting or correction of the violation, lack of personal responsibility, failure to mitigate, and other matters justice required. Antinoro did not comply with established policies and procedures of the Sheriff's Office or the Ethics Law, which he is charged with enforcing as the head of the organization. Antinoro's reticence in taking personal responsibility or steps to mitigate the circumstances, such as implementing additional training in the proper use of government facilities or instituting other actions to properly avoid similar conflicts in the future, is also provided greater weight.

The nature of the violation and the totality of Antinoro's conduct is determined to be significant when measured against the public's trust and the public policy of the State of Nevada requiring public officers and employees to maintain a proper separation between the role of a public servant and a private citizen. NRS 281A.020(2) and NRS 281A.400(7). Based upon the record, the Commission determines that Antinoro's conduct constitutes a single willful violation of NRS 281A.400(7) and imposes a civil penalty of \$2,500 against Antinoro.

V. CONCLUSIONS OF LAW

1. At all times relevant to this matter, Antinoro was a "public officer," as defined by NRS 281A.160.
2. Pursuant to NRS 281A.440(1) and NRS 281A.460, the Commission has jurisdiction to render an opinion in this matter.
3. Antinoro, as a public officer, has a duty under the Ethics Law and its interpretive opinions to maintain proper separation between public duties and private interests. See NRS 281A.020.
4. Pursuant to NRS 281A.400(7), Antinoro, as a public officer, is prohibited from using government time, resources, property, equipment or other facility to benefit his significant personal or pecuniary interest, unless the limited-use exception applies to the circumstances.
5. Pursuant to the provisions of the Ethics Law and the record, all requirements of the limited-use exception set forth in NRS 281A.400(7)(a) are not met; therefore, the conduct is not excused by the exception.
6. Based upon the preponderance of evidence standard, Antinoro willfully violated NRS 281A.400(7) by using government property in furtherance of his significant personal interest in supervising the subject child visitation.
7. Based upon the preponderance of evidence standard, the Commission concludes there is insufficient evidence in the record to establish that Antinoro violated NRS 281A.400(2).

commented on was not part of Antinoro's adjudicatory hearing and was not considered by the Commission in rendering its determinations or this opinion.

8. In accordance with the authority of the Commission under NRS 281A.475 and NRS 281A.480, civil penalties are imposed and Antinoro must pay a civil penalty in the amount of \$2,500. Authorization is provided for the Executive Director and Subject Antinoro to enter into a payment schedule, with payment being completed within six (6) months after the date of issuance of this opinion.

Any Finding of Fact hereafter construed to constitute a Conclusion of Law, or any Conclusion of Law construed to constitute a Finding of Fact, is hereby adopted and incorporated as such to the same extent as if originally so designated.⁶

The following Commissioners participated in this Opinion:

Dated this ____ day of February, 2019.

NEVADA COMMISSION ON ETHICS

By: /s/ Cheryl A. Lau
Cheryl A. Lau, Esq.
Chair

By: /s/ Philip K. O'Neill
Phillip K. O'Neill
Commissioner

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Kim Wallin
Kim Wallin, CPA
Commissioner

Separate Statement:

This Commissioner did not vote in favor of the majority opinion even though he respects the opinion of the majority from a statutory construction and legal perspective. Instead, he made a motion, which did not receive a second, that referenced the mitigating factors contained in NRS 281A.475 and preponderance of evidence standards established in NRS 281A.480, to find that Antinoro's conduct constituted a single violation of the Ethics Law of NRS 281.400(7). The motion confirmed that the violation was not willful and no fine should be imposed because the welfare of a child was a proper concern of the sheriff's department and the sheriff, and there was testimony that the same accommodation would have been provided to any other member of the public. Further, the Commission could have instituted corrective measures including education and training, and direction to the Sheriff to properly establish a policy pertaining to the handling of supervised child visitations by members of the Storey County Sheriff's Office.

By: /s/ Brian Duffrin
Brian Duffrin
Commissioner

⁶ Findings of Fact and Conclusion of Law are set forth separately in this opinion as required by NRS 233B.125; however, they are deemed interchangeable for interpretive purposes. See *State, Dep't of Commerce v. Soeller*, 98 Nev. 579, 586, 656 P.2d 224, 228 (1982)(concluding that when "the conclusion itself gives notice of the facts on which the Commission relied ... we may imply the necessary factual findings, so long as the record provides substantial evidence to support the Commission's conclusion").

Dissent:

This Commissioner dissents from the majority opinion because the evidence demonstrated the existence of a safety concern for a child's welfare. The accommodation that what was offered to Antinoro's spouse and child was available to the general public despite the absence of clear evidence the general public used the benefit. Specifically, there was testimony that, even though requests were rare, if the Storey County Sheriff's Office had been asked by a member of the public to use its facilities for supervised child visitation purposes, such a request would have been routed to a deputy to determine whether the requested government facilities or deputy supervision and law enforcement resources would be available. As a matter of public policy, appropriate government facilities and resources should be made available for public use to address public safety concerns. Because Antinoro testified that his use of government facilities was in furtherance of a child welfare concern, he should proceed to establish a written policy and associated program so it is clear that the facilities and resources of the Storey County Sheriff's Office are available to the members of the public for public safety matters including supervised child visitations. The establishment of a written policy and program would assure that the general public has knowledge regarding and access to government facilities and resources and alleviate any claims of preference, impropriety or noncompliance with the Ethics Law.

By: /s/ Keith A. Weaver
Keith A. Weaver, Esq.
Vice-Chair

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I transmitted a true and correct copy of the **OPINION** in Request for Opinion No. 17-21C via U.S. Certified Mail and electronic mail to the Parties as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
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Email: ynevarez@ethics.nv.gov

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Katherine F. Parks, Esq.
Thorndal Armstrong et al
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cc: psb@thorndal.com

*Attorney for Subject
Gerald Antinoro*

Gerald Antinoro
Storey County Sheriff's Office
P.O. Box 176
Virginia City, NV 89440

Certified Mail: _____
gantinoro@storeycounty.org

DATED: February ##, 2019

An employee, Nevada Commission on Ethics



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Third-Party Request
for Opinion Concerning the Conduct of
Gerald Antinoro, Sheriff, County of
Storey, State of Nevada,

Request for Opinion No. 17-21C

Subject. /

**Notice of Hearing and Meeting to Consider
Your Character, Alleged Misconduct, Professional Competence or Health
(NRS Chapter 281A and NRS 241.033)**

On October 17, 2018, the Nevada Commission on Ethics ("Commission") held an adjudicatory hearing during a noticed public meeting to consider the alleged misconduct as it pertains to the Nevada Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"), and directed Commission Counsel to provide a written opinion in furtherance of its determinations that the Subject had willfully violated NRS 281A.400(7).

PLEASE TAKE NOTICE, on **February 20, 2019**, at **9 a.m.**, the Commission will hold a public meeting to consider the approval of the written opinion in this matter,¹ which meeting will include consideration of the alleged misconduct, professional competence or health of the Subject, at the following location:

**Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, NV 89703**

The evidentiary and presentation portion of the adjudicatory proceedings have been completed. Consequently, attendance of the parties is not required, but any party is welcome to attend the public meeting in person or by teleconference.

DATED: January 15, 2019

/s/ Tracy L. Chase

Tracy L. Chase, Esq.
Commission Counsel

¹ See Section 21(3) of the Commission's Approved Regulations, LCB File No. R108-18, Effective August 30, 2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I deposited for mailing, via U.S. Postal Service, certified mail, return receipt requested, through the State of Nevada mailroom, and via electronic mail, a true and correct copy of the foregoing **Notice of Hearing** as follows:

Yvonne M. Nevarez-Goodson, Esq.
Executive Director
Judy A. Prutzman, Esq.
Associate Counsel
704 W. Nye Lane, Suite 204
Carson City, NV 89703

Email: ynevarez@ethics.nv.gov

Email: jprutzman@ethics.nv.gov

Gerald Antinoro
Sheriff
Storey County Sheriff's Office
205 S. C Street
P.O. Box 498
Virginia City, NV 89440

Certified Mail No.: 9171 9690 0935 0037 6376 10
Email: gantinoro@storeycounty.org

Subject

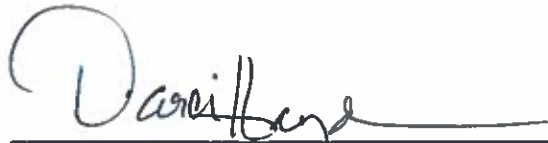
Katherine F. Parks, Esq.
Thorndal Armstrong et al
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Email: kfp@thorndal.com

Email: psb@thorndal.com

Attorney for Subject

DATED: January 15, 2019



Employee of the Nevada Commission on Ethics

RECEIVED

JUN 26 2017

COMMISSION on ETHICS in Nevada

NEVADA ETHICS OPINION REQUEST

NEVADA COMMISSION ON ETHICS THIRD-PARTY REQUEST FOR OPINION

NRS 281A.440(2)

17-21

1. Provide the following information for the public officer or employee you allege violated the Government Law, NRS Chapter 281A. (If you allege that more than one public officer or employee has violated the law, use a separate form for each individual.)

NAME: <small>(Last, First)</small>	Gerald Cook - Antinoro Clarence Campbell III	TITLE OF PUBLIC OFFICE: <small>(Position: e.g. city manager)</small>	Sheriff
PUBLIC ENTITY: <small>(Name of the entity employing this position: e.g. the City of XYZ)</small>	Virginia City, Storey County		
ADDRESS: <small>(Street number and name)</small>	205 SC St.	CITY, STATE, ZIP CODE	Virginia City, NV 89440
TELEPHONE:	Work: 775-847-0889	Other: (Home, cell) 775-847-7393	E-MAIL:

2. Describe in specific detail the public officer's or employee's conduct that you allege violated NRS Chapter 281A. (You must include specific facts and circumstances to support your allegation: times, places, and the name and position of each person involved.)

Check here if additional pages are attached.

Antinoro used one of his deputies Frank Valdez to find out what personal information I know about Antinoro. This is in light of a custody issue with my daughter, who is now Antinoro's step-daughter. Antinoro is abusing his office by protecting his wife Louisa Antinoro my ex-wife, and not charging her with concealment of a child, which is against a court order. Antinoro also attempted to use his office in order to intimidate me when setting

3. Is the alleged conduct the subject of any action currently pending before another administrative or judicial body? If yes, describe:

4. What provisions of NRS Chapter 281A are relevant to the conduct alleged? Please check all that apply.

Statute	Essence of Statute:
<input checked="" type="checkbox"/> NRS 281A.020(1)	Failing to hold public office as a public trust; failing to avoid conflicts between public and private interests.
<input type="checkbox"/> NRS 281A.400(1)	Seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.
<input type="checkbox"/> NRS 281A.400(2)	Using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person.
<input type="checkbox"/> NRS 281A.400(3)	Participating as an agent of government in the negotiation or execution of a contract between the government and any business entity in which he has a significant pecuniary interest.

up visitation with my daughter. We were originally going to meet at a park in Virginia City however this was changed last minute and I was asked to meet Laura and [REDACTED] my daughter at the Sheriff's office in Virginia City. Antinoro referred to the office as "his home".

<input type="checkbox"/>	NRS 281A.400(4)	Accepting any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.
<input checked="" type="checkbox"/>	NRS 281A.400(5)	Acquiring, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, and using the information to further the pecuniary interests of himself or any other person or business entity.
<input type="checkbox"/>	NRS 281A.400(6)	Suppressing any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.
<input checked="" type="checkbox"/>	NRS 281A.400(7)	Using governmental time, property, equipment or other facility to benefit his personal or financial interest. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(8)	A State Legislator using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person, or requiring or authorizing a legislative employee, while on duty, to perform personal services or assist in a private activity. (Some exceptions apply).
<input type="checkbox"/>	NRS 281A.400(9)	Attempting to benefit his personal or financial interest through the influence of a subordinate.
<input type="checkbox"/>	NRS 281A.400(10)	Seeking other employment or contracts through the use of his official position.
<input type="checkbox"/>	NRS 281A.410	Failing to file a disclosure of representation and counseling of a private person before public agency.
<input type="checkbox"/>	NRS 281A.420(1)	Failing to sufficiently disclose a conflict of interest.
<input type="checkbox"/>	NRS 281A.420(3)	Failing to abstain from acting on a matter in which abstention is required.
<input type="checkbox"/>	NRS 281A.430/530	Engaging in government contracts in which public officer or employee has a significant pecuniary interest.
<input type="checkbox"/>	NRS 281A.500	Failing to timely file an ethical acknowledgment.
<input type="checkbox"/>	NRS 281A.510	Accepting or receiving an improper honorarium.
<input type="checkbox"/>	NRS 281A.520	Requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate during the relevant timeframe.
<input type="checkbox"/>	NRS 281A.550	Failing to honor the applicable "cooling off" period after leaving public service.

5. Identify all persons who have knowledge of the facts and circumstances you have described, as well as the nature of the testimony the person will provide. Check here if additional pages are attached.

NAME and TITLE: (Person #1)				Frank Valdez			
ADDRESS:		205 S.C. St.		CITY, STATE, ZIP		Virginia City, N	
TELEPHONE:		Work: 775-847-0159		Other: (Home, cell)		E-MAIL: 89440	
NATURE OF TESTIMONY:		Frank Valdez called me to question me about personal information I know about Antinoro.					
NAME and TITLE: (Person #2)							
ADDRESS:				CITY, STATE, ZIP			
TELEPHONE:		Work:		Other: (Home, cell)		E-MAIL:	
NATURE OF TESTIMONY:							

6. YOU MUST SUBMIT EVIDENCE TO SUPPORT YOUR ALLEGATIONS PURSUANT TO NRS 281A.440(2)(b)(2).

Attach all documents or items you believe provide credible evidence to support your allegations. NAC 281A.435(3) defines credible evidence as any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made. A newspaper article or other media report will not support your allegations if it is offered by itself.

State the total number of additional pages attached (including evidence) _____.

7. REQUESTER'S INFORMATION:

YOUR NAME:	Clarence Grempel III		
YOUR ADDRESS:	1305 N. Cliff Rose Rd	CITY, STATE, ZIP:	Prescott, AZ 86305
YOUR TELEPHONE:	Day: 928-583-4414	Evening: Same	E-MAIL: raine0520@gmail.com

By my signature below, I affirm that the facts set forth in this document and all of its attachments are true and correct to the best of my knowledge and belief. I am willing to provide sworn testimony if necessary regarding these allegations.

I acknowledge that, pursuant to NRS 281A.440(8) and NAC 281A.255(3), this Request for Opinion, the materials submitted in support of the allegations, and the Commission's investigation are confidential until the Commission's Investigatory Panel renders its determination, unless the Subject of the allegations authorizes their release.

Clarence Grempel III
Signature:

6-21-17
Date:

CLARENCE GREMPER III
Print Name:

You must submit an original and two copies of this form bearing your signature, and three copies of the attachments to:

**Executive Director
Nevada Commission on Ethics
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703**



Forms submitted by facsimile will not be considered as properly filed with the Commission.
NAC 281A.255(3)

TELEPHONE REQUESTS FOR OPINION ARE NOT ACCEPTED.

Agenda Item 5

Cheryl A. Lau, Esq.
Chair

Keith A. Weaver, Esq.
Vice-Chair

Yvonne Nevarez-Goodson, Esq.
Executive Director
(D) 775-687-4312
ynevarez@ethics.nv.gov



State of Nevada
COMMISSION ON ETHICS
704 W. Nye Lane, Suite 204
Carson City, Nevada 89703
(775) 687-5469 • Fax (775) 687-1279
<http://ethics.nv.gov>

February 4, 2019

BDR 23-191 Summary

The Commission's bill addresses a multitude of administrative, procedural and substantive amendments to Nevada's Ethics in Government Law set forth in NRS Chapter 281A.

Albeit out of order from the sections of the bill, the Bill addresses the following topics:

- 1) Chair, Commission and Staff Qualifications, Duties and Responsibilities
- 2) Requests for Advisory Opinions
- 3) Ethics Complaints
- 4) Ethical Standards of Conduct
- 5) Acknowledgment Forms – Fines
- 6) Cooling-Off Standards
- 7) Legal Defense of Public Officers/Employees Before Commission
- 8) Open Meeting Law Exemption/Application
- 9) Jurisdiction of State Legislators
- 10) Administrative Amendments

1. Chair, Review Panel and Staff Qualifications, Duties and Responsibilities:

- Chair's duties may be assigned to Vice-Chair or other members of the Commission. Chair/Presiding officer may administer oaths.
- Executive Director must be licensed attorney in Nevada.
- Commission Counsel shall represent Commission and staff in litigation and may initiate, defend, participate and appeal in legal proceedings with consent or ratification of Commission.
- Review Panel member may serve as mediator in settlement negotiations between parties prior to adjudicatory hearing.
- Review Panel may dismiss a case after a finding of just and sufficient cause with a confidential letter of caution or instruction.
- Review Panel shall serve a written Panel Determination on the Subject.
- Review Panel shall establish deadlines for approval of deferral agreements in Panel Determination.

2. Requests for Advisory Opinions

- A special or local ethics committee may now seek requests for advisory opinions.
- State and local agency legal counsel may request advisory opinion regarding hypothetical facts and circumstances involving particular position within agency; not involving specific facts of any public officer/employee.
- Commission may seek additional information from state or local agency legal counsel regarding request for advisory opinion by public officer/employee to assist in accurate advice; must retain confidentiality of subject.
- 2-year statute of limitations for advisory opinions regarding past conduct.
- Request for advisory opinion may be stayed or dismissed upon filing of ethics complaint involving same issues, facts or circumstances or for just adjudication/disposition of ethics complaint.
- Clarifying scope of waivers of confidentiality to opinion, information, hearing transcript or all.
- Distinction between issuing a decision versus a written opinion; extra time to issue written opinion.
- Materials and hearing are confidential and exempt from Open Meeting Law. Commission may hold open hearing upon waiver of confidentiality in accordance with regulations of Commission.

3. Ethics Complaints

- No anonymous complaints unless preliminary investigation reveals information in an anonymous complaint that is otherwise publicly available that could have been readily discovered or is independently verified by Commission or staff as reliable and accurate.
- ED authorized to conduct preliminary investigation during jurisdictional phase to collect facts to determine jurisdiction and whether an investigation is warranted.
- Commission is authorized to extend 45-day deadline to determine jurisdiction based upon showing of good cause.

- Commission may dismiss complaint initiated on its own motion with a confidential letter of caution or instruction.
- Commission will serve a "Notice of Investigation" instead of a copy of the ethics complaint if the Commission accepts jurisdiction and directs an investigation.
- Clarifies that consistent with existing subpoena power, Subject of a complaint must participate in an investigation regardless of whether they file a written response to the allegations; exceptions if immunities or other privileges apply.
- Review Panel may grant an extension of 70-day timeline to investigate a case for good cause shown.
- Clarifies that the parties to adjudicatory proceedings after investigation include the Executive Director and Subject of the complaint who may each present/defend their cases to the Commission after the Commission issues a written notice of hearing and schedule for discovery, pursuant to which the subject may request evidence from the investigatory file that the Executive Director intends to present at hearing.
- Distinction between issuing a decision versus a written opinion; extra time to issue written opinion.
- Written opinions must state findings of fact and conclusions of law and comply with Nevada's Administrative Procedures Act (NRS 233B).
- Clarifies the protections for confidentiality of the identity of person who files an ethics complaint, including when they otherwise serve as witnesses.
- Confirms that evidence presented at an adjudicatory hearing will become public records after the final action as hearings are exempt from OML.
- Materials and hearings are exempt from OML (except final action). Clarifies that exemption exists even for final action, but the Commission will make its final decision in an open hearing in accordance with regulations of Commission.
- Eliminates distinction between an ethics violation and a willful violation; instead Commission will evaluate seriousness/severity of a violation to determine penalties/sanctions.
 - o Safe Harbor protections for public officers and employees who rely in good faith upon legal determination of agency counsel will now receive full safe harbor from a violation, not just from a finding of willfulness.
 - o Removal statutes which authorize or mandate the Commission to move for removal of a public officer/employee for certain number of willful violations will now require finding of a violation and imposition of a penalty of \$5,000 or more for one violation and \$10,000 or more for more than one violation.

4. Ethical Standards of Conduct

- Clarifies scope of standards that apply to current and former public officers and employees.
- Clarifies standards are cumulative and supplement each other (separate statutory standards may apply separately to same facts/circumstances)
- Codifies Commission opinions establishing commitment-based conflicts based upon relationships to entities with which public officer or employee holds fiduciary/volunteer relationship.
- Establishes new and amends existing standards of conduct (prohibitions):

- Standards of Conduct:
 - o Reverse Cooling-Off:
 - Prohibits public officers and employees (for one year) from seeking or securing unwarranted benefit to their personal interests or the interests of persons to whom they have certain relationships related to a matter in which they acted in an official capacity in the immediately preceding year; exceptions.
 - o Abuse of Power/Authority:
 - Prohibits actions by public officers/employees that a reasonable person would find gross/unconscionable abuse of official position undermining faith, integrity or impartiality of public officer; Does not include allegations of bias, error or abuse of discretion within normal scope of duties.
 - o Misuse of Government Resources:
 - Clarifies prohibition of public officer/employee or State Legislator from using government resources for significant pecuniary or nonpecuniary personal interest.
 - Clarifies 2 of the 4 requirements of the limited-use exception: 1) to allow use if there is a written policy allowing such use before the conduct; and 2) defines “appearance of impropriety” as a perception by a reasonable person that the use is inappropriate, disproportionate, excessive or unreasonable.
 - o Improper Influence of a Subordinate:
 - Clarifies that probation against improper influence of subordinate is tied to significant pecuniary or nonpecuniary personal interest.
 - o Disclosure/Abstention:
 - New limited exception from disclosing certain information for legally protected confidential relationships (i.e. attorney/client) – abstention mandatory in such circumstances.
 - Adds abstention requirement for matters that are materially affected by the nature of private representations of private clients within the preceding year.
 - o Prohibited Contracts with Government Agencies:
 - Limits extent of prohibited government contracts by public officers/employees to agencies which employ or interact with the public officer/employee.
 - Clarifies the exceptions to prohibited contracts by delineating distinction between open-competitive contracts and contracts not suited to competitive process.
 - o Prohibited Honoraria – exceptions:
 - Makes conforming change to capture domestic partners along with spouses where applicable.

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5. Acknowledgment Forms – Fines

- Eliminates failure to file form or timely file form as ethics violation.
- Establishes administrative fines for failure to file or timely file form.
 - o Fee structure modeled after fines attributed to failure to file Financial Disclosure Statements with Secretary of State.

6. Cooling-Off Standards

- Confirms that prohibitions apply to current and former public officers and employees.
- Expands prohibition against a public officer/employee leaving public service to work for a vendor to which the officer or employee was involved in “awarding” a contract over \$25,000 during the preceding year to any contract in which the public officer or employee was involved in the awarding, implementation, management or administration of such a contract.
- Authorizes public officers/employees to request information from a potential employer in a business or industry without being deemed to improperly negotiate future employment.

7. Legal Defense of Public Officers/Employees Before Commission

- Existing law requires Nevada Attorney General to provide legal defense to public officers and employees of Executive Department of State Government regarding Requests for Advisory Opinions and Ethics Complaints before Commission.
- Bill expands legal defense mandate to all levels of government, state and local, by agency counsel.
- Exceptions: Agency Counsel may determine whether conduct falls outside scope of official duties and was/will be performed in good faith.

8. Open Meeting Law Exemption/Application

- Under current law, the Commission is exempt from OML for its proceedings regarding requests for advisory opinions, review panels and for its receipt of information and deliberations regarding ethics opinions. Final actions taken in an ethics complaint must comply with OML.
- This bill requests complete exemption from OML and instead provides that the Commission will take final action in an open meeting defined under its regulations, but that is not required to comply with the notice, agenda and supplemental materials requirements of OML for confidential documents and scheduling/noticing challenges for cases.
- OML also now requires that a public body take legal action regarding litigation in an open, public meeting under OML. This bill authorizes the Commission to delegate litigation decisions to its Chair, Executive Director or both and to allow Commission Counsel to file pleadings with consent of the Commission or Chair/Executive Director (if so delegated), or upon later ratification by the Commission.

9. Jurisdiction of State Legislators

- Current law limits Commission's jurisdiction of State legislators to conduct that does not constitute a core legislative function or that implicates legislative privilege and immunity. Only the Legislator's own house can discipline a legislator for this conduct.
- The Commission has litigated the scope of its jurisdiction when a state legislator asserts the privilege before the Commission has conducted an investigation to determine whether the privilege applies. The Nevada Supreme Court did not reach a decision on the merits.
- This Bill authorizes the Commission to conduct preliminary investigations and direct its Executive Director to refer a matter or file a complaint against a State Legislator in the Legislator's respective House Ethics Committee for conduct determined not to be within the jurisdiction of the Commission.

10. Administrative

- Requires law enforcement officers to serve process and on behalf of the Commission and execute lawful orders of the Commission.
- Requires all public officers and employees to cooperate in Commission's lawful investigations or proceedings and furnish information unless limited privileges, immunities or confidentiality apply.
- Published Commission opinions will be deemed administrative, persuasive precedent for future cases and not ad hoc rule-making.

SENATE BILL NO. 129—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED FEBRUARY 1, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to ethics in government. (BDR 23-191)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 13, 46)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, the Nevada Ethics in Government Law (Ethics Law)
2 governs the conduct of public officers and employees and, in certain situations,
3 former public officers and employees after the end of their period of public service
4 or employment. The Ethics Law is carried out and enforced by the Commission on
5 Ethics, which is authorized to issue opinions interpreting the statutory ethical
6 standards established by the Ethics Law and applying those standards to a given set
7 of facts and circumstances. The Ethics Law also authorizes any state agency or the
8 governing body of a county or city to establish a specialized or local ethics
9 committee to complement the functions of the Commission. (Chapter 281A of
10 NRS)

11 Under the Ethics Law, the Commission is authorized to issue advisory opinions
12 requested by current and former public officers and employees who are: (1) seeking
13 guidance on matters which directly relate to the propriety of their own past, present
14 or future conduct under the statutory ethical standards; or (2) requesting relief from
15 certain provisions of the Ethics Law that allow the Commission to grant such relief.
16 (NRS 281A.670-281A.690) The Commission is also authorized to issue opinions in
17 response to ethics complaints filed with or initiated by the Commission regarding
18 the propriety of the conduct of current and former public officers and employees
19 under the statutory ethical standards. (NRS 281A.700-281A.790)



20 This bill amends the Ethics Law by clarifying, revising and adding to existing
21 provisions which govern: (1) the operation, powers, functions and duties of the
22 Commission, its members and staff and any specialized or local ethics committees;
23 (2) the statutory ethical standards that apply to the conduct of current and former
24 public officers and employees; and (3) the proceedings concerning requests for
25 advisory opinions and ethics complaints and the issuance of opinions and the
26 imposition of remedies and penalties by the Commission.

27 **Sections 2, 7-9, 23-27 and 29-31** of this bill make various changes to existing
28 provisions of the Ethics Law which govern the operation, powers, functions and
29 duties of the Commission, its members and staff and any specialized or local ethics
30 committees. (NRS 281A.200-281A.350) Under the Ethics Law, the Commission
31 must annually elect a Chair and Vice Chair who are assigned certain powers,
32 functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 2**
33 **and 23** of this bill provide for the Chair's powers, functions and duties to be
34 assigned for a particular matter to the Vice Chair or another member of the
35 Commission under certain circumstances. **Section 30** of this bill provides for a
36 member of the Commission to administer oaths when appointed by the Chair to
37 preside over any meetings, hearings or proceedings.

38 The Ethics Law requires the Chair to appoint review panels, consisting of three
39 members of the Commission, to review ethics complaints during the investigatory
40 stage of the proceedings, and if a review panel determines that there is just and
41 sufficient cause for the Commission to render an opinion in a matter, the members
42 of the review panel generally cannot participate in any further proceedings of the
43 Commission relating to that matter. (NRS 281A.220) However, the Ethics Law
44 permits the members of the review panel to authorize the development of and
45 approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 24** of
46 this bill permits one or more members of the review panel, with the consent of the
47 parties, to participate as mediators or facilitators in any settlement negotiations
48 between the parties that are conducted in the proceedings before the Commission
49 holds an adjudicatory hearing in the matter.

50 The Ethics Law requires the Commission to appoint and prescribe the duties of
51 the Executive Director who must have experience in administration, investigations
52 and law. (NRS 281A.230) **Section 25** of this bill adds to these qualifications by
53 requiring the Executive Director to be an attorney who is licensed to practice law in
54 Nevada.

55 Under the Ethics Law, the Commission may conduct investigations and
56 proceedings and secure the participation and attendance of witnesses and the
57 production of any books and papers. (NRS 281A.290, 281A.300) **Section 7** of this
58 bill requires public officers and employees to cooperate with the Commission in its
59 investigations and proceedings and to furnish information and reasonable assistance
60 to the Commission, except to the extent that they are entitled to the protection of
61 certain privileges or immunities or any confidentiality or other protection
62 recognized by law. **Section 8** of this bill requires, upon the request of the
63 Commission, specified law enforcement officers to serve process on behalf of and
64 execute lawful orders of the Commission. **Sections 7 and 8** are modeled, in part, on
65 similar provisions governing the Commission on Judicial Discipline. (NRS 1.460)

66 The Ethics Law requires the Commission on Ethics to appoint and prescribe the
67 duties of the Commission Counsel who is the legal adviser to the Commission and
68 who, in most cases, is directed by the Commission to act as legal counsel in any
69 litigation in which the Commission or its members or staff are parties in an official
70 capacity. (NRS 281A.250, 281A.260) Under Nevada's Open Meeting Law, the
71 Commission may receive information regarding any litigation from its legal
72 counsel and deliberate toward a decision regarding the litigation without holding a
73 public meeting that complies with the Open Meeting Law. (NRS 241.015)
74 However, the Commission cannot take action regarding the litigation, such as



75 authorizing an appeal in the litigation, unless the Commission takes the action in a
76 public meeting that complies with the Open Meeting Law. (*Comm'n on Ethics v.*
77 *Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 142-43 (2018))

78 **Section 9** of this bill allows the Commission to delegate authority to the Chair
79 or the Executive Director, or both, to make decisions regarding any litigation in
80 which the Commission or its members or staff are parties in an official capacity.
81 **Sections 9 and 64** of this bill also provide that during any period in which
82 proceedings concerning a request for an advisory opinion or an ethics complaint are
83 confidential under the Ethics Law, the Open Meeting Law does not apply to any
84 meetings, hearings, deliberations or actions of the Commission involving: (1) any
85 decisions in litigation concerning any judicial action or proceeding related to the
86 request for an advisory opinion or the ethics complaint; and (2) any delegation of
87 authority to make such decisions in the litigation to the Chair or the Executive
88 Director, or both. **Section 27** of this bill specifies the powers and duties of the
89 Commission Counsel regarding any litigation in which the Commission or its
90 members or staff are parties in an official capacity. **Section 27** also authorizes the
91 Commission Counsel to file an appeal or seek other appellate relief in the litigation
92 with the consent or ratification of: (1) the Commission; or (2) the Chair or the
93 Executive Director, or both, when the Commission has delegated authority under
94 **section 9** to provide such consent or ratification.

95 Under the Ethics Law, a specialized or local ethics committee may: (1)
96 establish its own code of ethical standards suitable for the particular ethical
97 problems encountered in its sphere of activity; and (2) render opinions upon the
98 request of public officers and employees subject to its jurisdiction seeking an
99 interpretation of its own code of ethical standards on certain questions. However, a
100 specialized or local ethics committee may not attempt to interpret or render an
101 opinion regarding the statutory ethical standards subject to the jurisdiction of the
102 Commission, but it may refer such questions to the Commission. (NRS 281A.350)
103 **Section 31** of this bill clarifies the circumstances when such questions may be
104 referred to the Commission as a request for an advisory opinion. **Section 31** also
105 makes conforming changes to ensure consistency with the other revisions that this
106 bill makes to the Ethics Law.

107 The Ethics Law establishes statutory ethical standards that are intended to
108 enhance the people's faith in the integrity and impartiality of public officers and
109 employees by requiring appropriate separation between the roles of persons who
110 are both public servants and private citizens in order to avoid conflicts between
111 their private interests and the interests of the general public whom they serve. (NRS
112 281A.020, 281A.400-281A.550) **Sections 5, 6, 10-12, 18 and 32-38** of this bill
113 make various changes to the statutory ethical standards.

114 **Sections 5 and 6** of this bill restate more clearly the existing scope of the
115 statutory ethical standards and their applicability to the conduct of current and
116 former public officers and employees. **Section 6** also codifies the existing rule of
117 construction that the standards are cumulative and supplement each other and all
118 such standards are enforceable to the extent that they apply to the given set of facts
119 and circumstances.

120 The Ethics Law prohibits public officers and employees from engaging in
121 certain unethical conduct that benefits themselves, any business entities in which
122 they have a significant pecuniary interest or any persons to whom they have a
123 commitment in a private capacity. (NRS 281A.400, 281A.420) The Ethics Law
124 defines the persons to whom public officers and employees have a "commitment in
125 a private capacity" to include: (1) the spouse or domestic partner of the public
126 officer or employee, any member of his or her household or any relative within the
127 third degree of consanguinity or affinity; (2) any person who employs the public
128 officer or employee, his or her spouse or domestic partner or any member of his or
129 her household; (3) any person with whom the public officer or employee has a



130 substantial and continuing business relationship; or (4) any person with whom the
131 public officer or employee has any other commitment, interest or relationship that
132 is substantially similar to the foregoing commitments, interests or relationships.
133 (NRS 281A.065) **Section 18** of this bill amends this definition to provide that
134 public officers and employees also have a "commitment in a private capacity" to
135 any person for whom they serve in a private capacity: (1) as an officer or a member
136 of the board of directors or in a similar fiduciary capacity; (2) as a volunteer for a
137 substantial amount of their personal time; or (3) as a volunteer on a regular or
138 recurring basis, regardless of the amount of their personal time devoted to such
139 service.

140 The Ethics Law prohibits public officers and employees from using their
141 position in government to secure or grant any unwarranted privileges, preferences,
142 exemptions or advantages for themselves, any business entities in which they have
143 a significant pecuniary interest or any persons to whom they have a commitment in
144 a private capacity. (NRS 281A.400) **Section 10** of this bill adds to the statutory
145 ethical standards by providing that when public officers and employees approve,
146 disapprove, vote or otherwise act upon a matter, they are prohibited for a 1-year
147 period afterwards, regardless of whether their public service or employment ends
148 during that period, from securing or granting any unwarranted privileges,
149 preferences, exemptions or advantages reasonably related to the matter for the
150 private benefit of themselves, any business entities in which they have a significant
151 pecuniary interest or any persons to whom they have a commitment in a private
152 capacity, including, without limitation, securing or granting any gift, service, favor,
153 employment, engagement, emolument or economic opportunity reasonably related
154 to the matter. However, the prohibition in **section 10** does not apply if the resulting
155 benefit accruing from the action is not greater than that accruing to any other
156 member of any general business, profession, occupation or group that is affected by
157 the matter. **Section 10** also authorizes the Commission to grant relief from the strict
158 application of this prohibition in specified circumstances.

159 **Section 11** of this bill adds to the statutory ethical standards by prohibiting
160 public officers and employees from using their position or power in government to
161 take any actions or compel a subordinate to take any actions that a reasonable
162 person would find, based on the given set of facts and circumstances, to be a gross
163 or unconscionable abuse of official position or power that undermines the people's
164 faith in the integrity or impartiality of public officers and employees. However, the
165 prohibition in **section 11** does not apply to any allegations claiming only bias, error
166 or abuse of discretion in any actions taken by public officers and employees within
167 the normal course and scope of their position or power in government.

168 The Ethics Law contains a general provision that prohibits public officers and
169 employees from using governmental time, property, equipment or other facility to
170 benefit a significant personal or pecuniary interest of the public officers and
171 employees or any persons to whom they have a commitment in a private capacity.
172 By contrast, the Ethics Law also contains a specific provision that prohibits State
173 Legislators from using governmental time, property, equipment or other facility for
174 a nongovernmental purpose or for the private benefit of the Legislators or any other
175 persons. Both of these prohibitions contain separate limited-use exceptions that
176 allow a limited use of governmental property, equipment or other facility for
177 personal purposes if the limited use meets certain requirements. (NRS 281A.400)
178 **Section 32** of this bill revises these prohibitions and limited-use exceptions in
179 several ways.

180 First, with regard to the prohibitions, **section 32** of this bill changes the term "a
181 significant personal or pecuniary interest" to "a significant pecuniary interest or a
182 nonpecuniary personal interest," and **section 32** also aligns the prohibitions so they
183 employ the same prohibitive language for Legislators and other public officers and
184 employees. As a result, subject to the limited-use exceptions, **section 32** prohibits



185 all public officers and employees from using governmental time, property,
186 equipment or other facility to benefit a significant pecuniary interest or a
187 nonpecuniary personal interest of the public officers and employees or any persons
188 to whom they have a commitment in a private capacity.

189 Second, with regard to the limited-use exceptions that apply to public officers
190 and employees other than Legislators, one of the existing requirements for the
191 exceptions is that the public officer or employee who is responsible for and has
192 authority to authorize the limited use for personal purposes must have established a
193 policy allowing the limited use. **Section 32** of this bill clarifies the exception by
194 providing that the limited use must be authorized by a written policy which was
195 adopted before the limited use occurs.

196 Finally, with regard to the limited-use exceptions that apply to Legislators and
197 other public officers and employees, one of the existing requirements for the
198 exceptions is that the limited use for personal purposes must not create the
199 appearance of impropriety. **Section 32** of this bill defines the term "appearance of
200 impropriety" as a perception by a reasonable person that, based on the given set of
201 facts and circumstances, the limited use for personal purposes is inappropriate,
202 disproportionate, excessive or unreasonable under that given set of facts and
203 circumstances.

204 The Ethics Law prohibits public officers and employees from attempting,
205 through the influence of a subordinate, to benefit a significant personal or pecuniary
206 interest of the public officers and employees or any persons to whom they have a
207 commitment in a private capacity. (NRS 281A.400) **Section 32** of this bill changes
208 the term "a significant personal or pecuniary interest" to "a significant pecuniary
209 interest or a nonpecuniary personal interest" for the purposes of this prohibition.

210 With certain exceptions, the Ethics Law prohibits public officers and
211 employees from acting upon a matter in which their personal or private interests
212 may create potential conflicts of interests unless, at the time the matter is
213 considered, they make a disclosure that is sufficient to inform the public of their
214 potential conflicts of interests. (NRS 281A.420) **Section 34** of this bill provides
215 that, when public officers and employees make such a public disclosure, they are
216 not required to disclose any information which is confidential as a result of a bona
217 fide relationship that protects the confidentiality of the information under the terms
218 of a contract or as a matter of law, such as the attorney-client relationship, if they:
219 (1) disclose all nonconfidential information and describe the general nature of the
220 protected relationship; and (2) abstain from acting upon the matter.

221 The Ethics Law allows certain public officers to represent or counsel private
222 persons for compensation before state or local agencies in which they do not serve.
223 In addition, although the Ethics Law requires public officers to disclose such
224 private representation or counseling when it may create potential conflicts of
225 interests with their public duties, they are not required to abstain from acting on a
226 matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420)
227 **Section 34** of this bill requires public officers to abstain from acting on a matter
228 under certain circumstances when such private representation or counseling results
229 in conflicts of interests with their public duties.

230 With certain exceptions, the Ethics Law prohibits public officers and
231 employees from bidding on or entering into government contracts between any
232 business entities in which they have a significant pecuniary interest and any state or
233 local agencies. The Ethics Law contains several exceptions to the contracting
234 prohibition, including an exception for certain contracts that are awarded by
235 competitive selection. The Ethics Law also allows the Commission to grant relief
236 from the strict application of the contracting prohibition in specified circumstances.
237 (NRS 281A.430) **Section 35** of this bill revises the contracting prohibition to
238 provide that, with certain exceptions, public officers and employees cannot, directly
239 or through a third party, negotiate, bid on, enter into, perform, modify or renew any



240 government contracts between: (1) the public officers and employees or any
241 business entities in which they have a significant pecuniary interest; and (2) an
242 agency in which they serve or an agency that has any connection, relation or
243 affiliation with an agency in which they serve. **Section 35** also makes conforming
244 changes to the existing exceptions and adds a new exception for certain contracts
245 that, by their nature, are not adapted to be awarded by competitive selection.

246 With certain exceptions, the Ethics Law prohibits public officers and
247 employees from accepting or receiving an honorarium to make a speech or
248 appearance in their official capacity but allows: (1) the payment of costs incurred
249 by a public officer or employee, his or her aide or his or her spouse for
250 transportation, lodging and meals while away from the public officer's or
251 employee's residence to make such a speech or appearance; and (2) the receipt of
252 an honorarium by a spouse when it is related to the spouse's profession or
253 occupation. (NRS 281A.510) **Section 37** of this bill clarifies that the exceptions
254 which apply to a spouse also apply to a domestic partner.

255 The Ethics Law prohibits certain former public officers and employees, for a 1-
256 year "cooling-off" period after the termination of their public service or
257 employment, from soliciting or accepting private employment from any entities
258 regulated or awarded certain contracts by the agencies that employed the former
259 public officers and employees. However, the Ethics Law also allows the
260 Commission to grant relief from the strict application of the prohibition in specified
261 circumstances. (NRS 281A.550) **Section 38** of this bill clarifies that certain current
262 public officers and employees are subject to a similar "cooling-off" period during
263 their public service or employment and cannot solicit or accept private employment
264 from such entities under similar circumstances. **Section 38** also provides that the
265 "cooling-off" period applies when current and former public officers and
266 employees are or were involved in the implementation, management or
267 administration of certain contracts awarded by their employing agencies.

268 The Ethics Law requires public officers to execute and timely file with the
269 Commission written acknowledgments that they have received, read and
270 understand the statutory ethical standards and that they have a responsibility to
271 become familiar with any amendments to those standards. (NRS 281A.500)
272 **Sections 12 and 36** of this bill allow the Commission to seek and recover civil
273 penalties when public officers fail to file the acknowledgments or fail to file them
274 in a timely manner. However, under **section 66** of this bill, the Commission cannot
275 seek and recover civil penalties for any overdue or late-filed acknowledgments if
276 the last day for timely filing the acknowledgments with the Commission occurs
277 before January 1, 2020. The civil penalties authorized by **sections 12 and 36** are
278 modeled on the civil penalties that the Secretary of State may recover from public
279 officers when they fail to file financial disclosure statements or fail to file them in a
280 timely manner. (NRS 281.581)

281 The Ethics Law contains existing provisions which govern the proceedings
282 concerning requests for advisory opinions and ethics complaints and the issuance of
283 opinions and the imposition of remedies and penalties by the Commission. (NRS
284 281A.665-281A.790) **Sections 3, 4, 13, 14, 16, 17, 19-22, 28 and 39-62** of this bill
285 make various changes to these existing provisions.

286 Under the Ethics Law, the Commission issues opinions interpreting the
287 statutory ethical standards and applying those standards to a given set of facts and
288 circumstances. (NRS 281A.680, 281A.710) The Ethics Law also directs the
289 Legislative Counsel to prepare annotations of the Commission's published opinions
290 for inclusion in NRS. (NRS 281A.290) Under existing legal principles governing
291 administrative procedure, the published opinions of an administrative agency
292 constitute administrative precedents with persuasive value. (*Sears, Roebuck & Co.*
293 *v. All States Life Ins. Co.*, 246 F.2d 161, 169 (5th Cir. 1957); E. H. Schopler,
294 Annotation, *Applicability of Stare Decisis Doctrine to Decisions of Administrative*



295 *Agencies*, 79 A.L.R.2d 1126 §§ 4-7 (1961 & Westlaw 2019); 2 Am. Jur. 2d
296 *Administrative Law* § 360 (Westlaw 2019))

297 **Section 4** of this bill defines "published opinion" as an opinion issued by the
298 Commission that is publicly available on the Internet website of the Commission.
299 **Section 39** of this bill codifies existing legal principles by stating that the
300 Commission's published opinions constitute administrative precedents with
301 persuasive value. **Sections 29 and 39** of this bill move and recodify within the
302 Ethics Law the existing provision that directs the Legislative Counsel to prepare
303 annotations of the Commission's published opinions for inclusion in NRS.

304 Under existing law, the Attorney General is the legal adviser on all matters
305 arising in the state agencies of the Executive Department, unless a specific statute
306 authorizes the state agencies to employ or retain legal counsel other than the
307 Attorney General. (NRS 228.110) With certain exceptions, the Ethics Law requires
308 the Attorney General to provide legal representation for current and former state
309 officers and employees of the Executive Department who are subject to ethics
310 complaints. (NRS 281A.163, 281A.705) Existing law also authorizes the Attorney
311 General to provide legal representation for current state officers and employees of
312 the Executive Department who file requests for advisory opinions involving state
313 matters. (NRS 228.110) In proceedings under the Ethics Law, existing law also
314 authorizes the Legislative Counsel to provide legal representation for current and
315 former Legislators and other legislative officers and employees in their official
316 capacity under certain circumstances. (NRS 218F.720; *Comm'n on Ethics v.*
317 *Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 143 n.4 (2018)) Finally, under
318 existing legal principles governing counties, cities and other political subdivisions,
319 local agencies are authorized to provide legal representation for current and former
320 local officers and employees in their official capacity under certain circumstances,
321 unless a specific statute provides otherwise. (56 Am. Jur. 2d *Municipal*
322 *Corporations, Counties, and Other Political Subdivisions* §§ 187 & 194-197
323 (Westlaw 2019); Eugene McQuillin, *Law of Municipal Corporations* §§ 12:84 &
324 29:16-29:19 (3d ed. Westlaw 2019))

325 **Sections 13 and 46** of this bill provide that, with certain exceptions, the official
326 attorney of a state executive branch agency or local agency, as applicable, must
327 provide legal representation for: (1) current public officers and employees who file
328 requests for advisory opinions; and (2) current and former public officers and
329 employees who are subject to ethics complaints. For the purposes of **sections 13**
330 **and 46**, the term "official attorney" is defined as: (1) the Attorney General for any
331 state executive branch agency that is represented by the Attorney General; (2) the
332 chief legal officer or other authorized legal representative for any state executive
333 branch agency that is authorized to employ or retain legal counsel other than the
334 Attorney General; and (3) the chief legal officer or other authorized legal
335 representative for any local agency.

336 The Ethics Law authorizes public officers and employees to file with the
337 Commission requests for advisory opinions to: (1) seek guidance relating to the
338 propriety of their own past, present or future conduct under the statutory ethical
339 standards; or (2) request relief from the strict application of certain provisions of
340 the Ethics Law. (NRS 281A.675) **Section 41** of this bill authorizes the supervisory
341 head or the legal counsel of a public body, agency or employer to file with the
342 Commission a request for an advisory opinion to seek guidance relating to the
343 application of the statutory ethical standards to a hypothetical or general set of facts
344 and circumstances involving one or more particular positions with the public body,
345 agency or employer. **Section 41** also allows the Commission to request additional
346 information relating to a request for an advisory opinion from the requester and
347 certain other specified persons.

348 If the requester properly files a request for an advisory opinion, the Ethics Law
349 requires the Commission to render an advisory opinion in the matter within a



350 certain time limit after receiving the request, unless the requester waives the time
351 limit. (NRS 281A.680) **Sections 28 and 42** of this bill revise the Commission's
352 jurisdiction and procedures regarding a request for an advisory opinion. Under the
353 Ethics Law, the Commission generally has jurisdiction over ethics complaints filed
354 or initiated within 2 years after the alleged violation or reasonable discovery of the
355 alleged violation. (NRS 281A.280) **Section 28** of this bill similarly provides that
356 the Commission's jurisdiction over a request for an advisory opinion extends only
357 to past conduct occurring within 2 years of the date on which the request is filed.
358 **Section 42** allows the Commission to stay or dismiss the proceedings concerning
359 the request for an advisory opinion under certain circumstances when an ethics
360 complaint is also filed or pending that involves some or all of the same issues or
361 facts and circumstances as the request for an advisory opinion. **Section 42** also
362 requires the Commission to render a decision regarding the request for an advisory
363 opinion within the existing time limit, subject to certain exceptions. However,
364 **section 42** provides the Commission with more time to prepare the written advisory
365 opinion in the matter by requiring the Commission to issue the written advisory
366 opinion within a specified time limit after the decision is rendered.

367 Under the Ethics Law, certain materials relating to a request for an advisory
368 opinion are confidential and not public records unless the requester: (1) authorizes
369 the Commission to disclose the materials; or (2) voluntarily discloses the materials
370 to persons other than those specified in the statute. (NRS 281A.685) **Section 43** of
371 this bill clarifies that any authorization given by the requester is limited to the
372 specific materials that the requester authorizes the Commission to disclose. **Section**
373 **43** also revises the specified persons to whom the requester may voluntarily
374 disclose the materials without waiving the confidentiality of the materials.

375 With certain exceptions, the Commission is subject to the Open Meeting Law,
376 which generally requires most meetings of public bodies to be open to the public.
377 (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does
378 not apply to meetings, hearings, deliberations and actions of the Commission
379 relating to requests for advisory opinions, although the requester of the advisory
380 opinion may file a request with the Commission to hold a public meeting or hearing
381 regarding the matter. (NRS 281A.690) **Section 44** of this bill provides that if the
382 Commission grants such a request for a public meeting or hearing regarding the
383 matter, the Commission must provide public notice of the meeting or hearing and
384 the meeting or hearing must be open to the public and conducted in accordance
385 with the regulations of the Commission, but the meeting or hearing is not subject to
386 specific requirements of the Open Meeting Law.

387 In addition to rendering advisory opinions, the Commission is also authorized
388 by the Ethics Law to render opinions regarding the propriety of the conduct of
389 public officers and employees under the statutory ethical standards in response to
390 ethics complaints: (1) filed with the Commission by a specialized or local ethics
391 committee or any person other than an incarcerated person; or (2) initiated by the
392 Commission on its own motion but such a motion cannot be based solely on an
393 anonymous complaint. (NRS 281A.710) **Section 47** of this bill authorizes the
394 Commission to initiate an ethics complaint on its own motion based on an
395 anonymous complaint if the information in the anonymous complaint is publicly
396 available information or is independently verified by the Commission or its staff as
397 accurate and reliable information.

398 Within 45 days after receiving an ethics complaint, the Ethics Law requires the
399 Commission to determine initially whether it has jurisdiction over the ethics
400 complaint and whether an investigation is warranted in the matter, unless the
401 subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 48**
402 of this bill authorizes the Executive Director, during this initial period, to conduct a
403 preliminary investigation to obtain additional information concerning the
404 allegations in the ethics complaint to assist the Commission in making its initial



405 determination. In addition, **section 48**: (1) allows the Commission to extend the
406 time limit for good cause; and (2) eliminates, as unnecessary, the provision
407 authorizing the subject to waive the time limit because the subject does not receive
408 notice of the matter during this initial period, but only receives notice of the matter
409 if the Commission determines that it has jurisdiction and an investigation is
410 warranted. **Section 48** also allows the Commission to dismiss an ethics complaint
411 initiated on its own motion if it determines that the evidence is not sufficient to
412 warrant an investigation in the matter but requires the Commission to issue a letter
413 of caution or instruction in those circumstances.

414 Under the Ethics Law, if the Commission determines that it has jurisdiction
415 over an ethics complaint and an investigation is warranted, the subject of the ethics
416 complaint is served with a notice of the investigation and provided with an
417 opportunity to submit a response to that notice. (NRS 281A.720) As part of the
418 investigation, the Ethics Law permits the Executive Director to secure the subject's
419 participation, attendance as a witness or production of books and papers under
420 existing procedures. (NRS 281A.300) **Section 49** of this bill clarifies that,
421 regardless of whether the subject submits a response to the investigation, the
422 Executive Director retains the authority during the course of the investigation to
423 secure the subject's participation, attendance as a witness or production of books
424 and papers under those existing procedures.

425 Within 70 days after the Commission directs the Executive Director to
426 investigate an ethics complaint, the Ethics Law requires the Executive Director to
427 present a written recommendation to the review panel regarding the sufficiency of
428 the evidence concerning the ethics complaint, unless the subject waives the time
429 limit. (NRS 281A.725) **Section 50** of this bill allows the presiding officer of the
430 review panel to grant the Executive Director extensions of the time limit for good
431 cause.

432 Within 15 days after the Executive Director presents the written
433 recommendation to the review panel, the Ethics Law requires the review panel to
434 determine whether there is just and sufficient cause for the Commission to render
435 an opinion regarding the ethics complaint, unless the subject waives the time limit.
436 If the review panel determines that there is not just and sufficient cause, the Ethics
437 Law requires the review panel to dismiss the matter, but the review panel may issue
438 a confidential letter of caution or instruction to the subject as part of the dismissal.
439 If the review panel determines that there is just and sufficient cause but reasonably
440 believes that the conduct at issue may be appropriately addressed through
441 additional training or other corrective action, the Ethics Law authorizes the review
442 panel to approve a deferral agreement between the Executive Director and the
443 subject to defer further proceedings in the matter under the terms and conditions of
444 the deferral agreement. If the subject complies with the terms and conditions of the
445 deferral agreement, the matter must be dismissed. However, if the subject fails to
446 comply with the terms and conditions of the deferral agreement, the deferral
447 agreement may be vacated and further proceedings conducted in the matter before
448 the Commission. If the review panel does not believe that a deferral agreement is
449 appropriate or if the subject declines to enter into such a deferral agreement, the
450 Ethics Law requires the review panel to refer the matter to the Commission for
451 further proceedings. (NRS 281A.730, 281A.740)

452 **Section 51** of this bill provides that after the review panel makes its
453 determination in the matter, it must serve written notice of its determination on the
454 subject. **Sections 51 and 52** of this bill further provide that if the review panel
455 authorizes the development of a deferral agreement, the review panel must specify
456 in its written notice a time limit within which the deferral agreement must be
457 developed, but the review panel may grant extensions of the time limit for good
458 cause. Finally, **section 51** provides that if the deferral agreement is not developed



459 within the time limit, or any extension thereof, the review panel must refer the
460 matter to the Commission for further proceedings.

461 The Ethics Law establishes various requirements regarding the adjudication of
462 ethics complaints referred to the Commission for further proceedings. (NRS
463 281A.745-281A.760) **Sections 3 and 53** of this bill clarify that the parties to the
464 proceedings are: (1) the Executive Director or his or her designee who present
465 the case to the Commission at the adjudicatory hearing in the matter; and (2) the
466 subject of the ethics complaint who has the right to written notice of the hearing, to
467 be represented by legal counsel and to hear the evidence presented to the
468 Commission and to present his or her own case. **Section 53** also requires the
469 Commission to provide the parties with a written schedule for discovery in order to
470 prepare for the hearing.

471 The Ethics Law requires the Commission to hold the hearing and render an
472 opinion in the matter within a certain time limit, unless waived by the subject, and
473 the Ethics Law requires the opinion to include findings of fact and conclusions of
474 law. (NRS 281A.745, 281A.765) **Section 53** of this bill requires the Commission to
475 render a decision in the matter within the existing time limit, unless waived by the
476 subject, but **section 53** provides the Commission with more time to prepare the
477 written opinion in the matter by requiring the Commission to issue the written
478 opinion within a specified time limit after the decision is rendered. **Sections 53 and**
479 **57** of this bill also clarify that, in addition to including findings of fact and
480 conclusions of law, the written opinion must otherwise comply with the
481 requirements for a final decision under Nevada's Administrative Procedure Act.
482 (NRS 233B.125)

483 With certain exceptions, the Ethics Law requires, or in some cases allows, the
484 Commission to keep the identity of certain persons who file ethics complaints
485 confidential in order to protect those persons from potential harm. (NRS 281A.750)
486 **Section 54** of this bill clarifies that such confidentiality extends to all materials that,
487 if disclosed, would reveal the identity of the confidential requester. **Section 54** also
488 clarifies that the identity of the confidential requester remains protected if the
489 Executive Director does not intend to present the testimony of the confidential
490 requester as evidence in the matter. However, if the Executive Director intends to
491 present the testimony of the confidential requester as evidence in the matter,
492 **section 54** provides that the Executive Director must disclose the name of the
493 confidential requester only as a proposed witness in accordance with the schedule
494 for discovery in the matter.

495 Under the Ethics Law, the subject of an ethics complaint may submit a written
496 discovery request for a list of proposed witnesses and a copy of any materials in the
497 investigative file that the Executive Director intends to present as evidence in the
498 matter. The Ethics Law also provides that the materials in the investigative file are
499 confidential, except that any materials which the Executive Director presents as
500 evidence in the matter become public records. (NRS 281A.755) **Section 55** of this
501 bill requires any written discovery request to be submitted in accordance with the
502 schedule for discovery in the matter. **Section 55** also provides that any materials
503 which the Executive Director presents as evidence in the matter become public
504 records after the Commission takes final action concerning the ethics complaint in a
505 public meeting or hearing held under **section 56** of this bill.

506 In proceedings concerning an ethics complaint, the Ethics Law exempts from
507 the Open Meeting Law: (1) any meeting or hearing held by the Commission to
508 receive information or evidence concerning the ethics complaint; and (2) any
509 deliberations of the Commission on such information or evidence. However, the
510 Ethics Law does not exempt the Commission's actions concerning the ethics
511 complaint from the Open Meeting Law. (NRS 281A.760) **Section 56** of this bill
512 generally exempts the Commission's actions concerning the ethics complaint from
513 the Open Meeting Law. However, **section 56** requires the Commission to take final



514 action concerning the ethics complaint in a public meeting or hearing for which the
515 Commission provides public notice and which is open to the public and conducted
516 in accordance with the regulations of the Commission, but the meeting or hearing is
517 not subject to specific requirements of the Open Meeting Law.

518 The Ethics Law establishes various requirements regarding the disposition of
519 ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-
520 281A.790) Under the Ethics Law, there are two types of violations: (1) willful
521 violations that require proof of specific mental elements showing that the subject of
522 an ethics complaint committed the violations intentionally and knowingly; and (2)
523 other violations that do not require proof of those specific mental elements. (NRS
524 281A.170) To determine whether violations are willful, the Ethics Law requires the
525 Commission to: (1) consider a nonexclusive list of aggravating and mitigating
526 factors, as well as any other reasonably related factors; and (2) ensure when it
527 applies those factors that the disposition of the matter bears a reasonable
528 relationship to the severity of the violations. (NRS 281A.775) For any violations,
529 whether or not willful, the Ethics Law authorizes the Commission to impose certain
530 remedies, such as training, a remedial course of action or public admonishment.
531 (NRS 281A.785) However, for willful violations, the Ethics Law also authorizes
532 more severe remedies and penalties, such as substantial civil penalties and public
533 reprimand or censure. In some cases involving willful violations, the Ethics Law
534 further requires the Commission to seek removal of certain public officers through
535 court proceedings or to submit the matter to the appropriate House of the
536 Legislature for consideration of additional remedies and penalties against certain
537 public officers, including removal through impeachment or expulsion. (NRS
538 281A.785, 281A.790)

539 **Sections 22, 59, 61 and 62** of this bill eliminate the category of willful
540 violations and revise and clarify some of the existing remedies and penalties under
541 the Ethics Law. First, **section 22** of this bill defines the term "violation" to provide
542 that all violations of the Ethics Law require proof of specific mental elements
543 showing that the subject of an ethics complaint committed the violations
544 intentionally and knowingly. If the Commission determines that such violations
545 have been proven, **sections 59, 61 and 62** of this bill require the Commission to
546 determine which of the less or more severe remedies and penalties to impose
547 against the subject for those violations by: (1) considering the existing nonexclusive
548 list of aggravating and mitigating factors, as well as any other reasonably related
549 factors; and (2) ensuring when it applies those factors that the disposition of the
550 matter bears a reasonable relationship to the severity of the violations. **Section 62**
551 of this bill also clarifies that in determining whether the subject has committed one
552 or more violations, each separate act or event that constitutes a violation must be
553 treated as a separate violation that is cumulative to all other violations, whenever
554 committed, without regard to the sequence of the violations or whether the
555 violations are established in the same or separate proceedings. **Section 62**
556 additionally revises the types of violations that authorize or require the Commission
557 to pursue judicial removal proceedings or to refer the matter to the appropriate
558 House of the Legislature or the appropriate public employer for possible
559 disciplinary action. Finally, as part of the existing remedies and penalties, the
560 Commission may express its official disapproval, reproof or condemnation of
561 violations by using public admonishment, reprimand or censure depending on the
562 degree of willfulness or severity of the violations. (NRS 281A.785) **Section 61** of
563 this bill eliminates public admonishment and censure as potential sanctions but
564 retains public reprimand as the Commission's means for officially rebuking
565 violations.

566 The Ethics Law prohibits any person from preventing, interfering with or
567 attempting to prevent or interfere with investigations or proceedings or the
568 discovery of violations under the Ethics Law and authorizes the Commission to



569 impose civil penalties and, under certain circumstances, assess against such a
570 person certain attorney's fees and costs incurred by others as a result of the act.
571 (NRS 281A.790) **Sections 28 and 62** of this bill: (1) deem the person's act to be a
572 violation of the Ethics Law; (2) specify that the Commission has jurisdiction to
573 investigate and take appropriate action regarding the violation in any proceeding
574 commenced within 2 years after the violation or reasonable discovery thereof; and
575 (3) require the Commission, before taking appropriate action, to provide the person
576 with a written notice of the charges and an opportunity for a hearing in accordance
577 with the regulations of the Commission. **Section 62** also authorizes the
578 Commission, under certain circumstances, to assess against the person certain
579 attorney's fees and costs incurred by the Commission as a result of the violation.

580 Under the Nevada Constitution, each House of the Legislature has certain
581 plenary and exclusive constitutional powers, including powers to discipline
582 members for certain unethical legislative conduct, which may be exercised only by
583 that House and which cannot be usurped, infringed or impaired by the other House
584 or by any other branch of Nevada's State Government. (Nev. Const. Art. 3, § 1,
585 Art. 4, § 6; *Heller v. Legislature*, 120 Nev. 456 (2004); *Comm'n on Ethics v.*
586 *Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 560-
587 564 (2010)) Furthermore, under the constitutional doctrines of separation of powers
588 and legislative privilege and immunity, Legislators have the constitutional right to
589 be protected from having to defend themselves, from being held liable and from
590 being questioned or sanctioned by the other branches in administrative or judicial
591 proceedings for speech, debate, deliberation and other actions performed within the
592 sphere of legitimate legislative activity. (Nev. Const. Art. 3, § 1, Art. 4, § 6; NRS
593 41.071; *Bogan v. Scott-Harris*, 523 U.S. 44, 54 (1998) ("Absolute legislative
594 immunity attaches to all actions taken 'in the sphere of legitimate legislative
595 activity.'" (quoting *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951))); *Guinn v.*
596 *Legislature (Guinn II)*, 119 Nev. 460, 472 (2003) ("Under the separation of powers
597 doctrine, individual legislators cannot, nor should they, be subject to fines or other
598 penalties for voting in a particular way."); *Steiner v. Superior Court*, 58 Cal. Rptr.
599 2d 668, 678 n.20 (Cal. Ct. App. 1996) ("The California separation of powers
600 provision, however, provides a sufficient ground to protect legislators from punitive
601 action that unduly impinges on their function."); Luther S. Cushing, *Elements of the*
602 *Law & Practice of Legislative Assemblies* §§ 601-603 (1856); 1 Joseph Story,
603 *Commentaries on the Constitution of the United States* § 866 (5th ed. 1905);
604 Thomas M. Cooley, *A Treatise on Constitutional Limitations* 929 (8th ed. 1927))
605 As a result, under the Ethics Law, the Commission cannot exercise jurisdiction
606 or authority over or inquire into, intrude upon or interfere with the functions
607 of a Legislator that are protected by legislative privilege and immunity.
608 (NRS 281A.020)

609 **Section 14** of this bill provides that if the Commission determines at any time
610 during proceedings concerning an ethics complaint against a Legislator that any
611 allegations in the ethics complaint are within the jurisdiction or authority of the
612 Legislator's House, and not within the Commission's jurisdiction or authority,
613 the Commission may authorize the Executive Director to file a complaint with the
614 Legislator's House alleging a breach of legislative ethical standards under the
615 House's standing rules. **Sections 14 and 63** of this bill also acknowledge that such
616 a complaint filed with the Legislator's House and all materials related to the
617 allegations in the complaint are confidential and are not public records, unless those
618 materials become publicly available in a manner authorized by the House's
619 standing rules.



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

1 **Section 1.** Chapter 281A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 14, inclusive,
3 of this act.

4 **Sec. 2.** *“Chair” means:*

5 1. *The Chair of the Commission; or*

6 2. *The Vice Chair or another member of the Commission*
7 *-serving in the capacity of the Chair pursuant to NRS 281A.210.*

8 **Sec. 3.** *“Party” means, for the purposes of the adjudication*
9 *and disposition of proceedings concerning an ethics complaint*
10 *pursuant to this chapter:*

11 1. *The Executive Director or his or her designee; and*

12 2. *The public officer or employee who is the subject of the*
13 *ethics complaint.*

14 **Sec. 4.** *“Published opinion” means an opinion issued by the*
15 *Commission that is publicly available on the Internet website of*
16 *the Commission.*

17 **Sec. 5.** *“Statutory ethical standards” means the statutory*
18 *ethical standards set forth in the provisions of this chapter.*

19 **Sec. 6.** 1. *The provisions of this chapter establish statutory*
20 *ethical standards to govern the conduct of:*

21 (a) *Public officers and employees; and*

22 (b) *Former public officers and employees in situations where*
23 *the statutory ethical standards apply to the conduct of former*
24 *public officers and employees after the end of any period of public*
25 *service or employment.*

26 2. *The statutory ethical standards are cumulative and*
27 *supplement each other, and the application of any one of the*
28 *statutory ethical standards to a given set of facts and*
29 *circumstances does not bar the application of any other of the*
30 *statutory ethical standards that also apply to the given set of facts*
31 *and circumstances.*

32 **Sec. 7.** 1. *Every public officer or employee of the State or*
33 *one of its political subdivisions, regardless of whether he or she is*
34 *otherwise subject to the provisions of this chapter, shall cooperate*
35 *with the Commission in any lawful investigations or proceedings*
36 *of the Commission and furnish information and reasonable*
37 *assistance to the Commission or its authorized representative,*
38 *except to the extent that the public officer or employee is entitled*
39 *to:*

40 (a) *Any privilege or immunity, other than any common-law*
41 *privilege or immunity abrogated pursuant to NRS 281A.185; or*

42 (b) *Any confidentiality or other protection recognized by law.*



1 2. If a public officer or employee is entitled to any protection
2 pursuant to paragraph (a) or (b) of subsection 1, that protection
3 extends only to matters within the scope of the protection, and the
4 public officer or employee shall comply with the provisions of
5 subsection 1 to the fullest extent possible regarding all matters
6 outside of the scope of the protection.

7 **Sec. 8.** Every sheriff, marshal, police officer or constable
8 shall, upon request of the Commission or its authorized
9 representative, serve process on behalf of and execute all lawful
10 orders of the Commission.

11 **Sec. 9. 1.** In carrying out the provisions of this chapter, the
12 Commission may delegate authority to the Chair or the Executive
13 Director, or both, to make any decisions in litigation concerning
14 any judicial action or proceeding in which the Commission or any
15 member or employee of the Commission is a party in an official
16 capacity or participates or intervenes in an official capacity.

17 2. During any period in which proceedings concerning a
18 request for an advisory opinion or an ethics complaint are
19 confidential pursuant to this chapter, the provisions of chapter 241
20 of NRS do not apply to any meeting or hearing held by the
21 Commission or any deliberations or actions of the Commission
22 involving:

23 (a) Any decisions in litigation concerning any judicial action
24 or proceeding related to the request for an advisory opinion or the
25 ethics complaint; or

26 (b) Any delegation of authority to make such decisions in the
27 litigation to the Chair or the Executive Director, or both, pursuant
28 to subsection 1.

29 **Sec. 10. 1.** Except as otherwise provided in this section, if a
30 public officer or employee has approved, disapproved, voted or
31 otherwise acted upon a matter, the public officer or employee shall
32 not, for a period of 1 year after the date of such official action
33 upon the matter regardless of whether his or her public service or
34 employment ends during that period, secure or grant any
35 unwarranted privileges, preferences, exemptions or advantages
36 reasonably related to the matter for the private benefit of the
37 public officer or employee, any business entity in which the public
38 officer or employee has a significant pecuniary interest or any
39 person to whom the public officer or employee has a commitment
40 in a private capacity, including, without limitation, securing or
41 granting any gift, service, favor, employment, engagement,
42 emolument or economic opportunity reasonably related to the
43 matter. As used in this subsection, "unwarranted" means without
44 justification or adequate reason.



1 2. The provisions of subsection 1 do not apply where the
2 public officer or employee takes official action upon a matter as
3 set forth in subsection 1 and the resulting benefit accruing to the
4 public officer or employee, any business entity in which the public
5 officer or employee has a significant pecuniary interest or any
6 person to whom the public officer or employee has a commitment
7 in a private capacity is not greater than that accruing to any other
8 member of any general business, profession, occupation or group
9 that is affected by the matter.

10 3. The Commission may relieve a current or former public
11 officer or employee from the strict application of the provisions of
12 subsection 1 if:

13 (a) The public officer or employee files a request for an
14 advisory opinion from the Commission pursuant to NRS
15 281A.675; and

16 (b) The Commission determines that such relief is not contrary
17 to:

18 (1) The best interests of the public;

19 (2) The continued ethical integrity of the State Government
20 or political subdivision, as applicable; and

21 (3) The provisions of this chapter.

22 4. For the purposes of subsection 3, the request for an
23 advisory opinion, the decision rendered, the advisory opinion and
24 all meetings, hearings and proceedings of the Commission in such
25 a matter are governed by the provisions of NRS 281A.670 to
26 281A.690, inclusive, and section 13 of this act.

27 **Sec. 11.** 1. A public officer or employee shall not use the
28 public officer's or employee's position or power in government to
29 take any actions or compel a subordinate to take any actions that a
30 reasonable person would find, based on the given set of facts and
31 circumstances, to be a gross or unconscionable abuse of official
32 position or power that undermines the people's faith in the
33 integrity or impartiality of public officers and employees.

34 2. The provisions of this section must not be interpreted to
35 apply to any allegations claiming only bias, error or abuse of
36 discretion in any findings, decisions, policy-making or other
37 actions taken by a public officer or employee within the normal
38 course and scope of his or her position or power in government.

39 **Sec. 12.** 1. In addition to any other penalties provided by
40 law, if a public officer fails to file an acknowledgment of the
41 statutory ethical standards or fails to file an acknowledgment of
42 the statutory ethical standards in a timely manner pursuant to
43 NRS 281A.500, the Commission may, after giving notice to the
44 public officer, cause the appropriate proceedings to be instituted in
45 the First Judicial District Court.



1 2. Except as otherwise provided in this section, a public
2 officer who fails to file an acknowledgment of the statutory ethical
3 standards or fails to file an acknowledgment of the statutory
4 ethical standards in a timely manner pursuant to NRS 281A.500 is
5 subject to a civil penalty and payment of court costs and attorney's
6 fees. The civil penalty must be recovered in a civil action brought
7 in the name of the State of Nevada by the Commission in the First
8 Judicial District Court and deposited by the Commission for credit
9 to the State General Fund in the bank designated by the State
10 Treasurer.

11 3. The amount of the civil penalty is:

12 (a) If the acknowledgment is filed not more than 10 days after
13 the applicable deadline set forth in NRS 281A.500, \$25.

14 (b) If the acknowledgment is filed more than 10 days but not
15 more than 20 days after the applicable deadline set forth in NRS
16 281A.500, \$50.

17 (c) If the acknowledgment is filed more than 20 days but not
18 more than 30 days after the applicable deadline set forth in NRS
19 281A.500, \$100.

20 (d) If the acknowledgment is filed more than 30 days but not
21 more than 45 days after the applicable deadline set forth in NRS
22 281A.500, \$250.

23 (e) If the acknowledgment is not filed or is filed more than 45
24 days after the applicable deadline set forth in NRS 281A.500,
25 \$2,000.

26 4. For good cause shown, the Commission may waive a civil
27 penalty that would otherwise be imposed pursuant to this section.
28 If the Commission waives a civil penalty pursuant to this
29 subsection, the Commission shall create a public record which sets
30 forth that the civil penalty has been waived and describes the
31 circumstances that constitute the good cause shown.

32 **Sec. 13. 1.** Except as otherwise provided in this section, if a
33 current public officer or employee of a state or local agency
34 intends to file a request for an advisory opinion, the official
35 attorney of the state or local agency, as applicable, shall represent
36 the public officer or employee in proceedings concerning the
37 request for an advisory opinion if:

38 (a) Within a reasonable period before filing the request for an
39 advisory opinion, as determined by the official attorney, the public
40 officer or employee submits a written request for legal
41 representation to the official attorney; and

42 (b) Based on the given set of facts and circumstances that the
43 public officer or employee intends to submit with the request for
44 an advisory opinion, the official attorney determines that the past,



1 *present or future conduct on which the request for an advisory*
2 *opinion will be based:*

3 (1) *Appears to be within the course and scope of the public*
4 *duties or employment of the public officer or employee; and*

5 (2) *Appears to have been or will be performed or omitted in*
6 *good faith.*

7 2. *The official attorney shall create a written record setting*
8 *forth the basis for the official attorney's determination of whether*
9 *to represent the public officer or employee pursuant to paragraph*
10 *(b) of subsection 1. The written record is not admissible in*
11 *evidence at trial or in any other judicial or administrative*
12 *proceedings in which the public officer or employee is a party,*
13 *except in connection with an application to withdraw as the*
14 *attorney of record.*

15 3. *The official attorney is not required to represent the public*
16 *officer or employee pursuant to this section if:*

17 (a) *The public officer or employee employs or retains his or*
18 *her own legal counsel or represents himself or herself in the*
19 *matter;*

20 (b) *The official attorney employs or retains special counsel to*
21 *represent the public officer or employee in the matter; or*

22 (c) *The official attorney tenders the representation of the*
23 *public officer or employee to an insurer who, pursuant to a*
24 *contract of insurance, is authorized to represent the public officer*
25 *or employee in the matter.*

26 4. *As used in this section, "official attorney" means:*

27 (a) *The Attorney General, if the proceedings involve a public*
28 *officer or employee of a state agency that is represented by the*
29 *Attorney General.*

30 (b) *The chief legal officer or other authorized legal*
31 *representative of a state agency that is authorized by a specific*
32 *statute to employ or retain legal counsel other than the Attorney*
33 *General, if the proceedings involve a public officer or employee of*
34 *that state agency.*

35 (c) *The chief legal officer or other authorized legal*
36 *representative of a local agency, if the proceedings involve a*
37 *public officer or employee of that local agency.*

38 **Sec. 14.** *Notwithstanding any other provisions of NRS*
39 *281A.700 to 281A.790, inclusive:*

40 1. *If a State Legislator is the subject of an ethics complaint*
41 *and the Commission determines, at any time during the*
42 *proceedings concerning the ethics complaint, that any allegations*
43 *in the ethics complaint involve actions of the Legislator that are*
44 *not within the jurisdiction or authority of the Commission*
45 *pursuant to paragraph (d) of subsection 2 of NRS 281A.020 but*



1 *are within the jurisdiction or authority of the Legislator's own*
2 *House pursuant to Section 6 of Article 4 of the Nevada*
3 *Constitution, the Commission may authorize the Executive*
4 *Director to file a complaint with the House alleging a breach of*
5 *legislative ethical standards pursuant to the applicable Standing*
6 *Rules of the Legislative Department of the State Government.*

7 *2. If the Executive Director files a complaint with the*
8 *Legislator's own House pursuant to this section:*

9 *(a) The Executive Director shall submit to the House all*
10 *information, communications, records, documents or other*
11 *materials in the possession of the Commission or its staff that are*
12 *related to the allegations in the complaint filed with the House;*
13 *and*

14 *(b) The complaint filed with the House and all information,*
15 *communications, records, documents or other materials that are*
16 *related to the allegations in the complaint filed with the House are*
17 *confidential and are not public records pursuant to chapter 239 of*
18 *NRS, unless those materials become publicly available in a*
19 *manner authorized by the applicable Standing Rules of the*
20 *Legislative Department of the State Government.*

21 **Sec. 15.** NRS 281A.030 is hereby amended to read as follows:

22 281A.030 As used in this chapter, unless the context otherwise
23 requires, the words and terms defined in NRS 281A.032 to
24 281A.170, inclusive, *and sections 2 to 5, inclusive, of this act* have
25 the meanings ascribed to them in those sections.

26 **Sec. 16.** NRS 281A.032 is hereby amended to read as follows:

27 281A.032 "Adjudicatory hearing" means a hearing held by the
28 Commission pursuant to NRS 281A.745 to receive evidence *and*
29 *render a decision* concerning an ethics complaint. ~~and render an~~
30 ~~opinion in the matter.~~

31 **Sec. 17.** NRS 281A.033 is hereby amended to read as follows:

32 281A.033 "Advisory opinion" means an advisory opinion
33 ~~rendered~~ *issued* by the Commission pursuant to NRS 281A.670 to
34 281A.690, inclusive, ~~and~~ *and section 13 of this act.*

35 **Sec. 18.** NRS 281A.065 is hereby amended to read as follows:

36 281A.065 "Commitment in a private capacity," with respect to
37 the interests of another person, means a commitment, interest or
38 relationship of a public officer or employee to a person:

39 1. Who is the spouse or domestic partner of the public officer
40 or employee;

41 2. Who is a member of the household of the public officer or
42 employee;

43 3. Who is related to the public officer or employee, or to the
44 spouse or domestic partner of the public officer or employee, by



1 blood, adoption, marriage or domestic partnership within the third
2 degree of consanguinity or affinity;

3 4. Who employs the public officer or employee, the spouse or
4 domestic partner of the public officer or employee or a member of
5 the household of the public officer or employee;

6 5. With whom the public officer or employee has a substantial
7 and continuing business relationship; ~~{or}~~

8 6. *For whom the public officer or employee serves in a*
9 *private capacity as an officer or as a member of the board of*
10 *directors or in a similar fiduciary capacity;*

11 7. *For whom the public officer or employee serves in a*
12 *private capacity as a volunteer;*

13 (a) *For a substantial amount of his or her personal time; or*

14 (b) *On a regular or recurring basis, regardless of the amount*
15 *of his or her personal time that is devoted to such service; or*

16 8. With whom the public officer or employee has any other
17 commitment, interest or relationship that is substantially similar to a
18 commitment, interest or relationship described in subsections 1 to
19 ~~{5}~~ 7, inclusive.

20 **Sec. 19.** NRS 281A.088 is hereby amended to read as follows:

21 281A.088 "Ethics complaint" means ~~{a request for an opinion}~~
22 *an ethics complaint* which is filed with the Commission or initiated
23 by the Commission on its own motion pursuant to NRS 281A.710
24 regarding the propriety of the conduct of a public officer or
25 employee under the statutory ethical standards . ~~{set forth in this~~
26 ~~chapter.}~~

27 **Sec. 20.** NRS 281A.135 is hereby amended to read as follows:

28 281A.135 1. "Opinion" means an opinion ~~{rendered}~~ *issued*
29 by the Commission in accordance with the provisions of this
30 chapter.

31 2. The term includes, without limitation, the disposition of an
32 ethics complaint by stipulation, agreed settlement, consent order or
33 default as authorized by NRS 233B.121.

34 **Sec. 21.** NRS 281A.161 is hereby amended to read as follows:

35 281A.161 "Request for an advisory opinion" means a request
36 for an advisory opinion which is filed with the Commission
37 pursuant to NRS 281A.675 . ~~{by a public officer or employee who~~
38 ~~is:~~

39 ~~—1.— Seeking guidance on matters which directly relate to the~~
40 ~~propriety of his or her own past, present or future conduct as a~~
41 ~~public officer or employee under the statutory ethical standards set~~
42 ~~forth in this chapter; or~~

43 ~~—2.— Requesting relief pursuant to NRS 281A.410, 281A.430 or~~
44 ~~281A.550.}~~



1 **Sec. 22.** NRS 281A.170 is hereby amended to read as follows:
2 281A.170 ~~["Willful violation"]~~ **"Violation"** means a violation
3 where the public officer or employee:

- 4 1. Acted intentionally and knowingly; or
5 2. Was in a situation where this chapter imposed a duty to act
6 and the public officer or employee intentionally and knowingly
7 failed to act in the manner required by this chapter. ~~;~~
8 ~~↳ unless the Commission determines, after applying the factors set~~
9 ~~forth in NRS 281A.775, that the public officer's or employee's act~~
10 ~~or failure to act has not resulted in a sanctionable violation of this~~
11 ~~chapter.]~~

12 **Sec. 23.** NRS 281A.210 is hereby amended to read as follows:
13 281A.210 1. The Commission shall ~~;~~

14 ~~—(a) At~~ , at its first meeting and annually thereafter , elect a
15 Chair and Vice Chair from among its members.

16 ~~[(b) Meet]~~

17 2. *If the Chair is prohibited from acting on a particular*
18 *matter or is otherwise unable to act on a particular matter, the*
19 *Vice Chair shall exercise the powers and functions and perform*
20 *the duties of the Chair concerning that particular matter. If the*
21 *Chair and Vice Chair are prohibited from acting on a particular*
22 *matter or are otherwise unable to act on a particular matter,*
23 *another member of the Commission who is designated in*
24 *accordance with the regulations of the Commission shall exercise*
25 *the powers and functions and perform the duties of the Chair*
26 *concerning that particular matter.*

27 3. *The Commission shall meet* regularly at least once in each
28 calendar quarter, unless there are no ethics complaints or requests
29 for advisory opinions pursuant to this chapter, and at other times
30 upon the call of the Chair.

31 ~~[(2)]~~ 4. Members of the Commission are entitled to receive a
32 salary of not more than \$80 per day, as fixed by the Commission,
33 while engaged in the business of the Commission.

34 ~~[(3)]~~ 5. While engaged in the business of the Commission, each
35 member and employee of the Commission is entitled to receive the
36 per diem allowance and travel expenses provided for state officers
37 and employees generally.

38 ~~[(4)]~~ 6. The Commission may, within the limits of legislative
39 appropriation, maintain such facilities as are required to carry out its
40 functions.

41 **Sec. 24.** NRS 281A.220 is hereby amended to read as follows:

42 281A.220 1. The Chair shall appoint one or more review
43 panels of three members of the Commission on a rotating basis to
44 perform the functions assigned to such review panels pursuant to
45 this chapter.



1 2. The Chair and Vice Chair of the Commission may not serve
2 together on a review panel.

3 3. Not more than two members of a review panel may be
4 members of the same political party.

5 4. If a review panel determines that there is just and sufficient
6 cause for the Commission to render *a decision and issue* an opinion
7 in a matter, the members of the review panel shall not participate in
8 any further proceedings of the Commission relating to that matter **H**
9 , *except that:*

10 (a) *One or more members of the review panel may, with the*
11 *consent of the parties, participate as mediators or facilitators in*
12 *any settlement negotiations between the parties that are conducted*
13 *before an adjudicatory hearing in the matter.*

14 (b) *The members of the review panel may authorize the*
15 *development of or approve a deferral agreement pursuant to*
16 *NRS 281A.730.*

17 **Sec. 25.** NRS 281A.230 is hereby amended to read as follows:

18 281A.230 1. The Commission shall appoint, within the limits
19 of legislative appropriation, an Executive Director who shall
20 perform the duties set forth in this chapter and such other duties as
21 may be prescribed by the Commission.

22 2. The Executive Director must *be an attorney who is licensed*
23 *to practice law in this State and must* have experience in
24 administration, investigations and law.

25 3. The Executive Director is in the unclassified service of the
26 State.

27 4. The Executive Director shall devote the Executive Director's
28 entire time and attention to the business of the Commission and
29 shall not pursue any other business or occupation or hold any other
30 office of profit that detracts from the full and timely performance of
31 the Executive Director's duties.

32 5. The Executive Director may not:

33 (a) Be actively involved in the work of any political party or
34 political campaign; or

35 (b) Except in pursuit of the business of the Commission,
36 communicate directly or indirectly with a State Legislator or a
37 member of a local legislative body on behalf of someone other than
38 the Executive Director to influence:

39 (1) The State Legislator with regard to introducing or voting
40 upon any matter or taking other legislative action; or

41 (2) The member of the local legislative body with regard to
42 introducing or voting upon any ordinance or resolution, taking other
43 legislative action or voting upon:

44 (I) The appropriation of public money;

45 (II) The issuance of a license or permit; or



1 (III) Any proposed subdivision of land or special
2 exception or variance from zoning regulations.

3 **Sec. 26.** NRS 281A.240 is hereby amended to read as follows:
4 281A.240 1. In addition to any other duties imposed upon the

5 Executive Director, the Executive Director shall:

6 (a) Maintain complete and accurate records of all transactions
7 and proceedings of the Commission.

8 (b) Receive ethics complaints and requests for advisory opinions
9 pursuant to this chapter.

10 (c) Gather information and conduct investigations regarding
11 ethics complaints and requests for advisory opinions pursuant to this
12 chapter.

13 (d) ~~Submit~~ *Present* recommendations to the review panel
14 regarding whether there is just and sufficient cause for the
15 Commission to render *a decision and issue* an opinion in a matter.

16 (e) Recommend to the Commission any regulations or
17 legislation that the Executive Director considers desirable or
18 necessary to improve the operation of the Commission and maintain
19 high standards of ethical conduct in government.

20 (f) Upon the request of any public officer or the employer of a
21 public employee, conduct training on the requirements of this
22 chapter, the rules and regulations adopted by the Commission and
23 ~~previous~~ *the published* opinions of the Commission. In any such
24 training, the Executive Director shall emphasize that the Executive
25 Director is not a member of the Commission and that only the
26 Commission may issue opinions concerning the application of the
27 statutory ethical standards to any given set of facts and
28 circumstances. The Commission may charge a reasonable fee to
29 cover the costs of training provided by the Executive Director
30 pursuant to this subsection.

31 (g) Perform such other duties, not inconsistent with law, as may
32 be required by the Commission.

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

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

37 (b) The investigation of matters under the jurisdiction of the
38 Commission.

39 3. If the Executive Director is prohibited from acting on a
40 particular matter or is otherwise unable to act on a particular matter,
41 the Chair ~~of the Commission~~ shall designate a qualified person to
42 perform the duties of the Executive Director with regard to that
43 particular matter.



1 **Sec. 27.** NRS 281A.260 is hereby amended to read as follows:

2 281A.260 1. The Commission Counsel is the legal adviser to
3 the Commission. For each *written* opinion of the Commission,
4 the Commission Counsel shall prepare, at the direction of the
5 Commission ~~H~~ *or as required pursuant to this chapter*, the
6 appropriate findings of fact and conclusions as to *the* relevant
7 *statutory ethical* standards and the propriety of particular conduct.
8 The Commission Counsel shall not issue written opinions
9 concerning the applicability of the statutory ethical standards to a
10 given set of facts and circumstances except as directed by the
11 Commission.

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

14 3. *Except as otherwise provided in this section or directed by*
15 *the Commission, in litigation concerning any judicial action or*
16 *proceeding in which the Commission or any member or employee*
17 *of the Commission is a party in an official capacity or participates*
18 *or intervenes in an official capacity, the Commission Counsel:*

19 (a) *Shall represent and act as legal counsel to the Commission*
20 *or any member or employee of the Commission in the action or*
21 *proceeding;*

22 (b) *May commence, prosecute, defend, participate or intervene*
23 *in the action or proceeding on behalf of the Commission or any*
24 *member or employee of the Commission; and*

25 (c) *May file an appeal or petition for or seek any writ or other*
26 *appellate relief in the action or proceeding on behalf of the*
27 *Commission or any member or employee of the Commission with*
28 *the consent or ratification of:*

29 (1) *The Commission; or*

30 (2) *The Chair or the Executive Director, or both, if the*
31 *authority to provide such consent or ratification is delegated*
32 *pursuant to section 9 of this act.*

33 4. *The provisions of subsection 3 do not apply to litigation*
34 *concerning any judicial action or proceeding in which the*
35 *Commission:*

36 (a) *Requests that the Attorney General appoint a deputy to act*
37 *in the place of the Commission Counsel; or*

38 (b) *Employs outside legal counsel.*

39 5. If the Commission Counsel is prohibited from acting on a
40 particular matter or is otherwise unable to act on a particular matter,
41 the Commission may:

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

44 (b) Employ outside legal counsel.



1 **Sec. 28.** NRS 281A.280 is hereby amended to read as follows:

2 281A.280 1. Except as otherwise provided in this section, the
3 Commission has jurisdiction to ~~investigate~~ :

4 *(a) Gather information and issue an advisory opinion in any*
5 *proceeding commenced by a request for an advisory opinion that*
6 *is filed with the Commission, except that the Commission does not*
7 *have jurisdiction to issue an advisory opinion on matters which*
8 *directly relate to the propriety of past conduct occurring more than*
9 *2 years before the date on which the request for an advisory*
10 *opinion is filed with the Commission.*

11 *(b) Investigate* and take appropriate action regarding an alleged
12 violation of this chapter by a ~~public officer or employee~~ *current* or
13 former public officer or employee in any proceeding commenced by
14 an ethics complaint, which is filed with the Commission or initiated
15 by the Commission on its own motion, within 2 years after the
16 alleged violation or reasonable discovery of the alleged violation.

17 *(c) Investigate and take appropriate action regarding an*
18 *alleged violation of subsection 3 of NRS 281A.790 by a current or*
19 *former public officer or employee or any other person in any*
20 *proceeding commenced by a written notice of the charges, which*
21 *is initiated by the Commission on its own motion, within 2 years*
22 *after the alleged violation or reasonable discovery of the alleged*
23 *violation.*

24 2. The Commission does not have jurisdiction regarding
25 alleged conduct by a ~~public officer or employee~~ *current* or former
26 public officer or employee for which:

27 (a) A complaint may be filed or, if the applicable limitations
28 period has expired, could have been filed with the United States
29 Equal Employment Opportunity Commission or the Nevada Equal
30 Rights Commission; or

31 (b) A complaint or employment-related grievance may be filed
32 or, if the applicable limitations period has expired, could have been
33 filed with another appropriate agency with jurisdiction to redress
34 alleged discrimination or harassment, including, without limitation,
35 a state or local employee-management relations board or similar
36 state or local agency,

37 but any bar on the Commission's jurisdiction imposed by this
38 subsection applies only to the extent that it pertains to the alleged
39 discrimination or harassment, and this subsection does not deprive
40 the Commission of jurisdiction regarding the alleged conduct if such
41 conduct is sanctionable separately or concurrently under the
42 provisions of this chapter, irrespective of the alleged discrimination
43 or harassment.

44 3. For the purposes of this section, a proceeding is commenced
45 ~~by~~ *by an ethics complaint:*



1 (a) On the date on which ~~an~~ *the* ethics complaint is filed in the
2 proper form with the Commission in accordance with the
3 regulations of the Commission; or

4 (b) If the ethics complaint is initiated by the Commission on its
5 own motion, on the date on which the Commission serves the
6 ~~public officer or employee~~ *current* or former public officer or
7 employee with *a written* notice of the *investigation of the* ethics
8 complaint in accordance with the regulations of the Commission.

9 **Sec. 29.** NRS 281A.290 is hereby amended to read as follows:
10 281A.290 The Commission shall:

11 1. Adopt procedural regulations that are necessary and proper
12 to carry out the provisions of this chapter, including, without
13 limitation:

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

15 (b) For the filing of an ethics complaint or a request for an
16 advisory opinion with the Commission;

17 (c) For the withdrawal of an ethics complaint or a request for an
18 advisory opinion by the person who filed the ethics complaint or
19 request;

20 (d) To facilitate the prompt rendition *of decisions and the*
21 *issuance* of opinions by the Commission; and

22 (e) For proceedings concerning an ethics complaint, to facilitate
23 written discovery requests submitted pursuant to NRS 281A.750
24 and 281A.755 and the disclosure of evidence in the manner required
25 by those sections, including, without limitation, the disclosure of
26 evidence obtained by or on behalf of the Executive Director during
27 the course of the investigation that affirmatively and substantively
28 disproves any alleged violation of this chapter that is related to the
29 ethics complaint and has been referred to the Commission for an
30 adjudicatory hearing.

31 2. Prescribe, by regulation, forms and procedures for the
32 submission of ~~statements of acknowledgment~~ *acknowledgments*
33 *of the statutory ethical standards* filed by public officers pursuant
34 to NRS 281A.500, maintain files of such ~~statements~~
35 *acknowledgments* and make the ~~statements~~ *acknowledgments*
36 available for public inspection.

37 3. Cause the making of such investigations as are reasonable
38 and necessary for the rendition *of decisions and the issuance* of
39 ~~its~~ opinions pursuant to this chapter.

40 4. Inform the Attorney General or district attorney of all cases
41 of noncompliance with the requirements of this chapter.

42 5. Recommend to the Legislature such further legislation as the
43 Commission considers desirable or necessary to promote and
44 maintain high standards of ethical conduct in government.



1 6. Publish a manual for the use of public officers and
2 employees that explains the requirements of this chapter.

3 ~~[- The Legislative Counsel shall prepare annotations to this chapter
4 for inclusion in the Nevada Revised Statutes based on the published
5 opinions of the Commission.]~~

6 **Sec. 30.** NRS 281A.300 is hereby amended to read as follows:

7 281A.300 1. The Chair ~~[and Vice Chair]~~ *or a member* of the
8 Commission *appointed by the Chair to preside over any meetings,*
9 *hearings and proceedings* may administer oaths.

10 2. The Commission, upon majority vote, may issue a subpoena
11 to compel the attendance of a witness and the production of any
12 books and papers for any hearing before the Commission.

13 3. Upon the request of the Executive Director, the Chair ~~[or, in
14 the Chair's absence, the Vice Chair,]~~ may issue a subpoena to
15 compel the participation of a potential witness and the production of
16 any books and papers during the course of any investigation.

17 4. Upon the request of the Executive Director or the public
18 officer or employee who is the subject of an ethics complaint, the
19 Chair ~~[or, in the Chair's absence, the Vice Chair,]~~ may issue a
20 subpoena to compel the attendance of a witness and the production
21 of any books and papers for any hearing before the Commission. A
22 public officer or employee who requests the issuance of a subpoena
23 pursuant to this subsection must serve the subpoena in the manner
24 provided in the Nevada Rules of Civil Procedure for service of
25 subpoenas in a civil action and must pay the costs of such service.

26 5. Before ~~[issuing]~~ *the Chair issues* a subpoena *directed to [a]*
27 *the* public officer or employee who is the subject of an ethics
28 complaint to compel his or her participation in any investigation, his
29 or her attendance as a witness or his or her production of any books
30 and papers, the Executive Director shall submit a written request to
31 the public officer or employee requesting:

32 (a) The voluntary participation of the public officer or employee
33 in the investigation;

34 (b) The voluntary attendance of the public officer or employee
35 as a witness; or

36 (c) The voluntary production by the public officer or employee
37 of any books and papers relating to the ethics complaint.

38 6. Each written request submitted by the Executive Director
39 pursuant to subsection 5 must specify the time and place for the
40 voluntary participation of the public officer or employee in the
41 investigation, attendance of the public officer or employee as a
42 witness or production of any books and papers, and designate with
43 certainty the books and papers requested, if any.

44 7. If the public officer or employee fails or refuses to respond
45 to the Executive Director's written request pursuant to subsection 5



1 to voluntarily participate or attend at the time and place specified or
2 produce the books and papers requested by the Executive Director
3 within 5 business days after receipt of the written request, the Chair
4 ~~for, in the Chair's absence, the Vice Chair,~~ may issue the subpoena.
5 Failure of the public officer or employee to comply with the written
6 request of the Executive Director shall be deemed a waiver by the
7 public officer or employee of the time limits set forth in NRS
8 281A.700 to 281A.790, inclusive, *and section 14 of this act* that
9 apply to proceedings concerning the ethics complaint.

10 8. If any witness fails or refuses to participate, attend, testify or
11 produce any books and papers as required by the subpoena, the
12 Chair ~~for, in the Chair's absence, the Vice Chair,~~ may report to the
13 district court by petition, setting forth that:

14 (a) Due notice has been given of the time and place of the
15 participation or attendance of the witness or the production of the
16 books and papers;

17 (b) The witness has been subpoenaed pursuant to this section;
18 and

19 (c) The witness has failed or refused to participate, attend,
20 testify or produce the books and papers as required by the subpoena,
21 or has failed or refused to answer questions propounded to the
22 witness,

23 and asking for an order of the court compelling the witness to
24 participate, attend, testify or produce the books and papers as
25 required by the subpoena.

26 9. Upon such a petition, the court shall enter an order directing
27 the witness to appear before the court at a time and place to be fixed
28 by the court in its order, the time to be not more than 10 days after
29 the date of the order, and then and there show cause why the witness
30 has not participated, attended, testified or produced the books or
31 papers as required by the subpoena. A certified copy of the order
32 must be served upon the witness.

33 10. If ~~it appears to~~, *at the hearing to show cause*, the court
34 *finds* that the subpoena was regularly issued pursuant to this section
35 ~~and that the witness has not proven a reason recognized by law~~
36 *for the failure to comply with its provisions*, the court shall enter an
37 order that the witness comply with the subpoena, at the time and
38 place fixed in the order, and participate, attend, testify or produce
39 the required books and papers. Upon failure to obey the order, the
40 witness must be dealt with as for contempt of court.

41 **Sec. 31.** NRS 281A.350 is hereby amended to read as follows:

42 281A.350 1. Any state agency or the governing body of a
43 county or an incorporated city may establish a specialized or local
44 ethics committee to complement the functions of the Commission.
45 A specialized or local ethics committee may:



1 (a) Establish a code of ethical standards suitable for the
2 particular ethical problems encountered in its sphere of activity. The
3 standards may not be less restrictive than the statutory ethical
4 standards.

5 (b) Render *a decision and issue* an opinion upon the request of
6 any public officer or employee of its own organization or level
7 seeking an interpretation of its *code of* ethical standards on
8 questions directly related to the propriety of the public officer's or
9 employee's own future official conduct ~~{or}~~, *but the committee*
10 *may* refer the request to the Commission ~~{}~~ *if the response to the*
11 *request requires the Commission to interpret the statutory ethical*
12 *standards and apply those standards to the given set of facts and*
13 *circumstances. If the request is referred to the Commission, it*
14 *shall be deemed to be a request for an advisory opinion filed by the*
15 *public officer or employee with the Commission pursuant to NRS*
16 *281A.675. Any public officer or employee subject to the jurisdiction*
17 *of the committee shall direct the public officer's or employee's*
18 ~~{inquiry}~~ *request* to that committee *first* instead of the Commission.

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

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

24 (2) Upon review, approved by the Secretary of State. The
25 Secretary of State shall not approve the form unless the form
26 contains all the information required to be included in a financial
27 disclosure statement pursuant to NRS 281.571.

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

31 3. A specialized or local ethics committee shall not attempt to
32 interpret *the statutory ethical standards* or render *a decision and*
33 *issue* an opinion regarding the statutory ethical standards.

34 4. Each request for an opinion submitted *by a public officer or*
35 *employee* to a specialized or local ethics committee, each hearing
36 held *by the committee* to obtain information on which to ~~{base}~~
37 *render a decision and issue* an opinion, all deliberations *by the*
38 *committee* relating to ~~{an}~~ *the decision and* opinion, each ~~{opinion}~~
39 *decision* rendered *and opinion issued* by ~~{a}~~ *the* committee and any
40 motion relating to the *decision and* opinion are confidential unless:

41 (a) The ~~{public—officer—or—employee}~~ *requester* acts in
42 contravention of the *decision or* opinion; or

43 (b) The requester discloses the ~~{content}~~ *contents* of the
44 *decision or* opinion.



1 **Sec. 32.** NRS 281A.400 is hereby amended to read as follows:

2 281A.400 ~~[A code of ethical standards is hereby established to~~
3 ~~govern the conduct of public officers and employees.]~~

4 1. A public officer or employee shall not seek or accept any
5 gift, service, favor, employment, engagement, emolument or
6 economic opportunity, for the public officer or employee or any
7 person to whom the public officer or employee has a commitment in
8 a private capacity, which would tend improperly to influence a
9 reasonable person in the public officer's or employee's position to
10 depart from the faithful and impartial discharge of the public
11 officer's or employee's public duties.

12 2. A public officer or employee shall not use the public
13 officer's or employee's position in government to secure or grant
14 *any* unwarranted privileges, preferences, exemptions or advantages
15 for the public officer or employee, any business entity in which the
16 public officer or employee has a significant pecuniary interest or
17 any person to whom the public officer or employee has a
18 commitment in a private capacity. As used in this subsection,
19 "unwarranted" means without justification or adequate reason.

20 3. A public officer or employee shall not participate as an agent
21 of government in the negotiation or execution of a contract between
22 the government and the public officer or employee, any business
23 entity in which the public officer or employee has a significant
24 pecuniary interest or any person to whom the public officer or
25 employee has a commitment in a private capacity.

26 4. A public officer or employee shall not accept any salary,
27 retainer, augmentation, expense allowance or other compensation
28 from any private source, for the public officer or employee or any
29 person to whom the public officer or employee has a commitment in
30 a private capacity, for the performance of the public officer's or
31 employee's duties as a public officer or employee.

32 5. If a public officer or employee acquires, through the public
33 officer's or employee's public duties or relationships, any
34 information which by law or practice is not at the time available to
35 people generally, the public officer or employee shall not use the
36 information to further a significant pecuniary interest of the public
37 officer or employee or any other person or business entity.

38 6. A public officer or employee shall not suppress any
39 governmental report or other official document because it might
40 tend to affect unfavorably a significant pecuniary interest of the
41 public officer or employee or any person to whom the public officer
42 or employee has a commitment in a private capacity.

43 7. Except for State Legislators who are subject to the
44 restrictions set forth in subsection 8, a public officer or employee
45 shall not use governmental time, property, equipment or other



1 facility to benefit a significant ~~personal or~~ pecuniary interest *or a*
2 *nonpecuniary personal interest* of the public officer or employee or
3 any person to whom the public officer or employee has a
4 commitment in a private capacity. This subsection does not prohibit:

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

7 (1) ~~The~~ *At the time that the use occurs, the use is:*

8 *(I) Authorized by a written policy which was adopted*
9 *before the use occurs by the* public officer or employee who is
10 responsible for and has authority to authorize the use of such
11 property, equipment or other facility ~~has established a policy~~
12 ~~allowing the use or the use is necessary~~; *or*

13 *(II) Necessary* as a result of emergency circumstances ~~is~~
14 *, whether or not the use is authorized by such a written policy;*

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

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

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

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

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

24 ~~✓~~ If a governmental agency incurs a cost as a result of a use that is
25 authorized pursuant to this subsection or would ordinarily charge a
26 member of the general public for the use, the public officer or
27 employee shall promptly reimburse the cost or pay the charge to the
28 governmental agency.

29 8. A State Legislator shall not:

30 (a) Use governmental time, property, equipment or other facility
31 ~~for a nongovernmental purpose or for the private~~ *to benefit a*
32 *significant pecuniary interest or a nonpecuniary personal interest*
33 of the State Legislator or any ~~other~~ person ~~is~~ *to whom the State*
34 *Legislator has a commitment in a private capacity.* This paragraph
35 does not prohibit:

36 (1) A limited use of ~~state~~ *governmental* property ~~and~~
37 ~~resources~~, *equipment or other facility* for personal purposes if:

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

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

41 (III) The use does not create the appearance of
42 impropriety;

43 (2) The use of mailing lists, computer data or other
44 information lawfully obtained from a governmental agency which is



1 available to members of the general public for nongovernmental
2 purposes; or

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

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

7 (1) In unusual and infrequent situations where the *legislative*
8 employee's service is reasonably necessary to permit the State
9 Legislator or legislative employee to perform that person's official
10 duties; or

11 (2) Where such service has otherwise been established as
12 legislative policy.

13 9. A public officer or employee shall not attempt to benefit a
14 significant ~~personal or~~ pecuniary interest *or a nonpecuniary*
15 *personal interest* of the public officer or employee or any person to
16 whom the public officer or employee has a commitment in a private
17 capacity through the influence of a subordinate.

18 10. A public officer or employee shall not seek other
19 employment or contracts for the public officer or employee or any
20 person to whom the public officer or employee has a commitment in
21 a private capacity through the use of the public officer's or
22 employee's official position.

23 11. *As used in this section, "appearance of impropriety"*
24 *means a perception by a reasonable person that, based on the*
25 *given set of facts and circumstances, a public officer's or*
26 *employee's limited use of governmental property, equipment or*
27 *other facility for personal purposes is inappropriate,*
28 *disproportionate, excessive or unreasonable under that given set*
29 *of facts and circumstances.*

30 **Sec. 33.** NRS 281A.410 is hereby amended to read as follows:

31 281A.410 ~~{In addition to the requirements of the code of~~
32 ~~ethical standards and the other provisions of this chapter:}~~

33 1. If a public officer or employee serves in a state agency of the
34 Executive Department or an agency of any county, city or other
35 political subdivision, the public officer or employee:

36 (a) Shall not accept compensation from any private person to
37 represent or counsel the private person on any issue pending before
38 the agency in which that public officer or employee serves, if the
39 agency makes decisions; and

40 (b) If the public officer or employee leaves the service of the
41 agency, shall not, for 1 year after leaving the service of the agency,
42 represent or counsel for compensation a private person upon any
43 issue which was under consideration by the agency during the
44 public officer's or employee's service. As used in this paragraph,
45 "issue" includes a case, proceeding, application, contract or



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

3 2. Except as otherwise provided in subsection 3, a State
4 Legislator or a member of a local legislative body, or a public
5 officer or employee whose public service requires less than half of
6 his or her time, may represent or counsel a private person before an
7 agency in which he or she does not serve.

8 3. A member of a local legislative body shall not represent or
9 counsel a private person for compensation before another local
10 agency if the territorial jurisdiction of the other local agency
11 includes any part of the county in which the member serves. The
12 Commission may relieve the member from the strict application of
13 the provisions of this subsection if:

14 (a) The member files a request for an advisory opinion from the
15 Commission pursuant to NRS 281A.675; and

16 (b) The Commission determines that such relief is not contrary
17 to:

18 (1) The best interests of the public;

19 (2) The continued ethical integrity of each local agency
20 affected by the matter; and

21 (3) The provisions of this chapter.

22 4. For the purposes of subsection 3, the request for an advisory
23 opinion, *the decision rendered*, the advisory opinion and all
24 meetings, hearings and proceedings of the Commission in such a
25 matter are governed by the provisions of NRS 281A.670 to
26 281A.690, inclusive ~~H~~, and *section 13 of this act*.

27 5. Unless permitted by this section, a public officer or
28 employee shall not represent or counsel a private person for
29 compensation before any state agency of the Executive or
30 Legislative Department.

31 **Sec. 34.** NRS 281A.420 is hereby amended to read as follows:

32 281A.420 1. Except as otherwise provided in this section, a
33 public officer or employee shall not approve, disapprove, vote,
34 abstain from voting or otherwise act upon a matter:

35 (a) Regarding which the public officer or employee has accepted
36 a gift or loan;

37 (b) In which the public officer or employee has a significant
38 pecuniary interest;

39 (c) Which would reasonably be affected by the public officer's
40 or employee's commitment in a private capacity to the interests of
41 another person; or

42 (d) Which would reasonably be related to the nature of any
43 representation or counseling that the public officer or employee
44 provided to a private person for compensation before another



1 agency within the immediately preceding year, provided such
2 representation or counseling is permitted by NRS 281A.410,
3 without disclosing information concerning the gift or loan, the
4 significant pecuniary interest, the commitment in a private capacity
5 to the interests of the other person or the nature of the representation
6 or counseling of the private person that is sufficient to inform the
7 public of the potential effect of the action or abstention upon the
8 person who provided the gift or loan, upon the public officer's or
9 employee's significant pecuniary interest, upon the person to whom
10 the public officer or employee has a commitment in a private
11 capacity or upon the private person who was represented or
12 counseled by the public officer or employee. Such a disclosure must
13 be made at the time the matter is considered. If the public officer or
14 employee is a member of a body which makes decisions, the public
15 officer or employee shall make the disclosure in public to the chair
16 and other members of the body. If the public officer or employee is
17 not a member of such a body and holds an appointive office, the
18 public officer or employee shall make the disclosure to the
19 supervisory head of the public officer's or employee's organization
20 or, if the public officer holds an elective office, to the general public
21 in the area from which the public officer is elected.

22 2. The provisions of subsection 1 do not require ~~{a}~~ :

23 ~~{a}~~ A public officer to disclose:

24 ~~{(a)}~~ (1) Any campaign contributions that the public officer
25 reported in a timely manner pursuant to NRS 294A.120 or
26 294A.125; or

27 ~~{(b)}~~ (2) Any contributions to a legal defense fund that the
28 public officer reported in a timely manner pursuant to
29 NRS 294A.286.

30 *(b) A public officer or employee to disclose any information
31 which is confidential as a result of a bona fide relationship that
32 protects the confidentiality of the information under the terms of a
33 contract or as a matter of law, including, without limitation, the
34 attorney-client relationship, if the public officer or employee:*

35 *(1) In the disclosure made pursuant to subsection 1,
36 discloses all nonconfidential information that is required to be
37 disclosed and describes the general nature of the relationship that
38 protects the confidential information from being disclosed; and*

39 *(2) Abstains from advocating the passage or failure of and
40 from approving, disapproving, voting or otherwise acting upon the
41 matter, regardless of whether the public officer or employee would
42 be required to abstain pursuant to subsection 3.*

43 3. Except as otherwise provided in this section, in addition to
44 the requirements of subsection 1, a public officer shall not vote upon
45 or advocate the passage or failure of, but may otherwise participate



1 in the consideration of, a matter with respect to which the
2 independence of judgment of a reasonable person in the public
3 officer's situation would be materially affected by:

4 (a) The public officer's acceptance of a gift or loan;

5 (b) The public officer's significant pecuniary interest; ~~for~~

6 (c) The public officer's commitment in a private capacity to the
7 interests of another person ~~for~~; or

8 *(d) The public officer's representation or counseling of a*
9 *private person for compensation before another agency within the*
10 *immediately preceding year, provided such representation or*
11 *counseling is permitted by NRS 281A.410.*

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

13 (a) It must be presumed that the independence of judgment of a
14 reasonable person in the public officer's situation would not be
15 materially affected by the public officer's acceptance of a gift or
16 loan, significant pecuniary interest, ~~for~~ commitment in a private
17 capacity to the interests of another person *or representation or*
18 *counseling of a private person for compensation as permitted by*
19 *NRS 281A.410* where the resulting benefit or detriment accruing to
20 the public officer, or if the public officer has a commitment in a
21 private capacity to the interests of another person ~~for~~ *or has*
22 *represented or counseled a private person for compensation as*
23 *permitted by NRS 281A.410*, accruing to the other person, is not
24 greater than that accruing to any other member of any general
25 business, profession, occupation or group that is affected by the
26 matter. The presumption set forth in this paragraph does not affect
27 the applicability of the requirements set forth in subsection 1
28 relating to the duty of the public officer to make a proper disclosure
29 at the time the matter is considered and in the manner required by
30 subsection 1.

31 (b) The Commission must give appropriate weight and proper
32 deference to the public policy of this State which favors the right of
33 a public officer to perform the duties for which the public officer
34 was elected or appointed and to vote or otherwise act upon a matter,
35 provided the public officer makes a proper disclosure at the time the
36 matter is considered and in the manner required by subsection 1.
37 Because abstention by a public officer disrupts the normal course of
38 representative government and deprives the public and the public
39 officer's constituents of a voice in governmental affairs, the
40 provisions of this section are intended to require abstention only in
41 clear cases where the independence of judgment of a reasonable
42 person in the public officer's situation would be materially affected
43 by the public officer's acceptance of a gift or loan, significant
44 pecuniary interest, ~~for~~ commitment in a private capacity to the



1 interests of another person ~~or~~ *or representation or counseling of a*
2 *private person for compensation as permitted by NRS 281A.410.*

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

10 6. The provisions of this section do not, under any
11 circumstances:

12 (a) Prohibit a member of a local legislative body from
13 requesting or introducing a legislative measure; or

14 (b) Require a member of a local legislative body to take any
15 particular action before or while requesting or introducing a
16 legislative measure.

17 7. The provisions of this section do not, under any
18 circumstances, apply to State Legislators or allow the Commission
19 to exercise jurisdiction or authority over State Legislators. The
20 responsibility of a State Legislator to make disclosures concerning
21 ~~gifts, loans, interests or commitments~~ *a matter* and the
22 responsibility of a State Legislator to abstain from voting upon or
23 advocating the passage or failure of a matter are governed by the
24 Standing Rules of the Legislative Department of *the* State
25 Government which are adopted, administered and enforced
26 exclusively by the appropriate bodies of the Legislative Department
27 of *the* State Government pursuant to Section 6 of Article 4 of the
28 Nevada Constitution.

29 8. As used in this section, "public officer" and "public
30 employee" do not include a State Legislator.

31 **Sec. 35.** NRS 281A.430 is hereby amended to read as follows:

32 281A.430 1. ~~Except~~ *Notwithstanding the provisions of*
33 *NRS 281.221 and 281.230, and except* as otherwise provided in this
34 section and NRS 218A.970 and 332.800, a public officer or
35 employee shall not *, directly or through a third party, perform any*
36 *existing contract, negotiate, bid on or enter into* ~~or~~ *any contract or*
37 *modify or renew any contract if:*

38 (a) *The contract is between an agency* ~~and any~~ *in which the*
39 *public officer or employee serves and:*

40 (1) *The public officer or employee; or*

41 (2) *Any business entity in which the public officer or*
42 *employee has a significant pecuniary interest* ~~or~~ *;*

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



1 (1) *The public officer or employee; or*
2 (2) *Any business entity in which the public officer or*
3 *employee has a significant pecuniary interest.*

4 2. ~~[A member of any board, commission or similar body who~~
5 ~~is engaged in the profession, occupation or business regulated by~~
6 ~~such board, commission or body may, in the ordinary course of his~~
7 ~~or her business, bid on or enter into a contract with an agency;~~
8 ~~except the board, commission or body on which he or she is a~~
9 ~~member, if the member has not taken part in developing the contract~~
10 ~~plans or specifications and the member will not be personally~~
11 ~~involved in opening, considering or accepting offers.] Except as~~
12 ~~otherwise provided in subsections 3 to 6, inclusive, a public officer~~
13 ~~or employee may perform an existing contract, negotiate, bid on or~~
14 ~~enter into a contract or modify or renew a contract with an agency~~
15 ~~in which the public officer or employee serves, or a related agency~~
16 ~~as described in paragraph (b) of subsection 1, if:~~

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

20 (1) *The contracting process is controlled by the rules of*
21 *open competitive bidding or the rules of open competitive bidding*
22 *are not used as a result of the applicability of NRS 332.112 or*
23 *332.148;*

24 (2) *The sources of supply are limited or no other person*
25 *expresses an interest in the contract;*

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

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

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

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

37 (2) *The contract is not exclusive to the public officer or*
38 *employee and is the type of contract that is available to all persons*
39 *with the requisite qualifications.*

40 3. A full- or part-time faculty member or employee of the
41 Nevada System of Higher Education may *perform an existing*
42 *contract, negotiate,* bid on or enter into a contract *or modify or*
43 *renew a contract* with an agency, or may benefit financially or
44 otherwise from a contract between an agency and a private entity, if



1 the contract complies with the policies established by the Board of
2 Regents of the University of Nevada pursuant to NRS 396.255.

3 ~~4. Except as otherwise provided in subsection 2, 3 or 5, a~~
4 ~~public officer or employee may bid on or enter into a contract with~~
5 ~~an agency if:~~

6 ~~—(a) The contracting process is controlled by the rules of open~~
7 ~~competitive bidding or the rules of open competitive bidding are not~~
8 ~~employed as a result of the applicability of NRS 332.112 or~~
9 ~~332.148;~~

10 ~~—(b) The sources of supply are limited;~~

11 ~~—(c) The public officer or employee has not taken part in~~
12 ~~developing the contract plans or specifications; and~~

13 ~~—(d) The public officer or employee will not be personally~~
14 ~~involved in opening, considering or accepting offers.~~

15 ~~→} If a public officer who is authorized to *perform an existing*~~
16 ~~*contract, negotiate,* bid on or enter into a contract *or modify or*~~
17 ~~*renew a contract* with an agency pursuant to this ~~{subsection}~~~~
18 ~~*section* is a member of the governing body of the agency, the public~~
19 ~~officer, pursuant to the requirements of NRS 281A.420, shall~~
20 ~~disclose the public officer's interest in the contract and shall not~~
21 ~~vote on or advocate the approval of the contract.~~

22 5. A member of a local legislative body shall not, either
23 individually or through any business entity in which the member has
24 a significant pecuniary interest, sell goods or services to the local
25 agency governed by his or her local legislative body unless:

26 (a) The member, or the business entity in which the member has
27 a significant pecuniary interest, offers the sole source of supply of
28 the goods or services within the territorial jurisdiction of the local
29 agency governed by his or her local legislative body;

30 (b) The local legislative body includes in the public notice and
31 agenda for the meeting at which it will consider the purchase of
32 such goods or services a clear and conspicuous statement that it is
33 considering purchasing such goods or services from one of its
34 members, or from a business entity in which the member has a
35 significant pecuniary interest;

36 (c) At the meeting, the member discloses his or her significant
37 pecuniary interest in the purchase of such goods or services and
38 does not vote upon or advocate the approval of the matter pursuant
39 to the requirements of NRS 281A.420; and

40 (d) The local legislative body approves the purchase of such
41 goods or services in accordance with all other applicable provisions
42 of law.

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



1 (a) The public officer or employee files a request for an advisory
2 opinion from the Commission pursuant to NRS 281A.675; and

3 (b) The Commission determines that such relief is not contrary
4 to:

5 (1) The best interests of the public;

6 (2) The continued ethical integrity of each agency affected
7 by the matter; and

8 (3) The provisions of this chapter.

9 7. For the purposes of subsection 6, the request for an advisory
10 opinion, *the decision rendered*, the advisory opinion and all
11 meetings, hearings and proceedings of the Commission in such a
12 matter are governed by the provisions of NRS 281A.670 to
13 281A.690, inclusive ~~†~~, *and section 13 of this act.*

14 **Sec. 36.** NRS 281A.500 is hereby amended to read as follows:

15 281A.500 1. On or before the date on which a public officer
16 swears or affirms the oath of office, the public officer must be
17 informed of the statutory ethical standards and the duty to file an
18 acknowledgment of the statutory ethical standards in accordance
19 with this section by:

20 (a) For an appointed public officer, the appointing authority of
21 the public officer; and

22 (b) For an elected public officer of:

23 (1) The county and other political subdivisions within the
24 county except cities, the county clerk;

25 (2) The city, the city clerk;

26 (3) The Legislative Department of the State Government, the
27 Director of the Legislative Counsel Bureau; and

28 (4) The Executive Department of the State Government, the
29 Director of the Department of Administration, or his or her
30 designee.

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

32 (a) The Director of the Department of Administration, or his or
33 her designee, shall provide each new public employee of a state
34 agency with the information prepared by the Commission
35 concerning the statutory ethical standards; and

36 (b) The manager of each local agency, or his or her designee,
37 shall provide each new public employee of the local agency with the
38 information prepared by the Commission concerning the statutory
39 ethical standards.

40 3. Each public officer shall acknowledge that the public
41 officer:

42 (a) Has received, read and understands the statutory ethical
43 standards; and



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

4 4. The acknowledgment must be executed on a form prescribed
5 by the Commission and must be filed with the Commission:

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

9 (b) If the public officer is elected to office at an election other
10 than the general election or is appointed to office, on or before the
11 30th day following the date on which the public officer swears or
12 affirms the oath of office.

13 5. Except as otherwise provided in this subsection, a public
14 officer shall execute and file the acknowledgment once for each
15 term of office. If the public officer serves at the pleasure of the
16 appointing authority and does not have a definite term of office,
17 the public officer, in addition to executing and filing the
18 acknowledgment after the public officer swears or affirms the oath
19 of office in accordance with subsection 4, shall execute and file the
20 acknowledgment on or before January 15 of each even-numbered
21 year while the public officer holds that office.

22 6. For the purposes of this section, the acknowledgment is
23 timely filed if, on or before the last day for filing, the
24 acknowledgment is filed in one of the following ways:

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

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

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

35 (d) Transmitted to the Commission by facsimile machine or
36 other electronic means authorized by the Commission. Filing by
37 facsimile machine or other electronic means is complete upon
38 receipt of the transmission by the Commission.

39 7. If a public officer is serving in a public office and executes
40 and files the acknowledgment for that office as required by the
41 applicable provisions of this section, the public officer shall be
42 deemed to have satisfied the requirements of this section for any
43 other office held concurrently by him or her.

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



1 (a) The address of the Internet website of the Commission where
2 a public officer may view the statutory ethical standards and print a
3 copy of the standards; and

4 (b) The telephone number and mailing address of the
5 Commission where a public officer may make a request to obtain a
6 printed copy of the statutory ethical standards from the Commission.

7 9. Whenever the Commission, or any public officer or
8 employee as part of the public officer's or employee's official
9 duties, provides a public officer with a printed copy of the form for
10 making the acknowledgment, a printed copy of the statutory ethical
11 standards must be included with the form.

12 10. The Commission shall retain each acknowledgment filed
13 pursuant to this section for 6 years after the date on which the
14 acknowledgment was filed.

15 11. ~~[Willful refusal]~~ *A public officer who fails* to execute and
16 file the acknowledgment required by this section ~~[shall be deemed~~
17 ~~to be:~~

18 ~~—(a) A willful violation of this chapter for the purposes of NRS~~
19 ~~281A.785 and 281A.790; and~~

20 ~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and,~~
21 ~~if the public officer is removable from office pursuant to NRS~~
22 ~~283.440, the Commission may file a complaint in the appropriate~~
23 ~~court for removal of the public officer pursuant to that section. This~~
24 ~~paragraph grants an exclusive right to the Commission, and no other~~
25 ~~person may file a complaint against the public officer pursuant to~~
26 ~~NRS 283.440 based on any violation of this section.] or who fails to~~
27 ~~file the acknowledgment in a timely manner is subject to a civil~~
28 ~~penalty pursuant to section 12 of this act.~~

29 12. As used in this section, "general election" has the meaning
30 ascribed to it in NRS 293.060.

31 **Sec. 37.** NRS 281A.510 is hereby amended to read as follows:

32 281A.510 1. ~~[A]~~ *Except as otherwise provided in this*
33 *section, a public officer or [public] employee shall not accept or*
34 *receive an honorarium.*

35 2. An honorarium paid on behalf of a public officer or ~~[public]~~
36 employee to a charitable organization from which the *public* officer
37 or employee does not derive any financial benefit is deemed not to
38 be accepted or received by the *public* officer or employee for the
39 purposes of this section.

40 3. This section does not prohibit:

41 (a) The receipt of *any* payment *by a public officer or employee*
42 for work performed outside the normal course of ~~[a person's]~~ *his or*
43 *her* public office or employment if the performance of that work is
44 consistent with the applicable policies of ~~[the person's]~~ *his or her*



1 public *body, agency or* employer regarding supplemental
2 employment.

3 (b) The receipt of an honorarium by the spouse *or domestic*
4 *partner* of a public officer or ~~{public}~~ employee if it is related to the
5 ~~{spouse's}~~ profession or occupation ~~{}~~ *of the spouse or domestic*
6 *partner.*

7 4. As used in this section, "honorarium" means the payment of
8 money or anything of value for an appearance or speech by the
9 public officer or ~~{public}~~ employee in ~~{the officer's or employee's}~~
10 *his or her* capacity as a public officer or ~~{public}~~ employee. The
11 term does not include the payment of:

12 (a) The actual and necessary costs incurred by the public officer
13 or ~~{public}~~ employee, the ~~{officer's or employee's}~~ spouse or ~~{the~~
14 ~~officer's or employee's aid}~~ *domestic partner of the public officer*
15 *or employee or any assistant of the public officer or employee* for
16 transportation and for lodging and meals while the public officer or
17 ~~{public}~~ employee is away from ~~{the officer's or employee's}~~ *his or*
18 *her* residence.

19 (b) Compensation which would otherwise have been earned by
20 the public officer or ~~{public}~~ employee in the normal course of ~~{the~~
21 ~~officer's or employee's}~~ *his or her* public office or employment.

22 (c) A fee for a speech related to the *public* officer's or
23 employee's profession or occupation outside of ~~{the officer's or~~
24 ~~employee's}~~ *his or her* public office or employment if:

25 (1) Other members of the profession or occupation are
26 ordinarily compensated for such a speech; and

27 (2) The fee paid to the public officer or ~~{public}~~ employee is
28 approximately the same as the fee that would be paid to a member
29 of the private sector whose qualifications are similar to those of the
30 *public* officer or employee for a comparable speech.

31 (d) A fee for a speech delivered to an organization of
32 legislatures, legislators or other elected officers.

33 5. In addition to any other penalties provided by law, a public
34 officer or ~~{public}~~ employee who violates the provisions of this
35 section shall forfeit the amount of the honorarium.

36 **Sec. 38.** NRS 281A.550 is hereby amended to read as follows:

37 281A.550 1. A former member of the Public Utilities
38 Commission of Nevada shall not:

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

41 (b) Appear before the Public Utilities Commission of Nevada to
42 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 2. A former member of the Nevada Gaming Control Board or
2 the Nevada Gaming Commission shall not:

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

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

11 3. In addition to the prohibitions set forth in subsections 1 and
12 2, and except as otherwise provided in subsections 4 and 6, a
13 *current or* former public officer or employee of a board,
14 commission, department, division or other agency of the Executive
15 Department of *the* State Government, except a clerical employee,
16 shall not solicit or accept employment from a business or industry
17 whose activities are governed by regulations adopted *or*
18 *administered* by the board, commission, department, division or
19 other agency, *as applicable, during the public officer's or*
20 *employee's period of public service or employment or* for 1 year
21 after the termination of ~~the former public officer's or employee's~~
22 *his or her period of public* service or ~~period of~~ employment, if:

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

26 (b) ~~During~~ *Within* the immediately preceding year ~~the~~
27 ~~former~~ *during the public officer's or employee's period of public*
28 *service or employment or within the year immediately preceding*
29 *the termination of the public officer's or employee's period of*
30 *public service or employment, the* public officer or employee
31 directly performed activities, or controlled or influenced an audit,
32 decision, investigation or other action, which significantly affected
33 the business or industry; ~~which might, but for this section, employ~~
34 ~~the former public officer or employee;~~ or

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

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

42 (a) The ~~former public officer~~ *member* is engaged in the
43 profession, occupation or business regulated by the board,
44 commission or similar body;



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

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

6 5. Except as otherwise provided in subsection 6, a *current or*
7 former public officer or employee of the State or a political
8 subdivision, except a clerical employee, shall not solicit or accept
9 employment from a person to whom a contract for supplies,
10 materials, equipment or services was awarded by the State or
11 political subdivision, as applicable, *or was implemented, managed*
12 *or administered by the State or political subdivision, as applicable,*
13 *during the public officer's or employee's period of public service*
14 *or employment or for 1 year after the termination of ~~the officer's or~~*
15 *~~employee's~~ his or her period of public service or ~~period of~~*
16 *employment, if:*

17 (a) The amount of the contract exceeded \$25,000;

18 (b) The contract was awarded *or was implemented, managed or*
19 *administered by the State or political subdivision, as applicable,*
20 *within the immediately preceding year during the public officer's*
21 *or employee's period of public service or employment or within the*
22 *~~12-month period~~ year immediately preceding the termination of*
23 *the public officer's or employee's period of public service or*
24 *~~period of~~ employment; and*

25 (c) The position held by the ~~former~~ public officer or employee
26 at the time the contract was awarded *or while it was implemented,*
27 *managed or administered by the State or political subdivision, as*
28 *applicable,* allowed the ~~former~~ public officer or employee to affect
29 or influence the awarding of the contract ~~+~~ *or its implementation,*
30 *management or administration.*

31 6. A current or former public officer or employee may file a
32 request for an advisory opinion pursuant to NRS 281A.675
33 concerning the application of the relevant facts in that person's case
34 to the provisions of subsection 3 or 5, as applicable, and *the*
35 *Commission may* determine whether relief from the strict
36 application of those provisions is proper. *For the purposes of*
37 *submitting all necessary information for the Commission to render*
38 *a decision and issue an advisory opinion in the matter, a current*
39 *or former public officer or employee may request information*
40 *concerning potential employment from any business, industry or*
41 *other person without violating the provisions of subsection 3 or 5,*
42 *as applicable.* If the Commission determines that relief from the
43 strict application of the provisions of subsection 3 or 5, as
44 applicable, is not contrary to:



- 1 (a) The best interests of the public;
 - 2 (b) The continued ethical integrity of the State Government or
 - 3 political subdivision, as applicable; and
 - 4 (c) The provisions of this chapter.
- 5 ~~↳~~ it may issue an advisory opinion to that effect and grant such
- 6 relief.

7 7. For the purposes of subsection 6, the request for an advisory

8 opinion, *the decision rendered*, the advisory opinion and all

9 meetings, hearings and proceedings of the Commission in such a

10 matter are governed by the provisions of NRS 281A.670 to

11 281A.690, inclusive ~~†~~, *and section 13 of this act.*

12 8. The advisory opinion does not relieve the current or former

13 public officer or employee from the strict application of any

14 provision of NRS 281A.410.

15 9. ~~For~~ *Except as otherwise provided in subsection 6, for* the

16 purposes of this section:

17 (a) A former member of the Public Utilities Commission of

18 Nevada, the Nevada Gaming Control Board or the Nevada Gaming

19 Commission; or

20 (b) Any other *current or* former public officer or employee

21 governed by this section.

22 ~~↳~~ is employed by or is soliciting or accepting employment from a

23 business, industry or other person described in this section if any

24 oral or written agreement is sought, negotiated or exists during the

25 restricted period pursuant to which the personal services of

26 the public officer or employee are provided or will be provided to

27 the business, industry or other person, even if such an agreement

28 does not or will not become effective until after the restricted

29 period.

30 10. As used in this section, "regulation" has the meaning

31 ascribed to it in NRS 233B.038 and also includes regulations

32 adopted *or administered* by a board, commission, department,

33 division or other agency of the Executive Department of *the* State

34 Government that is exempted from the requirements of chapter

35 233B of NRS.

36 **Sec. 39.** NRS 281A.665 is hereby amended to read as follows:

37 281A.665 *1. The published opinions of the Commission*

38 *constitute administrative precedents with persuasive value that the*

39 *Commission may consider and follow in the adjudication and*

40 *disposition of any request for an advisory opinion or ethics*

41 *complaint.*

42 *2. The Legislative Counsel shall prepare annotations to this*

43 *chapter for inclusion in the Nevada Revised Statutes based on the*

44 *published opinions of the Commission.*



1 3. The ~~Commission's~~ opinions *of the Commission* may
2 include guidance to a public officer or employee on questions
3 whether:

4 ~~1-1~~ (a) A conflict exists between the public officer's or
5 employee's personal interest and the public officer's or employee's
6 official ~~duty;~~
7 ~~2-1~~ *duties.*

8 (b) The public officer's or employee's official duties involve the
9 use of discretionary judgment whose exercise in the particular
10 matter would have a significant effect upon the disposition of the
11 matter.

12 ~~3-1~~ (c) The conflict would materially affect the independence
13 of the judgment of a reasonable person in the public officer's or
14 employee's situation.

15 ~~4-1~~ (d) The public officer or employee possesses special
16 knowledge which is an indispensable asset of ~~the public officer's or~~
17 ~~employee's public~~ *his or her public body, agency or employer* and
18 is needed by it to reach a sound decision.

19 ~~5-1~~ (e) It would be appropriate for the public officer or
20 employee to withdraw or abstain from participation, disclose the
21 nature of the public officer's or employee's conflicting personal
22 interest or pursue some other designated course of action in the
23 matter.

24 **Sec. 40.** NRS 281A.670 is hereby amended to read as follows:

25 281A.670 The provisions of NRS 281A.670 to 281A.690,
26 inclusive, *and section 13 of this act* apply to proceedings
27 concerning a request for an advisory opinion.

28 **Sec. 41.** NRS 281A.675 is hereby amended to read as follows:

29 281A.675 1. ~~1-1~~ *Except as otherwise provided in this*
30 *section and NRS 281A.280:*

31 (a) A public officer or employee may file with the Commission
32 a request for an advisory opinion to:

33 ~~1-1~~ (1) Seek guidance on matters which directly relate to the
34 propriety of his or her own past, present or future conduct as a
35 public officer or employee under the statutory ethical standards ;
36 ~~set forth in this chapter;~~ or

37 ~~2-1~~ (2) Request relief pursuant to NRS 281A.410, 281A.430 or
38 281A.550 ~~1-1~~ *or section 10 of this act.*

39 (b) *The supervisory head or the legal counsel of a public body,*
40 *agency or employer may file with the Commission a request for an*
41 *advisory opinion to seek guidance on the application of the*
42 *statutory ethical standards to a hypothetical or general set of facts*
43 *and circumstances involving one or more particular positions with*
44 *the public body, agency or employer, but such a request must not*
45 *involve any actual or specific facts and circumstances of any*



1 *public officers or employees who are or will be serving or who*
2 *have served in those particular positions.*

3 2. The request for an advisory opinion must be:

4 (a) Filed on a form prescribed by the Commission; and

5 (b) Submitted with all necessary information for the
6 Commission to render *a decision and issue* an advisory opinion in
7 the matter.

8 3. *At any time after a request for an advisory opinion is filed*
9 *with the Commission, the Commission may request additional*
10 *information relating to the request for an advisory opinion from*
11 *the following persons:*

12 (a) *The requester and his or her legal counsel.*

13 (b) *If the requester filed the request for an advisory opinion*
14 *pursuant to paragraph (a) of subsection 1 and is not represented*
15 *by the legal counsel of his or her public body, agency or employer,*
16 *the supervisory head or the legal counsel of that public body,*
17 *agency or employer, but the Commission shall not disclose the*
18 *name or position of the requester or the subject matter of the*
19 *request for an advisory opinion in making such a request for*
20 *additional information.*

21 4. The Commission may decline to render *a decision and issue*
22 an advisory opinion if the ~~public officer or employee~~ requester
23 does not:

24 (a) Submit all necessary information for the Commission to
25 render *a decision and issue* an advisory opinion in the matter; or

26 (b) Declare by oath or affirmation that he or she will testify
27 truthfully regarding the matter.

28 **Sec. 42.** NRS 281A.680 is hereby amended to read as follows:

29 281A.680 1. ~~If a public officer or employee~~ *Except as*
30 *otherwise provided in this section, if a requester properly files a*
31 *request for an advisory opinion, the Commission shall render a*
32 *decision and issue* an advisory opinion that interprets the statutory
33 ethical standards and applies those standards to the given set of facts
34 and circumstances.

35 2. The Commission shall render *a decision concerning* the
36 *request for an* advisory opinion within 45 days after receiving the
37 request, unless ~~the~~:

38 (a) *The requester waives this time limit* ~~;~~

39 ~~—2—~~; or
40 (b) *The Commission stays or dismisses the proceedings*
41 *concerning the request for an advisory opinion because:*

42 (1) *An ethics complaint is filed or pending that involves*
43 *some or all of the same issues or facts and circumstances that are*
44 *involved in the request for an advisory opinion; and*



1 (2) *The Commission determines that staying or dismissing*
2 *the proceedings concerning the request for an advisory opinion is*
3 *necessary for the just adjudication and disposition of the*
4 *proceedings concerning the ethics complaint.*

5 3. *If the Commission renders a decision concerning the*
6 *request for an advisory opinion pursuant to this section, the*
7 *Commission shall issue a written advisory opinion within 90 days*
8 *after the date on which the decision is rendered, unless the*
9 *Commission determines that there is good cause to extend this*
10 *time limit.*

11 4. If the *Commission issues a written advisory opinion*
12 ~~*rendered by the Commission*~~ *to a requester who filed the request*
13 *for an advisory opinion pursuant to paragraph (a) of subsection 1*
14 *of NRS 281A.675 and the advisory opinion* relates to the propriety
15 of the present or future conduct of the requester, the advisory
16 opinion is:

17 (a) Binding upon the requester with regard to the future conduct
18 of the requester; and

19 (b) A final decision that is subject to judicial review pursuant to
20 NRS 233B.130.

21 ~~3.4~~ If the requester seeks judicial review pursuant to NRS
22 233B.130, any proceedings concerning such judicial review must be
23 confidential and held in closed court without admittance of persons
24 other than those necessary to the proceedings, unless the requester
25 waives this right to confidential proceedings.

26 5. *If the Commission issues a written advisory opinion to a*
27 *requester who filed the request for an advisory opinion pursuant*
28 *to paragraph (b) of subsection 1 of NRS 281A.675, the advisory*
29 *opinion is not a final decision that is subject to judicial review*
30 *pursuant to NRS 233B.130.*

31 **Sec. 43.** NRS 281A.685 is hereby amended to read as follows:

32 281A.685 1. Except as otherwise provided in this section, the
33 following materials are confidential and are not public records
34 pursuant to chapter 239 of NRS:

35 (a) A request for an advisory opinion;

36 (b) The *decision rendered and the* advisory opinion ~~*rendered*~~
37 *issued* by the Commission in response to the request;

38 (c) Any information, communications, records, documents or
39 other materials in the possession of the Commission or its staff that
40 are related to the request; and

41 (d) Any information, communications, records, documents or
42 other materials in the possession of the requester of the advisory
43 opinion that are related to the request and, if disclosed by the
44 requester, would reveal the existence, nature or content of the
45 request, *the decision rendered* or the advisory opinion.



1 2. The provisions of subsection 1 do not create or impose any
2 duty on the Commission or its staff to protect or defend against the
3 disclosure of any materials not in the possession of the Commission
4 or its staff, regardless of whether the materials are related to the
5 request.

6 3. The provisions of subsection 1 do not apply to any materials
7 in the possession of the Commission or its staff that are related to
8 the request if the requester of the advisory opinion:

9 (a) Acts in contravention of *the decision rendered* or the
10 advisory opinion, in which case the Commission may disclose the
11 request, *the decision rendered*, the advisory opinion and any
12 information, communications, records, documents or other materials
13 in the possession of the Commission or its staff that are related to
14 the request;

15 (b) Authorizes the Commission, in writing, to make the request,
16 *the decision rendered*, the advisory opinion or any information,
17 communications, records, documents or other materials in the
18 possession of the Commission or its staff that are related to the
19 request publicly available ~~{}~~, *except that any disclosure of*
20 *materials pursuant to this paragraph is limited to the specific*
21 *materials that the requester authorizes the Commission, in writing,*
22 *to make publicly available;* or

23 (c) Voluntarily discloses, in any manner, the request, *the*
24 *decision rendered*, the advisory opinion or any information,
25 communications, records, documents or other materials in the
26 possession of the Commission or its staff that are related to the
27 request, except to:

28 (1) The ~~{public body,}~~ *supervisory head or the legal counsel*
29 *of his or her public body*, agency or employer ~~{of the requester or~~
30 ~~the}~~ *or to any other public officer or employee of that public body,*
31 *agency or employer to whom the supervisory head or the legal*
32 *counsel authorizes such a disclosure;*

33 (2) The legal counsel of the requester ~~{~~
34 ~~—(2)}~~ *to facilitate legal representation when the requester is*
35 *not represented by the legal counsel of his or her public body,*
36 *agency or employer;*

37 (3) Any *other* person to whom the Commission authorizes
38 the requester to make such a disclosure; or

39 ~~{(3)}~~ (4) Any *other* person to whom the requester makes such
40 a disclosure for the purposes of judicial review pursuant to
41 *subsection 4 of* NRS 281A.680.

42 **Sec. 44.** NRS 281A.690 is hereby amended to read as follows:

43 281A.690 1. ~~{Except as otherwise provided in this section;~~
44 ~~the}~~ *The* provisions of chapter 241 of NRS do not apply to:



1 (a) Any meeting or hearing held by the Commission to receive
2 information or evidence concerning a request for an advisory
3 opinion; and

4 (b) Any deliberations or actions of the Commission on such
5 information or evidence.

6 2. The ~~{public officer or employee}~~ *requester* who files the
7 request for an advisory opinion may also file a request with
8 the Commission to hold a public meeting or hearing regarding the
9 request for an advisory opinion. *If the Commission grants the*
10 *request to hold a public meeting or hearing, the Commission shall*
11 *provide public notice of the meeting or hearing, and the meeting*
12 *or hearing must be open to the public and conducted in*
13 *accordance with the regulations of the Commission, but the*
14 *meeting or hearing is not subject to the provisions of chapter 241*
15 *of NRS.*

16 **Sec. 45.** NRS 281A.700 is hereby amended to read as follows:
17 281A.700 The provisions of NRS 281A.700 to 281A.790,
18 inclusive, *and section 14 of this act* apply to proceedings
19 concerning an ethics complaint.

20 **Sec. 46.** NRS 281A.705 is hereby amended to read as follows:
21 281A.705 1. ~~{H}~~ *Except as otherwise provided in this*
22 *section, if* an ethics complaint is filed with or initiated by the
23 Commission concerning a ~~{present}~~ *current* or former ~~{state}~~ *public*
24 *officer or employee* ~~{, unless the state officer or employee retains his~~
25 ~~or her legal counsel or the Attorney General tenders the defense of~~
26 ~~the state officer or employee to an insurer who, pursuant to a~~
27 ~~contract of insurance, is authorized to defend the state officer or~~
28 ~~employee, the Attorney General}~~ *of a state or local agency, the*
29 *official attorney of the state or local agency, as applicable, shall*
30 *defend the {state} public officer or employee* ~~{or employ special~~
31 ~~counsel to defend the state officer or employee in any proceeding~~
32 ~~relating to} in proceedings concerning the ethics complaint if:~~

33 (a) The ~~{state}~~ *public* officer or employee submits a written
34 request for defense ~~{in the manner provided in NRS 41.0339;} to the~~
35 *official attorney;* and

36 (b) Based on the facts and allegations known to the ~~{Attorney~~
37 ~~General, the Attorney General}~~ *official attorney relating to the*
38 *ethics complaint, the official attorney* determines that the act or
39 omission on which the alleged violation is based:

40 (1) Appears to be within the course and scope of *the* public
41 ~~{duty}~~ *duties* or employment of the ~~{state}~~ *public* officer or
42 employee; and

43 (2) Appears to have been performed or omitted in good faith.

44 2. The ~~{Attorney General}~~ *official attorney* shall create a
45 written record setting forth the basis for the ~~{Attorney General's}~~



1 *official attorney's* determination of whether to defend the ~~{state}~~
2 *public* officer or employee pursuant to paragraph (b) of subsection
3 1. The written record is not admissible in evidence at trial or in any
4 other judicial or administrative ~~{proceeding}~~ *proceedings* in which
5 the ~~{state}~~ *public* officer or employee is a party, except in
6 connection with an application to withdraw as the attorney of
7 record.

8 3. *If the facts and allegations relating to the ethics complaint*
9 *concern any alleged violations that occurred after the end of the*
10 *public officer's or employee's period of public service or*
11 *employment with the agency, the official attorney is not required*
12 *to defend the public officer or employee with regard to those*
13 *alleged violations, unless the official attorney provided legal*
14 *advice to the public officer or employee relating to the subject*
15 *matter of those alleged violations before the end of the public*
16 *officer's or employee's period of public service or employment*
17 *with the agency.*

18 4. *The official attorney is not required to defend the public*
19 *officer or employee pursuant to this section if:*

20 (a) *The public officer or employee employs or retains his or*
21 *her own legal counsel or represents himself or herself in the*
22 *matter;*

23 (b) *The official attorney employs or retains special counsel to*
24 *defend the public officer or employee in the matter; or*

25 (c) *The official attorney tenders the defense of the public*
26 *officer or employee to an insurer who, pursuant to a contract of*
27 *insurance, is authorized to defend the public officer or employee*
28 *in the matter.*

29 5. *As used in this section, "official attorney" means:*

30 (a) *The Attorney General, if the proceedings involve a public*
31 *officer or employee of a state agency that is represented by the*
32 *Attorney General.*

33 (b) *The chief legal officer or other authorized legal*
34 *representative of a state agency that is authorized by a specific*
35 *statute to employ or retain legal counsel other than the Attorney*
36 *General, if the proceedings involve a public officer or employee of*
37 *that state agency.*

38 (c) *The chief legal officer or other authorized legal*
39 *representative of a local agency, if the proceedings involve a*
40 *public officer or employee of that local agency.*

41 **Sec. 47.** NRS 281A.710 is hereby amended to read as follows:

42 281A.710 1. Except as otherwise provided in this section and
43 NRS 281A.280, the Commission may render *a decision and issue*
44 an opinion that interprets the statutory ethical standards and applies
45 those standards to a given set of facts and circumstances regarding



1 the propriety of the conduct of a public officer or employee if an
2 ethics complaint is:

3 (a) Filed by a specialized or local ethics committee established
4 pursuant to NRS 281A.350.

5 (b) Filed by any person, except a person who is incarcerated in a
6 correctional facility in this State or any other jurisdiction.

7 (c) Initiated by the Commission on its own motion, except the
8 Commission shall not initiate such an ethics complaint based solely
9 upon an anonymous complaint ~~{}~~ *unless, after a preliminary*
10 *investigation of the information set forth in the anonymous*
11 *complaint, the Commission determines that the information:*

12 *(1) Is publicly available information that could have been*
13 *readily discovered by the Commission or its staff without the*
14 *anonymous complaint; or*

15 *(2) Is not publicly available information that could have*
16 *been readily discovered by the Commission or its staff without the*
17 *anonymous complaint but the information has been independently*
18 *verified by the Commission or its staff as accurate and reliable*
19 *information.*

20 2. An ethics complaint filed by a *specialized or local ethics*
21 *committee or person pursuant to paragraph (a) or (b) of subsection*
22 *1* must be:

23 (a) Verified under oath and filed on a form prescribed by the
24 Commission; and

25 (b) Submitted with sufficient evidence to support the allegations
26 in order for the Commission to make a determination of whether it
27 has jurisdiction in the matter and whether an investigation is
28 warranted in the matter pursuant to NRS 281A.715 and 281A.720.

29 3. The Commission may decline to render *a decision and issue*
30 an opinion if the *specialized or local ethics committee or person*
31 ~~{who files}~~ *filing the ethics complaint pursuant to paragraph (a) or*
32 *(b) of subsection 1* does not submit all necessary evidence in the
33 matter.

34 **Sec. 48.** NRS 281A.715 is hereby amended to read as follows:

35 281A.715 1. Based on the evidence submitted with an ethics
36 complaint filed with the Commission *by a specialized or local*
37 *ethics committee or person* pursuant to *paragraph (a) or (b) of*
38 *subsection 1 of* NRS 281A.710 ~~{}~~ *and any additional evidence*
39 *obtained by the Executive Director pursuant to subsection 2*, the
40 Commission shall determine whether it has jurisdiction in the matter
41 and whether an investigation is warranted in the matter. The
42 Commission shall make its determination within 45 days after
43 receiving the ethics complaint, unless the ~~{public officer or~~
44 ~~employee who is the subject of the ethics complaint waives this time~~
45 ~~limit.~~



1 ~~—2.] Commission determines that there is good cause to extend~~
2 ~~this time limit.~~

3 2. To assist the Commission in making its determination
4 pursuant to subsection 1 whether it has jurisdiction in the matter
5 and whether an investigation is warranted in the matter, the
6 Executive Director may conduct a preliminary investigation to
7 obtain additional evidence concerning the allegations in the ethics
8 complaint.

9 3. If the Commission determines pursuant to subsection 1 that
10 it does not have jurisdiction in the matter, the Commission shall
11 dismiss the matter.

12 ~~3.] 4.~~ If the Commission determines pursuant to subsection 1
13 that it has jurisdiction in the matter but the evidence ~~{submitted with~~
14 ~~the ethics complaint}~~ is not sufficient to warrant an investigation in
15 the matter, the Commission shall dismiss the matter, with or without
16 issuing a letter of caution or instruction to the public officer or
17 employee pursuant to NRS 281A.780.

18 ~~4.] 5.~~ If the Commission determines pursuant to subsection 1
19 that it has jurisdiction in the matter and the evidence ~~{submitted with~~
20 ~~the ethics complaint}~~ is sufficient to warrant an investigation in the
21 matter, the Commission may direct the Executive Director to
22 investigate the ethics complaint pursuant to NRS 281A.720.

23 6. If the Commission initiates an ethics complaint on its own
24 motion pursuant to paragraph (c) of subsection 1 of NRS
25 281A.710 and the Commission determines that the evidence:

26 (a) Is not sufficient to warrant an investigation in the matter,
27 the Commission may dismiss the matter, with or without prejudice.
28 If the Commission dismisses the matter, it shall issue a letter of
29 caution or instruction to the public officer or employee pursuant
30 to NRS 281A.780.

31 (b) Is sufficient to warrant an investigation in the matter, the
32 Commission may direct the Executive Director to investigate the
33 ethics complaint pursuant to NRS 281A.720.

34 Sec. 49. NRS 281A.720 is hereby amended to read as follows:

35 281A.720 1. If the Commission directs the Executive
36 Director to investigate an ethics complaint pursuant to NRS
37 281A.715, ~~{for if the Commission initiates an ethics complaint on its~~
38 ~~own motion pursuant to NRS 281A.710.}~~ the Executive Director
39 shall investigate the facts and circumstances relating to the ethics
40 complaint to determine whether the Executive Director believes that
41 there is just and sufficient cause for the Commission to render a
42 decision and issue an opinion in the matter in order to present a
43 written recommendation to the review panel pursuant to
44 NRS 281A.725.



1 2. The Executive Director shall ~~[provide]~~ *prepare and serve a*
2 *written* notice of the investigation *of the ethics complaint* pursuant
3 to this section ~~[to]~~ *on* the public officer or employee who is the
4 subject of the ethics complaint and provide the public officer or
5 employee an opportunity to submit to the Executive Director a
6 response to the ~~[allegations against the public officer or employee in~~
7 ~~the ethics complaint.]~~ *written notice of the investigation.* The
8 response must be submitted within 30 days after the date on which
9 the public officer or employee ~~[receives]~~ *is served with the written*
10 notice of the investigation pursuant to this section, unless the *public*
11 *officer or employee waives the time limit set forth in subsection 1*
12 *of NRS 281A.725 and the Executive Director grants* ~~[an extension]~~
13 *one or more extensions for good cause shown.*

14 3. The purpose of the response submitted pursuant to this
15 section is to provide the Executive Director and the review panel
16 with any information relevant to the ethics complaint which the
17 public officer or employee believes may assist:

18 (a) The Executive Director in performing his or her investigation
19 and other functions pursuant to this section and NRS 281A.725; and

20 (b) The review panel in performing its review and other
21 functions pursuant to NRS 281A.730.

22 4. The public officer or employee is not required in the
23 response submitted pursuant to this section or in any proceedings
24 before the review panel to assert, claim or raise any objection or
25 defense, in law or fact, to the allegations against the public officer or
26 employee, and no objection or defense, in law or fact, is waived,
27 abandoned or barred by the failure to assert, claim or raise it in the
28 response or in any proceedings before the review panel.

29 5. *Whether or not the public officer or employee submits a*
30 *response pursuant to this section, the Executive Director may take*
31 *action, in the manner authorized by NRS 281A.300, to secure the*
32 *public officer's or employee's participation, attendance as a*
33 *witness and production of any books and papers during the course*
34 *of the investigation.*

35 **Sec. 50.** NRS 281A.725 is hereby amended to read as follows:

36 281A.725 1. ~~[Except as otherwise provided in this~~
37 ~~subsection, the]~~ *The* Executive Director shall complete the
38 investigation required by NRS 281A.720 and present a written
39 recommendation to the review panel within 70 days after the
40 Commission directs the Executive Director to investigate the ethics
41 complaint ~~[or after the Commission initiates the ethics complaint on~~
42 ~~its own motion, as applicable.]~~ *, except that:*

43 (a) The public officer or employee who is the subject of the
44 ethics complaint may waive this time limit ~~[]~~ *; or*



1 (b) Upon the request of the Executive Director, the presiding
2 officer of the review panel may grant one or more extensions of
3 this time limit for good cause shown.

4 2. The written recommendation that the Executive Director
5 presents to the review panel must:

6 (a) Set forth the factual and legal basis for the recommendation;

7 (b) State whether the Executive Director believes that there is
8 just and sufficient cause for the Commission to render a decision
9 and issue an opinion in the matter; and

10 (c) If the Executive Director believes that a disposition of the
11 matter without an adjudicatory hearing is appropriate under the facts
12 and circumstances, state any suggested disposition that is consistent
13 with the provisions of this chapter, including, without limitation,
14 whether the Executive Director believes that the conduct at issue
15 may be appropriately addressed through additional training or other
16 corrective action under the terms and conditions of a deferral
17 agreement.

18 **Sec. 51.** NRS 281A.730 is hereby amended to read as follows:

19 281A.730 1. Except as otherwise provided in this section, the
20 review panel shall determine whether there is just and sufficient
21 cause for the Commission to render a decision and issue an opinion
22 in the matter within 15 days after the Executive Director ~~provides~~
23 presents to the review panel ~~with~~ the recommendation required by
24 NRS 281A.725. The public officer or employee who is the subject
25 of the ethics complaint may waive this time limit. *The review panel
26 shall serve on the public officer or employee who is the subject of
27 the ethics complaint a written notice of its determination.*

28 2. The review panel shall cause a record of its proceedings to
29 be kept.

30 3. The review panel shall not determine that there is just and
31 sufficient cause for the Commission to render a decision and issue
32 an opinion in the matter unless the Executive Director has provided
33 the public officer or employee an opportunity to respond ~~to the~~
34 ~~allegations~~ as required by NRS 281A.720.

35 4. If the review panel determines that there is not just and
36 sufficient cause for the Commission to render a decision and issue
37 an opinion in the matter, it shall dismiss the matter, with or without
38 prejudice, and with or without issuing a letter of caution or
39 instruction to the public officer or employee pursuant to
40 NRS 281A.780.

41 5. If the review panel determines that there is just and
42 sufficient cause for the Commission to render a decision and issue
43 an opinion in the matter but reasonably believes that the conduct at
44 issue may be appropriately addressed through additional training or



1 other corrective action under the terms and conditions of a deferral
2 agreement, the review panel may:

3 (a) Approve a deferral agreement proposed by the Executive
4 Director and the public officer or employee instead of referring the
5 ethics complaint to the Commission for further proceedings in the
6 matter; or

7 (b) Authorize the Executive Director and the public officer or
8 employee to develop such a deferral agreement and may thereafter
9 approve such a deferral agreement instead of referring the ethics
10 complaint to the Commission for further proceedings in the matter.

11 *6. If the review panel authorizes the development of a*
12 *deferral agreement pursuant to subsection 5, the review panel*
13 *shall specify a time limit for its development in the written notice*
14 *of its determination that is served pursuant to subsection 1, and*
15 *the deferral agreement must be developed within the time limit,*
16 *unless the review panel grants one or more extensions for good*
17 *cause shown. If the deferral agreement is not developed within the*
18 *time limit, or any extension thereof, the review panel shall refer*
19 *the ethics complaint to the Commission for further proceedings in*
20 *the matter.*

21 7. If the review panel does not approve a deferral agreement
22 pursuant to subsection 5 or if the public officer or employee declines
23 to enter into such a deferral agreement, the review panel shall refer
24 the ethics complaint to the Commission for further proceedings in
25 the matter.

26 ~~7.7~~ 8. If the review panel determines that there is just and
27 sufficient cause for the Commission to render *a decision and issue*
28 an opinion in the matter and reasonably believes that the conduct at
29 issue may not be appropriately addressed through additional training
30 or other corrective action under the terms and conditions of a
31 deferral agreement, the review panel shall refer the ethics complaint
32 to the Commission for further proceedings in the matter.

33 **Sec. 52.** NRS 281A.740 is hereby amended to read as follows:

34 281A.740 1. In proceedings concerning an ethics complaint,
35 the Executive Director and the public officer or employee who is the
36 subject of the ethics complaint may develop a deferral agreement to
37 defer further proceedings in the matter under the terms and
38 conditions of the deferral agreement. *A deferral agreement must be*
39 *developed within any time limit specified by the review panel, or*
40 *any extension thereof, pursuant to NRS 281A.730.*

41 2. A deferral agreement does not become effective unless
42 approved by the review panel pursuant to NRS 281A.730. If the
43 review panel approves a deferral agreement, the Commission shall
44 enforce the terms and conditions of the deferral agreement.

45 3. A deferral agreement must:



1 (a) Specify the training or other corrective action to be
2 completed by or imposed upon the public officer or employee;

3 (b) Specify any other terms and conditions, consistent with the
4 provisions of this chapter, to be imposed upon the public officer or
5 employee; and

6 (c) Provide that the Commission may vacate the deferral
7 agreement and conduct further proceedings in the matter if the
8 Commission finds that the public officer or employee has failed to
9 comply with any terms and conditions of the deferral agreement.

10 4. The imposition of training or other corrective action and the
11 imposition of any other terms and conditions in a deferral agreement
12 is without prejudice to any other disposition of the matter, consistent
13 with this chapter, that may be ordered by the Commission if it
14 vacates the deferral agreement and conducts further proceedings in
15 the matter and finds that the public officer or employee has violated
16 any provision of this chapter.

17 5. The Executive Director shall monitor the compliance of the
18 public officer or employee who is the subject of a deferral
19 agreement and may require the public officer or employee to
20 document his or her compliance with the deferral agreement.

21 6. The Executive Director shall:

22 (a) Inform the Commission of any alleged failure of the public
23 officer or employee to comply with the deferral agreement;

24 (b) Give the public officer or employee written notice of any
25 alleged failure to comply with the deferral agreement; and

26 (c) Allow the public officer or employee not less than 15 days to
27 respond to such a notice.

28 7. Within 60 days after the date on which the public officer or
29 employee responds or was entitled to respond to the written notice
30 of any alleged failure to comply with the deferral agreement, the
31 Commission shall determine whether the public officer or employee
32 failed to comply with the deferral agreement, unless the public
33 officer or employee waives this time limit.

34 8. If the Commission determines that the public officer or
35 employee failed to comply with the deferral agreement, the
36 Commission may take any action it deems appropriate, consistent
37 with the terms and conditions of the deferral agreement and the
38 provisions of this chapter, including, without limitation, vacating the
39 deferral agreement and conducting further proceedings in the matter.

40 9. If the public officer or employee who is the subject of the
41 deferral agreement complies in a satisfactory manner with the
42 deferral agreement, the Commission shall dismiss the matter.

43 **Sec. 53.** NRS 281A.745 is hereby amended to read as follows:

44 281A.745 1. If the review panel refers an ethics complaint to
45 the Commission for further proceedings in the matter pursuant to



1 NRS 281A.730 or if the Commission vacates a deferral agreement
2 and conducts further proceedings in the matter pursuant to NRS
3 281A.740, the Commission shall hold an adjudicatory hearing and
4 render ~~{an opinion in the matter}~~ *a decision concerning the ethics*
5 *complaint* within 60 days after the date on which the review panel
6 refers the ethics complaint to the Commission or the Commission
7 vacates the deferral agreement, as appropriate, unless the public
8 officer or employee who is the subject of the ethics complaint
9 waives this time limit.

10 2. ~~{H}~~ *Before* the Commission holds an adjudicatory hearing
11 ~~{to receive evidence}~~ concerning an ethics complaint, the
12 Commission shall:

13 (a) ~~{Notify}~~ *Provide* the public officer or employee who is the
14 subject of the ethics complaint *with a written notice* of the date,
15 time and place of the hearing; *and*

16 (b) *Provide the parties with a written schedule for discovery*
17 *relating to the hearing.*

18 3. *At the adjudicatory hearing:*

19 (a) *The Executive Director or his or her designee shall present*
20 *the case to the Commission; and*

21 (b) *The Commission shall:*

22 (1) Allow the public officer or employee to be represented by
23 legal counsel; and

24 ~~{(e)}~~ (2) Allow the public officer or employee to hear the
25 ~~{evidence}~~ case presented to the Commission *by the Executive*
26 *Director or his or her designee* and to ~~{respond and}~~ present
27 ~~{evidence on}~~ his or her own ~~{behalf.~~
28 ~~—3—~~ *case to the Commission.*

29 4. Unless the public officer or employee agrees to a shorter
30 time, an adjudicatory hearing may not be held less than 10 days after
31 the date on which the *written* notice of the hearing is ~~{given}~~
32 *provided* to the public officer or employee.

33 ~~{4}~~ 5. For good cause shown, the Commission may take
34 testimony from a person by telephone or video conference at an
35 adjudicatory hearing or at any other proceedings concerning the
36 ethics complaint.

37 6. *After the Commission renders a decision concerning the*
38 *ethics complaint, the Commission shall issue a written opinion:*

39 (a) *Within 90 days after the date on which the decision is*
40 *rendered; or*

41 (b) *On the date of the next meeting of the Commission that is*
42 *held after the date on which the decision is rendered,*

43 *↪ whichever is later, unless the Commission determines that there*
44 *is good cause to extend this time limit.*



1 *7. The written opinion issued by the Commission must*
2 *include findings of fact and conclusions of law and otherwise*
3 *comply with the requirements for a final decision set forth in*
4 *NRS 233B.125.*

5 **Sec. 54.** NRS 281A.750 is hereby amended to read as follows:

6 281A.750 1. Except as otherwise provided in this section and
7 NRS 281A.755, all information, communications, records,
8 documents or other materials in the possession of the Commission,
9 the review panel or their staff that are related to an ethics complaint
10 are confidential and are not public records pursuant to chapter 239
11 of NRS until:

12 (a) The review panel determines whether there is just and
13 sufficient cause for the Commission to render *a decision and issue*
14 an opinion in the matter and serves *the* written notice of its
15 determination on the public officer or employee who is the subject
16 of the ethics complaint ~~(H)~~ *pursuant to NRS 281A.730;* or

17 (b) The public officer or employee who is the subject of the
18 ethics complaint authorizes the Commission, in writing, to make the
19 information, communications, records, documents or other materials
20 that are related to the ethics complaint publicly available.

21 ~~☞~~ whichever occurs first.

22 2. Except as otherwise provided in subsection ~~(3-)~~ 5, if a person
23 who files an ethics complaint asks that his or her identity as the
24 requester be kept confidential, the Commission:

25 (a) Shall keep the identity of the requester confidential if he or
26 she is a public officer or employee who works for the same public
27 body, agency or employer as the public officer or employee who is
28 the subject of the ethics complaint.

29 (b) May keep the identity of the requester confidential if he or
30 she offers sufficient facts and circumstances showing a reasonable
31 likelihood that disclosure of his or her identity will subject the
32 requester or a member of his or her household to a bona fide threat
33 of physical force or violence.

34 3. *If the Commission keeps the identity of the requester of an*
35 *ethics complaint confidential pursuant to this section, the*
36 *following materials are confidential and are not public records*
37 *pursuant to chapter 239 of NRS:*

38 (a) *All information, communications, records, documents or*
39 *other materials in the possession of the Commission that, if*
40 *disclosed by the Commission, would reveal that the requester filed*
41 *the ethics complaint. Notwithstanding the provisions of chapter*
42 *239 of NRS, in denying a request for public records based on the*
43 *confidentiality provided by this paragraph, the Commission is not*
44 *required to provide any information that, if disclosed by the*



1 *Commission in denying the request for public records, would*
2 *reveal that the requester filed the ethics complaint.*

3 *(b) All information, communications, records, documents or*
4 *other materials in the possession of the requester of the ethics*
5 *complaint or his or her public body, agency or employer that, if*
6 *disclosed by either of them, would reveal that the requester filed*
7 *the ethics complaint. Notwithstanding the provisions of chapter*
8 *239 of NRS, in denying a request for public records based on the*
9 *confidentiality provided by this paragraph, the requester of the*
10 *ethics complaint or his or her public body, agency or employer is*
11 *not required to provide any information that, if disclosed by either*
12 *of them in denying the request for public records, would reveal*
13 *that the requester filed the ethics complaint.*

14 *4. If the Commission keeps the identity of the requester of an*
15 *ethics complaint confidential ~~{}~~ pursuant to this section and the*
16 *Executive Director does not intend to present the testimony of*
17 *the requester as evidence for consideration by the Commission at*
18 *the adjudicatory hearing or in rendering a decision and issuing an*
19 *opinion in the matter, the Commission shall not render a decision*
20 *and issue an opinion in the matter unless there is sufficient evidence*
21 *without the testimony of the requester to consider the propriety of*
22 *the conduct of the public officer or employee who is the subject of*
23 *the ethics complaint. The provisions of this subsection do not*
24 *abrogate or otherwise alter or affect the confidentiality of the*
25 *identity of the requester of the ethics complaint.*

26 *5. If the Commission keeps the identity of the requester of an*
27 *ethics complaint confidential pursuant to this section and the*
28 *Executive Director intends to present the testimony of the requester*
29 *as evidence for consideration by the Commission at the adjudicatory*
30 *hearing or in rendering a decision and issuing an opinion in the*
31 *matter and the public officer or employee who is the subject of*
32 *the ethics complaint submits a written discovery request to the*
33 *Commission pursuant to NRS 281A.755, the ~~{Commission}~~*
34 *Executive Director shall disclose the name of the requester only as a*
35 *proposed witness ~~{within a reasonable time before the adjudicatory~~*
36 *~~hearing on the matter.}~~ in accordance with the schedule for*
37 *discovery provided to the parties pursuant to NRS 281A.745.*

38 **Sec. 55.** NRS 281A.755 is hereby amended to read as follows:
39 281A.755 1. Except as otherwise provided in this section, the
40 investigative file related to an ethics complaint is confidential and is
41 not a public record pursuant to chapter 239 of NRS.

42 2. ~~{At any time after being served with written notice of the~~
43 ~~determination of the review panel regarding the existence of just and~~
44 ~~sufficient cause for the Commission to render an opinion in the~~
45 ~~matter.}~~ *In accordance with the schedule for discovery provided to*



1 *the parties pursuant to NRS 281A.745*, the public officer or
2 employee who is the subject of the ethics complaint may submit a
3 written discovery request to the Commission for a list of proposed
4 witnesses and a copy of any portion of the investigative file that the
5 Executive Director intends to present as evidence for consideration
6 by the Commission at the adjudicatory hearing or in rendering *a*
7 *decision and issuing* an opinion in the matter.

8 3. Any portion of the investigative file which the Executive
9 Director presents as evidence for consideration by the Commission
10 at the adjudicatory hearing or in rendering *a decision and issuing* an
11 opinion in the matter becomes a public record and must be open for
12 inspection pursuant to chapter 239 of NRS ~~H~~ *after the Commission*
13 *takes final action concerning the ethics complaint in a public*
14 *meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

15 4. For the purposes of this section:

16 (a) The investigative file includes, without limitation:

17 (1) Any response concerning the ethics complaint prepared
18 by the public officer or employee pursuant to NRS 281A.720 and
19 submitted to the Executive Director and the review panel during the
20 course of the investigation and any proceedings before the review
21 panel;

22 (2) Any recommendation concerning the ethics complaint
23 prepared by the Executive Director pursuant to NRS 281A.725 and
24 ~~submitted~~ *presented* to the review panel during the course of the
25 investigation and any proceedings before the review panel; and

26 (3) Any other information provided to or obtained by or on
27 behalf of the Executive Director through any form of
28 communication during the course of the investigation and any
29 proceedings before the review panel and any records, documents or
30 other materials created or maintained during the course of the
31 investigation and any proceedings before the review panel which
32 relate to the public officer or employee who is the subject of the
33 ethics complaint, including, without limitation, a transcript,
34 regardless of whether such information, records, documents or other
35 materials are obtained pursuant to a subpoena.

36 (b) The investigative file does not include any deferral
37 agreement.

38 **Sec. 56.** NRS 281A.760 is hereby amended to read as follows:

39 281A.760 *1.* The provisions of chapter 241 of NRS do not
40 apply to:

41 ~~H~~ *(a)* Any meeting or hearing held by the Commission to
42 receive information or evidence concerning an ethics complaint; and

43 ~~I~~ *(b)* Any deliberations *or actions* of the Commission on
44 such information or evidence.



1 *2. The Commission shall take final action concerning an*
2 *ethics complaint in a public meeting or hearing. The Commission*
3 *shall provide public notice of the meeting or hearing, and the*
4 *meeting or hearing must be open to the public and conducted in*
5 *accordance with the regulations of the Commission, but the*
6 *meeting or hearing is not subject to the provisions of chapter 241*
7 *of NRS.*

8 **Sec. 57.** NRS 281A.765 is hereby amended to read as follows:
9 281A.765 ~~{1. If the Commission renders an opinion in~~
10 ~~proceedings concerning an ethics complaint, the opinion must~~
11 ~~include findings of fact and conclusions of law.~~

12 ~~—2. If, in~~ **In** proceedings concerning an ethics complaint, **if** the
13 Commission determines that a violation of this chapter:

14 ~~{(a)}~~ **1.** Has not been proven, the Commission shall dismiss the
15 matter, with or without prejudice, and with or without issuing a
16 letter of caution or instruction to the public officer or employee
17 pursuant to NRS 281A.780.

18 ~~{(b)}~~ **2.** Has been proven, the Commission may take any action
19 authorized by this chapter.

20 **Sec. 58.** NRS 281A.770 is hereby amended to read as follows:
21 281A.770 In any matter in which the Commission disposes of
22 an ethics complaint by stipulation, agreed settlement or consent
23 order or in which the review panel approves a deferral agreement,
24 the Commission or the review panel, as appropriate, shall :

25 **1. To the extent practicable based on the given set of facts**
26 **and circumstances,** treat comparable situations in a comparable
27 manner ; and ~~{shall ensure}~~

28 **2. Ensure** that the disposition of the matter bears a reasonable
29 relationship to the severity of the violation or alleged violation.

30 **Sec. 59.** NRS 281A.775 is hereby amended to read as follows:
31 281A.775 1. The Commission, in determining ~~{whether a~~
32 ~~violation of this chapter is a willful violation and, if so,}~~ the penalty
33 to be imposed on a ~~{public officer or employee}~~ **current** or former
34 public officer or employee pursuant to NRS 281A.785 or 281A.790,
35 or the review panel, in determining whether to approve a deferral
36 agreement regarding an alleged violation, shall consider, without
37 limitation:

38 (a) The seriousness of the violation or alleged violation,
39 including, without limitation, the nature, circumstances, extent and
40 gravity of the violation or alleged violation;

41 (b) The number and history of previous warnings, letters of
42 caution or instruction, deferral agreements or violations or alleged
43 violations of the provisions of this chapter relating to the public
44 officer or employee;



1 (c) The cost to conduct the investigation and any meetings,
2 hearings or other proceedings relating to the violation or alleged
3 violation;

4 (d) Any mitigating factors, including, without limitation, any
5 self-reporting, prompt correction of the violation or alleged
6 violation, any attempts to rectify the violation or alleged violation
7 before any ethics complaint is filed and any cooperation by the
8 public officer or employee in resolving the ethics complaint;

9 (e) Any restitution or reimbursement paid to parties affected by
10 the violation or alleged violation;

11 (f) The extent of any financial gain resulting from the violation
12 or alleged violation; and

13 (g) Any other matter justice may require.

14 2. The factors set forth in this section are not exclusive or
15 exhaustive, and the Commission or the review panel, as appropriate,
16 may consider other factors in the disposition of the matter if they
17 bear a reasonable relationship to the determination of the severity of
18 the violation or alleged violation.

19 3. In applying the factors set forth in this section, the
20 Commission or the review panel, as appropriate, shall :

21 (a) *To the extent practicable based on the given set of facts and*
22 *circumstances*, treat comparable situations in a comparable manner
23 ; and ~~{shall ensure}~~

24 (b) *Ensure* that the disposition of the matter bears a reasonable
25 relationship to the severity of the violation or alleged violation.

26 **Sec. 60.** NRS 281A.780 is hereby amended to read as follows:

27 281A.780 1. In proceedings concerning an ethics complaint,
28 the Commission or the review panel, as appropriate, may issue a
29 letter of caution or instruction to the public officer or employee who
30 is the subject of the ethics complaint to caution or instruct the public
31 officer or employee regarding the propriety of his or her conduct
32 under the statutory ethical standards . ~~{set forth in this chapter.}~~

33 2. If the Commission or the review panel issues a letter of
34 caution or instruction to the public officer or employee, the letter:

35 (a) Is confidential and is not a public record pursuant to chapter
36 239 of NRS.

37 (b) May be considered in deciding the appropriate action to be
38 taken on any subsequent ethics complaint involving the public
39 officer or employee, unless the letter is not relevant to the issues
40 presented by the subsequent ethics complaint.

41 **Sec. 61.** NRS 281A.785 is hereby amended to read as follows:

42 281A.785 1. ~~{Except as otherwise provided in this section,~~
43 ~~in}~~ *In* proceedings concerning an ethics complaint, the Commission,
44 based on a finding that a violation of this chapter has been proven,
45 or the review panel, as part of the terms and conditions of a deferral



1 agreement, may, in addition to any other ~~[penalty]~~ *penalties*
2 provided by law and in accordance with the provisions of
3 NRS 281A.775:

4 (a) Require the public officer or employee who is the subject of
5 the ethics complaint to:

6 (1) Comply in all respects with the provisions of this chapter
7 for a specified period without being the subject of another ethics
8 complaint arising from an alleged violation of this chapter by the
9 public officer or employee which occurs during the specified period
10 and for which the review panel determines that there is just and
11 sufficient cause for the Commission to render *a decision and issue*
12 an opinion in the matter.

13 (2) Attend and complete training.

14 (3) Follow a remedial course of action.

15 (4) Issue a public apology.

16 (5) Comply with conditions or limitations on future conduct.

17 (b) Publicly ~~[admonish,]~~ reprimand ~~[or censure]~~ the public
18 officer or employee.

19 (c) Take any combination of such actions or any other
20 reasonable action that the Commission or the review panel, as
21 appropriate, determines will remedy the violation or alleged
22 violation or deter similar violations or conduct.

23 2. ~~In carrying out the provisions of subsection 1, the~~
24 ~~Commission, based on a finding that a violation of this chapter has~~
25 ~~been proven, or the review panel, as part of the terms and conditions~~
26 ~~of a deferral agreement, may publicly:~~

27 ~~—(a) Admonish a public officer or employee if it is determined~~
28 ~~that the public officer or employee has violated any provision of this~~
29 ~~chapter, but the violation is not willful, or if such an admonishment~~
30 ~~is imposed as part of the terms and conditions of a deferral~~
31 ~~agreement. An admonishment is a written expression of disapproval~~
32 ~~of the conduct of the public officer or employee.~~

33 ~~—(b) Reprimand a public officer or employee if it is determined~~
34 ~~that the public officer or employee has willfully violated any~~
35 ~~provision of this chapter, but there is no evidence that the willful~~
36 ~~violation involved bad faith, malicious intent or knowing or reckless~~
37 ~~disregard of the law, or if such a reprimand is imposed as part of the~~
38 ~~terms and conditions of a deferral agreement. A reprimand is a~~
39 ~~severe written reproof for the conduct of the public officer or~~
40 ~~employee.~~

41 ~~—(c) Censure a public officer or employee if it is determined that~~
42 ~~the public officer or employee has willfully violated any provision~~
43 ~~of this chapter and there is evidence that the willful violation~~
44 ~~involved bad faith, malicious intent or knowing or reckless~~
45 ~~disregard of the law or there are no substantial mitigating factors~~



1 ~~pursuant to NRS 281A.775 for the willful violation, or if such a~~
2 ~~censure is imposed as part of the terms and conditions of a deferral~~
3 ~~agreement. A censure is a formal written condemnation of the~~
4 ~~conduct of the public officer or employee.~~

5 ~~—3.]~~ Any action taken by the Commission pursuant to this
6 section is a final decision for the purposes of judicial review
7 pursuant to NRS 233B.130. Any action taken by the review panel
8 pursuant to this chapter, including, without limitation, any action
9 relating to a deferral agreement, is not a final decision for the
10 purposes of judicial review pursuant to NRS 233B.130.

11 **Sec. 62.** NRS 281A.790 is hereby amended to read as follows:

12 281A.790 1. In addition to any other penalties provided by
13 law and in accordance with the provisions of NRS 281A.775, the
14 Commission may impose on a ~~{public officer or employee}~~ *current*
15 or former public officer or employee civil penalties:

16 (a) Not to exceed \$5,000 for a first ~~{willful}~~ violation of this
17 chapter;

18 (b) Not to exceed \$10,000 for a separate act or event that
19 constitutes a second ~~{willful}~~ violation of this chapter; and

20 (c) Not to exceed \$25,000 for a separate act or event that
21 constitutes a third ~~{willful}~~ violation *or any additional violation* of
22 this chapter.

23 2. ~~{H}~~ *For the purposes of this section, in determining*
24 *whether a current or former public officer or employee has*
25 *committed one or more violations of this chapter, each separate*
26 *act or event that constitutes a violation of this chapter must be*
27 *treated as a separate violation that is cumulative to all other*
28 *violations by that person, whenever committed, without regard to*
29 *the sequence of the violations or whether the violations are*
30 *established in the same proceedings concerning the same ethics*
31 *complaint or in separate proceedings concerning separate ethics*
32 *complaints.*

33 3. *Except as otherwise provided in NRS 281A.280, in addition*
34 *to any other penalties provided by law, if a current or former*
35 *public officer or employee or any other person prevents, interferes*
36 *with or attempts to prevent or interfere with any investigation or*
37 *proceedings pursuant to this chapter or the discovery of a violation*
38 *of this chapter, such an act shall be deemed to be a violation of this*
39 *chapter, and the Commission may, ~~{upon its own motion or upon~~*
40 *~~the motion of the current or former public officer or employee who~~*
41 *~~is the subject of the investigation or proceedings:] after providing~~*
42 *the person committing such an act with a written notice of the*
43 *charges and an opportunity for a hearing in accordance with the*
44 *regulations of the Commission:*



1 (a) Impose on the person committing such an act a civil penalty
2 not to exceed \$5,000 ~~{}~~ , *unless a greater civil penalty is*
3 *authorized by subsection 1;* and

4 (b) If appropriate under the facts and circumstances, assess
5 against the person committing such an act an amount equal to the
6 amount of attorney's fees and costs actually and reasonably incurred
7 *as a result of the act* by the *Commission or any* current or former
8 public officer or employee ~~as a result of~~ *who is a subject of the*
9 *investigation or proceedings and who is harmed or prejudiced by*
10 *the act.*

11 ~~{}~~ 4. If the Commission finds that a violation of ~~{a provision~~
12 ~~of}~~ this chapter by a ~~{public officer or employee}~~ *current* or former
13 public officer or employee has resulted in the realization of a
14 financial benefit by the ~~{current or former}~~ public officer or
15 employee or another person, the Commission may, in addition to
16 any other penalties provided by law, require the ~~{current or former}~~
17 public officer or employee to pay a civil penalty of not more than
18 twice the amount so realized.

19 ~~{}~~ 5. In addition to any other penalties provided by law, if ~~{a~~
20 ~~proceeding results in}~~ *the Commission issues* an opinion *in which it*
21 *finds that:*

22 (a) ~~{One or more willful violations of this chapter have been~~
23 ~~committed by a}~~ *A State Legislator* removable from office only
24 through expulsion by the State Legislator's own House pursuant to
25 Section 6 of Article 4 of the Nevada Constitution ~~{}~~ *has committed*
26 *one or more violations of this chapter and the Commission has*
27 *imposed civil penalties of \$5,000 or more for at least one of those*
28 *violations,* the Commission shall:

29 (1) If the State Legislator is a member of the Senate, submit
30 the opinion to the Majority Leader of the Senate or, if the Majority
31 Leader of the Senate is the subject of the opinion or the person who
32 requested the opinion, to the President Pro Tempore of the Senate;
33 or

34 (2) If the State Legislator is a member of the Assembly,
35 submit the opinion to the Speaker of the Assembly or, if the Speaker
36 of the Assembly is the subject of the opinion or the person who
37 requested the opinion, to the Speaker Pro Tempore of the Assembly.

38 (b) ~~{One or more willful violations of this chapter have been~~
39 ~~committed by a}~~ *A state officer* removable from office only through
40 impeachment pursuant to Article 7 of the Nevada Constitution ~~{}~~
41 *has committed one or more violations of this chapter and the*
42 *Commission has imposed civil penalties of \$5,000 or more for at*
43 *least one of those violations,* the Commission shall submit the
44 opinion to the Speaker of the Assembly and the Majority Leader of
45 the Senate or, if the Speaker of the Assembly or the Majority Leader



1 of the Senate is the person who requested the opinion, to the
2 Speaker Pro Tempore of the Assembly or the President Pro
3 Tempore of the Senate, as appropriate.

4 (c) ~~{One or more willful violations of this chapter have been~~
5 ~~committed by a}~~ A public officer, other than a public officer
6 described in paragraphs (a) and (b), *has committed one or more*
7 *violations of this chapter*, the ~~{willful}~~ violations shall be deemed to
8 be malfeasance in office for the purposes of NRS 283.440 and the
9 Commission:

10 (1) ~~{May}~~ *Except as otherwise provided in subparagraph*
11 *(2), may* file a complaint in the appropriate court for removal of the
12 public officer pursuant to NRS 283.440 when the public officer is
13 found in the opinion to have committed ~~{fewer than three willful~~
14 ~~violations}~~ *one or more violations* of this chapter ~~{}~~ *and the*
15 *Commission has imposed civil penalties of \$5,000 or more for at*
16 *least one of those violations.*

17 (2) Shall file a complaint in the appropriate court for removal
18 of the public officer pursuant to NRS 283.440 when the public
19 officer is found in the opinion to have committed ~~{three}~~ *two* or
20 more ~~{willful}~~ violations of this chapter ~~{}~~ *and the Commission has*
21 *imposed civil penalties of \$10,000 or more for at least one of those*
22 *violations.*

23 **↳** This paragraph grants an exclusive right to the Commission, and
24 no other person may file a complaint against the public officer
25 pursuant to NRS 283.440 based on any violation found in the
26 opinion.

27 ~~{§} 6.~~ Notwithstanding any other provision of this chapter, any
28 act or failure to act by a ~~{public officer or employee}~~ *current* or
29 former public officer or employee relating to this chapter is not a
30 ~~{willful}~~ violation of this chapter if the public officer or employee
31 establishes by sufficient evidence that:

32 (a) The public officer or employee relied in good faith upon the
33 advice of the legal counsel *employed or* retained by his or her public
34 body, agency or employer; and

35 (b) The advice of the legal counsel was:

36 (1) Provided to the public officer or employee before the
37 public officer or employee acted or failed to act; and

38 (2) Based on a reasonable legal determination by the legal
39 counsel under the circumstances when the advice was given that the
40 act or failure to act by the public officer or employee would not be
41 contrary to the provisions of this chapter as interpreted ~~{by}~~ *in the*
42 *published opinions of* the Commission.

43 ~~{6-}~~ 7. In addition to any other penalties provided by law, if a
44 public employee commits a ~~{willful}~~ violation of this chapter or fails
45 to complete a period of compliance imposed by the Commission



1 pursuant to NRS 281A.785 or by the review panel as part of the
2 terms and conditions of a deferral agreement ~~[the public employee~~
3 ~~is subject to disciplinary proceedings by]~~ :

4 (a) *The Commission shall provide that information to the*
5 *public body, agency or employer of the public employee ; and*
6 ~~[must be referred for]~~

7 (b) *The public body, agency or employer may pursue or take*
8 *appropriate disciplinary action against the public employee in*
9 *accordance ~~[te]~~ with the applicable provisions governing ~~[the] his or~~*
10 *her public employment . ~~[of the public employee.~~*

11 ~~—7]~~ 8. The provisions of this chapter do not abrogate or
12 decrease the effect of the provisions of the Nevada Revised Statutes
13 which define crimes or prescribe punishments with respect to the
14 conduct of public officers or employees. If the Commission finds
15 that a *current or former* public officer or employee has committed a
16 ~~[willful]~~ violation of this chapter which it believes may also
17 constitute a criminal offense, the Commission shall refer the matter
18 to the Attorney General or the district attorney, as appropriate, for a
19 determination of whether a crime has been committed that warrants
20 prosecution.

21 ~~[8.]~~ 9. The imposition of a civil penalty pursuant to ~~[subsection~~
22 ~~1, 2 or 3]~~ *any provision of subsections 1 to 4, inclusive*, is a final
23 decision for the purposes of judicial review pursuant to
24 NRS 233B.130.

25 ~~[9.]~~ 10. A finding by the Commission that a *current or former*
26 public officer or employee *or any other person* has violated any
27 provision of this chapter must be supported by a preponderance of
28 the evidence unless a greater burden is otherwise prescribed by law.

29 **Sec. 63.** NRS 239.010 is hereby amended to read as follows:

30 239.010 1. Except as otherwise provided in this section and
31 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
32 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
33 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
34 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
35 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
36 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
37 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
38 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
39 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
40 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
41 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
42 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
43 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
44 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
45 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,



1 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
2 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
3 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
4 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
5 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
6 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
7 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
8 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
9 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
10 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
11 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
12 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
13 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
14 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
15 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
16 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
17 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
18 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
19 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
20 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
21 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
22 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
23 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
24 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
25 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
26 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
27 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
28 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
29 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
30 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
31 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
32 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
33 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
34 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
35 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
36 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
37 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
38 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
39 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
40 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
41 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
42 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
43 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
44 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
45 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,



1 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
2 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
3 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
4 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
5 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
6 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
7 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
8 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
9 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
10 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
11 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
12 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
13 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 14 of*
14 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
15 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
16 unless otherwise declared by law to be confidential, all public books
17 and public records of a governmental entity must be open at all
18 times during office hours to inspection by any person, and may be
19 fully copied or an abstract or memorandum may be prepared from
20 those public books and public records. Any such copies, abstracts or
21 memoranda may be used to supply the general public with copies,
22 abstracts or memoranda of the records or may be used in any other
23 way to the advantage of the governmental entity or of the general
24 public. This section does not supersede or in any manner affect the
25 federal laws governing copyrights or enlarge, diminish or affect in
26 any other manner the rights of a person in any written book or
27 record which is copyrighted pursuant to federal law.

28 2. A governmental entity may not reject a book or record
29 which is copyrighted solely because it is copyrighted.

30 3. A governmental entity that has legal custody or control of a
31 public book or record shall not deny a request made pursuant to
32 subsection 1 to inspect or copy or receive a copy of a public book or
33 record on the basis that the requested public book or record contains
34 information that is confidential if the governmental entity can
35 redact, delete, conceal or separate the confidential information from
36 the information included in the public book or record that is not
37 otherwise confidential.

38 4. A person may request a copy of a public record in any
39 medium in which the public record is readily available. An officer,
40 employee or agent of a governmental entity who has legal custody
41 or control of a public record:

42 (a) Shall not refuse to provide a copy of that public record in a
43 readily available medium because the officer, employee or agent has
44 already prepared or would prefer to provide the copy in a different
45 medium.



1 (b) Except as otherwise provided in NRS 239.030, shall, upon
2 request, prepare the copy of the public record and shall not require
3 the person who has requested the copy to prepare the copy himself
4 or herself.

5 **Sec. 64.** NRS 241.016 is hereby amended to read as follows:

6 241.016 1. The meetings of a public body that are quasi-
7 judicial in nature are subject to the provisions of this chapter.

8 2. The following are exempt from the requirements of this
9 chapter:

10 (a) The Legislature of the State of Nevada.

11 (b) Judicial proceedings, including, without limitation,
12 proceedings before the Commission on Judicial Selection and,
13 except as otherwise provided in NRS 1.4687, the Commission on
14 Judicial Discipline.

15 (c) Meetings of the State Board of Parole Commissioners when
16 acting to grant, deny, continue or revoke the parole of a prisoner or
17 to establish or modify the terms of the parole of a prisoner.

18 3. Any provision of law, including, without limitation, NRS
19 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
20 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
21 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
22 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,
23 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
24 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
25 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

26 (a) Provides that any meeting, hearing or other proceeding is not
27 subject to the provisions of this chapter; or

28 (b) Otherwise authorizes or requires a closed meeting, hearing
29 or proceeding,

30 **—** prevails over the general provisions of this chapter.

31 4. The exceptions provided to this chapter, and electronic
32 communication, must not be used to circumvent the spirit or letter of
33 this chapter to deliberate or act, outside of an open and public
34 meeting, upon a matter over which the public body has supervision,
35 control, jurisdiction or advisory powers.

36 **Sec. 65.** The provisions of NRS 354.599 do not apply to any
37 additional expenses of a local government that are related to the
38 provisions of this act.

39 **Sec. 66.** 1. Except as otherwise provided in this section, the
40 Commission on Ethics:

41 (a) Shall apply the amendatory provisions of this act which
42 govern the procedures applicable to administrative proceedings
43 arising under chapter 281A of NRS to any such proceedings that are
44 within the jurisdiction of the Commission and are commenced on or



1 after July 1, 2019, whether or not the conduct at issue in such
2 proceedings occurred before July 1, 2019.

3 (b) May apply the amendatory provisions of this act which
4 govern the procedures applicable to administrative proceedings
5 arising under chapter 281A of NRS to any such proceedings that
6 were commenced before July 1, 2019, and are still within the
7 jurisdiction of the Commission and pending before the Commission
8 on July 1, 2019, unless the Commission determines that such an
9 application would be impracticable, unreasonable or
10 unconstitutional under the circumstances, in which case the
11 Commission shall apply the procedures in effect before July 1,
12 2019.

13 2. The amendatory provisions of sections 10, 11, 18, 32 to 35,
14 inclusive, 37 and 38 of this act do not apply to any conduct
15 occurring before July 1, 2019.

16 3. Notwithstanding the amendatory provisions of sections 12
17 and 36 of this act, the Commission shall not apply those amendatory
18 provisions to any acknowledgment of the statutory ethical standards
19 that a public officer was required to file with the Commission
20 pursuant to NRS 281A.500 if the last day for timely filing the
21 acknowledgment with the Commission occurs before January 1,
22 2020.

23 **Sec. 67.** This act becomes effective on July 1, 2019.

Ⓢ



Agenda Item 6



State of Nevada
COMMISSION ON ETHICS
 704 W. Nye Lane, Suite 204
 Carson City, Nevada 89703
 (775) 687-5469 • Fax (775) 687-1279
<http://ethics.nv.gov>

FY18 & FY19 Case Statistics

Description	Actual FY18	Actual 1 st Half FY19
Outreach and Education	42	9
Average Days to Issue Advisory Opinion	59	48
Number of Complaint Hearings before Commission	51	24
Number of Judicial Cases in which the Commission is named or interested	5	2
Approx. Number of State & Local Public Officers & Public Employees	145,325	145,000 Projected
Complaints Filed	55	89
Letters of Caution/Instruction Issued	17	5
Number of Complaints Investigated	15	17
Advisory Requests Filed	19	14

ASSEMBLY BILL NO. 70—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Open Meeting Law. (BDR 19-421)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 7, 13-36)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Open Meeting Law requires a public body to ensure that members of the
2 public body and the public present at a meeting can hear or observe and participate
3 in the meeting if any member of the public body is present by means of
4 teleconference or videoconference. (NRS 241.010) **Section 2** of this bill provides
5 instead that if a member of the public body attends a meeting of the public body by
6 means of teleconference or videoconference, the chair of the public body must
7 ensure that members of the public body and the public can hear or observe each
8 member attending by teleconference or videoconference. **Section 4** of this bill
9 makes a conforming change.

10 **Section 2** authorizes, under certain circumstances, a member of the public who
11 is the subject of an action item on an agenda of a public meeting to attend and
12 participate in the meeting by teleconference or videoconference.

13 Existing law sets forth the circumstances when a public body is required to
14 comply with the Open Meeting Law. Under existing law, a public body may gather
15 to receive information from an attorney employed or retained by the public body
16 regarding certain matters without complying with the Open Meeting Law. (NRS
17 241.015) **Section 3** of this bill clarifies that any action taken by a public body
18 arising out of any such gathering must be taken in a meeting held in compliance
19 with the Open Meeting Law.



20 **Section 5** of this bill authorizes, under certain circumstances, a public body to
21 gather to receive training regarding its legal obligations without complying with the
22 Open Meeting Law.

23 **Section 5** requires, under certain circumstances, a subcommittee or working
24 group of a public body to comply with the provisions of the Open Meeting Law.

25 The Open Meeting Law requires a public body to make supporting material for
26 a meeting of the public body available to the public upon request. (NRS 241.020)

27 **Section 5** defines the term "supporting material."

28 The Open Meeting Law sets forth the minimum public notice required for
29 meetings of public bodies, including the posting of an agenda. (NRS 241.020)

30 **Section 6** of this bill requires that an agenda include an item on which action may
31 be taken by the public body to approve the agenda before proceeding with any
32 other action item. **Section 6** also requires the chair of the public body to end the
33 meeting if a quorum does not approve the agenda.

34 Existing law requires a public body to keep written minutes of each of its
35 meetings and provides that minutes of a meeting are public records that must be
36 made available for inspection. (NRS 241.035) **Section 7** of this bill requires a
37 public body to have draft minutes of a meeting available for inspection within 30
38 working days after adjournment of the meeting until the public body approves the
39 minutes. **Sections 13-36** of this bill make conforming changes.

40 Existing law requires a public body to have a meeting recorded on audiotape or
41 transcribed by a court reporter. (NRS 241.035) **Section 7** provides that a transcript
42 prepared by a court reporter qualifies as written minutes of the public body.

43 Existing law provides that if a public body takes certain corrective action
44 within 30 days after an alleged violation, the Attorney General may decide not to
45 commence prosecution of the alleged violation. If the public body takes such
46 corrective action, the deadline for the Attorney General to file a lawsuit against the
47 public body to take corrective action is extended by 30 days. (NRS 241.0365)
48 **Section 8** of this bill extends by 60 days the deadline by which such law suits may
49 be filed when the public body takes certain corrective action.

50 Existing law authorizes the Attorney General or a member of the public to sue a
51 public body: (1) within 60 days after an alleged violation to have an action by the
52 public body declared void; or (2) within 120 days after an alleged violation to
53 require the public body to comply with the Open Meeting Law. (NRS 241.037)
54 **Section 9** of this bill tolls the statutes of limitations for filing these actions if the
55 Attorney General issues a finding that a violation of the Open Meeting Law
56 occurred before the expiration of the statutes of limitations.

57 Under existing law, the Attorney General is required to investigate and
58 prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of
59 this bill: (1) requires the Attorney General to investigate and prosecute a violation
60 of the Open Meeting Law if a complaint is filed not later than 120 days after the
61 alleged violation; and (2) gives the Attorney General discretion to investigate and
62 prosecute a violation of the Open Meeting Law if a complaint is filed more than
63 120 days after the alleged violation.

64 **Section 10** requires: (1) the Attorney General to issue certain findings upon
65 completion of an investigation; and (2) a public body to submit a response to the
66 findings of the Attorney General not later than 14 days after receipt of the Attorney
67 General's findings.

68 Existing law makes each member of a public body who attends a meeting
69 where action is taken in violation of the Open Meeting Law with knowledge of the
70 fact that the meeting is in violation guilty of a misdemeanor and subject to a civil
71 penalty of \$500. (NRS 241.040) **Section 12** of this bill provides instead that each
72 member of a public body who: (1) attends a meeting where any violation of the
73 Open Meeting Law occurs; and (2) has knowledge of the violation is guilty of a
74 misdemeanor and subject to an administrative fine, the amount of which is



75 graduated for multiple offenses. **Section 12** also creates an exception to these
76 penalties and fines where the member violated the Open Meeting Law based on
77 legal advice provided by an attorney employed or retained by the public body.

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

1 **Section 1.** Chapter 241 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *A member of a public body may attend a meeting*
4 *of the public body by means of teleconference or videoconference.*
5 *If any member of a public body attends a meeting by means of*
6 *teleconference or videoconference, the chair of the public body, or*
7 *his or her designee, must ensure that:*

8 (a) *Members of the public body and members of the public*
9 *present at the meeting can hear or observe each member attending*
10 *by teleconference or videoconference; and*

11 (b) *Each member of the public body in attendance can*
12 *participate in the meeting.*

13 2. *A member of the public who is the subject of an action item*
14 *on the agenda of a meeting may attend and participate in the*
15 *meeting by means of teleconference or videoconference at the*
16 *discretion of the chair of the public body.*

17 **Sec. 3.** *Any action taken by a public body arising out of a*
18 *gathering of one or more members of the public body and an*
19 *attorney employed or retained by the public body must be taken in*
20 *a meeting held in compliance with this chapter.*

21 **Sec. 4.** NRS 241.010 is hereby amended to read as follows:

22 241.010 ~~[1.]~~ In enacting this chapter, the Legislature finds
23 and declares that all public bodies exist to aid in the conduct of the
24 people's business. It is the intent of the law that their actions be
25 taken openly and that their deliberations be conducted openly.

26 ~~[2. If any member of a public body is present by means of~~
27 ~~teleconference or videoconference at any meeting of the public~~
28 ~~body, the public body shall ensure that all the members of the public~~
29 ~~body and the members of the public who are present at the meeting~~
30 ~~can hear or observe and participate in the meeting.]~~

31 **Sec. 5.** NRS 241.015 is hereby amended to read as follows:

32 241.015 As used in this chapter, unless the context otherwise
33 requires:

34 1. "Action" means:

35 (a) A decision made by a majority of the members present,
36 whether in person or by means of electronic communication, during
37 a meeting of a public body;



1 (b) A commitment or promise made by a majority of the
2 members present, whether in person or by means of electronic
3 communication, during a meeting of a public body;

4 (c) If a public body may have a member who is not an elected
5 official, an affirmative vote taken by a majority of the members
6 present, whether in person or by means of electronic
7 communication, during a meeting of the public body; or

8 (d) If all the members of a public body must be elected officials,
9 an affirmative vote taken by a majority of all the members of the
10 public body.

11 2. "Deliberate" means collectively to examine, weigh and
12 reflect upon the reasons for or against the action. The term includes,
13 without limitation, the collective discussion or exchange of facts
14 preliminary to the ultimate decision.

15 3. "Meeting":

16 (a) Except as otherwise provided in paragraph (b), means:

17 (1) The gathering of members of a public body at which a
18 quorum is present, whether in person or by means of electronic
19 communication, to deliberate toward a decision or to take action on
20 any matter over which the public body has supervision, control,
21 jurisdiction or advisory power.

22 (2) Any series of gatherings of members of a public body at
23 which:

24 (I) Less than a quorum is present, whether in person or by
25 means of electronic communication, at any individual gathering;

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

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

30 (b) Does not include a gathering or series of gatherings of
31 members of a public body, as described in paragraph (a), at which a
32 quorum is actually or collectively present, whether in person or by
33 means of electronic communication:

34 (1) Which occurs at a social function if the members do not
35 deliberate toward a decision or take action on any matter over which
36 the public body has supervision, control, jurisdiction or advisory
37 power.

38 (2) To receive information from the attorney employed or
39 retained by the public body regarding potential or existing litigation
40 involving a matter over which the public body has supervision,
41 control, jurisdiction or advisory power and to deliberate toward a
42 decision on the matter, or both.

43 *(3) To receive training regarding the legal obligations of*
44 *the public body, including, without limitation, training conducted*
45 *by the Office of the Attorney General or the Commission on*



1 *Ethics, if at the gathering the members do not deliberate toward a*
2 *decision or action on any matter over which the public body has*
3 *supervision, control, jurisdiction or advisory power.*

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

6 (a) Any administrative, advisory, executive or legislative body
7 of the State or a local government consisting of at least two persons
8 which expends or disburses or is supported in whole or in part by
9 tax revenue or which advises or makes recommendations to any
10 entity which expends or disburses or is supported in whole or in part
11 by tax revenue, including, but not limited to, any board,
12 commission, committee, subcommittee or other subsidiary thereof
13 and includes a library foundation as defined in NRS 379.0056, an
14 educational foundation as defined in subsection 3 of NRS 388.750
15 and a university foundation as defined in subsection 3 of NRS
16 396.405, if the administrative, advisory, executive or legislative
17 body is created by:

18 (1) The Constitution of this State;

19 (2) Any statute of this State;

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

22 (4) The Nevada Administrative Code;

23 (5) A resolution or other formal designation by such a body
24 created by a statute of this State or an ordinance of a local
25 government;

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

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

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

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

35 (2) An entity in the Executive Department of the State
36 Government, ~~[consisting of members appointed by the Governor,]~~
37 if the board, commission or committee otherwise meets the
38 definition of a public body pursuant to this subsection; or

39 (3) A public officer who is under the direction of an agency
40 or other entity in the Executive Department of the State Government
41, ~~[consisting of members appointed by the Governor,]~~ if the board,
42 commission or committee has at least two members who are not
43 employed by the public officer or entity; ~~[and]~~



1 (c) A limited-purpose association that is created for a rural
2 agricultural residential common-interest community as defined in
3 subsection 6 of NRS 116.1201 ~~§~~; and

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

7 (1) *A majority of the membership of the subcommittee or*
8 *working group are members or staff members of the public body*
9 *that appointed the subcommittee; or*

10 (2) *The subcommittee or working group is authorized by*
11 *the public body or working group to make a recommendation to*
12 *the public body for the public body to take any action.*

13 5. "Quorum" means a simple majority of the membership of a
14 public body or another proportion established by law.

15 6. *"Supporting material" means material that is provided to*
16 *at least a quorum of the members of a public body and that the*
17 *members of the public body would reasonably rely on to make a*
18 *decision. The term includes, without limitation, written records,*
19 *audio recordings, video recordings, photographs and digital data.*

20 7. "Working day" means every day of the week except
21 Saturday, Sunday and any day declared to be a legal holiday
22 pursuant to NRS 236.015.

23 **Sec. 6.** NRS 241.020 is hereby amended to read as follows:

24 241.020 1. Except as otherwise provided by specific statute,
25 all meetings of public bodies must be open and public, and all
26 persons must be permitted to attend any meeting of these public
27 bodies. A meeting that is closed pursuant to a specific statute may
28 only be closed to the extent specified in the statute allowing the
29 meeting to be closed. All other portions of the meeting must be open
30 and public, and the public body must comply with all other
31 provisions of this chapter to the extent not specifically precluded by
32 the specific statute. Public officers and employees responsible for
33 these meetings shall make reasonable efforts to assist and
34 accommodate persons with physical disabilities desiring to attend.

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

38 (a) The time, place and location of the meeting.

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

40 (c) The name and contact information for the person designated
41 by the public body from whom a member of the public may request
42 the supporting material for the meeting described in subsection 6
43 and a list of the locations where the supporting material is available
44 to the public.

45 (d) An agenda consisting of:



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

3 (2) A list describing the items on which action may be taken
4 and clearly denoting that action may be taken on those items by
5 placing the term "for possible action" next to the appropriate item
6 or, if the item is placed on the agenda pursuant to NRS 241.0365, by
7 placing the term "for possible corrective action" next to the
8 appropriate item.

9 (3) *An item on which action may be taken requiring the*
10 *approval of the meeting agenda before proceeding with any other*
11 *item on which action may be taken. If a quorum does not approve*
12 *the agenda during discussion of the item requiring the approval of*
13 *the meeting agenda, the chair must end the meeting.*

14 (4) Periods devoted to comments by the general public, if
15 any, and discussion of those comments. Comments by the general
16 public must be taken:

17 (I) At the beginning of the meeting before any items on
18 which action may be taken are heard by the public body and again
19 before the adjournment of the meeting; or

20 (II) After each item on the agenda on which action may
21 be taken is discussed by the public body, but before the public body
22 takes action on the item.

23 ➤ The provisions of this subparagraph do not prohibit a public body
24 from taking comments by the general public in addition to what is
25 required pursuant to sub-subparagraph (I) or (II). Regardless of
26 whether a public body takes comments from the general public
27 pursuant to sub-subparagraph (I) or (II), the public body must allow
28 the general public to comment on any matter that is not specifically
29 included on the agenda as an action item at some time before
30 adjournment of the meeting. No action may be taken upon a
31 matter raised during a period devoted to comments by the general
32 public until the matter itself has been specifically included on an
33 agenda as an item upon which action may be taken pursuant to
34 subparagraph (2).

35 ~~[(4)]~~ (5) If any portion of the meeting will be closed to
36 consider the character, alleged misconduct or professional
37 competence of a person, the name of the person whose character,
38 alleged misconduct or professional competence will be considered.

39 ~~[(5)]~~ (6) If, during any portion of the meeting, the public
40 body will consider whether to take administrative action regarding a
41 person, the name of that person.

42 ~~[(6)]~~ (7) Notification that:

43 (I) Items on the agenda may be taken out of order ~~[(7)]~~ *at*
44 *the discretion of the chair;*



1 (II) The public body may , *at the discretion of the chair*,
2 combine two or more agenda items for consideration; and

3 (III) The public body may remove an item from the
4 agenda or delay discussion relating to an item on the agenda ~~at any~~
5 ~~time.~~

6 ~~—(7)—~~ *if the public body takes action to remove the item*
7 *when the public body approves the agenda pursuant to*
8 *subparagraph (3).*

9 (8) Any restrictions on comments by the general public. Any
10 such restrictions must be reasonable and may restrict the time, place
11 and manner of the comments, but may not restrict comments based
12 upon viewpoint.

13 3. Minimum public notice is:

14 (a) Posting a copy of the notice at the principal office of the
15 public body or, if there is no principal office, at the building in
16 which the meeting is to be held, and at not less than three other
17 separate, prominent places within the jurisdiction of the public body
18 not later than 9 a.m. of the third working day before the meeting;

19 (b) Posting the notice on the official website of the State
20 pursuant to NRS 232.2175 not later than 9 a.m. of the third working
21 day before the meeting is to be held, unless the public body is
22 unable to do so because of technical problems relating to the
23 operation or maintenance of the official website of the State; and

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

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

32 (2) If feasible for the public body and the requester has
33 agreed to receive the public notice by electronic mail, transmitted to
34 the requester by electronic mail sent not later than 9 a.m. of the third
35 working day before the meeting.

36 4. For each of its meetings, a public body shall document in
37 writing that the public body complied with the minimum public
38 notice required by paragraph (a) of subsection 3. The documentation
39 must be prepared by every person who posted a copy of the public
40 notice and include, without limitation:

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

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



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

3 5. If a public body maintains a website on the Internet or its
4 successor, the public body shall post notice of each of its meetings
5 on its website unless the public body is unable to do so because of
6 technical problems relating to the operation or maintenance of its
7 website. Notice posted pursuant to this subsection is supplemental to
8 and is not a substitute for the minimum public notice required
9 pursuant to subsection 3. The inability of a public body to post
10 notice of a meeting pursuant to this subsection as a result of
11 technical problems with its website shall not be deemed to be a
12 violation of the provisions of this chapter.

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

15 (a) An agenda for a public meeting;

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

18 (c) Subject to the provisions of subsection 7 or 8, as applicable,
19 any other supporting material provided to the members of the public
20 body for an item on the agenda, except materials:

21 (1) Submitted to the public body pursuant to a nondisclosure
22 or confidentiality agreement which relates to proprietary
23 information;

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

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

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

34 7. Unless it must be made available at an earlier time pursuant
35 to NRS 288.153, a copy of supporting material required to be
36 provided upon request pursuant to paragraph (c) of subsection 6
37 must be:

38 (a) If the supporting material is provided to *at least a quorum of*
39 the members of the public body before the meeting, made available
40 to the requester at the time the material is provided to the members
41 of the public body; or

42 (b) If the supporting material is provided to the members of the
43 public body at the meeting, made available at the meeting to the
44 requester at the same time the material is provided to the members
45 of the public body.



1 ↪ If the requester has agreed to receive the information and material
2 set forth in subsection 6 by electronic mail, the public body shall, if
3 feasible, provide the information and material by electronic mail.

4 8. Unless the supporting material must be posted at an earlier
5 time pursuant to NRS 288.153, the governing body of a county or
6 city whose population is 45,000 or more shall post the supporting
7 material described in paragraph (c) of subsection 6 to its website not
8 later than the time the material is provided to *at least a quorum of*
9 the members of the governing body or, if the supporting material is
10 provided to the members of the governing body at a meeting, not
11 later than 24 hours after the conclusion of the meeting. Such posting
12 is supplemental to the right of the public to request the supporting
13 material pursuant to subsection 6. The inability of the governing
14 body, as a result of technical problems with its website, to post
15 supporting material pursuant to this subsection shall not be deemed
16 to be a violation of the provisions of this chapter.

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

35 10. As used in this section, "emergency" means an unforeseen
36 circumstance which requires immediate action and includes, but is
37 not limited to:

- 38 (a) Disasters caused by fire, flood, earthquake or other natural
39 causes; or
40 (b) Any impairment of the health and safety of the public.

41 **Sec. 7.** NRS 241.035 is hereby amended to read as follows:

42 241.035 1. Each public body shall keep written minutes of
43 each of its meetings, including:

- 44 (a) The date, time and place of the meeting.



1 (b) Those members of the public body who were present,
2 whether in person or by means of electronic communication, and
3 those who were absent.

4 (c) The substance of all matters proposed, discussed or decided
5 and, at the request of any member, a record of each member's vote
6 on any matter decided by vote.

7 (d) The substance of remarks made by any member of the
8 general public who addresses the public body if the member of the
9 general public requests that the minutes reflect those remarks or, if
10 the member of the general public has prepared written remarks, a
11 copy of the prepared remarks if the member of the general public
12 submits a copy for inclusion.

13 (e) Any other information which any member of the public body
14 requests to be included or reflected in the minutes.

15 ➔ Unless good cause is shown, a public body shall approve the
16 minutes of a meeting within 45 days after the meeting or at the next
17 meeting of the public body, whichever occurs later.

18 2. *A transcript of a public body meeting prepared by a court*
19 *reporter who is certified pursuant to chapter 656 of NRS qualifies*
20 *as written minutes of the meeting.*

21 3. Minutes of public meetings are public records. Minutes *or*
22 *draft minutes, as applicable*, or an audio recording of a meeting
23 made in accordance with subsection ~~[4]~~ 5 must be made available
24 for inspection by the public within 30 working days after
25 adjournment of the meeting. ~~[A]~~ *If a public body does not approve*
26 *the minutes of a public meeting within 30 working days after*
27 *adjournment of the meeting, a provisional version of the minutes*
28 *clearly marked "draft" must be made available for inspection by*
29 *the public until the public body approves the minutes of the public*
30 *meeting. The public body must make a* copy of the minutes *or draft*
31 *minutes, as applicable*, or audio recording ~~[must be made]~~ available
32 to a member of the public upon request at no charge. ~~[The]~~ *All*
33 *minutes of a meeting of a public body, including, without*
34 *limitation, draft versions of minutes*, shall be deemed to have
35 permanent value and must be retained by the public body for at least
36 5 years. Thereafter, the minutes may be transferred for archival
37 preservation in accordance with NRS 239.080 to 239.125, inclusive.
38 Minutes of meetings closed pursuant to:

39 (a) Paragraph (a) of subsection 1 of NRS 241.030 become
40 public records *if and* when the public body determines that the
41 matters discussed no longer require confidentiality and the person
42 whose character, conduct, competence or health was considered has
43 consented to their disclosure. That person is entitled to a copy of the
44 minutes upon request whether or not they become public records.



1 (b) Paragraph (b) of subsection 1 of NRS 241.030 become
2 public records *if and* when the public body determines that the
3 matters discussed no longer require confidentiality.

4 (c) Paragraph (c) of subsection 1 of NRS 241.030 become
5 public records *if and* when the public body determines that the
6 matters considered no longer require confidentiality and the person
7 who appealed the results of the examination has consented to their
8 disclosure, except that the public body shall remove from the
9 minutes any references to the real name of the person who appealed
10 the results of the examination. That person is entitled to a copy of
11 the minutes upon request whether or not they become public
12 records.

13 ~~[3.]~~ 4. All or part of any meeting of a public body may be
14 recorded on audiotape or any other means of sound or video
15 reproduction by a member of the general public if it is a public
16 meeting so long as this in no way interferes with the conduct of the
17 meeting.

18 ~~[4.]~~ 5. Except as otherwise provided in subsection ~~[7.]~~ 9, a
19 public body shall, for each of its meetings, whether public or closed,
20 record the meeting on audiotape or another means of sound
21 reproduction or cause the meeting to be transcribed by a court
22 reporter who is certified pursuant to chapter 656 of NRS. If a public
23 body makes an audio recording of a meeting or causes a meeting to
24 be transcribed pursuant to this subsection, the audio recording or
25 transcript:

26 (a) Must be retained by the public body for at least ~~[1-year]~~ 5
27 *years* after the adjournment of the meeting at which it was recorded
28 or transcribed;

29 (b) Except as otherwise provided in this section, is a public
30 record and must be made available for inspection by the public
31 during the time the recording or transcript is retained; and

32 (c) Must be made available to the Attorney General upon
33 request.

34 ~~[5.]~~ 6. The requirement set forth in subsection ~~[2.]~~ 3 that a
35 public body make available a copy of the minutes *or draft minutes,*
36 *if applicable,* or audio recording of a meeting to a member of the
37 public upon request at no charge does not ~~[-]~~

38 ~~—(a) Prohibit]~~ *prohibit* a court reporter who is certified pursuant
39 to chapter 656 of NRS from charging a fee to the public body for
40 any services relating to the transcription of a meeting. ~~[-or~~

41 ~~—(b) Require a]~~

42 7. A court reporter who transcribes a meeting *is not required* to
43 provide a copy of any transcript, minutes or audio recording of the
44 meeting prepared by the court reporter *directly* to a member of the
45 public at no charge.



1 ~~[6.]~~ 8. Except as otherwise provided in subsection ~~[7.]~~ 9, any
2 portion of a public meeting which is closed must also be recorded or
3 transcribed and the recording or transcript must be retained and
4 made available for inspection pursuant to the provisions of
5 subsection ~~[2.]~~ 3 relating to records of closed meetings. Any
6 recording or transcript made pursuant to this subsection must be
7 made available to the Attorney General upon request.

8 ~~[7.]~~ 9. If a public body makes a good faith effort to comply
9 with the provisions of subsections ~~[4.]~~ 5 and ~~[6.]~~ 8 but is prevented
10 from doing so because of factors beyond the public body's
11 reasonable control, including, without limitation, a power outage, a
12 mechanical failure or other unforeseen event, such failure does not
13 constitute a violation of the provisions of this chapter.

14 **Sec. 8.** NRS 241.0365 is hereby amended to read as follows:

15 241.0365 1. Except as otherwise provided in subsection 4, if
16 a public body, after providing the notice described in subsection 2,
17 takes action in conformity with this chapter to correct an alleged
18 violation of this chapter within 30 days after the alleged violation,
19 the Attorney General may decide not to commence prosecution of
20 the alleged violation if the Attorney General determines foregoing
21 prosecution would be in the best interests of the public.

22 2. Except as otherwise provided in subsection 4, before taking
23 any action to correct an alleged violation of this chapter, the public
24 body must include an item on the agenda posted for the meeting at
25 which the public body intends to take the corrective action in
26 conformity with this chapter. The inclusion of an item on the agenda
27 for a meeting of a public body pursuant to this subsection is not an
28 admission of wrongdoing for the purposes of civil action, criminal
29 prosecution or injunctive relief.

30 3. For purposes of subsection 1, ~~[the]~~ any period of limitations
31 set forth in subsection 3 of NRS 241.037 by which the Attorney
32 General may bring suit is tolled for ~~[30]~~ 60 days.

33 4. The provisions of this section do not prohibit a public body
34 from taking action in conformity with this chapter to correct an
35 alleged violation of the provisions of this chapter before the
36 adjournment of the meeting at which the alleged violation occurs.

37 5. Any action taken by a public body to correct an alleged
38 violation of this chapter by the public body is effective
39 prospectively.

40 **Sec. 9.** NRS 241.037 is hereby amended to read as follows:

41 241.037 1. The Attorney General may sue in any court of
42 competent jurisdiction to have an action taken by a public body
43 declared void or for an injunction against any public body or person
44 to require compliance with or prevent violations of the provisions of
45 this chapter. The injunction:



1 (a) May be issued without proof of actual damage or other
2 irreparable harm sustained by any person.

3 (b) Does not relieve any person from criminal prosecution for
4 the same violation.

5 2. Any person denied a right conferred by this chapter may sue
6 in the district court of the district in which the public body
7 ordinarily holds its meetings or in which the plaintiff resides. A suit
8 may seek to have an action taken by the public body declared void,
9 to require compliance with or prevent violations of this chapter or to
10 determine the applicability of this chapter to discussions or
11 decisions of the public body. The court may order payment of
12 reasonable attorney's fees and court costs to a successful plaintiff in
13 a suit brought under this subsection.

14 3. Except as otherwise provided in NRS 241.0365:

15 (a) Any suit brought against a public body pursuant to
16 subsection 1 or 2 to require compliance with the provisions of this
17 chapter must be commenced , *except as otherwise provided in this*
18 *paragraph*, within 120 days after the action objected to was taken
19 by that public body in violation of this chapter. *If, within 120 days*
20 *after the action objected to was taken by the public body, the*
21 *Attorney General issues findings of fact and conclusions of law*
22 *that the public body violated a provision of this chapter, such a*
23 *suit may be brought against the public body within 120 days after*
24 *the date that the Attorney General issues the findings of fact and*
25 *conclusions of law.*

26 (b) Any such suit brought to have an action declared void must
27 be commenced , *except as otherwise provided in this paragraph*,
28 within 60 days after the action objected to was taken. *If, within 60*
29 *days after the action objected to was taken by the public body, the*
30 *Attorney General issues findings of fact and conclusions of law*
31 *that the public body violated a provision of this chapter, such a*
32 *suit may be brought against the public body within 60 days after*
33 *the date that the Attorney General issues the findings of fact and*
34 *conclusions of law.*

35 **Sec. 10.** NRS 241.039 is hereby amended to read as follows:

36 241.039 1. A complaint that alleges a violation of this
37 chapter may be filed with the Office of the Attorney General.

38 2. Except as otherwise provided in NRS 241.0365, the
39 Attorney General ~~[shall]~~ :

40 (a) *Shall* investigate and prosecute any violation of this chapter
41 ~~[H]~~ *alleged in a complaint filed not later than 120 days after the*
42 *alleged violation with the Office of the Attorney General.*

43 (b) *May, at his or her discretion, investigate and prosecute any*
44 *violation of this chapter alleged in a complaint filed more than*



1 *120 days after the alleged violation with the Office of the Attorney*
2 *General.*

3 3. Except as otherwise provided in subsection 6 and NRS
4 239.0115, all documents and other information compiled as a result
5 of an investigation conducted pursuant to subsection 2 are
6 confidential until the investigation is closed.

7 4. In any investigation conducted pursuant to subsection 2, the
8 Attorney General may issue subpoenas for the production of any
9 relevant documents, records or materials.

10 5. A person who willfully fails or refuses to comply with a
11 subpoena issued pursuant to this section is guilty of a misdemeanor.

12 6. The following are public records:

13 (a) A complaint filed pursuant to subsection 1.

14 (b) Every finding of fact or conclusion of law made by the
15 Attorney General relating to a complaint filed pursuant to
16 subsection 1.

17 (c) Any document or information compiled as a result of an
18 investigation conducted pursuant to subsection 2 that may be
19 requested pursuant to NRS 239.0107 from a governmental entity
20 other than the Office of the Attorney General.

21 *7. Upon completion of an investigation conducted pursuant*
22 *to subsection 2, the Attorney General shall inform the public body*
23 *that is the subject of the investigation and issue, as applicable:*

24 (a) *A finding that no violation of this chapter occurred; or*

25 (b) *A finding that a violation of this chapter occurred, along*
26 *with findings of fact and conclusions of law that support the*
27 *finding that a violation of this chapter occurred.*

28 *8. A public body shall submit a response to the Attorney*
29 *General not later than 14 days after receipt of any finding that the*
30 *public body violated this chapter. If the public body does not*
31 *submit a response to the Attorney General within 14 days after*
32 *receipt of the finding, it shall be deemed that the public body*
33 *agrees with the finding of the Attorney General.*

34 **Sec. 11.** NRS 241.0395 is hereby amended to read as follows:

35 241.0395 1. If the Attorney General makes findings of fact
36 and conclusions of law that a public body has ~~taken action in~~
37 ~~violation of~~ *violated* any provision of this chapter, the public body
38 must include an item on the next agenda posted for a meeting of the
39 public body which acknowledges the findings of fact and
40 conclusions of law. The opinion of the Attorney General must be
41 treated as supporting material for the item on the agenda for the
42 purposes of NRS 241.020.

43 2. The inclusion of an item on the agenda for a meeting of a
44 public body pursuant to subsection 1 is not an admission of



1 wrongdoing for the purposes of a civil action, criminal prosecution
2 or injunctive relief.

3 **Sec. 12.** NRS 241.040 is hereby amended to read as follows:

4 241.040 1. ~~Each~~ *Except as otherwise provided in*
5 *subsection 6, each* member of a public body who attends a meeting
6 of that public body where ~~action is taken in violation of~~ any
7 ~~provision~~ *violation* of this chapter ~~[- with]~~ *occurs and has*
8 knowledge of the ~~fact that the meeting is in violation thereof,~~
9 *violation*, is guilty of a misdemeanor.

10 2. ~~Wrongful~~ *Except as otherwise provided in subsection 6,*
11 *wrongful* exclusion of any person or persons from a meeting is a
12 misdemeanor.

13 3. A member of a public body who attends a meeting of that
14 public body at which ~~action is taken in~~ *a* violation of this chapter
15 *occurs* is not the accomplice of any other member so attending.

16 4. ~~Ha~~ *Except as otherwise provided in subsection 6, in*
17 addition to any criminal penalty imposed pursuant to this section,
18 each member of a public body who attends a meeting of that public
19 body where ~~action is taken in violation of~~ any ~~provision~~
20 *violation* of this chapter ~~[-]~~ *occurs* and who participates in such
21 action the meeting with knowledge of the violation, is subject to ~~a~~
22 ~~civil penalty~~ *an administrative fine* in an amount not to exceed :

23 (a) *For a first offense, \$500* ~~[- The Attorney General may~~
24 ~~recover the penalty]~~ ;

25 (b) *For a second offense, \$1,000; and*

26 (c) *For a third or subsequent offense, \$2,500.*

27 5. *A member of a public body assessed an administrative fine*
28 *pursuant to this section may contest the fine* in a civil action
29 brought ~~in the name of the State of Nevada~~ in any court of
30 competent jurisdiction. Such an action must be commenced within
31 ~~[1 year]~~ *6 months* after the ~~[date of the action taken in violation of~~
32 ~~this chapter.]~~ *fine is assessed.*

33 6. *No criminal penalty or administrative fine may be imposed*
34 *upon a member of a public body pursuant to this section if:*

35 (a) *A member of a public body violates a provision of this*
36 *chapter as a result of legal advice provided by an attorney*
37 *employed or retained by the public body; and*

38 (b) *The attorney acknowledges in writing that he or she*
39 *provided legal advice to the member that resulted in the member*
40 *violating a provision of this chapter.*

41 **Sec. 13.** NRS 1A.100 is hereby amended to read as follows:

42 1A.100 1. A system of retirement providing benefits for the
43 retirement, disability or death of all justices of the Supreme Court,
44 judges of the Court of Appeals and district judges, and certain
45 justices of the peace and municipal judges, and funded on an



1 actuarial reserve basis is hereby established and must be known as
2 the Judicial Retirement System.

3 2. The System consists of the Judicial Retirement Plan and the
4 provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to
5 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing
6 benefits to justices of the Supreme Court, judges of the Court of
7 Appeals or district judges who served either as a justice of the
8 Supreme Court or district judge before November 5, 2002. Each
9 justice of the Supreme Court, judge of the Court of Appeals or
10 district judge who is not a member of the Public Employees'
11 Retirement System is a member of the Judicial Retirement System.

12 3. The official correspondence and records, other than the files
13 of individual members of the System or retired justices or judges,
14 and, except as otherwise provided in NRS 241.035, the minutes,
15 audio recordings, transcripts and books of the System are public
16 records and are available for public inspection. A copy of the
17 minutes *or draft minutes, as applicable*, or audio recordings must
18 be made available to a member of the public upon request at no
19 charge pursuant to NRS 241.035.

20 4. The System must be administered exclusively by the Board,
21 which shall make all necessary rules and regulations for the
22 administration of the System. The rules must include, without
23 limitation, rules relating to the administration of the retirement plans
24 in accordance with federal law. The Legislature shall regularly
25 review the System.

26 **Sec. 14.** NRS 244A.611 is hereby amended to read as follows:

27 244A.611 1. The board shall choose one of its members as
28 chair and one of its members as vice chair, and shall elect a
29 secretary and a treasurer, who may be members of the board. The
30 secretary and the treasurer may be one person.

31 2. The secretary shall keep audio recordings or transcripts of all
32 meetings and, in a well-bound book, a record of all of the
33 proceedings of the board, minutes of all meetings, certificates,
34 contracts, bonds given by employees, and all other acts of the board.
35 Except as otherwise provided in NRS 241.035, the minute book,
36 audio recordings, transcripts and records must be open to the
37 inspection of all owners of real property in the county as well as to
38 all other interested persons, at all reasonable times and places. A
39 copy of the minutes *or draft minutes, as applicable*, or audio
40 recordings must be made available to a member of the public upon
41 request at no charge pursuant to NRS 241.035.

42 3. The treasurer shall keep, in permanent records, strict and
43 accurate accounts of all money received by and disbursed for and on
44 behalf of the board and the county. The treasurer shall file with the
45 county clerk, at county expense, a corporate fidelity bond in an



1 amount not less than \$5,000, conditioned for the faithful
2 performance of his or her duties.

3 **Sec. 15.** NRS 266.250 is hereby amended to read as follows:

4 266.250 1. The deliberations, sessions and proceedings of the
5 city council must be public.

6 2. The city council shall keep written minutes and audio
7 recordings or transcripts of its own proceedings as required pursuant
8 to NRS 241.035. The yeas and nays must be taken upon the passage
9 of all ordinances, and all propositions to create any liability against
10 the city, or to grant, deny, increase, decrease, abolish or revoke
11 licenses, and in all other cases at the request of any member of the
12 city council or of the mayor, which yeas and nays must be entered in
13 the minutes of its proceedings. A copy of the minutes *or draft*
14 *minutes, as applicable*, or audio recordings must be made available
15 to a member of the public upon request at no charge pursuant to
16 NRS 241.035.

17 3. The affirmative vote of a majority of all the members elected
18 to the city council is necessary to pass any such ordinance or
19 proposition.

20 **Sec. 16.** NRS 278.290 is hereby amended to read as follows:

21 278.290 1. Meetings of the board must be held at the call of
22 the chair and at such other times as the board may determine. The
23 chair, or in his or her absence the acting chair, may administer oaths
24 and compel the attendance of witnesses. All meetings of the board
25 must be open to the public.

26 2. The board shall adopt rules in accordance with the
27 provisions of any ordinance adopted pursuant to NRS 278.010 to
28 278.630, inclusive.

29 3. The board shall keep minutes of its proceedings, showing
30 the vote of each member upon each question, or, if absent or failing
31 to vote, indicating such fact, and audio recordings or transcripts of
32 its proceedings, and shall keep records of its examinations and other
33 official actions, all of which must be filed immediately in the office
34 of the board and, except as otherwise provided in NRS 241.035, are
35 public records. A copy of the minutes *or draft minutes, as*
36 *applicable*, or audio recordings must be made available to a member
37 of the public upon request at no charge pursuant to NRS 241.035.

38 **Sec. 17.** NRS 284.055 is hereby amended to read as follows:

39 284.055 1. The members of the Commission may meet at the
40 times and places specified by the call of the Chair or a majority of
41 the Commission, but a meeting of the Commission must be held
42 regularly at least once every 3 months.

43 2. Five members of the Commission constitute a quorum. A
44 majority vote of the five members of the Commission is required for



1 any official action taken by the Commission, including, without
2 limitation:

3 (a) To adopt, amend or rescind a regulation of the Commission;
4 and

5 (b) To decide an appeal to the Commission made by an
6 employee in the public service of the State.

7 3. If an alternate member attends a meeting of the Commission
8 in place of the regular member, the alternate member fully assumes
9 the duties, rights and responsibilities of the replaced regular member
10 for the duration of that meeting and is entitled to the compensation,
11 allowances and expenses otherwise payable for members who attend
12 the meeting.

13 4. The Commission shall keep minutes and audio recordings or
14 transcripts of the transactions of each meeting. Except as otherwise
15 provided in NRS 241.035, the minutes, audio recordings and
16 transcripts are public records and must be filed with the Division. A
17 copy of the minutes *or draft minutes, as applicable*, or audio
18 recordings must be made available to a member of the public upon
19 request at no charge pursuant to NRS 241.035.

20 **Sec. 18.** NRS 286.110 is hereby amended to read as follows:

21 286.110 1. A system of retirement providing benefits for the
22 retirement, disability or death of employees of public employers and
23 funded on an actuarial reserve basis is hereby established and must
24 be known as the Public Employees' Retirement System. The System
25 is a public agency supported by administrative fees transferred from
26 the retirement funds. The Executive and Legislative Departments of
27 the State Government shall regularly review the System.

28 2. The System is entitled to use any services provided to state
29 agencies and shall use the services of the Purchasing Division of the
30 Department of Administration, but is not required to use any other
31 service. The purpose of this subsection is to provide to the Board the
32 necessary autonomy for an efficient and economic administration of
33 the System and its program.

34 3. The official correspondence and records, other than the files
35 of individual members or retired employees, and, except as
36 otherwise provided in NRS 241.035, the minutes, audio recordings,
37 transcripts and books of the System are public records and are
38 available for public inspection. A copy of the minutes *or draft*
39 *minutes, as applicable*, or audio recordings must be made available
40 to a member of the public upon request at no charge pursuant to
41 NRS 241.035.

42 4. The respective participating public employers are not liable
43 for any obligation of the System.



1 **Sec. 19.** NRS 287.0438 is hereby amended to read as follows:
2 287.0438 Except for the files of individual members and
3 former members, the correspondence, files, minutes, audio
4 recordings, transcripts and books of the Program are, except as
5 otherwise provided in NRS 241.035, public records. A copy of the
6 minutes *or draft minutes, as applicable*, or audio recordings must
7 be made available to a member of the public upon request at no
8 charge pursuant to NRS 241.035.

9 **Sec. 20.** NRS 318.085 is hereby amended to read as follows:
10 318.085 Except as otherwise provided in NRS 318.0953 and
11 318.09533:

12 1. After taking oaths and filing bonds, the board shall choose
13 one of its members as chair of the board and president of the district,
14 and shall elect a secretary and a treasurer of the board and of the
15 district, who may or may not be members of the board. The
16 secretary and the treasurer may be one person.

17 2. The board shall adopt a seal.

18 3. The secretary shall keep audio recordings or transcripts of all
19 meetings and, in a well-bound book, a record of all of the board's
20 proceedings, minutes of all meetings, any certificates, contracts,
21 bonds given by employees and all corporate acts. Except as
22 otherwise provided in NRS 241.035, the book, audio recordings,
23 transcripts and records must be open to inspection of all owners of
24 real property in the district as well as to all other interested persons.
25 A copy of the minutes *or draft minutes, as applicable*, or audio
26 recordings must be made available to a member of the public upon
27 request at no charge pursuant to NRS 241.035.

28 4. The treasurer shall keep strict and accurate accounts of all
29 money received by and disbursed for and on behalf of the district in
30 permanent records. The treasurer shall file with the county clerk, at
31 the expense of the district, a corporate surety bond in an amount not
32 more than \$50,000, the form and exact amount thereof to be
33 approved and determined, respectively, by the board of county
34 commissioners, conditioned for the faithful performance of the
35 duties of his or her office. Any other officer or trustee who actually
36 receives or disburses money of the district shall furnish a bond as
37 provided in this subsection. The board of county commissioners
38 may, upon good cause shown, increase or decrease the amount of
39 that bond.

40 5. Except as otherwise provided in this subsection, each
41 member of a board of trustees of a district organized or reorganized
42 pursuant to this chapter may receive as compensation for his or her
43 service not more than \$6,000 per year. Each member of a board of
44 trustees of a district that is organized or reorganized pursuant to this
45 chapter and which is granted the powers set forth in NRS 318.140,



1 318.142 and 318.144 may receive as compensation for his or her
2 service not more than \$9,000 per year. The compensation of the
3 members of a board is payable monthly, if the budget is adequate
4 and a majority of the members of the board vote in favor of such
5 compensation, but no member of the board may receive any other
6 compensation for his or her service to the district as an employee or
7 otherwise. Each member of the board must receive the same amount
8 of compensation. If a majority of the members of the board vote in
9 favor of an increase in the compensation of the trustees, the increase
10 may not become effective until January 1 of the calendar year
11 immediately following the next biennial election of the district as set
12 forth in NRS 318.095.

13 **Sec. 21.** NRS 318A.190 is hereby amended to read as follows:

14 318A.190 1. The board shall choose one of its members as
15 chair of the board and president of the district, and shall elect a
16 secretary and a treasurer of the board and of the district, who may or
17 may not be members of the board. The secretary and the treasurer
18 may be one person.

19 2. The board shall adopt a seal.

20 3. The secretary shall keep a record of all of the board's
21 proceedings, minutes of all meetings, any certificates, contracts,
22 bonds given by employees and all corporate acts. Except as
23 otherwise provided in NRS 241.035, the records must be open to
24 inspection of all owners of real property in the district as well as to
25 all other interested persons. A copy of the minutes *or draft minutes,*
26 *as applicable,* or audio recordings, if any, must be made available
27 to a member of the public upon request at no charge pursuant to
28 NRS 241.035.

29 4. The treasurer shall keep strict and accurate accounts of all
30 money received by and disbursed for and on behalf of the district in
31 permanent records. The treasurer shall file with the clerk, at the
32 expense of the district, a corporate surety bond in an amount not
33 more than \$50,000, the form and exact amount thereof to be
34 approved and determined, respectively, by the governing body,
35 conditioned for the faithful performance of the duties of his or her
36 office. Any other officer or trustee who actually receives or
37 disburses money of the district shall furnish a bond as provided in
38 this subsection. The governing body may, upon good cause shown,
39 increase or decrease the amount of that bond.

40 5. Except as otherwise provided in this subsection, each
41 member of a board of trustees of a district organized pursuant to this
42 chapter may receive as compensation for his or her service not more
43 than \$6,000 per year. The compensation of the members of a board
44 is payable monthly, if the budget is adequate and a majority of the
45 members of the board vote in favor of such compensation, but no



1 member of the board may receive any other compensation for his or
2 her service to the district as an employee or otherwise. Each
3 member of the board must receive the same amount of
4 compensation. If a majority of the members of the board vote in
5 favor of an increase in the compensation of the trustees, the increase
6 may not become effective until January 1 of the calendar year
7 immediately following the next biennial election of the district as set
8 forth in NRS 318A.210.

9 **Sec. 22.** NRS 361.365 is hereby amended to read as follows:

10 361.365 1. Each county board of equalization shall, at the
11 expense of the county, cause complete minutes and an audio
12 recording or transcript to be taken at each hearing. In addition to the
13 requirements of NRS 241.035, these minutes must include the title
14 of all exhibits, papers, reports and other documentary evidence
15 submitted to the county board of equalization by the complainant.
16 The clerk of the county board of equalization shall forward the
17 minutes and audio recordings or transcripts to the Secretary of the
18 State Board of Equalization. A copy of the minutes *or draft*
19 *minutes, as applicable*, or audio recordings must be made available
20 to a member of the public upon request at no charge pursuant to
21 NRS 241.035.

22 2. If a transcript of any hearing held before the county board of
23 equalization is requested by the complainant, he or she shall furnish
24 the reporter, pay for the transcript and deliver a copy of the
25 transcript to the clerk of the county board of equalization and the
26 Secretary of the State Board of Equalization upon filing an appeal.

27 **Sec. 23.** NRS 384.070 is hereby amended to read as follows:

28 384.070 1. The Commission may establish and maintain an
29 office in Virginia City, Storey County, Nevada, in which, except as
30 otherwise provided in NRS 241.035, there must be at all times open
31 to public inspection a complete record of applications for certificates
32 of appropriateness and their disposition, minutes and audio
33 recordings or transcripts of the Commission's meetings, and any
34 regulations adopted by the Commission. A copy of the minutes *or*
35 *draft minutes, as applicable*, or audio recordings must be made
36 available to a member of the public upon request at no charge
37 pursuant to NRS 241.035.

38 2. The Commission shall maintain a library in the office for the
39 purpose of guiding applicants in their design or embellishment of
40 the exterior of their buildings, new or remodeled. The library must
41 consist of, but not be limited to, documents, paintings, photographs,
42 drawings and histories descriptive of the period which are deemed
43 appropriate guidelines to the applicant. A card index system must
44 also be made and maintained for reference to more comprehensive



1 information in libraries other than the one maintained by the
2 Commission.

3 **Sec. 24.** NRS 422.2369 is hereby amended to read as follows:
4 422.2369 1. Before adopting, amending or repealing any
5 regulation for the administration of a program of public assistance
6 or any other program for which the Division is responsible, the
7 Administrator must give at least 30 days' notice of the intended
8 action.

9 2. The notice of intent to act upon a regulation must:

10 (a) Include a statement of the need for and purpose of the
11 proposed regulation, and either the terms or substance of the
12 proposed regulation or a description of the subjects and issues
13 involved, and of the time when, the place where and the manner in
14 which interested persons may present their views thereon.

15 (b) Include a statement identifying the entities that may be
16 financially affected by the proposed regulation and the potential
17 financial impact, if any, upon local government.

18 (c) State each address at which the text of the proposed
19 regulation may be inspected and copied.

20 (d) Be mailed to all persons who have requested in writing that
21 they be placed upon a mailing list, which must be kept by the
22 Administrator for that purpose.

23 3. All interested persons must be afforded a reasonable
24 opportunity to submit data, views or arguments upon a proposed
25 regulation, orally or in writing. The Administrator shall consider
26 fully all oral and written submissions relating to the proposed
27 regulation.

28 4. The Administrator shall keep, retain and make available for
29 public inspection written minutes and an audio recording or
30 transcript of each public hearing held pursuant to this section in the
31 manner provided in NRS 241.035. A copy of the minutes *or draft*
32 *minutes, as applicable*, or audio recordings must be made available
33 to a member of the public upon request at no charge pursuant to
34 NRS 241.035.

35 5. An objection to any regulation on the ground of
36 noncompliance with the procedural requirements of this section may
37 not be made more than 2 years after its effective date.

38 **Sec. 25.** NRS 422A.190 is hereby amended to read as follows:
39 422A.190 1. Before adopting, amending or repealing any
40 regulation for the administration of a program of public assistance
41 or any other program for which the Division is responsible, the
42 Administrator must give at least 30 days' notice of the intended
43 action.

44 2. The notice of intent to act upon a regulation must:



1 (a) Include a statement of the need for and purpose of the
2 proposed regulation, and either the terms or substance of the
3 proposed regulation or a description of the subjects and issues
4 involved, and of the time when, the place where and the manner in
5 which interested persons may present their views thereon.

6 (b) Include a statement identifying the entities that may be
7 financially affected by the proposed regulation and the potential
8 financial impact, if any, upon local government.

9 (c) State each address at which the text of the proposed
10 regulation may be inspected and copied.

11 (d) Be mailed to all persons who have requested in writing that
12 they be placed upon a mailing list, which must be kept by the
13 Administrator for that purpose.

14 3. All interested persons must be afforded a reasonable
15 opportunity to submit data, views or arguments upon a proposed
16 regulation, orally or in writing. The Administrator shall consider
17 fully all oral and written submissions relating to the proposed
18 regulation.

19 4. The Administrator shall keep, retain and make available for
20 public inspection written minutes and an audio recording or
21 transcript of each public hearing held pursuant to this section in the
22 manner provided in NRS 241.035. A copy of the minutes *or draft*
23 *minutes, as applicable*, or audio recordings must be made available
24 to a member of the public upon request at no charge pursuant to
25 NRS 241.035.

26 5. No objection to any regulation on the ground of
27 noncompliance with the procedural requirements of this section may
28 be made more than 2 years after its effective date.

29 **Sec. 26.** NRS 541.110 is hereby amended to read as follows:

30 541.110 1. Each director before entering upon his or her
31 official duties shall take and subscribe to an oath, before a person
32 authorized to administer oaths, that he or she will support the
33 Constitutions of the United States and the State of Nevada and will
34 honestly, faithfully and impartially perform the duties of the office.

35 2. Upon taking oath, the board shall choose one of their
36 number chair of the board and president of the district, and shall
37 elect some suitable person secretary of the board and of the district,
38 who may or may not be a member of the board. The board shall
39 adopt a seal and shall keep audio recordings or transcripts of all
40 meetings and, in a well-bound book, a record of all its proceedings,
41 minutes of all meetings, certificates, contracts, bonds given by
42 employees and all corporate acts, which, except as otherwise
43 provided in NRS 241.035, must be open to inspection of all owners
44 of property in the district, as well as to all other interested persons.
45 A copy of the minutes *or draft minutes, as applicable*, or audio



1 recordings must be made available to a member of the public upon
2 request at no charge pursuant to NRS 241.035.

3 3. Each member of the board is entitled to receive as
4 compensation for his or her service such sum as may be ordered by
5 the board, not in excess of the sum of \$80 per day and actual
6 traveling expenses for each day spent attending meetings of the
7 board or while engaged in official business under the order of the
8 board.

9 **Sec. 27.** NRS 543.330 is hereby amended to read as follows:

10 543.330 1. The board shall meet in July of each year to
11 organize and choose one of its members as chair of the board and
12 president of the district, and elect a secretary of the board and of the
13 district, who may or may not be a member of the board.

14 2. The county treasurer is the treasurer of the board and of the
15 district.

16 3. The secretary shall keep audio recordings or transcripts of all
17 meetings and, in a well-bound book, a record of all of the board's
18 proceedings, minutes of all meetings, certificates, contracts, bonds
19 given by employees, and all corporate acts, which, except as
20 otherwise provided in NRS 241.035, must be open to inspection by
21 all owners of real property in the district as well as other interested
22 persons. A copy of the minutes *or draft minutes, as applicable*, or
23 audio recordings must be made available to a member of the public
24 upon request at no charge pursuant to NRS 241.035.

25 4. The treasurer shall keep strict and accurate accounts of all
26 money received by and disbursed for and on behalf of the district in
27 permanent records.

28 5. No member of the board may receive compensation for the
29 member's services, but members may be reimbursed for their
30 necessary expenses in attending district meetings and for necessary
31 expenses incurred in traveling within and without the State when
32 required to carry out the affairs of the district.

33 **Sec. 28.** NRS 561.095 is hereby amended to read as follows:

34 561.095 1. The members of the Board may meet at such
35 times and at such places as may be specified by the call of the Chair
36 or a majority of the Board, and a meeting of the Board may be held
37 regularly at least once every 3 months. In case of an emergency,
38 special meetings may be called by the Chair or by the Director.

39 2. Six members of the Board constitute a quorum. A quorum
40 may exercise all the authority conferred on the Board.

41 3. Minutes and audio recordings or transcripts of each meeting,
42 regular or special, must be filed with the Department and, except as
43 otherwise provided in NRS 241.035, are public records. A copy of
44 the minutes *or draft minutes, as applicable*, or audio recordings



1 must be made available to a member of the public upon request at
2 no charge pursuant to NRS 241.035.

3 **Sec. 29.** NRS 590.505 is hereby amended to read as follows:

4 590.505 1. The Board may adopt a seal for its own use which
5 must have imprinted thereon the words "Board for the Regulation of
6 Liquefied Petroleum Gas." The care and custody of the seal is the
7 responsibility of the Secretary-Treasurer of the Board.

8 2. The Board may appoint an Executive Secretary and may
9 employ or, pursuant to NRS 333.700, contract with such other
10 technical, clerical or investigative personnel as it deems necessary.
11 The Board shall fix the compensation of the Executive Secretary
12 and all other employees and independent contractors. Such
13 compensation must be paid out of the money of the Board. The
14 Board may require the Executive Secretary and any other employees
15 and independent contractors to give a bond to the Board for the
16 faithful performance of their duties, the premiums on the bond being
17 paid out of the money of the Board.

18 3. In carrying out the provisions of NRS 590.465 to 590.645,
19 inclusive, and holding its regular or special meetings, the Board:

20 (a) Shall adopt written policies setting forth procedures and
21 methods of operation for the Board.

22 (b) May adopt such regulations as it deems necessary.

23 4. The Board shall keep accurate records, minutes and audio
24 recordings or transcripts of all meetings and, except as otherwise
25 provided in NRS 241.035, the records, minutes, audio recordings
26 and transcripts so kept must be open to public inspection at all
27 reasonable times. A copy of the minutes *or draft minutes, as*
28 *applicable*, or audio recordings must be made available to a member
29 of the public upon request at no charge pursuant to NRS 241.035.
30 The Board shall also keep a record of all applications for licenses
31 and licenses issued by it. The record of applications and licenses is a
32 public record.

33 **Sec. 30.** Section 7 of the Airport Authority Act for Battle
34 Mountain, being chapter 458, Statutes of Nevada 1983, as last
35 amended by chapter 98, Statutes of Nevada 2013, at page 334, is
36 hereby amended to read as follows:

37 Sec. 7. 1. The Board shall elect a Chair, Vice Chair,
38 Secretary and Treasurer, who must be members of the Board.
39 The Secretary and the Treasurer may be one person. The
40 terms of the officers expire on the date their successors are
41 elected and qualified in the general election.

42 2. The Secretary shall keep audio recordings or
43 transcripts of all meetings of the Board and, in a well-bound
44 book, a record of all of the proceedings of the Board, minutes
45 of all meetings, certificates, contracts, bonds given by



1 employees, and all other acts of the Board. Except as
2 otherwise provided in NRS 241.035, the minute book, audio
3 recordings, transcripts and records must be open to the
4 inspection of all interested persons, at all reasonable times
5 and places. A copy of the minutes *or draft minutes, as*
6 *applicable*, or audio recordings must be made available to a
7 member of the public upon request at no charge pursuant to
8 NRS 241.035.

9 3. The Treasurer shall keep, in permanent records, strict
10 and accurate accounts of all money received by and disbursed
11 for and on behalf of the Board and the Authority. The
12 Treasurer shall file with the County Clerk, at Authority
13 expense, a corporate fidelity bond in an amount not less than
14 \$25,000, conditioned for the faithful performance of his or
15 her duties.

16 **Sec. 31.** Section 6 of the Airport Authority Act for Carson
17 City, being chapter 844, Statutes of Nevada 1989, as last amended
18 by chapter 98, Statutes of Nevada 2013, at page 334, is hereby
19 amended to read as follows:

20 Sec. 6. 1. The Board shall elect a Chair, Vice Chair,
21 Secretary and Treasurer from its members. The Secretary and
22 the Treasurer may be one person. The terms of the officers
23 expire on July 1 of each odd-numbered year.

24 2. The Secretary shall keep audio recordings or
25 transcripts of all meetings of the Board and a record of all of
26 the proceedings of the Board, minutes of all meetings,
27 certificates, contracts, bonds given by employees, and all
28 other acts of the Board. Except as otherwise provided in NRS
29 241.035, the records must be open to the inspection of all
30 interested persons, at a reasonable time and place. A copy of
31 the minutes *or draft minutes, as applicable*, or audio
32 recordings must be made available to a member of the public
33 upon request at no charge pursuant to NRS 241.035.

34 3. The Treasurer shall keep an accurate account of all
35 money received by and disbursed on behalf of the Board and
36 the Authority. The Treasurer shall file with the Clerk of
37 Carson City, at the expense of the Authority, a fidelity bond
38 in an amount not less than \$10,000, conditioned for the
39 faithful performance of his or her duties.

40 **Sec. 32.** Section 7 of the Reno-Tahoe Airport Authority Act,
41 being chapter 474, Statutes of Nevada 1977, as last amended by
42 chapter 98, Statutes of Nevada 2013, at page 334, is hereby
43 amended to read as follows:

44 Sec. 7. 1. The Board shall choose one of its members
45 as Chair and one of its members as Vice Chair, and shall elect



1 a Secretary and a Treasurer, who may be members of the
2 Board. The Secretary and the Treasurer may be one person.
3 The terms of the officers expire on July 1 of each year.

4 2. Chairs must be selected from trustees appointed by
5 the participating local governments in the following order:

6 (a) The City of Reno;

7 (b) The City of Sparks;

8 (c) Washoe County; and

9 (d) The County Fair and Recreation Board of Washoe
10 County.

11 3. The Secretary shall keep audio recordings or
12 transcripts of all meetings of the Board and, in a well-bound
13 book, a record of all of the proceedings of the Board, minutes
14 of all meetings, certificates, contracts, bonds given by
15 employees, and all other acts of the Board. Except as
16 otherwise provided in NRS 241.035, the minute book, audio
17 recordings, transcripts and records must be open to the
18 inspection of all interested persons, at all reasonable times
19 and places. A copy of the minutes *or draft minutes, as*
20 *applicable*, or audio recordings must be made available to a
21 member of the public upon request at no charge pursuant to
22 NRS 241.035.

23 4. The Treasurer shall keep, in permanent records, strict
24 and accurate accounts of all money received by and disbursed
25 for and on behalf of the Board and the Authority. The
26 Treasurer shall file with the County Clerk, at Authority
27 expense, a corporate fidelity bond in an amount not less than
28 \$25,000, conditioned for the faithful performance of his or
29 her duties.

30 **Sec. 33.** Section 9.5 of Reno-Tahoe Airport Authority Act,
31 being chapter 369, Statutes of Nevada 2005, as amended by chapter
32 98, Statutes of Nevada 2013, at page 335, is hereby amended to read
33 as follows:

34 Sec. 9.5. 1. Except as otherwise determined by the
35 Board or provided in subsection 2, the provisions of any law
36 requiring public bidding or otherwise imposing requirements
37 on any public contract, project, acquisition, works or
38 improvements, including, without limitation, the provisions
39 of chapters 332, 338 and 339 of NRS, do not apply to any
40 contract entered into by the Board if the Board:

41 (a) Complies with the provisions of subsection 3; and

42 (b) Finances the contract, project, acquisition, works or
43 improvement by means of:

44 (1) Revenue bonds issued by the Authority; or



1 (2) An installment obligation of the Authority in a
2 transaction in which:

3 (I) The Authority acquires real or personal property
4 and another person acquires or retains a security interest in
5 that or other property; and

6 (II) The obligation by its terms is extinguished by
7 failure of the Board to appropriate money for the ensuing
8 fiscal year for payment of the amounts then due.

9 2. A contract entered into by the Board pursuant to this
10 section must:

11 (a) Contain a provision stating that the requirements of
12 NRS 338.010 to 338.090, inclusive, apply to any construction
13 work performed pursuant to the contract; and

14 (b) If the contract is with a design professional who is not
15 a member of a design-build team, comply with the provisions
16 of NRS 338.155. As used in this paragraph, "design
17 professional" has the meaning ascribed to it in subsection 7 of
18 NRS 338.010.

19 3. For contracts entered into pursuant to this section that
20 are exempt from the provisions of chapters 332, 338 and 339
21 of NRS pursuant to subsection 1, the Board shall adopt
22 regulations pursuant to subsection 4 which establish:

23 (a) One or more competitive procurement processes for
24 letting such a contract; and

25 (b) A method by which a bid on such a contract will be
26 adjusted to give a 5 percent preference to a contractor who
27 would qualify for a preference pursuant to NRS 338.147, if:

28 (1) The estimated cost of the contract exceeds
29 \$250,000; and

30 (2) Price is a factor in determining the successful bid
31 on the contract.

32 4. The Board:

33 (a) Shall, before adopting, amending or repealing a
34 permanent or temporary regulation pursuant to subsection 3,
35 give at least 30 days' notice of its intended action. The notice
36 must:

37 (1) Include:

38 (I) A statement of the need for and purpose of the
39 proposed regulation.

40 (II) Either the terms or substance of the proposed
41 regulation or a description of the subjects and issues involved.

42 (III) The estimated cost to the Board for
43 enforcement of the proposed regulation.



1 (IV) The time when, the place where and the
2 manner in which interested persons may present their views
3 regarding the proposed regulation.

4 (V) A statement indicating whether the regulation
5 establishes a new fee or increases an existing fee.

6 (2) State each address at which the text of the
7 proposed regulation may be inspected and copied.

8 (3) Be mailed to all persons who have requested in
9 writing that they be placed upon a mailing list, which must be
10 kept by the Authority for that purpose.

11 (b) May adopt, if it has adopted a temporary regulation
12 after notice and the opportunity for a hearing as provided in
13 this subsection, after providing a second notice and the
14 opportunity for a hearing, a permanent regulation.

15 (c) Shall, in addition to distributing the notice to each
16 recipient of the Board's regulations, solicit comment
17 generally from the public and from businesses to be affected
18 by the proposed regulation.

19 (d) Shall, before conducting a workshop pursuant to
20 paragraph (g), determine whether the proposed regulation is
21 likely to impose a direct and significant economic burden
22 upon a small business or directly restrict the formation,
23 operation or expansion of a small business. If the Board
24 determines that such an impact is likely to occur, the Board
25 shall:

26 (1) Insofar as practicable, consult with owners and
27 officers of small businesses that are likely to be affected by
28 the proposed regulation.

29 (2) Consider methods to reduce the impact of the
30 proposed regulation on small businesses.

31 (3) Prepare a small business impact statement and
32 make copies of the statement available to the public at the
33 workshop conducted pursuant to paragraph (g) and the public
34 hearing held pursuant to paragraph (h).

35 (e) Shall ensure that a small business impact statement
36 prepared pursuant to subparagraph (3) of paragraph (d) sets
37 forth the following information:

38 (1) A description of the manner in which comment
39 was solicited from affected small businesses, a summary of
40 their response and an explanation of the manner in which
41 other interested persons may obtain a copy of the summary.

42 (2) The estimated economic effect of the proposed
43 regulation on the small businesses which it is to regulate,
44 including, without limitation:

45 (I) Both adverse and beneficial effects; and



(II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

(1) In writing to each person who has requested to be placed on a mailing list; and

(2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and ~~2~~ 3 of NRS 241.035. A copy of the minutes *or draft minutes, as applicable*, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection ~~4~~ 5 of NRS 241.035. A copy of the audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.



1 (k) Shall ensure that a small business which is aggrieved
2 by a regulation adopted pursuant to this subsection may
3 object to all or a part of the regulation by filing a petition with
4 the Board within 90 days after the date on which the
5 regulation was adopted. Such petition may be based on the
6 following:

7 (1) The Board failed to prepare a small business
8 impact statement as required pursuant to subparagraph (3) of
9 paragraph (d); or

10 (2) The small business impact statement prepared by
11 the Board did not consider or significantly underestimated the
12 economic effect of the regulation on small businesses.

13 ➤ After receiving a petition pursuant to this paragraph, the
14 Board shall determine whether the petition has merit. If the
15 Board determines that the petition has merit, the Board may,
16 pursuant to this subsection, take action to amend the
17 regulation to which the small business objected.

18 5. The determinations made by the Board pursuant to
19 this section are conclusive unless it is shown that the Board
20 acted with fraud or a gross abuse of discretion.

21 **Sec. 34.** Section 9 of the Elko Convention and Visitors
22 Authority Act, being chapter 227, Statutes of Nevada 1975, as last
23 amended by chapter 98, Statutes of Nevada 2013, at page 338, is
24 hereby amended to read as follows:

25 Sec. 9. 1. The Board shall adopt a seal, establish a
26 principal place of business and adopt, and thereafter from
27 time to time amend, if necessary, appropriate rules and
28 regulations not inconsistent with this act for carrying on the
29 business and affairs of the Board and of the Authority. Each
30 member shall, upon election or acceptance of his or her
31 appointment, file with the Clerk of Elko County his or her
32 oath of office.

33 2. No member may receive any compensation as an
34 employee of the Board or otherwise, and a member of the
35 Board shall not be interested in any contract or transaction
36 with the Board except in his or her official representative
37 capacity.

38 3. At the first meeting of the Board following each
39 general authority election, the Board shall choose one of its
40 members as Chair and one of its members as Vice Chair, and
41 shall appoint or hire a Secretary and a Treasurer, who must
42 not be members of the Board. The Secretary and Treasurer
43 may not be one person.

44 4. The Secretary shall keep audio recordings or
45 transcripts of all meetings of the Board and a record of all of



1 the proceedings of the Board, minutes of all meetings,
2 certificates, contracts, bonds given by employees, and all
3 other acts of the Board. Except as otherwise provided in NRS
4 241.035, the minute book, audio recordings, transcripts and
5 records are open to the inspection of all interested persons, at
6 all reasonable times and places. A copy of the minutes *or*
7 *draft minutes, as applicable*, or audio recordings must be
8 made available to a member of the public upon request at no
9 charge pursuant to NRS 241.035.

10 5. The Treasurer shall keep, in permanent records, strict
11 and accurate accounts of all money received by and disbursed
12 for and on behalf of the Board. The Treasurer shall file with
13 the County Clerk, at the Authority's expense, a corporate
14 fidelity bond in an amount not less than \$5,000, conditioned
15 on the faithful performance of the duties of the Treasurer.

16 6. The Board shall appoint the Elko County Treasurer
17 and Auditor to act as Treasurer and Auditor of the Authority.
18 The Treasurer and Auditor may employ such persons as are
19 necessary to carry out the duties of the Treasurer and Auditor
20 of the Authority. The Board shall determine the salary of each
21 person employed pursuant to this subsection. The salaries and
22 expenses of the employees must be paid by the Board from
23 the money of the Authority.

24 7. The Board shall meet regularly at a time and in a
25 place to be designated by it. Special meetings may be held as
26 often as the needs of the Board require, on notice to each
27 Board member.

28 8. The Board may require from an officer or employee
29 of the Authority, except a member of the Board, sufficient
30 security for the faithful and honest performance of his or her
31 duties. A blanket fidelity bond or blanket position bond, or
32 other type of bond suitable for public employees or officers,
33 may be furnished at the expense of the Authority for an
34 officer or employee of the Authority, in an amount set by the
35 Board and conditioned on the faithful and honest performance
36 of his or her duties.

37 **Sec. 35.** Section 4 of the Nevada Commission for the
38 Reconstruction of the V & T Railway Act of 1993, being chapter
39 566, Statutes of Nevada 1993, as last amended by chapter 62,
40 Statutes of Nevada 2017, at page 242, is hereby amended to read as
41 follows:

42 Sec. 4. 1. The commissioner appointed pursuant to
43 paragraph (b) or (d) of subsection 1 of section 3 of this act
44 shall file his or her oath of office with the county clerk of



1 Storey County, and all other commissioners shall file their
2 oaths of office with the Clerk of Carson City.

3 2. The commissioners must serve without compensation,
4 but a commissioner may be reimbursed for expenses actually
5 incurred for travel authorized by the Commission.

6 3. The Commission shall elect a Chair, Vice Chair,
7 Secretary and Treasurer from among its members. The
8 Secretary and the Treasurer may be one person. The terms of
9 the officers expire on July 1 of each odd-numbered year.

10 4. The Secretary shall maintain audio recordings or
11 transcripts of all meetings of the Commission and a record of
12 all of the proceedings of the Commission, minutes of all
13 meetings, certificates, contracts and other acts of the
14 Commission. Except as otherwise provided in NRS 241.035,
15 the records must be open to the inspection of all interested
16 persons at a reasonable time and place. A copy of the minutes
17 *or draft minutes, as applicable*, or audio recordings must be
18 made available to a member of the public upon request at no
19 charge pursuant to NRS 241.035.

20 5. The Treasurer shall keep an accurate account of all
21 money received by and disbursed on behalf of the
22 Commission. The Treasurer shall file with the Clerk of
23 Carson City, at the expense of the Commission, a fidelity
24 bond in an amount not less than \$10,000, conditioned for the
25 faithful performance of his or her duties.

26 **Sec. 36.** Section 27 of the Western Regional Water
27 Commission Act, being chapter 531, Statutes of Nevada 2007, as
28 amended by chapter 98, Statutes of Nevada 2013, at page 340, is
29 hereby amended to read as follows:

30 Sec. 27. 1. The Board shall elect one of its members
31 as Chair and one of its members as Vice Chair, and shall elect
32 a Secretary and a Treasurer, who may be members of the
33 Board. The Secretary and the Treasurer may be the same
34 person. The terms of the officers expire on December 31 of
35 each year.

36 2. The Secretary shall keep audio recordings or
37 transcripts of all meetings of the Board and, in a well-bound
38 book, a record of all the proceedings of the Board, minutes of
39 all meetings, certificates, contracts, bonds given by
40 employees and all other acts of the Board. Except as
41 otherwise provided in NRS 241.035, the minute book, audio
42 recordings, transcripts and records must be open to the
43 inspection of all interested persons, at all reasonable times
44 and places. A copy of the minutes *or draft minutes, as*
45 *applicable*, or audio recordings must be made available to a



1 member of the public upon request at no charge pursuant to
2 NRS 241.035.

3 3. The Treasurer shall keep, in permanent records, strict
4 and accurate accounts of all money received by and disbursed
5 for and on behalf of the Board and the Regional Water
6 Commission.

7 **Sec. 37.** The provisions of NRS 354.599 do not apply to any
8 additional expenses of a local government that are related to the
9 provisions of this act.

Ⓢ



ETHICS - COMMISSION ON ETHICS

101-1343

PROGRAM DESCRIPTION

The Nevada Commission on Ethics is an eight member body appointed by the Governor and Legislative Commission to interpret and enforce the provisions of the Ethics in Government Law set forth in NRS Chapter 281A ("Ethics Law"). The Ethics Law establishes the public policy and standards of conduct necessary to ensure the integrity and impartiality of government, free from conflicts of interest between public duties and private interests of state, local public officers, and employees. The commission and its staff focus on four main functions: 1) interpreting and enforcing the provisions of the Ethics Law; 2) investigating and adjudicating public complaints alleging ethics violations by public officers and employees; 3) providing outreach and education to public officers and employees to enhance their awareness and understanding of ethics requirements and prohibitions under Nevada law; and 4) accepting and monitoring various filings required of certain public officers. Statutory Authority: NRS 281A.

BASE

This request continues funding for six positions and associated operating costs. One-time expenditures have been eliminated and partial year costs have been annualized.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL	227,815	231,010	239,958	239,958
Funding is based on the proportion of state and local governmental public officers and employees. Based on the employee counts provided by DETR, the state and local governments contribute 28 and 72 percent, respectively, of the Commission's total funding over the 2019-21 biennium.				
2510 REVERSIONS	-471	0	0	0
2511 BALANCE FORWARD FROM PREVIOUS YEAR	38,634	46,429	46,429	46,429
This amount represents the reserve available from the collection of local government fee assessments.				
2512 BALANCE FORWARD TO NEW YEAR	-46,429	0	0	0
4103 COUNTY REIMBURSEMENTS	599,488	594,026	617,031	617,031
Funding is based on the proportion of state and local governmental public officers and employees. Based on the employee counts provided by DETR, the state and local governments contribute 28 and 72 percent, respectively, of the Commission's total funding over the 2019-21 biennium.				
4335 REIMBURSEMENT OF EXPENSES	2,576	0	0	0
4655 TRANSFER FROM STATUTORY CONTINGENCY	2,436	0	0	0
TOTAL RESOURCES:	824,049	871,465	903,418	903,418
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	466,314	461,588	498,548	498,548
5200 WORKERS COMPENSATION	5,777	5,118	5,118	5,118
5300 RETIREMENT	107,626	106,552	105,788	105,788
5400 PERSONNEL ASSESSMENT	1,211	1,328	1,328	1,328
5500 GROUP INSURANCE	53,099	53,346	53,346	53,346
5700 PAYROLL ASSESSMENT	478	498	498	498
5750 RETIRED EMPLOYEES GROUP INSURANCE	10,958	11,724	12,663	12,663
5800 UNEMPLOYMENT COMPENSATION	540	671	698	698
5840 MEDICARE	6,565	6,692	7,230	7,230

ETHICS - COMMISSION ON ETHICS
101-1343

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
5860 BOARD AND COMMISSION PAY This request continues funding for Board and Commission pay.	4,880	7,680	4,880	4,880
5970 TERMINAL ANNUAL LEAVE PAY	8,698	0	8,698	8,698
TOTAL FOR CATEGORY 01:	666,146	655,197	698,795	698,795
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	8,160	7,108	8,160	8,160
6210 FS DAILY RENTAL IN-STATE	377	596	377	377
6215 NON-FS VEHICLE RENTAL IN-STATE	947	438	947	947
6220 AUTO MISC - IN-STATE	24	0	24	24
6230 PUBLIC TRANSPORTATION IN-STATE	33	85	33	33
6240 PERSONAL VEHICLE IN-STATE	960	1,893	960	960
6250 COMM AIR TRANS IN-STATE	13,081	14,233	13,081	13,081
TOTAL FOR CATEGORY 03:	23,582	24,353	23,582	23,582
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	2,015	903	2,015	2,015
7025 OPERATING SUPPLIES-E	0	4	0	0
7026 OPERATING SUPPLIES-F	382	532	382	382
7030 FREIGHT CHARGES	102	708	102	102
7044 PRINTING AND COPYING - C	515	1,220	515	515
7045 STATE PRINTING CHARGES	0	145	0	0
7050 EMPLOYEE BOND INSURANCE	9	9	9	9
7051 AGENCY OWNED - PROP. & CONT. INSURANCE	64	0	64	64
7054 AG TORT CLAIM ASSESSMENT	591	582	582	582
705A NON B&G - PROP. & CONT. INSURANCE	0	22	0	0
705B B&G - PROP. & CONT. INSURANCE	0	42	0	0
7060 CONTRACTS	160	0	160	160
7100 STATE OWNED BLDG RENT-B&G	3,509	3,746	3,509	3,509
7103 STATE OWNED MEETING ROOM RENT	600	1,275	600	600
7110 NON-STATE OWNED OFFICE RENT	27,457	28,138	27,457	27,457
7255 B & G LEASE ASSESSMENT	397	465	397	397
7285 POSTAGE - STATE MAILROOM	545	650	545	545
7286 MAIL STOP-STATE MAILROM	3,770	4,366	3,770	3,770
7290 PHONE, FAX, COMMUNICATION LINE	1,826	1,582	1,826	1,826
7291 CELL PHONE/PAGER CHARGES	3,339	3,157	3,339	3,339

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	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
7294 CONFERENCE CALL CHARGES	239	223	239	239
7296 EITS LONG DISTANCE CHARGES	153	175	153	153
7301 MEMBERSHIP DUES	0	445	0	0
7340 INSPECTIONS & CERTIFICATIONS	0	44	0	0
7370 PUBLICATIONS AND PERIODICALS	850	946	850	850
7430 PROFESSIONAL SERVICES	20	0	20	20
7460 EQUIPMENT PURCHASES < \$1,000	450	0	450	450
7637 NOTARY FEE APPLY OR RENEW	215	0	215	215
7980 OPERATING LEASE PAYMENTS	4,471	4,815	4,471	4,471
TOTAL FOR CATEGORY 04:	51,679	54,194	51,670	51,670
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS	11,742	13,198	11,742	11,742
7750 NON EMPLOYEE IN-STATE TRAVEL	629	0	629	629
TOTAL FOR CATEGORY 11:	12,371	13,198	12,371	12,371
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	3,550	3,126	3,550	3,550
TOTAL FOR CATEGORY 15:	3,550	3,126	3,550	3,550
CATEGORY 26 INFORMATION SERVICES:				
7020 OPERATING SUPPLIES	95	196	95	95
7026 OPERATING SUPPLIES-F	71	162	71	71
7060 CONTRACTS	240	1,540	240	240
7065 CONTRACTS - E	4,200	0	4,200	4,200
7073 SOFTWARE LICENSE/MNT CONTRACTS	3,150	7,200	3,150	3,150
7290 PHONE, FAX, COMMUNICATION LINE	5,472	2,760	5,472	5,472
7460 EQUIPMENT PURCHASES < \$1,000	1,250	339	1,250	1,250
7532 EITS SHARED WEB SERVER HOSTING	575	842	575	575
7533 EITS 20-21 ELIM (EITS EMAIL SERVICE)	2,258	2,446	2,258	2,258
7542 EITS SILVERNET ACCESS	1,742	1,742	1,742	1,742
7554 EITS INFRASTRUCTURE ASSESSMENT	1,175	1,269	1,269	1,269
7556 EITS SECURITY ASSESSMENT	566	772	772	772
8371 COMPUTER HARDWARE <\$5,000 - A	0	8,930	0	0
TOTAL FOR CATEGORY 26:	20,794	28,198	21,094	21,094

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
CATEGORY 30 TRAINING:				
6100 PER DIEM OUT-OF-STATE	2,892	2,659	2,892	2,892
6130 PUBLIC TRANS OUT-OF-STATE	181	263	181	181
6140 PERSONAL VEHICLE OUT-OF-STATE	0	86	0	0
6150 COMM AIR TRANS OUT-OF-STATE	1,772	246	1,772	1,772
6240 PERSONAL VEHICLE IN-STATE	97	102	97	97
6250 COMM AIR TRANS IN-STATE	0	857	0	0
7300 DUES AND REGISTRATIONS	0	2,334	0	0
7301 MEMBERSHIP DUES	445	0	445	445
7302 REGISTRATION FEES	1,784	849	1,784	1,784
7306 DUES & REG - EMPLOYEE REIMBURSEMENT	0	120	0	0
TOTAL FOR CATEGORY 30:	7,171	7,516	7,171	7,171
CATEGORY 82 DEPT COST ALLOCATION:				
7389 16-17 CENTRALIZED PERSONNEL SERVICES COST ALLOC	2,564	2,564	2,564	2,564
7439 DEPT OF ADMIN - ADMIN SER DIV	34,953	35,815	34,953	34,953
TOTAL FOR CATEGORY 82:	37,517	38,379	37,517	37,517
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	46,429	46,429	46,429
TOTAL FOR CATEGORY 86:	0	46,429	46,429	46,429
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	407	569	407	407
TOTAL FOR CATEGORY 87:	407	569	407	407
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	832	306	832	832
TOTAL FOR CATEGORY 89:	832	306	832	832
TOTAL EXPENDITURES:	824,049	871,465	903,418	903,418
TOTAL POSITIONS:	6.00	6.00	6.00	6.00

MAINTENANCE

M100 STATEWIDE INFLATION

This request funds rate changes for internal service funds such as the Attorney General, Fleet Services, information technology services, state-owned building rent, vehicle insurance, personnel assessments, and property and contents insurance.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL This General Fund Appropriation funding request represents 28% of the total Statewide Inflation.	0	0	228	300
4103 COUNTY REIMBURSEMENTS This County Reimbursement funding request represents 72% of the total Statewide Inflation.	0	0	587	770
TOTAL RESOURCES:	0	0	815	1,070
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5400 PERSONNEL ASSESSMENT	0	0	-2	16
5700 PAYROLL ASSESSMENT	0	0	37	32
TOTAL FOR CATEGORY 01:	0	0	35	48
CATEGORY 04 OPERATING EXPENSES:				
7050 EMPLOYEE BOND INSURANCE	0	0	13	9
7054 AG TORT CLAIM ASSESSMENT	0	0	-69	-70
705A NON B&G - PROP. & CONT. INSURANCE	0	0	1	0
705B B&G - PROP. & CONT. INSURANCE	0	0	1	1
7100 STATE OWNED BLDG RENT-B&G	0	0	280	373
TOTAL FOR CATEGORY 04:	0	0	226	313
CATEGORY 26 INFORMATION SERVICES:				
7532 EITS SHARED WEB SERVER HOSTING	0	0	754	754
7542 EITS SILVERNET ACCESS	0	0	209	261
7554 EITS INFRASTRUCTURE ASSESSMENT	0	0	480	474
7556 EITS SECURITY ASSESSMENT	0	0	29	-9
TOTAL FOR CATEGORY 26:	0	0	1,472	1,480
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	0	0	-86	61

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	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
TOTAL FOR CATEGORY 87:	0	0	-86	61
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	0	0	-832	-832
TOTAL FOR CATEGORY 89:	0	0	-832	-832
TOTAL EXPENDITURES:	0	0	815	1,070

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M106 EITS COST POOLS AND RATES

This request funds methodology changes for information technology service rates and cost pools.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	1,507	1,507
4103 COUNTY REIMBURSEMENTS	0	0	3,874	3,874
TOTAL RESOURCES:	0	0	5,381	5,381
EXPENDITURES:				
CATEGORY 26 INFORMATION SERVICES:				
7533 EITS 20-21 ELIM (EITS EMAIL SERVICE)	0	0	-2,448	-2,448
7547 EITS BUSINESS PRODUCTIVITY SUITE	0	0	7,829	7,829
TOTAL FOR CATEGORY 26:	0	0	5,381	5,381
TOTAL EXPENDITURES:	0	0	5,381	5,381

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M150 ADJUSTMENTS TO BASE

This request funds adjustments to base expenditures including eliminating one-time expenditures such as equipment, and adjusts for partial year costs for the continuation of programs.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL This General Fund Appropriation funding request represents 28% of the total Adjustments to Base.	0	0	-3,495	-2,596
4103 COUNTY REIMBURSEMENTS This County Reimbursements funding request represents 72% of the total expenditures.	0	0	-8,988	-6,675
TOTAL RESOURCES:	0	0	-12,483	-9,271
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5860 BOARD AND COMMISSION PAY This adjustment funds additional Board and Commission Pay. Total cost: 8 members x \$80/meeting x 12 meetings = \$7,680 FY20/21 M150: \$7,680 - \$4,880 (base) = \$2,800 The agency had significant Commissioner vacancies during the last 4 years and the Commission was not fully appointed until the last month of FY18, thereby reducing the number of meetings the agency was able to hold due to quorum concerns. The agency is now fully appointed. Further, SB84 (2017) imposed additional duties on the Commission to meet more frequently to address every complaint that is filed to issue orders regarding jurisdiction and investigation. The Commission has statutory deadlines to issue such orders. The Commission meets informally (telephonically or via email deliberations) nearly every week (more frequently than once per month) to address these complaints. The Commission must also meet this frequently to approve final orders in other matters and to approve all written opinions from prior meetings. The agency reserves the third Wednesday of every month for formal meetings to address matters that require more formal deliberations and for which we pay Commissioners. The Commissioners are not paid for all of the other work performed on a weekly basis.	0	0	2,800	2,800
5970 TERMINAL ANNUAL LEAVE PAY This adjustment removes the one-time expenditure for Terminal Annual Leave Pay.	0	0	-8,698	-8,698
TOTAL FOR CATEGORY 01:	0	0	-5,898	-5,898
CATEGORY 04 OPERATING EXPENSES:				
7051 AGENCY OWNED - PROP. & CONT. INSURANCE This adjustment removes Agency Owned Property and Content Insurance and transferring the costs to Non B&G Property and Content Insurance and B&G Property and Content Insurance.	0	0	-64	-64
705A NON B&G - PROP. & CONT. INSURANCE This adjustment is schedule driven.	0	0	24	24

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	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
705B B&G - PROP. & CONT. INSURANCE This adjustment is schedule driven.	0	0	51	51
7060 CONTRACTS This adjustment removes one-time expenditures for Conway Communications. [See Attachment]	0	0	-160	-160
7100 STATE OWNED BLDG RENT-B&G This adjustment is due to an increase in State Owned Building Rent.	0	0	237	237
7110 NON-STATE OWNED OFFICE RENT This adjustment is schedule driven.	0	0	681	681
7255 B & G LEASE ASSESSMENT This adjustment is schedule driven.	0	0	-170	-170
7370 PUBLICATIONS AND PERIODICALS This adjustment is schedule driven.	0	0	-205	-600
7430 PROFESSIONAL SERVICES This adjustment is for the increase in costs for ABC Fire Extinguisher Co.	0	0	30	30
7460 EQUIPMENT PURCHASES < \$1,000 This adjustment reflects a three year average for Equipment Purchases less than \$1,000.	0	0	273	273
7637 NOTARY FEE APPLY OR RENEW This adjustment eliminates one-time costs. There is a \$30 annual renewal fee.	0	0	-185	-185
7980 OPERATING LEASE PAYMENTS This adjustment eliminates the lease cost on a copier in Las Vegas. Any copies that need to be made for a Commission meeting will be made on a desktop printer.	0	0	-2,440	-2,440
TOTAL FOR CATEGORY 04:	0	0	-1,928	-2,323
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	0	0	265	274
TOTAL FOR CATEGORY 15:	0	0	265	274
CATEGORY 26 INFORMATION SERVICES:				
7065 CONTRACTS - E This adjustment transfers Cat 26, GL 7073 expenses to Cat 26, GL 7065.	0	0	3,150	3,150
7073 SOFTWARE LICENSE/MNT CONTRACTS This adjustment transfers Cat 26, GL 7073 expenses to Cat 26, GL 7065.	0	0	-3,150	-3,150
7460 EQUIPMENT PURCHASES < \$1,000 This adjustment removes equipment purchases less than \$1,000.	0	0	-1,250	-1,250

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	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
7533 EITS 20-21 ELIM (EITS EMAIL SERVICE) Need 14 e-mail accounts x 12 months = 168 units FY20/21: 168 units FY18 Base: 154.9760 units M150: 168 - 154.9760 = 13.024 units	0	0	190	190
TOTAL FOR CATEGORY 26:	0	0	-1,060	-1,060
CATEGORY 30 TRAINING:				
6150 COMM AIR TRANS OUT-OF-STATE This adjustment reduces out-of-state airfare. In fiscal year 2018, the COGEL conference was held in Ontario, Canada. The conference will be held in Philadelphia, PA for fiscal year 2019. The adjustment of \$571 is the difference between the two flights for both people who attended the event in fiscal year 2018. Roundtrip airfare between Reno and Philadelphia 12/8 and 12/13 is currently \$315-\$535 per person. The \$601/person should cover airfare for the COGEL conference in the 19-21 Biennium.	0	0	-571	-571
7302 REGISTRATION FEES This adjustment is schedule driven.	0	0	-109	-309
TOTAL FOR CATEGORY 30:	0	0	-680	-880
CATEGORY 82 DEPT COST ALLOCATION:				
7389 16-17 CENTRALIZED PERSONNEL SERVICES COST ALLOC This adjustment is schedule driven.	0	0	24	137
7439 DEPT OF ADMIN - ADMIN SER DIV This adjustment is schedule driven.	0	0	-3,206	479
TOTAL FOR CATEGORY 82:	0	0	-3,182	616
TOTAL EXPENDITURES:	0	0	-12,483	-9,271

M300 FRINGE BENEFITS RATE ADJUSTMENT

This request funds changes to fringe benefits rates.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	1,586	2,359
4103 COUNTY REIMBURSEMENTS	0	0	4,079	6,067
TOTAL RESOURCES:	0	0	5,665	8,426
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	0	0	-1,351	-1,351
5200 WORKERS COMPENSATION	0	0	-122	14
5300 RETIREMENT	0	0	4,584	4,584
5500 GROUP INSURANCE	0	0	1,218	3,222
5750 RETIRED EMPLOYEES GROUP INSURANCE	0	0	1,308	1,905
5800 UNEMPLOYMENT COMPENSATION	0	0	48	72
5840 MEDICARE	0	0	-20	-20
TOTAL FOR CATEGORY 01:	0	0	5,665	8,426
TOTAL EXPENDITURES:	0	0	5,665	8,426

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ENHANCEMENT

E225 EFFICIENT AND RESPONSIVE STATE GOVERNMENT

This request funds additional training costs.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL	0	0	126	147
4103 COUNTY REIMBURSEMENTS	0	0	323	377
TOTAL RESOURCES:	0	0	449	524
EXPENDITURES:				
CATEGORY 30 TRAINING:				
7300 DUES AND REGISTRATIONS	0	0	399	474
7302 REGISTRATION FEES	0	0	50	50
TOTAL FOR CATEGORY 30:	0	0	449	524
TOTAL EXPENDITURES:	0	0	449	524

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E710 EQUIPMENT REPLACEMENT

This request funds replacement computer hardware per Enterprise Information Technology Services' recommended replacement schedule.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL This General Fund Appropriation funding request represents 28% of the total expenditures.	0	0	2,627	629
4103 COUNTY REIMBURSEMENTS This County Reimbursement funding request represents 72% of the total expenditures.	0	0	6,754	1,616
TOTAL RESOURCES:	0	0	9,381	2,245
EXPENDITURES:				
CATEGORY 26 INFORMATION SERVICES:				
7060 CONTRACTS	0	0	120	120
8371 COMPUTER HARDWARE <\$5,000 - A	0	0	9,261	2,125
TOTAL FOR CATEGORY 26:	0	0	9,381	2,245
TOTAL EXPENDITURES:	0	0	9,381	2,245

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E711 EQUIPMENT REPLACEMENT

This request funds the replacement of a server.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL This General Fund Appropriation funding request represents 28% of the total expenditures.	0	0	640	0
4103 COUNTY REIMBURSEMENTS This County Reimbursement funding request represents 72% of the total expenditures.	0	0	1,647	0
TOTAL RESOURCES:	0	0	2,287	0
EXPENDITURES:				
CATEGORY 26 INFORMATION SERVICES:				
7060 CONTRACTS	0	0	480	0
8371 COMPUTER HARDWARE <\$5,000 - A	0	0	1,807	0
TOTAL FOR CATEGORY 26:	0	0	2,287	0
TOTAL EXPENDITURES:	0	0	2,287	0

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E712 EQUIPMENT REPLACEMENT

This request funds the replacement of a shredder.

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL This General Fund Appropriation funding request represents 28% of the total expenditures.	0	0	433	0
4103 COUNTY REIMBURSEMENTS This County Reimbursement funding request represents 72% of the total expenditures.	0	0	1,114	0
TOTAL RESOURCES:	0	0	1,547	0
EXPENDITURES:				
CATEGORY 04 OPERATING EXPENSES:				
7465 EQUIP > \$1,000 LESS THAN \$5,000 - A	0	0	1,547	0
TOTAL FOR CATEGORY 04:	0	0	1,547	0
TOTAL EXPENDITURES:	0	0	1,547	0

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SUMMARY

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
RESOURCES:				
2501 APPROPRIATION CONTROL	227,815	231,010	243,610	242,304
2510 REVERSIONS	-471	0	0	0
2511 BALANCE FORWARD FROM PREVIOUS YEAR	38,634	46,429	46,429	46,429
2512 BALANCE FORWARD TO NEW YEAR	-46,429	0	0	0
4103 COUNTY REIMBURSEMENTS	599,488	594,026	626,421	623,060
4335 REIMBURSEMENT OF EXPENSES	2,576	0	0	0
4655 TRANSFER FROM STATUTORY CONTINGENCY	2,436	0	0	0
TOTAL RESOURCES:	824,049	871,465	916,460	911,793
EXPENDITURES:				
CATEGORY 01 PERSONNEL:				
5100 SALARIES	466,314	461,588	497,197	497,197
5200 WORKERS COMPENSATION	5,777	5,118	4,996	5,132
5300 RETIREMENT	107,626	106,552	110,372	110,372
5400 PERSONNEL ASSESSMENT	1,211	1,328	1,326	1,344
5500 GROUP INSURANCE	53,099	53,346	54,564	56,568
5700 PAYROLL ASSESSMENT	478	498	535	530
5750 RETIRED EMPLOYEES GROUP INSURANCE	10,958	11,724	13,971	14,568
5800 UNEMPLOYMENT COMPENSATION	540	671	746	770
5840 MEDICARE	6,565	6,692	7,210	7,210
5860 BOARD AND COMMISSION PAY	4,880	7,680	7,680	7,680
5970 TERMINAL ANNUAL LEAVE PAY	8,698	0	0	0
TOTAL FOR CATEGORY 01:	666,146	655,197	698,597	701,371
CATEGORY 03 IN-STATE TRAVEL:				
6200 PER DIEM IN-STATE	8,160	7,108	8,160	8,160
6210 FS DAILY RENTAL IN-STATE	377	596	377	377
6215 NON-FS VEHICLE RENTAL IN-STATE	947	438	947	947
6220 AUTO MISC - IN-STATE	24	0	24	24
6230 PUBLIC TRANSPORTATION IN-STATE	33	85	33	33
6240 PERSONAL VEHICLE IN-STATE	960	1,893	960	960
6250 COMM AIR TRANS IN-STATE	13,081	14,233	13,081	13,081
TOTAL FOR CATEGORY 03:	23,582	24,353	23,582	23,582

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	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
CATEGORY 04 OPERATING EXPENSES:				
7020 OPERATING SUPPLIES	2,015	903	2,015	2,015
7025 OPERATING SUPPLIES-E	0	4	0	0
7026 OPERATING SUPPLIES-F	382	532	382	382
7030 FREIGHT CHARGES	102	708	102	102
7044 PRINTING AND COPYING - C	515	1,220	515	515
7045 STATE PRINTING CHARGES	0	145	0	0
7050 EMPLOYEE BOND INSURANCE	9	9	22	18
7051 AGENCY OWNED - PROP. & CONT. INSURANCE	64	0	0	0
7054 AG TORT CLAIM ASSESSMENT	591	582	513	512
705A NON B&G - PROP. & CONT. INSURANCE	0	22	25	24
705B B&G - PROP. & CONT. INSURANCE	0	42	52	52
7060 CONTRACTS	160	0	0	0
7100 STATE OWNED BLDG RENT-B&G	3,509	3,746	4,026	4,119
7103 STATE OWNED MEETING ROOM RENT	600	1,275	600	600
7110 NON-STATE OWNED OFFICE RENT	27,457	28,138	28,138	28,138
7255 B & G LEASE ASSESSMENT	397	465	227	227
7285 POSTAGE - STATE MAILROOM	545	650	545	545
7286 MAIL STOP-STATE MAILROM	3,770	4,366	3,770	3,770
7290 PHONE, FAX, COMMUNICATION LINE	1,826	1,582	1,826	1,826
7291 CELL PHONE/PAGER CHARGES	3,339	3,157	3,339	3,339
7294 CONFERENCE CALL CHARGES	239	223	239	239
7296 EITS LONG DISTANCE CHARGES	153	175	153	153
7301 MEMBERSHIP DUES	0	445	0	0
7340 INSPECTIONS & CERTIFICATIONS	0	44	0	0
7370 PUBLICATIONS AND PERIODICALS	850	946	645	250
7430 PROFESSIONAL SERVICES	20	0	50	50
7460 EQUIPMENT PURCHASES < \$1,000	450	0	723	723
7465 EQUIP > \$1,000 LESS THAN \$5,000 - A	0	0	1,547	0
7637 NOTARY FEE APPLY OR RENEW	215	0	30	30
7980 OPERATING LEASE PAYMENTS	4,471	4,815	2,031	2,031
TOTAL FOR CATEGORY 04:	51,679	54,194	51,515	49,660
CATEGORY 11 COURT REPORTING SERVICES:				
7060 CONTRACTS	11,742	13,198	11,742	11,742
7750 NON EMPLOYEE IN-STATE TRAVEL	629	0	629	629

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	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
TOTAL FOR CATEGORY 11:	12,371	13,198	12,371	12,371
CATEGORY 15 INVESTIGATIONS/PARALEGAL COSTS:				
7060 CONTRACTS	3,550	3,126	3,815	3,824
TOTAL FOR CATEGORY 15:	3,550	3,126	3,815	3,824
CATEGORY 26 INFORMATION SERVICES:				
7020 OPERATING SUPPLIES	95	196	95	95
7026 OPERATING SUPPLIES-F	71	162	71	71
7060 CONTRACTS	240	1,540	840	360
7065 CONTRACTS - E	4,200	0	7,350	7,350
7073 SOFTWARE LICENSE/MNT CONTRACTS	3,150	7,200	0	0
7290 PHONE, FAX, COMMUNICATION LINE	5,472	2,760	5,472	5,472
7460 EQUIPMENT PURCHASES < \$1,000	1,250	339	0	0
7532 EITS SHARED WEB SERVER HOSTING	575	842	1,329	1,329
7533 EITS 20-21 ELIM (EITS EMAIL SERVICE)	2,258	2,446	0	0
7542 EITS SILVERNET ACCESS	1,742	1,742	1,951	2,003
7547 EITS BUSINESS PRODUCTIVITY SUITE	0	0	7,829	7,829
7554 EITS INFRASTRUCTURE ASSESSMENT	1,175	1,269	1,749	1,743
7556 EITS SECURITY ASSESSMENT	566	772	801	763
8371 COMPUTER HARDWARE <\$5,000 - A	0	8,930	11,068	2,125
TOTAL FOR CATEGORY 26:	20,794	28,198	38,555	29,140
CATEGORY 30 TRAINING:				
6100 PER DIEM OUT-OF-STATE	2,892	2,659	2,892	2,892
6130 PUBLIC TRANS OUT-OF-STATE	181	263	181	181
6140 PERSONAL VEHICLE OUT-OF-STATE	0	86	0	0
6150 COMM AIR TRANS OUT-OF-STATE	1,772	246	1,201	1,201
6240 PERSONAL VEHICLE IN-STATE	97	102	97	97
6250 COMM AIR TRANS IN-STATE	0	857	0	0
7300 DUES AND REGISTRATIONS	0	2,334	399	474
7301 MEMBERSHIP DUES	445	0	445	445
7302 REGISTRATION FEES	1,784	849	1,725	1,525
7306 DUES & REG - EMPLOYEE REIMBURSEMENT	0	120	0	0
TOTAL FOR CATEGORY 30:	7,171	7,516	6,940	6,815

ETHICS - COMMISSION ON ETHICS
101-1343

	2017-2018 ACTUAL	2018-2019 WORK PROGRAM	2019-2020 GOVERNOR RECOMMENDS	2020-2021 GOVERNOR RECOMMENDS
CATEGORY 82 DEPT COST ALLOCATION:				
7389 16-17 CENTRALIZED PERSONNEL SERVICES COST ALLOC	2,564	2,564	2,588	2,701
7439 DEPT OF ADMIN - ADMIN SER DIV	34,953	35,815	31,747	35,432
TOTAL FOR CATEGORY 82:	37,517	38,379	34,335	38,133
CATEGORY 86 RESERVE:				
9178 RESERVE - BAL FWD TO SUBSEQUENT FY	0	46,429	46,429	46,429
TOTAL FOR CATEGORY 86:	0	46,429	46,429	46,429
CATEGORY 87 PURCHASING ASSESSMENT:				
7393 PURCHASING ASSESSMENT	407	569	321	468
TOTAL FOR CATEGORY 87:	407	569	321	468
CATEGORY 89 AG COST ALLOCATION PLAN:				
7391 ATTORNEY GENERAL COST ALLOC	832	306	0	0
TOTAL FOR CATEGORY 89:	832	306	0	0
TOTAL EXPENDITURES:	824,049	871,465	916,460	911,793
PERCENT CHANGE:		5.75%	5.16%	-0.51%
TOTAL POSITIONS:	6.00	6.00	6.00	6.00

1343 - Ethics Commission
Local Government Cost Share - Enhancement Request

County	Customer Number	TOTAL Counties & Cities NRS 281A.270	Cities >15,000 Total	Counties > 10,000, less Cities > 15,000	% of TOTAL 2014 EST POPULATION	Annual Comm'n Budget allocated to Local Gov's	FY18 Billing Percentage	Enhancements											Totals	
								Salary	Add'l Position	Inv. Travel	Inv. Resources	Cell Phones	Office	COGEL funds	Digital Training	Training Travel	EITS	LV Copier		
Total Req'd for Biennium								\$ 160,192.00	\$ 208,611.00	\$ 20,943.00	\$ 2,535.00	\$ 11,690.00	\$ 28,754.00	\$ 5,918.00	\$ 31,998.00	\$ 9,722.00	\$ 17,420.00	\$ (4,880.00)	\$ 492,903.00	
2019-2020 - 72%								\$ 56,868.00	\$ 65,784.00	\$ 7,790.00	\$ 1,185.00	\$ 4,746.00	\$ 10,233.00	\$ 2,130.00	\$ 22,619.00	\$ 3,500.00	\$ 6,098.00	\$ (1,757.00)	\$ 179,196.00	
2020-2021 - 72%								\$ 56,868.00	\$ 84,416.00	\$ 7,289.00	\$ 641.00	\$ 3,671.00	\$ 10,470.00	\$ 2,130.00	\$ 709.00	\$ 3,500.00	\$ 6,548.00	\$ (1,757.00)	\$ 174,485.00	
Local - 72% Biennium								\$ 113,736.00	\$ 150,200.00	\$ 15,079.00	\$ 1,825.00	\$ 8,417.00	\$ 20,703.00	\$ 4,260.00	\$ 23,328.00	\$ 7,000.00	\$ 12,646.00	\$ (3,514.00)	\$ 353,680.00	
State - 28% Biennium								\$ 46,456.00	\$ 58,411.00	\$ 5,864.00	\$ 710.00	\$ 3,273.00	\$ 8,051.00	\$ 1,658.00	\$ 8,670.00	\$ 2,722.00	\$ 4,774.00	\$ (1,366.00)	\$ 139,223.00	
Boulder City	N115		16,298		0.5574%	\$ 3,482.64	0.56%	19-20	\$ 316.99	\$ 366.69	\$ 43.42	\$ 6.61	\$ 26.46	\$ 57.04	\$ 11.87	\$ 126.08	\$ 19.51	\$ 33.99	\$ (9.79)	\$ 998.88
								20-21	\$ 316.99	\$ 470.55	\$ 40.63	\$ 3.57	\$ 20.46	\$ 58.36	\$ 11.87	\$ 3.95	\$ 19.51	\$ 36.50	\$ (9.79)	\$ 972.62
									\$ 633.99	\$ 837.25	\$ 84.05	\$ 10.18	\$ 46.92	\$ 115.40	\$ 23.75	\$ 130.04	\$ 39.02	\$ 70.49	\$ (19.59)	\$ 1,971.49
Carson City	N333	55,182		55,182	1.8873%	\$ 11,753.92	1.89%	19-20	\$ 1,073.28	\$ 1,241.56	\$ 147.02	\$ 22.36	\$ 89.57	\$ 193.13	\$ 40.20	\$ 426.89	\$ 66.06	\$ 115.09	\$ (33.16)	\$ 3,382.01
								20-21	\$ 1,073.28	\$ 1,593.20	\$ 137.57	\$ 12.10	\$ 69.28	\$ 197.60	\$ 40.20	\$ 13.38	\$ 66.06	\$ 123.58	\$ (33.16)	\$ 3,293.10
									\$ 2,146.57	\$ 2,834.76	\$ 284.59	\$ 34.46	\$ 158.86	\$ 390.73	\$ 80.40	\$ 440.27	\$ 132.11	\$ 238.67	\$ (66.32)	\$ 6,675.10
Churchill County	N127	25,266		25,266	0.8641%	\$ 5,348.35	0.86%	19-20	\$ 491.42	\$ 568.47	\$ 67.32	\$ 10.24	\$ 41.01	\$ 88.43	\$ 18.41	\$ 195.46	\$ 30.24	\$ 52.70	\$ (15.18)	\$ 1,548.51
								20-21	\$ 491.42	\$ 729.47	\$ 62.99	\$ 5.54	\$ 31.72	\$ 90.48	\$ 18.41	\$ 6.13	\$ 30.24	\$ 56.58	\$ (15.18)	\$ 1,507.80
									\$ 982.84	\$ 1,297.94	\$ 130.30	\$ 15.78	\$ 72.73	\$ 178.90	\$ 36.81	\$ 201.59	\$ 60.49	\$ 109.28	\$ (30.37)	\$ 3,056.31
City of Elko	N129		20,704		0.7081%	\$ 4,415.49	0.71%	19-20	\$ 402.69	\$ 465.83	\$ 55.16	\$ 8.39	\$ 33.61	\$ 72.46	\$ 15.08	\$ 160.17	\$ 24.78	\$ 43.18	\$ (12.44)	\$ 1,268.91
								20-21	\$ 402.69	\$ 597.76	\$ 51.61	\$ 4.54	\$ 25.99	\$ 74.14	\$ 15.08	\$ 5.02	\$ 24.78	\$ 46.37	\$ (12.44)	\$ 1,235.55
									\$ 805.38	\$ 1,063.59	\$ 106.78	\$ 12.93	\$ 59.60	\$ 146.60	\$ 30.17	\$ 165.19	\$ 49.57	\$ 89.55	\$ (24.88)	\$ 2,504.46
Clark County	N301	2,166,181	1,201,005	965,176	33.0107%	\$ 205,289.42	33.01%	19-20	\$ 18,772.55	\$ 21,715.79	\$ 2,571.54	\$ 391.18	\$ 1,566.69	\$ 3,377.99	\$ 703.13	\$ 7,466.70	\$ 1,155.38	\$ 2,013.00	\$ (580.00)	\$ 59,153.93
								20-21	\$ 18,772.55	\$ 27,866.35	\$ 2,406.15	\$ 211.60	\$ 1,211.82	\$ 3,456.22	\$ 703.13	\$ 234.05	\$ 1,155.38	\$ 2,161.54	\$ (580.00)	\$ 57,598.79
									\$ 37,545.10	\$ 49,582.13	\$ 4,977.69	\$ 602.78	\$ 2,778.51	\$ 6,834.21	\$ 1,406.26	\$ 7,700.75	\$ 2,310.75	\$ 4,174.54	\$ (1,160.00)	\$ 116,752.72
Douglas County	N324	48,235		48,235	1.6497%	\$ 10,261.36	1.65%	19-20	\$ 938.16	\$ 1,085.25	\$ 128.51	\$ 19.55	\$ 78.30	\$ 168.82	\$ 35.14	\$ 373.15	\$ 37.74	\$ 100.60	\$ (28.99)	\$ 2,956.24
								20-21	\$ 938.16	\$ 1,392.63	\$ 120.25	\$ 10.57	\$ 60.56	\$ 168.82	\$ 35.14	\$ 11.70	\$ 57.74	\$ 108.02	\$ (28.99)	\$ 2,874.61
									\$ 1,876.33	\$ 2,477.88	\$ 248.76	\$ 30.12	\$ 138.86	\$ 337.63	\$ 70.28	\$ 384.85	\$ 115.48	\$ 208.62	\$ (57.97)	\$ 5,830.85
Elko County	N135	53,997	20,704	33,293	1.1387%	\$ 7,089.67	1.14%	19-20	\$ 647.54	\$ 749.07	\$ 88.70	\$ 13.49	\$ 54.04	\$ 116.52	\$ 24.25	\$ 257.56	\$ 39.85	\$ 69.44	\$ (20.01)	\$ 2,040.47
								20-21	\$ 647.54	\$ 961.23	\$ 83.00	\$ 7.30	\$ 7.30	\$ 119.22	\$ 24.25	\$ 8.07	\$ 39.85	\$ 74.56	\$ (20.01)	\$ 1,952.32
									\$ 1,295.09	\$ 1,710.30	\$ 171.70	\$ 20.79	\$ 61.34	\$ 235.74	\$ 48.51	\$ 265.63	\$ 79.71	\$ 144.00	\$ (40.01)	\$ 3,992.79
Fernley	N327		19,042		0.6513%	\$ 4,042.35	0.65%	19-20	\$ 370.36	\$ 428.43	\$ 50.73	\$ 7.72	\$ 30.91	\$ 66.64	\$ 13.87	\$ 147.31	\$ 22.79	\$ 39.71	\$ (11.44)	\$ 1,167.05
								20-21	\$ 370.36	\$ 549.78	\$ 47.47	\$ 4.17	\$ 23.91	\$ 68.19	\$ 13.87	\$ 4.62	\$ 22.79	\$ 42.65	\$ (11.44)	\$ 1,136.37
									\$ 740.73	\$ 978.21	\$ 98.21	\$ 11.89	\$ 54.82	\$ 134.83	\$ 27.74	\$ 151.93	\$ 45.59	\$ 82.36	\$ (22.89)	\$ 2,303.42
Henderson	N328		294,359		10.0676%	\$ 62,625.40	10.07%	19-20	\$ 5,725.24	\$ 6,622.87	\$ 784.27	\$ 119.30	\$ 477.81	\$ 1,030.22	\$ 214.44	\$ 2,277.19	\$ 352.37	\$ 613.92	\$ (176.89)	\$ 18,040.74
								20-21	\$ 5,725.24	\$ 8,498.67	\$ 733.83	\$ 64.53	\$ 369.58	\$ 1,054.08	\$ 214.44	\$ 71.38	\$ 352.37	\$ 659.23	\$ (176.89)	\$ 17,566.46
									\$ 11,450.49	\$ 15,121.54	\$ 1,518.09	\$ 183.83	\$ 847.39	\$ 2,084.30	\$ 428.88	\$ 2,348.57	\$ 704.73	\$ 1,273.15	\$ (353.78)	\$ 35,607.20
Humboldt County	N329	16,853		16,853	0.5764%	\$ 3,607.02	0.58%	19-20	\$ 327.79	\$ 379.18	\$ 44.90	\$ 6.83	\$ 27.36	\$ 58.98	\$ 12.28	\$ 130.38	\$ 20.17	\$ 35.15	\$ (10.13)	\$ 1,032.89
								20-21	\$ 327.79	\$ 486.58	\$ 42.01	\$ 3.69	\$ 21.16	\$ 60.35	\$ 12.28	\$ 4.09	\$ 20.17	\$ 37.74	\$ (10.13)	\$ 1,005.74
									\$ 655.58	\$ 865.76	\$ 86.92	\$ 10.53	\$ 48.52	\$ 119.33	\$ 24.55	\$ 134.46	\$ 40.35	\$ 72.89	\$ (20.25)	\$ 2,038.63
Las Vegas	N121		629,649		21.5351%	\$ 133,957.41	21.54%	19-20	\$ 12,246.59	\$ 14,166.66	\$ 1,677.59	\$ 255.19	\$ 1,022.06	\$ 2,203.69	\$ 458.70	\$ 4,871.03	\$ 753.73	\$ 1,313.21	\$ (378.37)	\$ 38,590.07
								20-21	\$ 12,246.59	\$ 18,179.09	\$ 1,569.69	\$ 138.04	\$ 790.55	\$ 2,254.73	\$ 458.70	\$ 152.68	\$ 753.73	\$ 1,410.12	\$ (378.37)	\$ 37,575.55
									\$ 24,493.18	\$ 32,345.75	\$ 3,247.28	\$ 393.23	\$ 1,812.61	\$ 4,458.42	\$ 917.40	\$ 5,023.71	\$ 1,507.46	\$ 2,723.33	\$ (756.74)	\$ 76,165.63
Lyon County	N190	53,644	19,042	34,602	1.1835%	\$ 7,338.43	1.18%	19-20	\$ 673.00	\$ 778.52	\$ 92.19	\$ 14.02	\$ 56.17	\$ 121.10	\$ 25.21	\$ 267.68	\$ 41.42	\$ 72.17	\$ (20.79)	\$ 2,120.70
								20-21	\$ 673.00	\$ 999.02	\$ 86.26	\$ 7.59	\$ 43.44	\$ 123.91	\$ 25.21	\$ 8.39	\$ 41.42	\$ 77.49	\$ (20.79)	\$ 2,064.94
									\$ 1,346.01	\$ 1,777.54	\$ 178.45	\$ 21.61	\$ 99.61	\$ 245.01	\$ 50.41	\$ 276.08	\$ 82.84	\$ 149.66	\$ (41.59)	\$ 4,185.64
Mesquite	N330		19,991		0.6837%	\$ 4,228.92	0.68%	19-20	\$ 388.82	\$ 449.78	\$ 53.26	\$ 8.10	\$ 32.45	\$ 69.97	\$ 14.56	\$ 154.65	\$ 23.93	\$ 41.69	\$ (12.01)	\$ 1,225.21
								20-21	\$ 388.82	\$ 577.18	\$ 49.84	\$ 4.38	\$ 25.10	\$ 71.59	\$ 14.56	\$ 4.85	\$ 23.93	\$ 44.77	\$ (12.01)	\$ 1,193.00
									\$ 777.64	\$ 1,026.96	\$ 103.10	\$ 12.48	\$ 57.55	\$ 141.55	\$ 29.13	\$ 159.50	\$ 47.86	\$ 86.46	\$ (24.03)	\$ 2,418.22
N. Las Vegas	N122		240,708		8.2326%	\$ 51,182.43	8.23%	19-20	\$ 4,681.74	\$ 5,415.76	\$ 641.32	\$ 97.56	\$ 390.72	\$ 842.45	\$ 175.36	\$ 1,862.14	\$ 288.14	\$ 502.03	\$ (144.65)	\$ 14,752.57
								20-21	\$ 4,681.74	\$ 6,949.67	\$ 600.08	\$ 52.77	\$ 302.22	\$ 861.96	\$ 175.36	\$ 58.37	\$ 288.14	\$ 539.07	\$ (144.65)	\$ 14,364.73
									\$ 9,363.48	\$ 12,365.43	\$ 1,241.40	\$ 150.33	\$ 692.94	\$ 1,704.40	\$ 350.71	\$ 1,920.51	\$ 576.29	\$ 1,041.10	\$ (289.30)	\$ 29,117.30
Nye County	N233	45,737		45,737	1.5643%	\$ 9,701.65	1.56%	19-20	\$ 889.58	\$ 1,029.05	\$ 121.86	\$ 18.54	\$ 74.24	\$ 160.07	\$ 33.32	\$ 353.83	\$ 54.75	\$ 95.39	\$ (27.48)	\$ 2,803.14
								20-21	\$ 889.58	\$ 1,320.51	\$ 114.02	\$ 10.03	\$ 57.42	\$ 163.78	\$ 33.32	\$ 11.09	\$ 54.75	\$ 102.43	\$ (27.48)	\$ 2,729.45
									\$ 1,779.16	\$ 2,349.56	\$ 235.88	\$ 28.56	\$ 131.67	\$ 323.85	\$ 66.64	\$ 364.92	\$ 109.50	\$ 197.82	\$ (54.97)	\$ 5,532.59
Reno	N304		242,158		8.2822%	\$ 51,493.38	8.28%	19-20	\$ 4,709.94	\$ 5,448.39	\$ 645.19	\$ 98.14	\$ 393.07	\$ 847.52	\$ 176.41	\$ 1,873.36	\$ 289.88	\$ 505.05	\$ (145.52)	\$ 14,841.44
								20-21	\$ 4,709.94	\$ 6,991.53	\$ 603.69	\$ 53.09	\$ 393.07	\$ 867.15	\$ 176.41	\$ 58.72	\$ 289.88	\$ 542.32	\$ (145.52)	\$ 14,540.29
									\$ 9,419.88	\$ 12,439.92	\$ 1,248.88	\$ 151.23	\$ 786.15	\$ 1,714.67	\$ 352.82	\$ 1,932.08	\$ 579.76	\$ 1,047.37	\$ (291.0	