

Advisory Opinion No. 75-18

QUESTION:

I am a member of a local legislative body and, additionally, a liaison from that body to an advisory body established by the same body. As a result of membership on the local legislative body and on the advisory body I appeared before a Senate Committee hearing on behalf of legislation (proposed) which fell within the area of interest and responsibility of the advisory body to which I was liaison. Another local government was also requesting the same legislation. The legislation was passed in fact by the 1975 Nevada Legislature and is enabling legislation for part of a project to be recommended for approval or disapproval by the Advisory body to the local legislative body. A part of the project which may be enabled by this legislation is also being proposed by a client whom I have in my private business. He became my client about a month after the close of the State Legislature. Is such action, i.e., lobbying for the bill, a violation of the Code of Ethics for public officials in Nevada.

RESPONSE:

No, your action in lobbying for or advocating the passage of the legislation referred to above is not in violation of the Code of Ethics. It should be remembered that this law did not exist yet at that time, but even under its provisions your action would be permissible. It is our understanding that in advocating this legislation you did so in your capacity as a member of a local legislative body, representing them and under instructions from them. Furthermore, it is our understanding that at the time of this advocacy, person mentioned was not your client, said person was not active in seeking the passage of the legislation, and that he was not aware of its applicability to his proposal. If he would have been your client at that time, then, under the provisions of Section 24 of the Nevada Ethics in Government Law, to use your office as a local legislator to seek the passage of such legislation would be in violation of the Code, which says:

"A public officer shall not participate in, or in any way attempt to influence, governmental action or decisions relating to any matter within the responsibilities of his public agency in which he has reason to believe that he has an economic interest."

To go before the Committee solely as a private citizen or a businessman would not be forbidden.

January 12, 1976.