

Agenda Item 3



State of Nevada
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REFERENCE GUIDE TO AB 65 PROVISIONS:

This guide provides the Commission's Legislative Subcommittee with recommendations on which sections of AB 65 should be considered during the 2023 Legislative Session. The provisions of AB 65 have been categorized into three tiers:

Tier 1 – These section numbers highlighted in **blue** are recommended for inclusion in the 2023 Legislative packet.

Tier 2 – These section numbers highlighted in **orange** would be nice to include in the 2023 Legislative packet.

Tier 3 – These section numbers highlighted in **gray** are not a high priority to be included as part of the Commission 2023 legislative package.

AB 65: SECTION AND PURPOSE	
1-6	Definitional clean-up.
7	Clarifies the application of the Ethics Law, consistent with NRS 281A.410 and NRS 281A.550, to former public officers and employees after the end of public service if they violate the cooling-off provisions of the Ethics Law. Paragraph 2 confirms the Commission has the ability to consider whether more than one violation of the Ethics Law applies to a given set of facts.
8	Seeks reasonable assistance and cooperation of public officers and employees in the Commission's proceedings. Note: Often public officers/employees are reluctant to communicate with investigatory staff out of fear that their public employment would be affected. This inhibits the ability to conduct appropriate and thorough investigations. Without cooperation, subpoenas must be issued, which is resource and time consuming and has associated costs. This section operates to protect public officers/employees who are witnesses and reduces investigatory costs, while maintaining all the associated legal defenses and rights to be represented, and reduces the need to issue subpoenas, which are resource and time consuming. Other NRS provisions have similar duties to cooperate in investigations. Cf., NRS 218G.550 (Legislative Audits - agency duty to cooperate), NRS 634.214

	<p>(Chiropractic physicians and Assistants - duty to cooperate with licensing board law enforcement investigations), NRS 679.660 (Commissioner of Insurance – duty to cooperate with AG, investigative and law enforcement agencies).</p> <p>***As enrolled, AB 65 was amended to exclude the Subject’s attorney from the duty to cooperate since they represent them in the matter before the Commission.</p> <p><i>Consider removing - As litigation has increased in complaint matters, this section may create additional litigation and enforcement issues.</i></p>
9	<p>Creates consistency between the Ethics Law and Nevada’s Open Meeting Law and confirms the Commission may provide litigation direction on judicial review related to confidential advisory opinions.</p> <p>Note: This serves to preserve the confidentiality protections afforded to Requesters of advisory opinions in NRS Ch. 281A when the Requester seeks judicial review. Otherwise, Requesters may be disincentivized from seeking judicial review on an otherwise confidential matter.</p>
10	<p>Revises NRS 281A.400 to include an additional code of conduct for a gross or unconscionable abuse of power.</p> <p>Note: The Commission has received a number of cases over the years that have been dismissed based upon lack of jurisdiction because the allegations at issue do not relate to the Subject’s pecuniary interest or commitment in a private capacity, as those terms are now defined. For example, if a public officer/employee has an animosity against a person and they inappropriately use their public position to cause harm to a public matter requested by a person, the case could be considered by the Commission to determine if the circumstances constitute a gross or unconscionable abuse of power.</p> <p><i>Recommend definitions be established to outline the regulated conduct in anticipation of litigation on the reach of the statutory provisions.</i></p>
11	<p>Institutes a requirement that is consistent with and already imposed by the Secretary of State (NRS 281.574) for those governmental entities who have public officers within the jurisdiction of the Ethics Law to provide a list of appointed and elected public officers.</p> <p>Note: Currently, there is no mechanism for the Commission to check and secure compliance with NRS 281A.500 except for processing of a formal ethics complaint. The list will assist in securing compliance through outreach and education, without proceeding with a formal complaint.</p>

12	<p>Allows the Commission to provide information obtained during an Ethics investigation to state or federal law enforcement agencies.</p> <p>Note: Given current provisions, the Commission declines these requests because such information is protected as confidential. Often Commission resources must then defend the confidentiality protections in subpoena requests from law enforcement agencies in court proceedings.</p> <p><i>Consider eliminating. The Commission rarely receives these inquiries, and it already has authority to refer at conclusion of case for criminal proceedings. See NRS 281A.790(7). Further, currently the requester can be referred to appropriate law enforcement to report earlier in proceedings, if appropriate.</i></p>
13-19	Clean-up of definitions and language.
20	Clarifies the Vice-Chair may perform the duties of the Chair in the Chair's absence.
21	<p>Establishes a mediation and settlement process with consent of the parties for complaint cases referred for adjudication. This section also permits panel members to conduct confidential mediations and settlement negotiations including authorizing and approving deferral agreements.</p> <p>Note: The mediation and settlement process assists in early resolution of cases and results in savings of administrative resources and reduces litigation costs for a subject of an ethics complaint.</p> <p><i>Consider revisions to indicate acting as a mediator is permitted after the Review Panel issues its referral to the Commission and a notice of charges is issued.</i></p>
22	<p>Added requirement that the Executive Director be an attorney licensed to practice law in the State of Nevada.</p> <p>Note: As enrolled, deleted the requirement that the Executive Director be a Nevada licensed attorney be deleted by amendment.</p> <p><i>Recommend maintaining deletion.</i></p>
23-24	Section 23 has miscellaneous language clean-up and section 24 confirms the boundaries of the legal representation of Commission Counsel to assure there is no impingement on the due process rights of the parties in complaint proceedings.
25	<p>Establishes that the 2-year statute of limitations applies to advisory opinions on past conduct.</p> <p><i>Consider revision to replace reference to "subsection 3 of NRS 281A.790" with "this chapter." Note: NRS 281A.790(3) is a form of remedy and this appears to be a clerical error in the bill.</i></p>

26	<p>Permits a certified court reporter or other authorized person to administer oaths in Commission meetings and proceedings.</p> <p>Note: Current law requires oaths be administered by Chair or Vice-Chair. However, in practice a court reporter is utilized to administer the oaths, as directed by the presiding officer. This is a clean-up, which could be clarified by regulation.</p>
27	<p>Clarifies that subpoenas would apply to personnel records of public officers/employees relevant to the consideration of the ethics complaints. Current law provides the Commission the ability to issue subpoenas during the course of an investigation or to compel the attendance of witnesses and production of documents for any hearing before the Commission. With the exception of records relating to criminal proceedings.</p> <p>Note: The Commission direction in past session was that it will create a regulation. If the agency records are personnel records, the Commission would maintain the confidentiality associated with those records in its proceedings and would expand its regulations to address motions to address evidentiary objections, stipulations and sealing of otherwise confidential records. Nevada Courts have similar provisions to consider confidential records in proceedings at which the record relates to the case or matter under consideration. Similar rules are utilized by the courts. See, Nevada Rules Governing Sealing and Redacting Court Records.</p>
28	<p>Permits the Commission to accept requests for advice as a referral on behalf of the public officer or employee whose conduct is at issue.</p> <p>Note: It is a streamlining measure intended to assist local ethics committees and public officers/employees with navigation of the requirements to obtain preventative advice on the application of the Ethics Law. Currently, the Commission must dismiss these requests for lack of jurisdiction because the local committee is not a public officer/employee who may request the advisory opinion under the Ethics Law.</p> <p><i>Consider eliminating as this is rare and not a high priority for service. In addition, public officers and employees already may directly request advisory opinions, and local committees may refer them to do so.</i></p>
29	<p>Clarifies the policy provision of the “limited use exception” and permits otherwise improper use of government property and resources if the use is permitted by way of an existing written policy and the limited use does not create an appearance of impropriety.</p> <p>Note: The Commission has considered ethics cases in which the public officer or employee had authority to create a policy, and did so post conduct, to excuse their own improper use of government resources and facilities, which was not distributed in writing to agency personnel. This section also includes a definition for “appearance of impropriety” consistent with established case law.</p>

30	Miscellaneous language clean-up.
31	<p>Clarifies that NRS 281A.420 does not require the disclosure of otherwise confidential information if a disclosure is made on non-confidential information and there is a recusal. Separately, this section establishes the same abstention process for disclosures of paid representation as is required of all other disclosures.</p> <p>Note: As an example of the lack of application of the abstention requirements in current law is that it would allow the public officer, who is a lawyer and has represented a person before public agencies on the matter before them, to disclose and vote on the matter before the public agency. In addition, consideration should be provided to clarify that public employees must also abstain on matter that present a clear and material conflict.</p>
32	<p>Replaces the term “willful” with “refuses” with respect to a violation for failure to file an acknowledgment form and removes the failure to file the form as an event of nonfeasance of office.</p> <p>Note: Many public officers do not know they are required to file the acknowledgment form. To educate public officers, the Commission believes it in the best interest of the public to first promote acknowledgment filing compliance before proceeding with a complaint case.</p> <p><i>Consider revisions. Sec. 32 could establish a specific monetary fine for failure to file an acknowledgment form by deadline similar to the fines imposed by the SOS for failing to file financial disclosure forms, which language could provide the ability to grant exceptions for good cause. Recommend checking with LCB to determine if the fine would trigger the 2/3 voting requirement, which would complicate bill passage. The text currently states that the failure is a violation. Consequently, a hearing would be required, and the mitigating factors set forth in NRS 281A.775 would need to be evaluated for purposes of determining whether the violation was willful and if a fine is appropriate.</i></p>
33	<p>Consistent with feedback from legislators and locals on SB 129 (2019), the Commission seeks to limit cooling-off prohibitions to certain management-level employees, while the one-year prohibitions against private employment with agency contract vendors will include employees who have material influence in management or administration of those contracts in addition to public officers/employees whose position could influence the award of contracts.</p> <p>The bill will assist requesters in presenting good cause factors for the Commission’s consideration on whether relief should be granted if they are able to contact the potential future employer, which contact is not currently allowed by the statute.</p>

	<p><i>Consider revisions: The definition of soliciting or accepting employment precludes any inquiry into a future job, which is a limiting factor in granting relief should there be sufficient cause to do so. Definition revision could permit an initial inquiry into position availability provided no discussion held on the specific terms of employment, etc.</i></p>
34	Miscellaneous language clean-up.
35	<p>Clarifies that the Commission may gather additional information needed from the Requester to process the advisory opinion to create a more streamlined and collaborative process and tolls the 45-day deadline for the period of time until the additional information is provided by the Requester.</p> <p>Note: The amendment will assist requesters in processing their advisory opinion.</p>
36	<p>1) Provides statutory discretion for the Commission to grant appropriate extensions of statutory deadlines for good cause to issue advisory opinions. Any extensions would have a designated deadline.</p> <p>Note: Good cause is a significant threshold and is variable based upon the circumstances. Examples are State closures, emergency situations, Covid-19 pandemic, family medical leave or vacancies in positions.</p> <p>2) Permits the Commission to stay advisory opinion proceedings when ethics complaints are filed on the same or similar matter.</p> <p>Note: This is appropriate because the Commission should not render advice on the conduct before a pending ethics complaint process has been completed.</p> <p>3) Establishes a process for informal advice rendered by the Executive Director or Commission Counsel based upon and consistent with established precedent and provides the Requester the ability to obtain review by the Commission.</p> <p>Note: Would streamline and make the Commission's services more efficient to meet the needs of public employees/officers.</p> <p>4) Clarifies judicial review is not afforded on guidance applicable to past conduct (consistent with an <i>En Banc</i> Order issued by the Nevada Supreme Court in interpreting application of the Ethics Law in a confidential advisory matter on past conduct).</p> <p><i>For 3): Consider removing reference to informal advice or limiting it to official agency attorneys because Commission staff resources may not be sufficient to provide informal advice to public officers and public employees.</i></p>

37	<p>Establishes a process permitting the Executive Director or Commission Counsel to render informal advice and confirms that process is afforded the same confidentiality protections as a formal request for advisory opinion.</p> <p><i>See note above for Sec. 36 on limiting informal advice to official counsel for agencies with employees under the jurisdiction of the Commission.</i></p>
38	<p>Confirms that when a requester seeks a public meeting or hearing in proceedings related to requester’s confidential advisory opinion, the Commission will provide one in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the notice requirements of the Open Meeting Law.</p> <p>Note: With no requirement to serve an Open Meeting Law notice, the Commission may provide the timely rendering of advisory opinions within the 45-day statutory deadline.</p> <p><i>Consider clerical revision to confirm that Commission may hold a confidential advisory opinion hearing, which it may do under current law. The section incorrectly indicates the hearing on an advisory opinion is to be open to the public.</i></p>
39-40	<p>Miscellaneous language clean-up.</p>
41-42	<p>Section 41 confirms the ability to conduct a preliminary investigation into jurisdictional facts to assist the Commission with ascertaining whether it should initiate a complaint and whether it has jurisdiction over the conduct. Section 42 allows the Commission to consider good cause extensions and establish deadlines based upon a request from the Executive Director and to secure the public officer’s or public employee’s participation through its subpoena powers set forth in NRS 281A.300.</p> <p>Note: For example, extensions may be needed to obtain public records, obtain subpoenaed records, and to conduct the investigation, which are case and fact dependent. Further, providing the ability to obtain relevant testimony and facts relating to the allegations will provide opportunities for earlier case resolution saving resources and costs.</p> <p><i>Consider revision to confirm an addition, consistent with current NRS subpoena powers that the Commission can issue subpoenas to obtain evidence to support initiating a complaint on its own motion or determine facts related to a complaint filed by a requester which the Commission has accepted jurisdiction and directed the Executive Director to investigate. NAC regulations, that party status of the Subject of the Complaint and Executive Director, who are already defined parties under NAC 281A.060, commences upon issuance of the notice of complaint and panel determination and that prior investigation and related complaint, and the pre-panel investigation and review panel proceedings are not a contested process.</i></p>

43	<p>Authorizes the presiding officer of the Review panel to grant good cause extensions during the pre-panel investigative phase.</p> <p>Note: Based upon the good cause presented, the Presiding Officer of the Review Panel would have authority to set specific and reasonable deadlines in order to process cases efficiently and to prevent dismissals caused by the delay of others or circumstances beyond the Executive Director's control. Current law only provides the subject of the ethics complaint the ability to waive time requirements, and there is no mechanism for any other good cause extension.</p>
44	<p>Provides the Review Panel will have 45 days (rather than 15 days) to conclude the investigation after receipt of the Executive Director's written recommendation.</p> <p>Note: The additional 30-day time period will provide members of the Review Panel time for questions, requests for additional evidence, preparation of the written determination and statutory options to issue letters of caution or process deferral agreements in resolution of the case. This change will assist the Review Panel to address complex cases and complete its statutory duty of considering whether there is sufficient cause or the case to proceed to the Commission for further proceedings.</p>
45	<p>As part of the notice system established by the bill, the Executive Director will serve a notice to detail the violations the Review Panel refers to the Commission for further proceedings, which serves to provide relevant details to subjects of the complaint and to protect the identity of requesters filing complaints (complainants) that are entitled to maintain their name as confidential under current law (NRS 281A.750 – whistle-blower protections).</p> <p>Note: Adds identity protection for confidential complainants in furtherance of existing provisions established in NRS 281A.750. The Commission has received comments that certain subjects determined the identity of confidential complainants, entitled to protection under NRS 281A.750, on the basis of agency size or the complaint (even though the complaint was redacted), which result would be alleviated by institution of a notice system that adds protection of the identity of confidential requesters (complainants).</p>
46	<p>Provides confidentiality protection for those persons who file complaints by instituting a "notice of allegations" instead of providing a copy of the Complaint.</p> <p>Note: The Commission has received cases where the identity of the requester is required to be maintained as confidential but the complaint and submitted materials has been used to ascertain the identity. Often such heavy redactions are needed to protect the identity of the person filing the complaint, that subjects complain that they do not know what is being charged. The formal notice system and the schedule of discovery for cases adjudicated before the Commission serve to address these issues.</p>
47	<p>Adds a schedule for discovery, which identifies parties, provides discovery, a notice of hearing and addresses other procedural matters.</p>

48	<p>Makes the final action of the Commission exempt from the procedural requirements of the OML, which require special notice and publication of public meeting materials, which notice is hindered given the dynamics of the confidential adjudicatory process, including confidential settlement negotiations.</p> <p>Note: Current law provides the Commission with an exemption from Nevada’s Open Meeting Law to receive and deliberate on evidence in complaint cases but requires notice of a public hearing to take final action. See NRS 281A.760.</p> <p>This bill would assure transparency in rendering the final decision of the Commission, including any records relied upon by the Commission that are not otherwise confidential, would be made public after the Commission renders its decision. In particular, the Open Meeting Law notice requirements of NRS 241.033 for the Commission to hold a public hearing to discuss a Subject’s character and competence relating to whether there is a violation of the Ethics Law (5 days personal service or 21 working days) is inconsistent with the short deadline of 60 days to adjudicate the case after referral by the Review Panel.</p>
49	Includes miscellaneous clean up.
50-53	<p>Clarifies that the requirement for the Commission to treat comparable situations in a comparable manner is qualified by practicality.</p> <p>Note: This is appropriate given the number of opinions that the Commission has rendered over the last 40+ years. These sections also include miscellaneous language clean-up.</p> <p><i>Consider revisions to confirm the Commission may resolve complaint cases by stipulation, deferral agreement, consent order, opinion and in doing so may apply any of the listed provisions to the applicable resolution.</i></p>
54	<p>Gives safe harbor protections for public officers/employees seeking preventative informal ethics advice and confirms that separate violations of the ethics law may be treated cumulatively for purpose of application of the penalty provisions of NRS 281A.790.</p> <p><i>Consider revisions to confirm the Commission has the authority to treat multiple violations occurring out of the same conduct as a single violation or determine each should be treated as separate violations if occurring on different dates based upon the application of the mitigating factors set forth in NRS 281A.775.</i></p>

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Generally, these sections pertain to Amendment 777. However, Amendment 777 also provided agreed upon revisions to AB 65 for Sections 8 and , which are recommended to be retained – see applicable section, above.

The main purpose of Amendment 777 was to provide the Legislature with singular authority over alleged ethics violations of its members and staff, creating a tripartite model for internal legislative commissions to address ethics matters.

Notes: The Governor’s veto letter of June 11, 2021, contained a recommendation for a cost analysis to be performed in the interim on the proposed legislative model, and LCB Staff may have information on the status of completion of the cost analysis. Additional Background: As confirmed by the NCSL Chart, the individual states have established differing structures for their ethics commissions, with a majority of states (37) having a single ethics commission to oversee both executive and legislative branches. Similar to Nevada, most states retain authority over their core legislative functions. In Nevada, the Nevada Supreme Court decision in Comm’n on *Ethics v. Hardy*, 125 Nev. 285, 212 P.3d 1098 (2009) confirms the Nevada Legislature retains and could not delegate its authority over core legislative functions. As a result, revisions to NRS 281A.020 confirming the jurisdiction over core legislative functions remains with the Nevada Legislature were enacted in 2009.

It is recommended that the portions of Amendment 777 creating the legislative model not be included in the Commission 2023 bill draft. Resources are needed to support reinstating the bill including obtaining a cost analysis associated with the operations of the Legislature. Commission does not have fiscal knowledge or resources available to prepare this analysis, but will be available to the Legislative Council Bureau, as requested. Further, it would be reasonable to introduce the legislative model as a separate bill so the Legislature can receive full information on the bill intent, financial impacts and consistency with other jurisdictions.

Assembly Bill No. 65–Committee on
Legislative Operations and Elections

CHAPTER.....

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

Legislative Counsel’s Digest:

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

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

Sections 2-54 of this bill amend the Ethics Law by clarifying, revising and adding to existing provisions which govern: (1) the operation, powers, functions and duties of the Ethics Commission, its members and staff and any specialized or local ethics committees; (2) the statutory ethical standards that apply to the conduct of current and former public officers and employees; and (3) the proceedings concerning requests for advisory opinions and ethics complaints and the issuance of opinions and the imposition of remedies and penalties by the Ethics Commission.

Sections 3, 8, 9, 12, 20-24 and 26-28 of this bill make various changes to existing provisions of the Ethics Law which govern the operation, powers, functions and duties of the Ethics Commission, its members and staff and any specialized or local ethics committees. (NRS 281A.200-281A.350) Under the Ethics Law, the Ethics Commission is required to annually elect a Chair and Vice Chair who are assigned certain powers, functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 3 and 20** of this bill provide for the Chair’s powers, functions and duties to be assigned for a particular matter to the Vice Chair or another member of the Ethics Commission under certain circumstances. **Section 27** of this bill additionally authorizes the administration of oaths by a member of the Ethics Commission when appointed by the Chair to preside over any meetings, hearings or proceedings and by a certified court reporter. **Section 27** also specifically authorizes the Chair to issue a subpoena during the course of an investigation for information, records and documentation



regarding confidential personnel records maintained by a state or local governmental agency that relate to issues under consideration in an ethics complaint. Under **section 47** of this bill, these records are made part of the investigative file. **Section 27** further provides that any court proceeding commenced relating to a subpoena is deemed good cause for the Ethics Commission to grant an extension of the time limits that apply to proceedings concerning ethics complaints.

The Ethics Law requires the Chair to appoint review panels, consisting of three members of the Ethics Commission, to review ethics complaints during the investigatory stage of the proceedings, and if a review panel determines that there is just and sufficient cause for the Ethics Commission to render an opinion in a matter, the members of the review panel generally cannot participate in any further proceedings of the Ethics Commission relating to that matter. (NRS 281A.220) However, the Ethics Law allows the members of the review panel to authorize the development of and approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 21** of this bill allows one or more members of the review panel, with the consent of the parties, to participate as mediators or facilitators in any settlement negotiations between the parties that are conducted in the proceedings before the Ethics Commission holds an adjudicatory hearing in the matter.

Under the Ethics Law, the Ethics Commission may conduct investigations and proceedings and secure the participation and attendance of witnesses and the production of any books and papers. (NRS 281A.290, 281A.300) **Section 8** requires public officers and employees to cooperate with the Ethics Commission in its investigations and proceedings and to furnish information and reasonable assistance to the Ethics Commission, except to the extent that they are entitled to the protection of certain rights, privileges or immunities or any confidentiality or other protection recognized by law. **Section 8** is modeled, in part, on similar provisions governing the Commission on Judicial Discipline. (NRS 1.460)

Section 12 authorizes the Ethics Commission to cooperate in investigations of other state and local governmental agencies to make appropriate referrals of ethics complaints.

The Ethics Law requires the Ethics Commission to appoint and prescribe the duties of the Commission Counsel who is the legal adviser to the Ethics Commission and who, in most cases, is directed by the Ethics Commission to act as legal counsel in any litigation in which the Ethics Commission or its members or staff are parties in an official capacity. (NRS 281A.250, 281A.260) Under Nevada's Open Meeting Law, the Ethics Commission may receive information regarding any litigation from its legal counsel and deliberate toward a decision regarding the litigation without holding a public meeting that complies with the Open Meeting Law. (NRS 241.015) Existing law authorizes a public body to delegate authority to the chair or the executive director of a public body, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity. (NRS 241.0357)

Section 9 provides that during any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential under the Ethics Law, the Open Meeting Law does not apply to any meetings, hearings, deliberations or actions of the Ethics Commission involving: (1) any decisions in litigation concerning any judicial action or proceeding related to the request for an advisory opinion or the ethics complaint; and (2) any delegation of authority to make such decisions in the litigation to the Chair or the Executive Director, or both. **Section 114** of this bill makes a conforming change to the Open Meeting Law.



Section 24 of this bill specifies the powers and duties of the Commission Counsel regarding any litigation in which the Ethics Commission or its members or staff are parties in an official capacity. **Section 24** clarifies that the Commission Counsel does not represent the interests of the Executive Director in a judicial action or proceeding in which the Executive Director is named as a party based on the conduct of the Executive Director in his or her official capacity as a party to an adjudicative proceeding.

Under the Ethics Law, the Ethics Commission is required to adopt procedural rules to carry out the functions of the Ethics Commission, accept acknowledgments of statutory ethical standards, conduct necessary investigations, recommend legislation to promote ethics in government and publish a manual explaining the Ethics Law. (NRS 281A.290) The Executive Director is required to conduct training on the requirements of the Ethics Law for public officers and employees. (NRS 281A.240) **Section 26** of this bill replaces the requirement to publish a manual with a requirement to publish materials to educate public officers and employees on the requirements of the Ethics Law.

Under the Ethics Law, a specialized or local ethics committee may: (1) establish its own code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity; and (2) render opinions upon the request of public officers and employees subject to its jurisdiction seeking an interpretation of its own ethical standards on certain questions. However, a specialized or local ethics committee may not attempt to interpret or render an opinion regarding the statutory ethical standards subject to the jurisdiction of the Ethics Commission, but it may refer such questions to the Ethics Commission. (NRS 281A.350) **Section 28** of this bill clarifies the circumstances when such questions may be referred to the Ethics Commission as a request for an advisory opinion. **Section 28** also makes conforming changes to ensure consistency with the other revisions that this bill makes to the Ethics Law. **Section 28** of this bill also removes the authority of a specialized or local ethics committee in existing law to require the filing of financial disclosure statements if the form has been approved by the Secretary of State. **Section 1** of this bill makes a conforming change related to the removal of this authority.

The Ethics Law establishes statutory ethical standards that are intended to enhance the people's faith in the integrity and impartiality of public officers and employees by requiring appropriate separation between the roles of persons who are both public servants and private citizens in order to avoid conflicts between their private interests and the interests of the general public whom they serve. (NRS 281A.020, 281A.400-281A.550) **Sections 6, 7, 10, 16 and 29-33** of this bill make various changes to the statutory ethical standards.

Sections 6 and 7 restate more clearly the existing scope of the statutory ethical standards and their applicability to the conduct of current and former public officers and employees. **Section 7** also codifies the existing rule of construction that the standards are cumulative and supplement each other and all such standards are enforceable to the extent that they apply to the given set of facts and circumstances.

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



her household; (3) any person with whom the public officer or employee has a substantial and continuing business relationship; or (4) any person with whom the public officer or employee has any other commitment, interest or relationship that is substantially similar to the foregoing commitments, interests or relationships. (NRS 281A.065) **Section 16** makes technical revisions to the definition of “commitment in a private capacity” that do not change its substantive meaning.

The Ethics Law prohibits public officers and employees from using their position in government to secure or grant any unwarranted privileges, preferences, exemptions or advantages for themselves, any business entities in which they have a significant pecuniary interest or any persons to whom they have a commitment in a private capacity. (NRS 281A.400) **Section 10** adds to the statutory ethical standards by prohibiting public officers and employees from using their position or power in government to take any actions or compel a subordinate to take any actions that a reasonable person would find, based on the given set of facts and circumstances, to be a gross or unconscionable abuse of official position or power that would undermine the integrity or impartiality of a reasonable person in the public officer’s or employee’s position under the same or similar facts and circumstances. However, the prohibition in **section 10** does not apply to any allegations claiming only bias, error or abuse of discretion in any actions taken by public officers and employees within the normal course and scope of their position or power in government.

The Ethics Law prohibits public officers and employees from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officers and employees or any persons to whom they have a commitment in a private capacity. The Ethics Law also contains certain limited-use exceptions that allow a limited use of governmental property, equipment or other facility for personal purposes if the limited use meets certain requirements. (NRS 281A.400) **Section 29** of this bill revises these prohibitions and limited-use exceptions in several ways.

First, one of the existing requirements for the limited-use exceptions is that the public officer or employee who is responsible for and has authority to authorize the limited use for personal purposes must have established a policy allowing the limited use. (NRS 281A.400) **Section 29** clarifies the exception by providing that the limited use must be authorized by a written policy which was adopted before the limited use occurs.

Second, one of the existing requirements for the limited-use exceptions is that the limited use for personal purposes must not create the appearance of impropriety. (NRS 281A.400) **Section 29** defines the term “appearance of impropriety” to mean a reasonable person would find, based on the given set of facts and circumstances, that the limited use for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

With certain exceptions, the Ethics Law prohibits public officers and employees from acting upon a matter in which their personal or private interests may create potential conflicts of interests unless, at the time the matter is considered, they make a disclosure that is sufficient to inform the public of their potential conflicts of interests. (NRS 281A.420) **Section 31** of this bill provides that, when public officers and employees make such a public disclosure, they are not required to disclose any information which is confidential as a result of a bona fide relationship that protects the confidentiality of the information under the terms of a contract or as a matter of law, such as the attorney-client relationship, if they: (1) disclose all nonconfidential information and describe the general nature of the protected relationship; and (2) abstain from acting upon the matter.



The Ethics Law allows certain public officers to represent or counsel private persons for compensation before state or local agencies in which they do not serve. In addition, although the Ethics Law requires public officers to disclose such private representation or counseling when it may create potential conflicts of interests with their public duties, they are not required to abstain from acting on a matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420) **Section 31** requires public officers to abstain from acting on a matter under certain circumstances when such private representation or counseling results in conflicts of interests with their public duties.

The Ethics Law prohibits certain former public officers and employees, for a 1-year “cooling-off” period after the termination of their public service or employment, from soliciting or accepting private employment from any entities regulated or awarded certain contracts by the agencies that employed the former public officers and employees. However, the Ethics Law also allows the Ethics Commission to grant relief from the strict application of the prohibition in specified circumstances. (NRS 281A.550) **Section 33** of this bill provides that certain current and former public officers and management-level public employees are subject to the “cooling-off” period both during and after their public service or employment and cannot solicit or accept private employment from such entities under similar circumstances. **Section 33** also provides that the “cooling-off” period applies when certain current and former public officers and employees are or were materially involved in the implementation, management or administration of certain contracts awarded by their employing agencies.

The Ethics Law requires public officers to execute and timely file with the Ethics Commission written acknowledgments that they have received, read and understand the statutory ethical standards and that they have a responsibility to become familiar with any amendments to those standards. (NRS 281A.500) **Section 11** of this bill requires the appropriate appointing authorities and administrative officials at the state and local level to: (1) compile a list of the public officers within their purview who must file the written acknowledgment of the statutory ethical standards; and (2) submit the list annually to the Ethics Commission. Under existing law, these same appointing authorities and administrative officials must compile and submit a similar list annually to the Secretary of State concerning public officers who must file financial disclosure statements with the Secretary of State. (NRS 281.574)

The Ethics Law contains existing provisions which govern the proceedings concerning requests for advisory opinions and ethics complaints and the issuance of opinions and the imposition of remedies and penalties by the Ethics Commission. (NRS 281A.665-281A.790) **Sections 4, 5, 14, 15, 17, 18, 19, 25 and 34-54** of this bill make various changes to these existing provisions.

Under the Ethics Law, the Ethics Commission issues opinions interpreting the statutory ethical standards and applying those standards to a given set of facts and circumstances. (NRS 281A.680, 281A.710) The Ethics Law also directs the Legislative Counsel to prepare annotations of the Ethics Commission’s published opinions for inclusion in the Nevada Revised Statutes. (NRS 281A.290) **Section 5** defines “published opinion” as an opinion issued by the Ethics Commission that is publicly available on the Internet website of the Ethics Commission. **Sections 26 and 34** of this bill move and recodify within the Ethics Law the existing provision that directs the Legislative Counsel to prepare annotations of the Ethics Commission’s published opinions for inclusion in the Nevada Revised Statutes.

The Ethics Law authorizes public officers and employees to file with the Ethics Commission requests for advisory opinions to: (1) seek guidance relating to the propriety of their own past, present or future conduct under the statutory ethical



standards; or (2) request relief from the strict application of certain provisions of the Ethics Law. (NRS 281A.675) **Section 35** of this bill authorizes the Ethics Commission to request additional information relating to the request for an advisory opinion from the requester or his or her legal counsel.

If the requester properly files a request for an advisory opinion, the Ethics Law requires the Ethics Commission to render an advisory opinion in the matter within a certain time limit after receiving the request, unless the requester waives the time limit. (NRS 281A.680) **Sections 25 and 36** of this bill revise the Ethics Commission's jurisdiction and procedures regarding a request for an advisory opinion. Under the Ethics Law, the Ethics Commission generally has jurisdiction over ethics complaints filed or initiated within 2 years after the alleged violation or reasonable discovery of the alleged violation. (NRS 281A.280) **Section 25** similarly provides that the Ethics Commission's jurisdiction over a request for an advisory opinion extends only to past conduct occurring within 2 years before the date on which the request is filed. **Section 36** allows the Ethics Commission to stay or dismiss the proceedings concerning the request for an advisory opinion under certain circumstances when an ethics complaint is also filed or pending that involves some or all of the same issues or facts and circumstances as the request for an advisory opinion or when the requester has not complied with any procedural requirements of the Ethics Law. **Section 36** further requires the requester to confirm in writing, signed under oath, that any written information related to the request is truthful. **Section 36** also requires the Ethics Commission to render a decision regarding the request for an advisory opinion within the existing time limit, subject to certain exceptions. However, **section 36** provides the Ethics Commission with more time to prepare the written advisory opinion in the matter by requiring the Ethics Commission to issue the written advisory opinion within a specified time limit after the decision is rendered.

Section 36 further authorizes the Ethics Commission to determine which decisions and opinions related to a request for an advisory opinion will be binding on a requester and constitute administrative precedent to be followed in the adjudication and disposition of future requests for an advisory opinion or ethics complaint. **Section 36** confirms that a written advisory opinion related to a request for relief from the strict application of the cooling-off provisions or to the past conduct of the requester are not subject to judicial review under the Nevada Administrative Procedure Act. Finally, **section 36** authorizes the Executive Director and the Commission Counsel to issue informal advice to a public officer or employee regarding the application of the statutory ethical standards to a given set of facts and circumstances that is not contrary to a published opinion of the Ethics Commission. **Section 36** provides that such advice is not binding on the requester or subject to judicial review and good faith reliance on such advice protects the public officer or employee from a future finding of a violation of the Ethics Law. **Section 36** provides that any dispute related to such advice is resolved pursuant to a request for an advisory opinion from the Ethics Commission and any decision or opinion of the Ethics Commission or advice provided by the Executive Director or Commission Counsel does not divest the Ethics Commission of its jurisdiction over an ethics complaint which alleges facts separate from those relied upon to render advice.

Under the Ethics Law, certain materials relating to a request for an advisory opinion are confidential and not public records unless the requester: (1) authorizes the Ethics Commission to disclose the materials; or (2) voluntarily discloses the materials to persons other than those specified in the statute. (NRS 281A.685) **Section 37** of this bill clarifies that any authorization given by the requester is limited to the specific materials that the requester authorizes the Ethics Commission



to disclose. **Section 37** also revises the specified persons to whom the requester may voluntarily disclose the materials without waiving the confidentiality of the materials. In addition, **section 37** provides that a request for advice from the Executive Director or Commission Counsel receives the same confidentiality protections as a request for an advisory opinion from the Ethics Commission.

With certain exceptions, the Ethics Commission is subject to the Open Meeting Law, which generally requires most meetings of public bodies to be open to the public. (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does not apply to meetings, hearings, deliberations and actions of the Ethics Commission relating to requests for advisory opinions, although the requester of the advisory opinion may file a request with the Ethics Commission to hold a public meeting or hearing regarding the matter. (NRS 281A.690) **Section 38** of this bill provides that if the Ethics Commission grants such a request for a public meeting or hearing regarding the matter, the Ethics Commission must provide public notice of the meeting or hearing and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Ethics Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

In addition to rendering advisory opinions, the Ethics Commission is also authorized by the Ethics Law to render opinions regarding the propriety of the conduct of public officers and employees under the statutory ethical standards in response to ethics complaints. (NRS 281A.710) Not later than 45 days after receiving an ethics complaint, the Ethics Law requires the Ethics Commission to determine initially whether it has jurisdiction over the ethics complaint and whether an investigation is warranted in the matter, unless the subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 41** of this bill authorizes the Executive Director, during this initial period, to conduct a preliminary investigation to obtain additional information concerning the allegations in the ethics complaint to assist the Ethics Commission in making its initial determination. In addition, **section 41**: (1) allows the Ethics Commission to extend the time limit for good cause but requires the Ethics Commission to set a specific and reasonable time period for such an extension; and (2) eliminates, as unnecessary, the provision authorizing the subject to waive the time limit because the subject does not receive notice of the matter during this initial period, but only receives notice of the matter if the Ethics Commission determines that it has jurisdiction and an investigation is warranted. **Section 41** also allows the Ethics Commission to dismiss an ethics complaint initiated on its own motion if it determines that the evidence is not sufficient to warrant an investigation in the matter but requires the Ethics Commission to issue a letter of caution or instruction in those circumstances.

Under the Ethics Law, if the Ethics Commission determines that it has jurisdiction over an ethics complaint and an investigation is warranted, the subject of the ethics complaint is served with a notice of the investigation and provided with an opportunity to submit a response to that notice. (NRS 281A.720) **Section 42** of this bill authorizes the Executive Director to grant, under certain circumstances, extensions of the time limit to submit the response, including that the subject must waive the time limit for the investigation, but the Executive Director must set a specific and reasonable time period for such an extension.

As part of the investigation, the Ethics Law permits the Executive Director to secure the subject's participation, attendance as a witness or production of books and papers under existing procedures. (NRS 281A.300) **Section 42** clarifies that, regardless of whether the subject submits a response to the investigation, the Executive Director retains the authority during the course of the investigation to



secure the subject's participation, attendance as a witness or production of books and papers under those existing procedures.

Within 70 days after the Ethics Commission directs the Executive Director to investigate an ethics complaint, the Ethics Law requires the Executive Director to present a written recommendation to the review panel regarding the sufficiency of the evidence concerning the ethics complaint, unless the subject waives the time limit. (NRS 281A.725) **Section 43** of this bill allows the presiding officer of the review panel to grant the Executive Director extensions of the time limit for good cause but requires the presiding officer to set a specific and reasonable time period for such an extension.

Within 15 days after the Executive Director presents the written recommendation to the review panel, the Ethics Law requires the review panel to determine whether there is just and sufficient cause for the Ethics Commission to render an opinion regarding the ethics complaint, unless the subject waives the time limit. (NRS 281A.730) **Section 44** of this bill extends the time for the panel to issue its determination to 45 days. If the review panel determines that there is not just and sufficient cause, the Ethics Law requires the review panel to dismiss the matter, but the review panel may issue a confidential letter of caution or instruction to the subject as part of the dismissal. If the review panel determines that there is just and sufficient cause but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action, the Ethics Law authorizes the review panel to approve a deferral agreement between the Executive Director and the subject to defer further proceedings in the matter under the terms and conditions of the deferral agreement. If the subject complies with the terms and conditions of the deferral agreement, the matter must be dismissed. However, if the subject fails to comply with the terms and conditions of the deferral agreement, the deferral agreement may be vacated and further proceedings conducted in the matter before the Ethics Commission. If the review panel does not believe that a deferral agreement is appropriate or if the subject declines to enter into such a deferral agreement, the Ethics Law requires the review panel to refer the matter to the Ethics Commission for further proceedings. (NRS 281A.730, 281A.740)

Section 44 of this bill provides that after the review panel makes its determination in the matter, it must serve written notice of its determination on the subject.

The Ethics Law establishes various requirements regarding the adjudication of ethics complaints referred to the Ethics Commission for further proceedings. (NRS 281A.745-281A.760) **Sections 4 and 45** of this bill clarify that the parties to the proceedings are: (1) the Executive Director or his or her designee, who present the case to the Ethics Commission at the adjudicatory hearing in the matter; and (2) the subject of the ethics complaint, who has the right to written notice of the hearing, to be represented by legal counsel and to hear the evidence presented to the Ethics Commission and to present his or her own case. **Section 45** also requires: (1) the Executive Director to issue a formal notice of charges to the subject of the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and (2) the Ethics Commission to provide the parties with a written schedule for discovery in order to prepare for the hearing.

The Ethics Law requires the Ethics Commission to hold the hearing and render an opinion in the matter within a certain time limit, unless waived by the subject, and requires the opinion to include findings of fact and conclusions of law. (NRS 281A.745, 281A.765) **Section 45** requires the Ethics Commission to hold a hearing and render a decision in the matter within the existing time limit, unless waived by the subject or extended by the Ethics Commission for good cause with a specific



and reasonable time period, but **section 45** provides the Ethics Commission with more time to prepare the written opinion in the matter by requiring the Ethics Commission to issue the written opinion within a specified time limit after the decision is rendered. **Section 45** also clarifies that, in addition to including findings of fact and conclusions of law, the written opinion must otherwise comply with the requirements for a final decision under Nevada's Administrative Procedure Act. (NRS 233B.125) **Section 49** of this bill makes a conforming change related to the contents of a written opinion.

With certain exceptions, the Ethics Law requires, or in some cases allows, the Ethics Commission to keep the identity of certain persons who file ethics complaints confidential in order to protect those persons from potential harm. (NRS 281A.750) **Section 46** of this bill extends the confidentiality of the requester to persons who worked for the same public body, agency or employer as the subject of the ethics complaint at the time of the alleged conduct, or if revealing the identity of the requester would otherwise reveal the identity of witnesses who work for the same public body, agency or employer. **Section 46** also clarifies that such confidentiality extends to all materials that, if disclosed, would reveal the identity of the confidential requester. **Section 46** also clarifies that the identity of the confidential requester remains protected if the Executive Director does not intend to present the testimony of the confidential requester as evidence in the matter. However, if the Executive Director intends to present the testimony of the confidential requester as evidence in the matter, **section 46** provides that the Executive Director must disclose the name of the confidential requester only as a proposed witness in accordance with the schedule for discovery in the matter.

Under the Ethics Law, the subject of an ethics complaint may submit a written discovery request for a list of proposed witnesses and a copy of any materials in the investigative file that the Executive Director intends to present as evidence in the matter. The Ethics Law also provides that the materials in the investigative file are confidential, except that any materials which the Executive Director presents as evidence in the matter become public records. (NRS 281A.755) **Section 47** requires any written discovery request to be submitted in accordance with the schedule for discovery in the matter. **Section 47** also provides that any materials which the Executive Director presents as evidence in the matter become public records after the Ethics Commission takes final action concerning the ethics complaint in a public meeting or hearing held under **section 48** of this bill, but provides an exception if any of the materials are declared confidential by another law.

In proceedings concerning an ethics complaint, the Ethics Law exempts from the Open Meeting Law: (1) any meeting or hearing held by the Ethics Commission to receive information or evidence concerning the ethics complaint; and (2) any deliberations of the Ethics Commission on such information or evidence. However, the Ethics Law does not exempt the Ethics Commission's actions concerning the ethics complaint from the Open Meeting Law. (NRS 281A.760) **Section 48** generally exempts the Ethics Commission's actions concerning the ethics complaint from the Open Meeting Law. However, **section 48** requires the Ethics Commission to take final action concerning the ethics complaint in a public meeting or hearing for which the Ethics Commission provides public notice and which is open to the public and conducted in accordance with the regulations of the Ethics Commission, but the meeting or hearing is not subject to specific requirements of the Open Meeting Law.

The Ethics Law establishes various requirements regarding the disposition of ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-281A.790) Under the Ethics Law, there are two types of violations: (1) willful violations that require proof of specific mental elements showing that the subject of



an ethics complaint committed the violations intentionally and knowingly; and (2) other violations that do not require proof of those specific mental elements. (NRS 281A.170) To determine whether violations are willful, the Ethics Law requires the Ethics Commission to: (1) consider a nonexclusive list of aggravating and mitigating factors, as well as any other reasonably related factors; and (2) ensure when it applies those factors that the disposition of the matter bears a reasonable relationship to the severity of the violations. (NRS 281A.775) For any violations, whether or not willful, the Ethics Law authorizes the Ethics Commission to impose certain remedies, such as training, a remedial course of action or public admonishment. (NRS 281A.785) However, for willful violations, the Ethics Law also authorizes more severe remedies and penalties, such as substantial civil penalties and public reprimand or censure. In some cases involving willful violations, the Ethics Law further requires the Ethics Commission to seek removal of certain public officers through court proceedings or to submit the matter to the Legislature for consideration of additional remedies and penalties against certain public officers, including removal through impeachment. (NRS 281A.785, 281A.790) With respect to certain dispositions of ethics complaints and in determining whether a violation is willful, existing law requires the Ethics Commission to treat comparable situations in a comparable manner. (NRS 281A.770, 281A.775) **Sections 50 and 51** of this bill require the Ethics Commission to carry out that duty to the extent practicable based on the given set of facts and circumstances. **Section 54** of this bill clarifies that in determining whether the subject has committed one or more violations, each separate act or event that constitutes a violation, or course of conduct that the Ethics Commission interprets as constituting a separate violation, must be treated as a separate violation that is cumulative to all other violations, whenever committed, without regard to the sequence of the violations or whether the violations are established in the same or separate proceedings.

The Ethics Law prohibits any person from preventing, interfering with or attempting to prevent or interfere with investigations or proceedings or the discovery of violations under the Ethics Law and authorizes the Ethics Commission to impose civil penalties and, under certain circumstances, assess against such a person certain attorney's fees and costs incurred by others as a result of the act. (NRS 281A.790) **Sections 25 and 54** of this bill: (1) deem the person's act to be a violation of the Ethics Law; (2) specify that the Ethics Commission has jurisdiction to investigate and take appropriate action regarding the violation in any proceeding commenced within 2 years after the violation or reasonable discovery thereof; and (3) require the Ethics Commission, before taking appropriate action, to provide the person with a written notice of the charges and an opportunity for a hearing in accordance with the regulations of the Ethics Commission. **Section 54** also authorizes the Ethics Commission, under certain circumstances, to assess against the person certain attorney's fees and costs incurred by the Ethics Commission as a result of the violation.

As previously stated, the Ethics Law governs the conduct of public officers and employees and, in certain situations, former public officers and employees after the end of their period of public service or employment. (Chapter 281A of NRS) **Sections 55-112** of this bill enact the Nevada Legislative Ethics Law (Legislative Ethics Law) to govern legislative officers and employees and, in certain situations, former legislative officers and employees after the end of their period of legislative service or employment. **Sections 59-77** of this bill establish various definitions applicable to the Legislative Ethics Law.

In particular, **section 73** of this bill defines "legislative officer" as: (1) a member of the Senate, the Secretary of the Senate or any other officer of the



Senate; (2) a member of the Assembly, the Chief Clerk of the Assembly or any other officer of the Assembly; and (3) any other officer of the Legislature, the Legislative Counsel Bureau or the Legislative Department of the State Government. **Section 71** of this bill defines “legislative employee” as any employee, assistant, attache, intern or other staff employed with reference to the legislative duties of a Legislator or the Legislative Department, regardless of whether the position is paid or otherwise compensated. **Sections 11, 12.5, 16.5, 18.5, 18.7, 29-32 and 54** of this bill make conforming changes to remove legislative officers and employees from the jurisdiction of the Ethics Law in Chapter 281A of NRS, so that they are subject to the jurisdiction of the Legislative Ethics Law in **sections 55-112**.

Under the Nevada Constitution, the Houses of the Legislature have adopted Standing Rules that establish various ethical standards for Legislators and other legislative officers and employees. (Nev. Const. Art. 4, § 6; Senate Standing Rule No. 23; Assembly Standing Rule No. 23; Joint Standing Rules Nos. 30-39) **Section 79** of this bill provides that the Legislative Ethics Law supplements such Standing Rules and, to the extent that there is a conflict between the Standing Rules and the Legislative Ethics Law, the Standing Rules govern the conflict.

Existing law establishes general ethical standards to which public officers and employees are bound. (NRS 281A.400) **Section 83** of this bill establishes similar provisions for the purpose of legislative officers and employees.

Section 10 of this bill prohibits public officers and employees from using their position or power in government to take any actions or compel a subordinate to take actions that a reasonable person would find, based on the given facts and circumstances, to be a gross or unconscionable abuse of official position or power or that would undermine the integrity or impartiality of a reasonable person under the same or similar circumstances. **Section 84** of this bill establishes similar provisions applicable to legislative officers and employees.

Existing law restricts public officers and employees from representing or counseling private persons before certain public agencies. (NRS 281A.410) **Section 85** of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law prohibits public officers and employees from taking certain actions relating to contracts between the governmental entity and a business entity in which the public officer or employee has a significant pecuniary interest. (NRS 281A.430) **Section 86** of this bill establishes similar provisions applicable to legislative officers and employees.

Existing law prohibits a public officer or employee from accepting or receiving an honorarium under certain circumstances. (NRS 281A.510) **Section 87** of this bill establishes similar provisions for the purpose of legislative officers and employees.

Existing law prohibits a public officer or employee from requesting or otherwise causing a governmental entity to incur certain expenses or make expenditures to support or oppose ballot questions or candidates under certain circumstances. (NRS 281A.520) **Section 88** of this bill establishes similar provisions prohibiting legislative officers and employees from engaging in such acts with regard to the Legislative Department.

Existing law establishes certain “cooling-off” periods for former public officers and employees under certain circumstances. (NRS 281A.550) **Section 89** of this bill establishes similar provisions relating to legislative officers and employees.

Existing law authorizes the Attorney General or the appropriate district attorney to void certain grants, contracts or leases entered into in violation of the Ethics Law. (NRS 281A.540) **Section 90** of this bill similarly authorizes the Attorney General or a district attorney to take such actions for the purpose of voiding a grant, contract or lease entered into in violation of the Legislative Ethics Law.



To carry out and enforce the Legislative Ethics Law, **sections 91, 95 and 99** of this bill create the Senate Commission on Ethics (Senate Commission), Assembly Commission on Ethics (Assembly Commission) and Joint Commission on Ethics (Joint Commission) and provide for the appointment and terms of their respective members. **Section 117** of this bill directs the appointment and terms of the initial members of each Commission.

Under **section 94** of this bill, the Senate Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees of the Senate; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Under **section 98** of this bill, the Assembly Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees of the Assembly; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Under **section 102** of this bill, the Joint Commission has jurisdiction to: (1) hear ethics complaints brought against legislative officers and employees other than the officers or employees of the Senate or Assembly; and (2) hear requests brought by such persons for advice on the legislative ethical standards.

Section 104 of this bill authorizes the Senate Commission, Assembly Commission and Joint Commission, as applicable, to conduct investigations and hold hearings to carry out the Legislative Ethics Law.

Section 105 of this bill provides that all proceedings of the Senate Commission, Assembly Commission or Joint Commission, as applicable, relating to the character, alleged misconduct, professional competence or physical or mental health of any person on matters regarding the legislative ethical standards and the materials relating thereto are confidential, unless the person subject to the proceedings waives such confidentiality.

Section 106 of this bill provides that a member of the Senate Commission, Assembly Commission or Joint Commission, as applicable, is disqualified from serving in the consideration of a matter if: (1) the member is the subject of the ethics complaint; (2) the member requested advice on the issue under consideration; or (3) a reasonable person in the member's situation could not exercise independent judgment on the matter.

Section 107 of this bill authorizes an individual to file with the Legislative Counsel an ethics complaint against a legislative officer or employee. **Section 107** requires the Legislative Counsel to review the ethics complaint and consult with the Chair of the Senate Commission, Assembly Commission or Joint Commission, as applicable, to determine whether the Commission has jurisdiction over the complaint and whether an investigation is warranted in the matter. Finally, **section 107** requires that: (1) if it is determined that the Commission does not have jurisdiction or an investigation is not warranted, the Legislative Counsel must send a written notice of such a determination to the individual who filed the ethics complaint; or (2) if it is determined that the Commission has jurisdiction and an investigation is warranted, the Legislative Counsel must send a written notice of the determination and a copy of the ethics complaint to the person who is subject to the ethics complaint. **Section 80** of this bill requires the ethics complaint to be filed within 2 years of the alleged violation or reasonable discovery of the alleged violation.

If the Senate Commission, Assembly Commission or Joint Commission, as applicable, holds an adjudicatory hearing on an ethics complaint, **section 108** of this bill establishes various procedural and evidentiary requirements for the adjudicatory hearing, including the burden and standard of proof.



Section 109 of this bill requires the Senate Commission, Assembly Commission or Joint Commission, as applicable, to dismiss an ethics complaint if the Commission finds that the violation of the legislative ethical standards has not been proven.

Alternatively, if the Senate Commission, Assembly Commission or Joint Commission, as applicable, finds that a violation of the legislative ethical standards has occurred, **sections 109-111** of this bill authorize the Commission to: (1) issue a letter of caution or instruction to the legislative officer or employee; (2) admonish, reprimand or censure the legislative officer or employee; (3) impose civil penalties on the legislative officer or employee; or (4) take any other reasonable actions that the Commission determines will remedy the violation or deter similar violations, including referring the matter to the appropriate House for review and consideration.

Section 112 of this bill also requires the Senate Commission, Assembly Commission or Joint Commission, as applicable, to refer the matter to the Attorney General or the district attorney, as appropriate, if the Commission believes that the violation of the legislative ethical standards constitutes a crime.

Section 113 of this bill makes a conforming change to the Public Records Law relating to: (1) the confidentiality of materials provided by the Ethics Commission to other enforcement agencies and officers pursuant to **section 12**; and (2) the confidentiality of materials relating to proceedings held by the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to **section 105**.

Section 116 of this bill addresses the applicability of the amendatory provisions of **sections 2-54** to administrative proceedings and conduct subject to the Ethics Law that occurred before July 1, 2021. **Section 118** of this bill provides for the transition of jurisdiction for ethics proceedings brought against legislative officers and employees.

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

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

Section 1. NRS 281.5584 is hereby amended to read as follows:

281.5584 “Financial disclosure statement” or “statement” means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.5555 to 281.581, inclusive. ~~[, or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.]~~

Sec. 2. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

Sec. 3. “Chair” means:

1. *The Chair of the Commission; or*



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

Sec. 4. *“Party” means, for the purposes of the adjudication and disposition of proceedings concerning an ethics complaint pursuant to this chapter:*

1. *The Executive Director or his or her designee; and*
2. *The public officer or employee who is the subject of the ethics complaint.*

Sec. 5. *“Published opinion” means an opinion issued by the Commission that is publicly available on the Internet website of the Commission.*

Sec. 6. *“Statutory ethical standards” means the statutory ethical standards set forth in the provisions of this chapter.*

Sec. 7. 1. *The provisions of this chapter establish statutory ethical standards to govern the conduct of:*

- (a) *Public officers and employees; and*
- (b) *Former public officers and employees in situations where the statutory ethical standards apply to the conduct of former public officers and employees after the end of any period of public service or employment.*

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

Sec. 8. 1. *Except as otherwise provided in this section, every public officer or employee of the State or one of its political subdivisions, regardless of whether he or she is otherwise subject to the provisions of this chapter, shall cooperate with the Commission in any lawful investigations or proceedings of the Commission and furnish information and reasonable assistance to the Commission or its authorized representative, except to the extent that the public officer or employee is entitled to:*

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

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

2. *If a public officer or employee is entitled to any protection pursuant to paragraph (a) or (b) of subsection 1, that protection extends only to matters within the scope of the protection, and the public officer or employee shall comply with the provisions of*



subsection 1 to the fullest extent possible regarding all matters outside of the scope of the protection.

3. Before a public officer or employee is required to comply with the provisions of subsection 1 and during the course of any investigations or proceedings of the Commission or its authorized representative, the public officer or employee is entitled to be represented by and consult with legal counsel, including, without limitation, the legal counsel of his or her public body, agency or employer.

4. If legal counsel is a public officer or employee, the provisions of this section do not impose any duties on legal counsel that would adversely affect his or her attorney-client relationship with or representation of any public officer or employee who is the subject of an ethics complaint or who consults with legal counsel on matters related to this chapter.

Sec. 9. *During any period in which proceedings concerning a request for an advisory opinion or an ethics complaint are confidential pursuant to this chapter, the provisions of chapter 241 of NRS do not apply to any meeting or hearing held by the Commission or any deliberations or actions of the Commission involving:*

1. Any decisions in litigation concerning any judicial action or proceeding related to the request for an advisory opinion or the ethics complaint; or

2. Any delegation of authority to make such decisions in the litigation to the Chair or the Executive Director, or both, pursuant to NRS 241.0357.

Sec. 10. *1. A public officer or employee shall not use the public officer's or employee's position or power in government to take any actions or compel a subordinate to take any actions that a reasonable person would find, based on the given set of facts and circumstances, to be a gross or unconscionable abuse of official position or power that would undermine the integrity or impartiality of a reasonable person in the public officer's or employee's position under the same or similar facts and circumstances.*

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

Sec. 11. *A list of each public officer who is required to file an acknowledgment of the statutory ethical standards in accordance*



with NRS 281A.500 must be submitted electronically to the Commission, in the form prescribed by the Commission, on or before December 1 of each year by:

1. For an appointed public officer, the appointing authority of the public officer, including, without limitation:

(a) The manager of each local agency for a public officer of a local agency; and

(b) The Director of the Department of Administration, or his or her designee, for a public officer of the Executive Department of the State Government; and

2. For an elected public officer of:

(a) A county and other political subdivisions within the county except cities, the county clerk;

(b) A city, the city clerk; and

(c) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

Sec. 12. *1. After the resolution of an ethics complaint, the Commission may provide any information obtained during the course of an investigation of the ethics complaint to:*

(a) The Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action in this State; or

(b) Any federal law enforcement agency investigating a criminal violation of federal law by a public officer or employee.

2. If the Commission determines that it does not have jurisdiction or does not direct the Executive Director to conduct an investigation of an ethics complaint pursuant to NRS 281A.715, and the Executive Director reasonably believes that the alleged conduct may be properly addressed within the jurisdiction of another state or local agency, the Executive Director may refer all or a portion of the information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the allegations in the ethics complaint to that state or local agency. Such a referral must not include a copy of any ethics complaint or reveal the identity of the requester of any such ethics complaint.

3. All information, communications, records, documents and other materials that are related to the allegations in an ethics complaint that are provided to another agency pursuant to this section are confidential and are not public records pursuant to chapter 239 of NRS, unless those materials become publicly available in a manner authorized by applicable state law.



Sec. 12.5. NRS 281A.020 is hereby amended to read as follows:

281A.020 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. The Legislature finds and declares that:

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

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

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

~~(d) The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over [or inquire into, intrude upon or interfere with the functions of a]:~~

(1) Any State Legislator [that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.] or other legislative officer as defined in section 73 of this act; or

(2) Any legislative employee as defined in section 71 of this act,

↳ except that if such a person holds another position outside of his or her legislative office or employment that is subject to the jurisdiction of the Commission pursuant to this chapter, the



Commission may exercise jurisdiction or authority over that person but only for conduct arising out of the other position.

Sec. 13. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, *and sections 3 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 14. NRS 281A.032 is hereby amended to read as follows:

281A.032 “Adjudicatory hearing” means a hearing held by the Commission pursuant to NRS 281A.745 to receive evidence *and render a decision* concerning an ethics complaint . ~~[and render an opinion in the matter.]~~

Sec. 15. NRS 281A.033 is hereby amended to read as follows:

281A.033 “Advisory opinion” means an advisory opinion ~~[rendered]~~ *issued* by the Commission pursuant to NRS 281A.670 to 281A.690, inclusive.

Sec. 16. NRS 281A.065 is hereby amended to read as follows:

281A.065 “Commitment in a private ~~[capacity,] with respect to the interests of another person,] capacity”~~ means a *private* commitment, interest or relationship of a public officer or employee to : ~~[a person:]~~

1. ~~[Who is the]~~ *The* spouse or domestic partner of the public officer or employee;

2. ~~[Who is a]~~ *A* member of the household of the public officer or employee;

3. ~~[Who is related to]~~ *A relative of* the public officer or employee, or ~~[to]~~ the spouse or domestic partner of the public officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;

4. ~~[Who employs]~~ *The employer of* the public officer or employee, the spouse or domestic partner of the public officer or employee or a member of the household of the public officer or employee;

5. ~~[With]~~ *A person with* whom the public officer or employee has a substantial and continuing business relationship; or

6. ~~[With]~~ *A person with* whom the public officer or employee has any other *private* commitment, interest or relationship that is substantially similar to a *private* commitment, interest or relationship described in subsections 1 to 5, inclusive.

Sec. 16.5. NRS 281A.080 is hereby amended to read as follows:

281A.080 1. The making of a “decision” is the exercise of governmental power to adopt laws, regulations or standards, render



quasi-judicial decisions, establish executive policy or determine questions involving substantial discretion.

2. The term does not include:

(a) The functions of the judiciary.

(b) The functions of ~~[a]~~ **any** State Legislator ~~[that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.]~~ **or other legislative officer as defined in section 73 of this act.**

Sec. 17. NRS 281A.088 is hereby amended to read as follows:

281A.088 “Ethics complaint” means ~~[a request for an opinion]~~ **an ethics complaint** which is filed with the Commission or initiated by the Commission on its own motion pursuant to NRS 281A.710 regarding the propriety of the conduct of a public officer or employee under the statutory ethical standards . ~~[set forth in this chapter.]~~

Sec. 18. NRS 281A.135 is hereby amended to read as follows:

281A.135 1. “Opinion” means an opinion ~~[rendered]~~ **issued** by the Commission in accordance with the provisions of this chapter.

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

Sec. 18.5. NRS 281A.150 is hereby amended to read as follows:

281A.150 1. “Public employee” means any person who:

~~[1.]~~ **(a)** Performs public duties under the direction and control of a public officer for compensation paid by the State or any county, city or other political subdivision; or

~~[2.]~~ **(b)** Is designated as a public employee for the purposes of this chapter pursuant to NRS 281A.182.

2. “Public employee” does not include any legislative employee as defined in section 71 of this act.

Sec. 18.7. NRS 281A.160 is hereby amended to read as follows:

281A.160 1. “Public officer” means a person who is:

(a) Elected or appointed to a position which:

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

(2) Involves the exercise of a public power, trust or duty; or

(b) Designated as a public officer for the purposes of this chapter pursuant to NRS 281A.182.



2. As used in this section, “the exercise of a public power, trust or duty” means:

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

(b) The expenditure of public money; and

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

3. “Public officer” does not include:

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

(b) *Any State Legislator or other legislative officer as defined in section 73 of this act;*

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

~~[(e)]~~ (d) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or

~~[(d)]~~ (e) A county health officer appointed pursuant to NRS 439.290.

4. “Public office” does not include an office held by:

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

(b) *Any State Legislator or other legislative officer as defined in section 73 of this act;*

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

~~[(e)]~~ (d) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or

~~[(d)]~~ (e) A county health officer appointed pursuant to NRS 439.290.

Sec. 19. NRS 281A.161 is hereby amended to read as follows:

281A.161 “Request for an advisory opinion” means a request for an advisory opinion which is filed with the Commission pursuant to NRS 281A.675 . ~~[by a public officer or employee who is:~~

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

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

Sec. 20. NRS 281A.210 is hereby amended to read as follows:

281A.210 1. The Commission shall ~~f~~:



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

~~[(b) Meet]~~

2. If the Chair is prohibited from acting on a particular matter or is otherwise unable to act on a particular matter, the Vice Chair shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter. If the Chair and Vice Chair are prohibited from acting on a particular matter or are otherwise unable to act on a particular matter, another member of the Commission who is designated in accordance with the regulations of the Commission shall exercise the powers and functions and perform the duties of the Chair concerning that particular matter.

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

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

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

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

Sec. 21. NRS 281A.220 is hereby amended to read as follows:

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

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

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

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

~~[.]~~, *except that:*

(a) One or more members of the review panel may, with the consent of the parties, participate as mediators or facilitators in



any settlement negotiations between the parties that are conducted before an adjudicatory hearing in the matter.

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

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

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

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

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

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

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

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

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

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

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

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



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

Sec. 24. NRS 281A.260 is hereby amended to read as follows:

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

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

3. *Except as otherwise provided in this section or directed by the Commission, in litigation concerning any judicial action or proceeding in which the Commission or any member or employee of the Commission is a party in an official capacity or participates or intervenes in an official capacity, the Commission Counsel shall represent and act as legal counsel to the Commission or any member or employee of the Commission in the action or proceeding.*

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

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

(b) Employs outside legal counsel.

5. *The Commission Counsel shall not represent and act as legal counsel for the Executive Director in any judicial action or proceeding in which the Executive Director is named as a party based upon conduct in the official capacity of the Executive Director as a party to an adjudicatory proceeding.*

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

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

(b) Employ outside legal counsel.



Sec. 25. NRS 281A.280 is hereby amended to read as follows:
281A.280 1. Except as otherwise provided in this section, the Commission has jurisdiction to ~~investigate~~ :

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

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

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

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

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

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

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



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

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

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

Sec. 26. NRS 281A.290 is hereby amended to read as follows:
281A.290 The Commission shall:

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

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

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

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

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

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

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

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

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



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

6. Publish ~~{a manual}~~ *materials* for the use of public officers and employees that ~~{explains}~~ *explain* the requirements of this chapter.

~~{The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.}~~

Sec. 27. NRS 281A.300 is hereby amended to read as follows:

281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the Commission *appointed by the Chair to preside over any meetings, hearings and proceedings* may administer oaths ~~{}~~ *or direct a certified court reporter or other authorized person to administer oaths.*

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

3. ~~{Upon}~~ *Except as otherwise provided in this subsection, upon* the request of the Executive Director, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ *may issue a subpoena during the course of any investigation* to compel the participation of a potential witness and the production of any books and papers ~~{during the course of any investigation.}~~ *, including, without limitation, information, records and documentation regarding personnel records maintained by an agency concerning the conduct of a public officer or employee, including, notwithstanding any other provision of law to the contrary, records otherwise deemed by law to be confidential, that relate to issues under consideration in an ethics complaint. A request by the Executive Director for a subpoena pursuant to this subsection may not include a request for records related to a concurrent, pending criminal investigation where such records are otherwise protected as confidential.*

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



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

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

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

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

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

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5 to voluntarily participate or attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the written request, the Chair ~~for, in the Chair's absence, the Vice Chair,]~~ may issue the subpoena. Failure of the public officer or employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, *and section 12 of this act*, that apply to proceedings concerning the ethics complaint.

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

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

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

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



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

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

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

11. Any court proceeding commenced pursuant to this section is deemed good cause for the Commission to grant an extension of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, and section 12 of this act, that apply to proceedings concerning the ethics complaint.

Sec. 28. NRS 281A.350 is hereby amended to read as follows:

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

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

(b) Render *a decision and issue* an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its *code of* ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct ~~{or}~~, *but the committee may* refer the request to the Commission ~~{}~~ *if the response to the request requires the Commission to interpret the statutory ethical standards and apply those standards to the given set of facts and circumstances. If the request is referred to the Commission, it shall be deemed to be a request for an advisory opinion filed by the public officer or employee with the Commission pursuant to*



NRS 281A.675. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's ~~[inquiry]~~ **request** to that committee **first** instead of the Commission.

~~[(e) Require the filing of financial disclosure statements by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

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

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

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

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

~~[4.]~~ 3. Each request for an opinion submitted **by a public officer or employee** to a specialized or local ethics committee, each hearing held **by the committee** to obtain information on which to ~~[base]~~ **render a decision and issue** an opinion, all deliberations **by the committee** relating to ~~[an]~~ **the decision and** opinion, each ~~[opinion]~~ **decision** rendered **and opinion issued** by ~~[a]~~ **the** committee and any motion relating to the **decision and** opinion are confidential unless:

(a) The ~~[public officer or employee]~~ **requester** acts in contravention of the **decision or** opinion; or

(b) The requester discloses the ~~[content]~~ **contents** of the **decision or** opinion.

Sec. 29. NRS 281A.400 is hereby amended to read as follows:

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

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



2. 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. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and 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.

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

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

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

7. ~~Except for State Legislators who are subject to the restrictions set forth in subsection 8, a)~~ 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 or any person to whom the public officer or employee has a commitment in a private capacity. This subsection does not prohibit:

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

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

(I) Authorized by a written policy which was adopted before the use occurs by 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]~~; or

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

(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.

8. ~~[A State Legislator shall not:~~

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

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

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

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

~~— (III) The use does not create the appearance of impropriety;~~

~~— (2) 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~~

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

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

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



~~—(2) Where such service has otherwise been established as legislative policy.~~

~~—9.]~~ A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the influence of a subordinate.

~~[10.]~~ 9. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

10. As used in this section, "appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a public officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

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

281A.410 ~~[In addition to the requirements of the code of ethical standards and the other provisions of this chapter:]~~

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

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

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

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

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local



agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

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

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

(1) The best interests of the public;

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

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, *the decision rendered*, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

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

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

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

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

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

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

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

↳ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or



employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

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

~~(a)~~ A public officer to disclose:

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

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

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

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

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

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

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

(b) The public officer's significant pecuniary interest; ~~{c}~~



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

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

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

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

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest, ~~§~~ commitment in a private capacity to the interests of another person ~~§~~ *or representation or counseling of a private person for compensation as permitted by NRS 281A.410.*

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be



taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

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

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

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

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

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

Sec. 32. NRS 281A.500 is hereby amended to read as follows:

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

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

(b) For an elected public officer of:

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

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

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

~~(4)]~~ The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

8. The form for making the acknowledgment must contain:

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

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

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

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

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

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

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

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



Sec. 33. NRS 281A.550 is hereby amended to read as follows:
281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

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

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

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

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

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

(b) Be employed by such a person,

↳ for 1 year after the termination of the member's service on the Nevada Gaming Control Board or the Nevada Gaming Commission.

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

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

(b) ~~[During]~~ **Within** the immediately preceding year, ~~[the former]~~ **during the public officer's or employee's period of public service or employment or within the year immediately preceding the termination of the public officer's or employee's period of public service or employment, the** public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected



the business or industry ; ~~[which might, but for this section, employ the former public officer or employee;]~~ or

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

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

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

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

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

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

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

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

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



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

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

7. For the purposes of subsection 6, the request for an advisory opinion, *the decision rendered*, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

8. The advisory opinion does not relieve the current or former public officer or employee from the strict application of any provision of NRS 281A.410.

9. ~~For~~ *Except as otherwise provided in subsection 6, for* the purposes of this section:

(a) A former member of the Public Utilities Commission of Nevada, the Nevada Gaming Control Board or the Nevada Gaming Commission; or

(b) Any other *current or* former public officer or employee governed by this section,

↳ is employed by or is soliciting or accepting employment from a business, industry or other person described in this section if any oral or written agreement is sought, negotiated or exists during the restricted period pursuant to which the personal services of the public officer or employee are provided or will be provided to the business, industry or other person, even if such an agreement does not or will not become effective until after the restricted period.



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

Sec. 34. NRS 281A.665 is hereby amended to read as follows:

281A.665 *1. The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.*

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

~~1.~~ *(a) A conflict exists between the public officer's or employee's personal interest and the public officer's or employee's official ~~duty.~~ duties.*

~~2.~~ *(b) The public officer's or employee's official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.*

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

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

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

Sec. 35. NRS 281A.675 is hereby amended to read as follows:

281A.675 *1. ~~A~~ Except as otherwise provided in this section and NRS 281A.280, a public officer or employee may file with the Commission a request for an advisory opinion to:*

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

(b) Request relief pursuant to NRS 281A.410, 281A.430 or 281A.550.

2. The request for an advisory opinion must be:



- (a) Filed on a form prescribed by the Commission; and
- (b) Submitted with all necessary information for the Commission to render *a decision and issue* an advisory opinion in the matter.

3. *At any time after a request for an advisory opinion is filed with the Commission, the Commission may request additional information relating to the request for an advisory opinion from the requester and his or her legal counsel.*

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

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

(b) Declare by oath or affirmation that he or she will testify truthfully regarding the matter ~~and~~ *or confirm in writing, signed under oath, that any facts provided to the Commission for consideration of the request for an advisory opinion is truthful.*

Sec. 36. NRS 281A.680 is hereby amended to read as follows:

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

2. The Commission shall render *a decision concerning the request for an* advisory opinion within 45 days after receiving *a written confirmation, signed under oath, from the requester of the truth of the proposed findings of fact to be submitted to the Commission for consideration of* the request, unless ~~the~~:

(a) *The requester waives this time limit* ~~and~~ *—2.;*

(b) *The Commission determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension;*

(c) *The Commission stays or dismisses the proceedings concerning the request for an advisory opinion because:*

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

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



(d) The requester has not complied with any applicable procedural requirements related to the request for an advisory opinion as set forth in this chapter or regulations adopted thereto.

3. If the Commission renders a decision concerning the request for an advisory opinion pursuant to this section, the Commission shall issue a written advisory opinion for any decision which the Commission determines:

(a) To be binding upon the requester with regard to the future conduct of the requester; or

(b) Constitute administrative precedent with persuasive value that the Commission may consider and follow in the adjudication and disposition of any request for an advisory opinion or ethics complaint.

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

~~*(a) Binding upon the requester with regard to the future conduct of the requester; and*~~

~~*(b) A] a final decision that is subject to judicial review pursuant to NRS 233B.130.*~~

~~*[3.] If the requester seeks judicial review pursuant to NRS 233B.130, any proceedings concerning such judicial review must be confidential and held in closed court without admittance of persons other than those necessary to the proceedings, unless the requester waives this right to confidential proceedings.*~~

5. If the Commission issues a written advisory opinion:

(a) To a requester who filed the request for an advisory opinion pursuant to paragraph (b) of subsection 1 of NRS 281A.675; and

(b) Which relates to the past conduct of a public officer or employee,

↳ the advisory opinion is not a final decision that is subject to judicial review pursuant to NRS 233B.130.

6. Upon the request of a public officer or employee, the Executive Director or Commission Counsel may advise a public officer or employee regarding the application of the statutory ethical standards to a given set of facts and circumstances. Such advice may not be contrary to a published opinion of the Commission or otherwise expand a precedential interpretation of the Commission in a published opinion. The Executive Director



shall keep a written record of any advice offered to a public officer or employee pursuant to this subsection. Any act or failure to act by a current or former public officer or employee relating to this chapter is not a violation of this chapter pursuant to subsection 6 of NRS 281A.790 if the public officer or employee establishes by sufficient evidence that he or she relied upon the advice of the Executive Director or Commission Counsel pursuant to this subsection before the public officer or employee acted or failed to act. Any advice rendered by the Executive Director or Commission Counsel pursuant to this subsection is not binding on the public officer or employee and is not subject to judicial review pursuant to NRS 233B.130. Any dispute regarding the advice rendered by the Executive Director or Commission Counsel may be resolved through the filing of a request for an advisory opinion with the Commission pursuant to subsection 1.

7. Any decision rendered or advisory opinion issued by the Commission in response to a request for an advisory opinion or advice provided by the Executive Director or Commission Counsel pursuant to subsection 6 does not divest the Commission of its jurisdiction to initiate or accept jurisdiction of an ethics complaint and direct the Executive Director to conduct an investigation of the ethics complaint if the ethics complaint alleges facts that are supported by sufficient evidence which are different from the facts relied upon by the Commission, Executive Director or Commission Counsel, as applicable, in rendering advice pursuant to this section.

Sec. 37. NRS 281A.685 is hereby amended to read as follows:

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

(a) A request for an advisory opinion ~~{:}~~ or a request for the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680;

(b) The *decision rendered and the* advisory opinion ~~{rendered}~~ issued by the Commission in response to the request ~~{:}~~ for an advisory opinion or the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680;

(c) Any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request ~~{:}~~ for an advisory opinion or the advice of the Executive Director or Commission Counsel pursuant to subsection 6 of NRS 281A.680; and



(d) Any information, communications, records, documents or other materials in the possession of the requester of the *request for an advisory opinion or the request for the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680* that are related to the request and, if disclosed by the requester, would reveal the existence, nature or content of the request, *the decision rendered* or the advisory opinion ~~[]~~ *issued by the Commission or the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680;*

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

3. The provisions of subsection 1 do not apply to any materials in the possession of the Commission or its staff that are related to the request if the requester of ~~[the]~~ a request for an advisory opinion ~~[]~~ *or the request for the advice of the Executive Director or Commission Counsel pursuant to subsection 6 of NRS 281A.680:*

(a) Acts in contravention of *the decision rendered* or the advisory opinion ~~[]~~ *issued by the Commission or the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680*, in which case the Commission may disclose the request, *the decision rendered*, the advisory opinion or *the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680* and any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request;

(b) Authorizes the Commission, in writing, to make the request, *the decision rendered*, the advisory opinion, *the advice of the Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680* or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request publicly available ~~[]~~, *except that any disclosure of materials pursuant to this paragraph is limited to the specific materials that the requester authorizes the Commission, in writing, to make publicly available;* or

(c) Voluntarily discloses, in any manner, the request, *the decision rendered*, the advisory opinion, *the advice of the*



Executive Director or Commission Counsel provided pursuant to subsection 6 of NRS 281A.680 or any information, communications, records, documents or other materials in the possession of the Commission or its staff that are related to the request, except to:

(1) The *supervisory head or the legal counsel of his or her public body, agency or employer* ~~[of the requester or the]~~ *or to any other public officer or employee of that public body, agency or employer to whom the supervisory head or the legal counsel authorizes such a disclosure in writing;*

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

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

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

Sec. 38. NRS 281A.690 is hereby amended to read as follows:

281A.690 1. ~~[Except as otherwise provided in this section, the]~~ *The provisions of chapter 241 of NRS do not apply to:*

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

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

2. The ~~[public officer or employee]~~ *requester* who files the request for an advisory opinion may also file a request with the Commission to hold a public meeting or hearing regarding the request for an advisory opinion. *If the Commission grants the request to hold a public meeting or hearing, the Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.*

Sec. 39. NRS 281A.700 is hereby amended to read as follows:

281A.700 The provisions of NRS 281A.700 to 281A.790, inclusive, *and section 12 of this act* apply to proceedings concerning an ethics complaint.



Sec. 40. NRS 281A.710 is hereby amended to read as follows:
281A.710 1. Except as otherwise provided in this section and NRS 281A.280, the Commission may render *a decision and issue* an opinion that interprets the statutory ethical standards and applies those standards to a given set of facts and circumstances regarding the propriety of the conduct of a public officer or employee if an ethics complaint is:

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

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

(c) Initiated by the Commission on its own motion, except the Commission shall not initiate such an ethics complaint based solely upon an anonymous complaint.

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

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

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

3. The Commission may decline to render *a decision or issue* an opinion if the *specialized or local ethics committee or person [who files] filing* the ethics complaint *pursuant to paragraph (a) or (b) of subsection 1* does not submit all necessary evidence in the matter.

Sec. 41. NRS 281A.715 is hereby amended to read as follows:

281A.715 1. Based on the evidence submitted with an ethics complaint filed with the Commission *by a specialized or local ethics committee or person* pursuant to *paragraph (a) or (b) of subsection 1 of NRS 281A.710 [.] and any additional evidence obtained by the Executive Director pursuant to subsection 2*, the Commission shall determine whether it has jurisdiction in the matter and whether an investigation is warranted in the matter. The Commission shall make its determination within 45 days after receiving the ethics complaint, unless the ~~[public officer or employee who is the subject of the ethics complaint waives this time limit.]~~ *Commission determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension.*



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

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

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

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

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

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

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

Sec. 42. NRS 281A.720 is hereby amended to read as follows:

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



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

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

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

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

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

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

Sec. 43. NRS 281A.725 is hereby amended to read as follows:

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



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

(b) *Upon the request of the Executive Director, the presiding officer of the review panel may grant one or more extensions of this time limit for good cause shown. If the presiding officer grants such an extension, the presiding officer must set a specific and reasonable time period for such an extension.*

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

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

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

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

Sec. 44. NRS 281A.730 is hereby amended to read as follows:

281A.730 1. Except as otherwise provided in this section, the review panel shall determine whether there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter within ~~[-]~~ 45 days after the Executive Director ~~[-]~~ *presents to* the review panel ~~[-]~~ the recommendation required by NRS 281A.725. The public officer or employee who is the subject of the ethics complaint may waive this time limit. *The review panel shall serve on the public officer or employee who is the subject of the ethics complaint a written notice of its determination.*

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

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

4. If the review panel determines that there is not just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter, it shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or



instruction to the public officer or employee pursuant to NRS 281A.780.

5. If the review panel determines that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter but reasonably believes that the conduct at issue may be appropriately addressed through additional training or other corrective action under the terms and conditions of a deferral agreement, the review panel may:

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

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

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

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

Sec. 45. NRS 281A.745 is hereby amended to read as follows:

281A.745 1. If the review panel refers an ethics complaint to the Commission for further proceedings in the matter pursuant to NRS 281A.730 or if the Commission vacates a deferral agreement and conducts further proceedings in the matter pursuant to NRS 281A.740 ~~[, the]~~:

(a) *The Executive Director shall issue a formal notice of charges to the public officer or employee who is the subject of the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and*

(b) *The Commission shall hold an adjudicatory hearing and render ~~[an opinion in the matter]~~ a decision concerning the ethics complaint* within 60 days after the date on which the review panel refers the ethics complaint to the Commission or the Commission vacates the deferral agreement, as appropriate, unless the public



officer or employee who is the subject of the ethics complaint waives this time limit ~~[3]~~ *or the Commission determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension.*

2. ~~[H]~~ *Before* the Commission holds an adjudicatory hearing ~~[to receive evidence]~~ concerning an ethics complaint, the Commission shall:

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

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

3. *At the adjudicatory hearing:*

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

(b) *The Commission shall:*

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

~~[(e)]~~ (2) Allow the public officer or employee to hear the ~~[evidence]~~ case presented to the Commission *by the Executive Director or his or her designee* and to ~~[respond and]~~ present ~~[evidence on]~~ his or her own ~~[behalf.]~~ *case to the Commission.*

~~[3.]~~ 4. Unless the public officer or employee agrees to a shorter time, an adjudicatory hearing may not be held less than 10 days after the date on which the *written* notice of the hearing is ~~[given]~~ *provided* to the public officer or employee.

~~[4.]~~ 5. For good cause shown, the Commission may take testimony from a person by telephone or video conference at an adjudicatory hearing or at any other proceedings concerning the ethics complaint.

6. *After the Commission renders a decision concerning the ethics complaint, the Commission shall issue a written opinion on or before the date of the next meeting of the Commission that is held after the date on which the decision is rendered, unless the Chair determines that there is good cause to extend this time limit and sets a specific and reasonable time period for such an extension.*

7. *The written opinion issued by the Commission must include findings of fact and conclusions of law and otherwise comply with the requirements for a final decision set forth in NRS 233B.125.*



Sec. 46. NRS 281A.750 is hereby amended to read as follows:
281A.750 1. Except as otherwise provided in this section and NRS 281A.755, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The review panel determines whether there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter and serves *the* written notice of its determination on the public officer or employee who is the subject of the ethics complaint ~~§~~ *pursuant to NRS 281A.730*; or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,
↳ whichever occurs first.

2. Except as otherwise provided in subsection ~~§~~ *5*, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint ~~§~~ *, worked for the same public body, agency or employer during the time of the alleged conduct at issue or if revealing the identity of the requester would reveal the identity of witnesses who work for the same public body, agency or employer.*

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

3. *If the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section, the following materials are confidential and are not public records pursuant to chapter 239 of NRS:*

(a) All information, communications, records, documents or other materials in the possession of the Commission that, if disclosed by the Commission, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the Commission



is not required to provide any information that, if disclosed by the Commission in denying the request for public records, would reveal that the requester filed the ethics complaint.

(b) All information, communications, records, documents or other materials in the possession of the requester of the ethics complaint or his or her public body, agency or employer that, if disclosed by either of them, would reveal that the requester filed the ethics complaint. Notwithstanding the provisions of chapter 239 of NRS, in denying a request for public records based on the confidentiality provided by this paragraph, the requester of the ethics complaint or his or her public body, agency or employer is not required to provide any information that, if disclosed by either of them in denying the request for public records, would reveal that the requester filed the ethics complaint.

4. If the Commission keeps the identity of the requester *of an ethics complaint* confidential ~~[]~~ *pursuant to this section and the Executive Director does not intend to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering a decision and issuing an opinion in the matter,* the Commission shall not render *a decision and issue* an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. *The provisions of this subsection do not abrogate or otherwise alter or affect the confidentiality of the identity of the requester of the ethics complaint.*

5. If *the Commission keeps the identity of the requester of an ethics complaint confidential pursuant to this section and* the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering *a decision and issuing* an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to NRS 281A.755, the ~~[Commission]~~ *Executive Director* shall disclose the name of the requester only as a proposed witness ~~[within a reasonable time before the adjudicatory hearing on the matter.]~~ *in accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745.*

Sec. 47. NRS 281A.755 is hereby amended to read as follows:

281A.755 1. Except as otherwise provided in this section, the investigative file related to an ethics complaint is confidential and is not a public record pursuant to chapter 239 of NRS.



2. ~~[At any time after being served with written notice of the determination of the review panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter.]~~ *In accordance with the schedule for discovery provided to the parties pursuant to NRS 281A.745*, the public officer or employee who is the subject of the ethics complaint may submit a written discovery request to the Commission for a list of proposed witnesses and a copy of any portion of the investigative file that the Executive Director intends to present as evidence for consideration by the Commission at the adjudicatory hearing or in rendering *a decision and issuing* an opinion in the matter.

3. ~~[Any]~~ *Unless otherwise declared confidential by law, any* portion of the investigative file which the Executive Director presents as evidence for consideration by the Commission at the adjudicatory hearing or in rendering *a decision and issuing* an opinion in the matter becomes a public record and must be open for inspection pursuant to chapter 239 of NRS ~~[]~~ *after the Commission takes final action concerning the ethics complaint in a public meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

4. For the purposes of this section:

(a) The investigative file includes, without limitation:

(1) Any response concerning the ethics complaint prepared by the public officer or employee pursuant to NRS 281A.720 and submitted to the Executive Director and the review panel during the course of the investigation and any proceedings before the review panel;

(2) Any recommendation concerning the ethics complaint prepared by the Executive Director pursuant to NRS 281A.725 and ~~[submitted]~~ *presented* to the review panel during the course of the investigation and any proceedings before the review panel; and

(3) Any other information provided to or obtained by or on behalf of the Executive Director through any form of communication during the course of the investigation , *including, without limitation, information, records and documentation obtained pursuant to subsection 3 of NRS 281A.300*, and any proceedings before the review panel and any records, documents or other materials created or maintained during the course of the investigation and any proceedings before the review panel which relate to the public officer or employee who is the subject of the ethics complaint, including, without limitation, a transcript, regardless of whether such information, records, documents or other materials are obtained pursuant to a subpoena.



(b) The investigative file does not include any deferral agreement.

Sec. 48. NRS 281A.760 is hereby amended to read as follows:

281A.760 **1.** The provisions of chapter 241 of NRS do not apply to:

~~1.]~~ (a) Any meeting or hearing held by the Commission to receive information or evidence concerning an ethics complaint; and

~~2.]~~ (b) Any deliberations *or actions* of the Commission on such information or evidence.

2. *The Commission shall take final action concerning an ethics complaint in a public meeting or hearing. The Commission shall provide public notice of the meeting or hearing, and the meeting or hearing must be open to the public and conducted in accordance with the regulations of the Commission, but the meeting or hearing is not subject to the provisions of chapter 241 of NRS.*

Sec. 49. NRS 281A.765 is hereby amended to read as follows:

281A.765 ~~1. If the Commission renders an opinion in proceedings concerning an ethics complaint, the opinion must include findings of fact and conclusions of law.~~

~~2. If, in] In~~ proceedings concerning an ethics complaint, *if* the Commission determines that a violation of this chapter:

~~(a)] 1.~~ Has not been proven, the Commission shall dismiss the matter, with or without prejudice, and with or without issuing a letter of caution or instruction to the public officer or employee pursuant to NRS 281A.780.

~~(b)] 2.~~ Has been proven, the Commission may take any action authorized by this chapter.

Sec. 50. NRS 281A.770 is hereby amended to read as follows:

281A.770 In any matter in which the Commission disposes of an ethics complaint by stipulation, agreed settlement or consent order or in which the review panel approves a deferral agreement, the Commission or the review panel, as appropriate, shall :

1. *To the extent practicable based on the given set of facts and circumstances,* treat comparable situations in a comparable manner ; and ~~shall ensure]~~

2. *Ensure* that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 51. NRS 281A.775 is hereby amended to read as follows:

281A.775 **1.** The Commission, in determining whether a violation of this chapter is a willful violation and, if so, the penalty to be imposed on a ~~public officer or employee]~~ *current* or former public officer or employee pursuant to NRS 281A.785 or 281A.790,



or the review panel, in determining whether to approve a deferral agreement regarding an alleged violation, shall consider, without limitation:

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

(b) The number and history of previous warnings, letters of caution or instruction, deferral agreements or violations or alleged violations of the provisions of this chapter relating to the public officer or employee;

(c) The cost to conduct the investigation and any meetings, hearings or other proceedings relating to the violation or alleged violation;

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

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

(f) The extent of any financial gain resulting from the violation or alleged 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 or the review panel, as appropriate, may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation or alleged violation.

3. In applying the factors set forth in this section, the Commission or the review panel, as appropriate, shall :

(a) *To the extent practicable based on the given set of facts and circumstances*, treat comparable situations in a comparable manner ; and ~~[shall ensure]~~

(b) *Ensure* that the disposition of the matter bears a reasonable relationship to the severity of the violation or alleged violation.

Sec. 52. NRS 281A.780 is hereby amended to read as follows:

281A.780 1. In proceedings concerning an ethics complaint, the Commission or the review panel, as appropriate, may issue a letter of caution or instruction to the public officer or employee who is the subject of the ethics complaint to caution or instruct the public officer or employee regarding the propriety of his or her conduct under the statutory ethical standards . ~~[set forth in this chapter.]~~



2. If the Commission or the review panel issues a letter of caution or instruction to the public officer or employee, the letter:

(a) Is confidential and is not a public record pursuant to chapter 239 of NRS.

(b) May be considered in deciding the appropriate action to be taken on any subsequent ethics complaint involving the public officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 53. NRS 281A.785 is hereby amended to read as follows:

281A.785 1. ~~Except as otherwise provided in this section,~~ ~~in~~ *In* proceedings concerning an ethics complaint, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may, in addition to any other ~~penalty~~ *penalties* provided by law and in accordance with the provisions of NRS 281A.775:

(a) Require the public officer or employee who is the subject of the ethics complaint to:

(1) Comply in all respects with the provisions of this chapter for a specified period without being the subject of another ethics complaint arising from an alleged violation of this chapter by the public officer or employee which occurs during the specified period and for which the review panel determines that there is just and sufficient cause for the Commission to render *a decision and issue* an opinion in the matter.

(2) Attend and complete training.

(3) Follow a remedial course of action.

(4) Issue a public apology.

(5) Comply with conditions or limitations on future conduct.

(b) Publicly admonish, reprimand or censure the public officer or employee.

(c) Take any combination of such actions or any other reasonable action that the Commission or the review panel, as appropriate, determines will remedy the violation or alleged violation or deter similar violations or conduct.

2. In carrying out the provisions of subsection 1, the Commission, based on a finding that a violation of this chapter has been proven, or the review panel, as part of the terms and conditions of a deferral agreement, may publicly:

(a) Admonish a public officer or employee if it is determined that the public officer or employee has violated any provision of this chapter, but the violation is not willful, or if such an admonishment is imposed as part of the terms and conditions of a deferral



agreement. An admonishment is a written expression of disapproval of the conduct of the public officer or employee.

(b) Reprimand a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter, but there is no evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law, or if such a reprimand is imposed as part of the terms and conditions of a deferral agreement. A reprimand is a severe written reproof for the conduct of the public officer or employee.

(c) Censure a public officer or employee if it is determined that the public officer or employee has willfully violated any provision of this chapter and there is evidence that the willful violation involved bad faith, malicious intent or knowing or reckless disregard of the law or there are no substantial mitigating factors pursuant to NRS 281A.775 for the willful violation, or if such a censure is imposed as part of the terms and conditions of a deferral agreement. A censure is a formal written condemnation of the conduct of the public officer or employee.

3. Any action taken by the Commission pursuant to this section is a final decision for the purposes of judicial review pursuant to NRS 233B.130. Any action taken by the review panel pursuant to this chapter, including, without limitation, any action relating to a deferral agreement, is not a final decision for the purposes of judicial review pursuant to NRS 233B.130.

Sec. 54. NRS 281A.790 is hereby amended to read as follows:

281A.790 1. In addition to any other penalties provided by law and in accordance with the provisions of NRS 281A.775, the Commission may impose on a ~~[public officer or employee]~~ *current* 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 *or any additional violation* of this chapter.

2. ~~[It]~~ *For the purposes of this section, in determining whether a current or former public officer or employee has committed one or more violations of this chapter, each separate act or event that constitutes a violation of this chapter, or course of conduct that the Commission interprets as constituting a separate violation of this chapter, must be treated as a separate*



violation that is cumulative to all other violations by that person, whenever committed, without regard to the sequence of the violations or whether the violations are established in the same proceedings concerning the same ethics complaint or in separate proceedings concerning separate ethics complaints.

3. *Except as otherwise provided in NRS 281A.280, in addition to any other penalties provided by law, if a current or former public officer or employee or any other person prevents, interferes with or attempts to prevent or interfere with any investigation or proceedings pursuant to this chapter or the discovery of a violation of this chapter, such an act shall be deemed to be a violation of this chapter, and the Commission may, ~~upon its own motion or upon the motion of the current or former public officer or employee who is the subject of the investigation or proceedings:~~ after providing the person committing such an act with a written notice of the charges and an opportunity for a hearing in accordance with the regulations of the Commission:*

(a) *Impose on the person committing such an act a civil penalty not to exceed \$5,000 ~~;~~, unless a greater civil penalty is authorized by subsection 1;* and

(b) *If appropriate under the facts and circumstances, assess against the person committing such an act an amount equal to the amount of attorney's fees and costs actually and reasonably incurred as a result of the act by the Commission or any current or former public officer or employee ~~as a result of~~ who is a subject of the investigation or proceedings and who is harmed or prejudiced by the act.*

~~3.]~~ 4. *If the Commission finds that a violation of ~~a provision of~~ this chapter by a ~~public officer or employee~~ current or former public officer or employee has resulted in the realization of a financial benefit by the ~~current or former~~ public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the ~~current or former~~ public officer or employee to pay a civil penalty of not more than twice the amount so realized.*

~~4.]~~ 5. *In addition to any other penalties provided by law, if ~~a proceeding results in~~ the Commission issues an opinion in which it finds that:*

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



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

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

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

~~{(e)}~~ (b) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in ~~[paragraphs]~~ *paragraph* (a) , ~~[and (b).]~~ the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

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

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

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

~~{5.}~~ 6. Notwithstanding any other provision of this chapter, any act or failure to act by a ~~[public officer or employee]~~ *current* or former public officer or employee relating to this chapter is not a ~~[willful]~~ violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the *Executive Director or Commission Counsel pursuant*



to subsection 6 of NRS 281A.680 or legal counsel *employed or* retained by his or her public body, agency or employer; and

(b) The advice of the *Executive Director, Commission Counsel or* legal counsel, *as applicable*, was:

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the *Executive Director, Commission Counsel or* legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee would not be contrary to the provisions of this chapter as interpreted ~~[by]~~ *in the published opinions of* the Commission.

~~[6.]~~ 7. In addition to any other penalties provided by law, if a public employee commits a ~~[willful]~~ violation of this chapter or fails to complete a period of compliance imposed by the Commission pursuant to NRS 281A.785 or by the review panel as part of the terms and conditions of a deferral agreement ~~[, the public employee is subject to disciplinary proceedings by the]~~ :

(a) *The Commission shall provide that information to the public body, agency or* employer of the public employee ; and ~~[must be referred for]~~

(b) *The public body, agency or employer may pursue or take appropriate disciplinary* action *against the public employee* in accordance ~~[to]~~ *with* the applicable provisions governing ~~[the]~~ *his or her public* employment. ~~[of the public employee.]~~

~~—7.]~~ 8. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a *current or former* public officer or employee has committed a ~~[willful]~~ violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

~~[8.]~~ 9. The imposition of a civil penalty pursuant to ~~[subsection 1, 2 or 3]~~ *any provision of subsections 1 to 4, inclusive*, is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

~~[9.]~~ 10. A finding by the Commission that a *current or former* public officer or employee *or any other person* 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.



Sec. 55. Title 17 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 56 to 112, inclusive, of this act.

Sec. 56. *This chapter may be cited as the Nevada Legislative Ethics Law.*

Sec. 57. *The Legislature hereby finds and declares that:*

1. The purposes of this chapter are to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. This chapter must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

Sec. 58. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 59 to 77, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 59. *“Adjudicatory hearing” means a hearing held by the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to this chapter to receive evidence, render a decision and, if appropriate, issue an opinion concerning an ethics complaint.*

Sec. 60. *“Assembly Commission” means the Assembly Commission on Ethics created by section 95 of this act.*

Sec. 61. *“Business entity” means an organization or enterprise operated for economic gain, including, without limitation, a proprietorship, partnership, firm, business, company, trust, joint venture, syndicate, corporation or association.*

Sec. 62. *“Candidate” means any person:*

1. Who files a declaration of candidacy; or

2. Whose name appears on an official ballot at any election.

Sec. 63. *“Chair” means:*

1. The Chair of the Senate Commission, Assembly Commission or Joint Commission, as applicable; or



2. *The Vice Chair or another member serving in the capacity of the Chair.*

Sec. 64. *“Commitment in a private capacity” means a private commitment, interest or relationship of a legislative officer or employee to:*

1. *The spouse or domestic partner of the legislative officer or employee;*

2. *A member of the household of the legislative officer or employee;*

3. *A relative of the legislative officer or employee, or the spouse or domestic partner of the legislative officer or employee, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity;*

4. *The employer of the legislative officer or employee, the spouse or domestic partner of the legislative officer or employee or a member of the household of the legislative officer or employee;*

5. *A person with whom the legislative officer or employee has a substantial and continuing business relationship; or*

6. *A person with whom the legislative officer or employee has any other private commitment, interest or relationship that is substantially similar to a private commitment, interest or relationship described in subsections 1 to 5, inclusive.*

Sec. 65. *“Compensation” means any money, thing of value or economic benefit conferred on or received by any person in return for services rendered, personally or by another person.*

Sec. 66. *“Domestic partner” means a person in a domestic partnership.*

Sec. 67. *“Domestic partnership” means a domestic partnership as defined in NRS 122A.040.*

Sec. 68. *“Ethics complaint” means an ethics complaint which is filed with the Senate Commission, Assembly Commission or Joint Commission, as applicable, pursuant to this chapter regarding the propriety of the conduct of a legislative officer or employee under the legislative ethical standards.*

Sec. 69. *“Household” means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.*

Sec. 70. *“Joint Commission” means the Joint Commission on Ethics created by section 99 of this act.*

Sec. 71. 1. *“Legislative employee” means any employee, assistant, attache, intern or other staff employed with reference to the legislative duties of a Legislator or the Legislative Department,*



regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any employee, assistant, attache, intern or other staff of:

- (a) The Legislature or either House;*
- (b) Any legislative committee;*
- (c) Any legislative office or caucus;*
- (d) Any division of the Legislative Counsel Bureau; or*
- (e) Any other agency, body, office, organization or unit of the Legislative Department.*

Sec. 72. *“Legislative ethical standards” means:*

1. Any statutory ethical standards set forth in this chapter; and

2. Any other ethical standards recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 73. *1. “Legislative officer” means:*

(a) A member of the Senate, the Secretary of the Senate or any other officer of the Senate;

(b) A member of the Assembly, the Chief Clerk of the Assembly or any other officer of the Assembly; or

(c) Any other officer of the Legislature, the Legislative Counsel Bureau or the Legislative Department.

2. The term does not include the Lieutenant Governor when acting in his or her official capacity as the President of the Senate.

Sec. 74. *1. “Opinion” means an opinion issued by the Senate Commission, Assembly Commission or Joint Commission, as applicable, in accordance with the provisions of this chapter.*

2. The term includes, without limitation, the disposition of an ethics complaint by stipulation, agreed settlement, consent order or default.

Sec. 75. *“Pecuniary interest” means any beneficial or detrimental interest in a matter that consists of or is measured in money or is otherwise related to money, including, without limitation:*

1. Anything of economic value; and

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

Sec. 76. *“Senate Commission” means the Senate Commission on Ethics created by section 91 of this act.*



Sec. 77. *“State agency of the Executive Department” means any agency, bureau, board, commission, department, division, office or other unit of the Executive Department.*

Sec. 78. *1. In carrying out the provisions of this chapter, the Legislative Department is entitled to pursue every legal and equitable remedy that is available to enforce the provisions of this chapter.*

2. This chapter does not create any private right of action for any person, and this chapter cannot be enforced by any person in any private right of action.

Sec. 79. *1. This chapter supplements all other ethical standards recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.*

2. If there is any conflict between the provisions of the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution and the provisions of this chapter, the provisions of the rules control.

Sec. 80. *1. Except as otherwise provided in this section, the Senate Commission, Assembly Commission or Joint Commission, as applicable, has jurisdiction to investigate and take appropriate actions regarding an alleged violation of the legislative ethical standards by a legislative officer or employee or former legislative officer or employee in any proceedings commenced by an ethics complaint which is filed in accordance with this chapter within 2 years after the alleged violation or reasonable discovery of the alleged violation.*

2. The Senate Commission, Assembly Commission or Joint Commission, as applicable, does not have jurisdiction in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

Sec. 81. *In applying the provisions of this chapter to an alleged violation by a former legislative officer or employee, the use of the term “legislative officer” or “legislative employee” in this chapter must be interpreted to include the former legislative officer or employee, unless the commencement of proceedings*



against the former legislative officer or employee concerning the alleged violation is time-barred by the statute of limitations pursuant to section 80 of this act.

Sec. 82. *1. The provisions of this chapter establish legislative ethical standards to govern:*

- (a) Legislative officers and employees; and*
- (b) Former legislative officers and employees in situations where the legislative ethical standards apply to the conduct of former legislative officers and employees after the end of any period of legislative service or employment.*

2. The legislative ethical standards set forth in this chapter are cumulative and supplement each other, and the application of any one of the legislative ethical standards to a given set of facts and circumstances does not bar the application of any other of the legislative ethical standards that also apply to the given set of facts and circumstances.

Sec. 83. *1. A legislative officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity, which would tend to improperly influence a reasonable person in the legislative officer's or employee's position to depart from the faithful and impartial discharge of the legislative officer's or employee's official duties.*

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

3. A legislative officer or employee shall not participate as an agent of the Legislative Department in the negotiation or execution of a contract between the Legislative Department and the legislative officer or employee, any business entity in which the legislative officer or employee has a significant pecuniary interest or any person to whom the legislative officer or employee has a commitment in a private capacity.

4. A legislative officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other



compensation from any private source, for the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity, for the performance of the legislative officer's or employee's official duties.

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

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

7. Except for Legislators who are subject to the restrictions set forth in subsection 8, a legislative officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity. This subsection does not prohibit:

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

(1) At the time that the use occurs, the use is:

(I) Authorized by a written policy which was adopted before the use occurs by the legislative officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility; or

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

(2) The use does not interfere with the performance of the legislative officer's or employee's official 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 the Legislative Department 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 legislative officer or employee shall promptly reimburse the cost or pay the charge to the Legislative Department.

8. A Legislator shall not:

(a) Use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the Legislator or any person to whom the Legislator has a commitment in a private capacity. This paragraph does not prohibit:

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

(I) The use does not interfere with the performance of the Legislator's official duties;

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

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

(2) 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

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

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

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

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

9. A legislative officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the legislative officer or employee or any person to whom the legislative officer or employee has a commitment in a private capacity through the influence of a subordinate.

10. A legislative officer or employee shall not seek other employment or contracts for the legislative officer or employee or any person to whom the legislative officer or employee has a



commitment in a private capacity through the use of the legislative officer's or employee's official position.

11. As used in this section, "appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a legislative officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

Sec. 84. 1. *A legislative officer or employee shall not use the legislative officer's or employee's official position or power in the government to take any actions or compel a subordinate to take any actions that a reasonable person would find, based on the given set of facts and circumstances, to be a gross or unconscionable abuse of official position or power that would undermine the integrity or impartiality of a reasonable person in the legislative officer's or employee's position under the same or similar facts and circumstances.*

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

Sec. 85. 1. *Unless permitted by this section, a legislative officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive Department or the Legislative Department.*

2. A Legislator, or a legislative officer or employee whose legislative service requires less than half of his or her time, may represent or counsel a private person for compensation before any state agency of the Executive Department in which he or she does not serve.

Sec. 86. 1. *Except as otherwise provided in this section and NRS 218A.970 and 332.800, a legislative officer or employee shall not bid on or enter into a contract between a state agency of the Executive Department and any business entity in which the legislative officer or employee has a significant pecuniary interest.*

2. A legislative officer or employee may bid on or enter into a contract between a state agency of the Executive Department and any business entity in which the legislative officer or employee has a significant pecuniary interest if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding or for



a solicitation are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

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

(d) The legislative officer or employee will not be personally involved in opening, considering or accepting offers.

Sec. 87. 1. *Except as otherwise provided in this section, a legislative officer or employee shall not accept or receive an honorarium.*

2. An honorarium paid on behalf of a legislative officer or employee to a charitable organization from which the legislative officer or employee does not derive any financial benefit is deemed not to be accepted or received by the legislative officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of any payment by a legislative officer or employee for work performed outside the normal course and scope of his or her legislative office or employment if the performance of that work is consistent with the applicable policies of his or her legislative body, agency or employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse or domestic partner of a legislative officer or employee if it is related to the profession or occupation of the spouse or domestic partner.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the legislative officer or employee in his or her capacity as a legislative officer or employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the legislative officer or employee, the spouse or domestic partner of the legislative officer or employee or any assistant of the legislative officer or employee for transportation and for lodging and meals while the legislative officer or employee is away from his or her residence.

(b) Compensation which would otherwise have been earned by the legislative officer or employee in the normal course and scope of his or her legislative office or employment.

(c) A fee for a speech related to the legislative officer's or employee's profession or occupation outside the normal course and scope of his or her legislative office or employment if:

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



(2) *The fee paid to the legislative officer or employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the legislative officer or employee for a comparable speech.*

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

5. *In addition to any other remedies or penalties provided by law, a legislative officer or employee who violates the provisions of this section shall forfeit the amount of the honorarium.*

Sec. 88. 1. *Except as otherwise provided in this section, a legislative officer or employee shall not request or otherwise cause the Legislative Department to incur an expense or make an expenditure to support or oppose:*

(a) *A ballot question.*

(b) *A candidate.*

2. *For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by the Legislative Department shall be considered an expense incurred or an expenditure made in support of a candidate if:*

(a) *The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current legislative officer or employee who is a candidate for a state, local or federal elective office; and*

(b) *The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.*

3. *The period during which the provisions of subsection 2 apply to the Legislative Department begins when a current legislative officer or employee files a declaration of candidacy and ends on the date of the general election, general city election or special election for the office for which the current legislative officer or employee is a candidate.*

4. *The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:*

(a) *Is made available to the public on a regular basis and merely describes the functions of:*

(1) *The legislative office or employment held by the legislative officer or employee who is the candidate; or*

(2) *The Legislative Department; or*



(b) Is created or disseminated in the course of carrying out a duty of:

(1) The legislative officer or employee who is the candidate; or

(2) The Legislative Department.

5. The provisions of this section do not prohibit an expense or an expenditure incurred to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. The provisions of this section do not prohibit an expense or an expenditure incurred to carry out any functions, powers or duties regarding preparation and distribution of ballot materials for a ballot question as authorized or required by NRS 218D.810 or any other law, rule or resolution.

7. As used in this section, "pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(a) A press release issued to the media by the Legislative Department; or

(b) An official Internet website of the Legislative Department.

Sec. 89. *A current or former legislative officer or employee, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the Legislative Department, or was implemented, managed or administered by the Legislative Department, as applicable, during the legislative officer's or employee's period of legislative service or employment or for 1 year after the termination of his or her period of legislative service or employment if:*

1. The amount of the contract exceeded \$25,000;

2. The contract was awarded or was implemented, managed or administered by the Legislative Department, as applicable, within the immediately preceding year during the legislative officer's or employee's period of legislative service or employment or within the year immediately preceding the termination of the legislative officer's or employee's period of legislative service or employment; and

3. The position held by the legislative officer or employee at the time the contract was awarded or while the contract was implemented, managed or administered by the Legislative



Department, as applicable, allowed the legislative officer or employee to materially affect or influence the awarding of the contract or its implementation, management or administration.

Sec. 90. *1. In addition to any other remedies or penalties provided by law, a governmental grant, contract or lease entered into by any person in violation of this chapter is voidable by the governmental entity. In a determination under this section of whether to void a grant, contract or lease, the interests of innocent third parties who could be damaged must be taken into account. The Attorney General or official attorney for the governmental entity must give notice of the intent to void a grant, contract or lease under this section not later than 30 days after the Senate Commission, Assembly Commission or Joint Commission, as applicable, has determined that there has been a related violation of this chapter.*

2. Any actions taken by a state agency of the Executive Department in violation of this chapter are voidable, except that the interests of innocent third parties in the nature of the violation must be taken into account. The Attorney General may also pursue any other available legal or equitable remedies.

3. In addition to any other remedies or penalties provided by law, the Attorney General may recover any fee, compensation, gift or benefit received by any person as a result of a violation of this chapter by a legislative officer or employee. An action to recover pursuant to this section must be brought within 2 years after the violation or reasonable discovery of the violation.

Sec. 91. *1. The Senate Commission on Ethics is hereby created. Subject to the provisions of this section, the Senate Commission consists of seven members appointed as follows:*

(a) Two members of the Senate appointed by the Majority Leader of the Senate from the majority political party;

(b) One member of the Senate appointed by the Minority Leader of the Senate from the minority political party; and

(c) Four persons who are qualified electors of this State, with two such members appointed by the Majority Leader, one such member appointed by the Minority Leader and one such member appointed by the other members appointed to the Commission. The members appointed pursuant to this paragraph must not be a current member of the Legislature or employed by the State of Nevada during their terms.

2. Not more than four members of the Senate Commission may be members of the same political party.



3. *As soon as practicable after each regular session convenes, the appointing authorities shall appoint the members of the Senate Commission. The terms of the members end when the next regular session convenes. Any member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes.*

4. *As soon as practicable after each regular session convenes, the appointing authorities shall appoint the following alternate members for the Senate Commission:*

(a) *The Majority Leader shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.*

(b) *The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.*

(c) *The members of the Commission shall appoint an alternate member with the qualifications set forth in paragraph (c) of subsection 1.*

5. *The terms of the alternate members end when the next regular session convenes. Any alternate member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes.*

6. *If a member of the Senate Commission is unable to serve for any reason during the consideration of a specific matter, the alternate member appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.*

7. *A vacancy in the membership or alternate membership of the Senate Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

Sec. 92. 1. *The Legislative Commission shall review and approve the budget and work program for the Senate Commission and any changes to the budget or work program.*

2. *Except during a regular or special session, for each day or portion of a day during which members of the Senate Commission who are Legislators attend a meeting of the Commission or are*



otherwise engaged in the business of the Commission, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. The members of the Senate Commission who are not Legislators serve without compensation. For each day or portion of a day during which those members attend a meeting of the Commission or are otherwise engaged in the business of the Commission, the members are entitled to receive:

(a) The per diem allowance provided for state officers and employees generally; and

(b) The travel expenses provided pursuant to NRS 218A.655.

4. An alternate member of the Senate Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

5. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 93. *1. The Majority Leader of the Senate shall appoint the Chair and Vice Chair of the Senate Commission.*

2. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. The Chair may prescribe rules, practices and procedures for the Senate Commission's management, government and proceedings.

4. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Senate Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

5. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 94. *1. The Senate Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Commission.*



2. *At a meeting, four members of the Senate Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Commission.*

3. *The Senate Commission shall hear ethics complaints brought against a legislative officer or employee of the Senate regarding an alleged violation of the legislative ethical standards.*

4. *The Senate Commission may hear requests brought by a legislative officer or employee of the Senate for advice on the legislative ethical standards.*

Sec. 95. 1. *The Assembly Commission on Ethics is hereby created. Subject to the provisions of this section, the Assembly Commission consists of six members appointed as follows:*

(a) Two members of the Assembly appointed by the Speaker of the Assembly from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader of the Assembly from the minority political party; and

(c) Three persons who are qualified electors of the State, with two such members appointed by the Speaker and one such member appointed by the Minority Leader. The members appointed pursuant to this paragraph must not be a current member of the Legislature or employed by the State of Nevada during their terms.

2. *As soon as practicable after each regular session convenes, the appointing authorities shall appoint the members of the Assembly Commission. The terms of the members end when the next regular session convenes. Any member who is a Legislator and who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular session convenes.*

3. *As soon as practicable after each regular session convenes, the appointing authorities shall appoint the following alternate members for the Assembly Commission:*

(a) The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

(b) The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1.

4. *The terms of the alternate members end when the next regular session convenes. Any alternate member who is a Legislator and who is not a candidate for reelection or who is*



defeated for reelection continues to serve after the general election until the next regular session convenes.

5. If a member of the Assembly Commission is unable to serve for any reason during the consideration of a specific matter, the alternate member appointed with the qualifications from the same paragraph in subsection 1 by the same appointing authority shall serve as a member of the Commission during the consideration of the specific matter, with all the rights, powers, privileges and immunities of a regular member.

6. A vacancy in the membership or alternate membership of the Assembly Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 96. *1. The Legislative Commission shall review and approve the budget and work program for the Assembly Commission and any changes to the budget or work program.*

2. Except during a regular or special session, for each day or portion of a day during which members of the Assembly Commission who are Legislators attend a meeting of the Commission or are otherwise engaged in the business of the Commission, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. The members of the Assembly Commission who are not Legislators serve without compensation. For each day or portion of a day during which those members attend a meeting of the Commission or are otherwise engaged in the business of the Commission, the members are entitled to receive:

(a) The per diem allowance provided for state officers and employees generally; and

(b) The travel expenses provided pursuant to NRS 218A.655.

4. An alternate member of the Assembly Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

5. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 97. *1. The Speaker of the Assembly shall appoint the Chair and Vice Chair of the Assembly Commission.*



2. *If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

3. *The Chair may prescribe rules, practices and procedures for the Assembly Commission's management, government and proceedings.*

4. *The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Assembly Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.*

5. *The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.*

Sec. 98. 1. *The Assembly Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Commission.*

2. *At a meeting, four members of the Assembly Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Commission.*

3. *The Assembly Commission shall hear ethics complaints brought against a legislative officer or employee of the Assembly regarding an alleged violation of the legislative ethical standards.*

4. *The Assembly Commission may hear requests brought by a legislative officer or employee of the Assembly for advice on the legislative ethical standards.*

Sec. 99. 1. *The Joint Commission on Ethics is hereby created. Subject to the provisions of this section, the Joint Commission consists of six members appointed as follows:*

(a) *Three members of the Senate Commission who are Legislators appointed by the Chair of the Senate Commission; and*

(b) *Three members of the Assembly Commission who are Legislators appointed by the Chair of the Assembly Commission.*

2. *The terms of the members of the Joint Commission are coextensive with their respective terms on the Senate Commission or Assembly Commission, as applicable.*

3. *If a member of the Joint Commission is unable to serve for any reason during the consideration of a specific matter, the appropriate alternate member authorized to serve for that member pursuant to section 91 or 95 of this act, as applicable, shall serve as a member of the Joint Commission during the consideration of*



the specific matter, with all the rights, powers, privileges and immunities of a regular member.

Sec. 100. *1. The Legislative Commission shall review and approve the budget and work program for the Joint Commission and any changes to the budget or work program.*

2. Except during a regular or special session, for each day or portion of a day during which members of the Joint Commission who are Legislators attend a meeting of the Commission or are otherwise engaged in the business of the Commission, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

3. An alternate member of the Joint Commission who serves for a regular member during the consideration of a specific matter is entitled to receive the same compensation, per diem allowances and travel expenses as that regular member would be entitled to receive for the same service.

4. All compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 101. *1. The offices of Chair and Vice Chair of the Joint Commission alternate between the Houses, beginning with the Chair of the Senate Commission serving as the Chair of the Joint Commission and the Chair of the Assembly Commission serving as the Vice Chair of the Joint Commission, and following this pattern thereafter.*

2. The terms of the Chair and Vice Chair of the Joint Commission are coextensive with their respective terms as the Chairs of the Senate Commission and Assembly Commission, as applicable.

3. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. The Chair may prescribe rules, practices and procedures for the Joint Commission's management, government and proceedings.

5. The Chair may take, direct or require any necessary and reasonable actions to facilitate or carry out the Joint Commission's management, government and proceedings, including, without limitation, issuing and enforcing any orders or



other directives to the parties and any attorneys representing the parties.

6. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific matter.

Sec. 102. *1. The Joint Commission shall meet at such times and places as specified by a call of the Chair or a majority of the Commission.*

2. At a meeting, four members of the Joint Commission constitute a quorum, and a quorum may exercise all the power and authority conferred on the Commission.

3. The Joint Commission shall hear ethics complaints brought against a legislative officer or employee, other than a legislative officer or employee of the Senate or Assembly, regarding an alleged violation of the legislative ethical standards.

4. The Joint Commission may hear requests brought by a legislative officer or employee, other than a legislative officer or employee of the Senate or Assembly, for advice on the legislative ethical standards.

Sec. 103. *As used in sections 103 to 112, inclusive, of this act, unless the context otherwise requires, "Commission" means the Senate Commission, Assembly Commission or Joint Commission, as applicable to the proceedings.*

Sec. 104. *1. The Commission shall conduct investigations and hold hearings to carry out the provisions of this chapter and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, and any other investigative powers that are necessary and reasonable to carry out the provisions of this chapter.*

2. The rights, powers, privileges and immunities granted by this chapter to the Commission and its members are in addition to any other rights, powers, privileges and immunities recognized by law, and all such rights, powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Sec. 105. *All proceedings held by the Commission pursuant to this chapter to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters regarding the legislative ethical standards and all materials related to those proceedings are confidential, unless the legislative officer or employee who is the subject of the*



proceedings requests a public hearing or discloses the content of the proceedings or materials.

Sec. 106. *A member of the Commission is disqualified to serve during the consideration of a specific matter if:*

1. The member is the subject of the ethics complaint alleging a violation of the legislative ethical standards regarding the specific matter;

2. The member is the person who requested advice on the legislative ethical standards regarding the specific matter; or

3. A reasonable person in the member's situation could not exercise independent judgment on the specific matter.

Sec. 107. *1. An individual may file an ethics complaint against a legislative officer or employee regarding an alleged violation of the legislative ethical standards.*

2. If the alleged violation involves the conduct of more than one legislative officer or employee, separate ethics complaints must be filed regarding each legislative officer or employee.

3. An ethics complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel.

4. The Legislative Counsel shall review the ethics complaint and any other relevant information and consult with the Chair of the Commission or, if the Chair is the subject of the ethics complaint, with the Vice Chair, to evaluate whether the Commission has jurisdiction and whether an investigation is warranted in the matter.

5. If it is determined that the Commission:

(a) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the ethics complaint.

(b) Has jurisdiction and that an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the ethics complaint to the legislative officer or employee who is the subject of the ethics complaint.

6. If the Legislative Counsel is the subject of the ethics complaint, the General Counsel shall carry out all powers and duties assigned to legal counsel for the Commission regarding that specific matter.



Sec. 108. *1. If the Commission holds an adjudicatory hearing on an ethics complaint, the Commission shall provide the legislative officer or employee who is the subject of the ethics complaint with a written notice of the date, time and place of the hearing.*

2. At the adjudicatory hearing, the Commission shall:

(a) Allow the legislative officer or employee to be represented by legal counsel;

(b) Allow the legislative officer or employee to hear the evidence presented to the Commission and to respond and present evidence on his or her own behalf; and

(c) Require the parties to follow any other procedures that are necessary and reasonable to facilitate or carry out the adjudicatory hearing.

3. Strict rules of evidence do not apply to the parties at the adjudicatory hearing, but the Chair may admit or exclude any evidence based on the rules of evidence.

4. To facilitate or carry out the adjudicatory hearing, the Chair may instruct the Director to:

(a) Request that the Attorney General appoint a deputy to serve as the party who presents the evidence and argues the matter against the legislative officer or employee; or

(b) Employ outside legal counsel to serve as the party who presents the evidence and argues the matter against the legislative officer or employee.

5. The party who presents the evidence and argues the matter against the legislative officer or employee has the burden of proof at the adjudicatory hearing.

6. The standard of proof at the adjudicatory hearing is a preponderance of the evidence, which means evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.

7. For the Commission to determine that a violation of the legislative ethical standards has been proven against the legislative officer or employee, the Commission's determination must be supported by a preponderance of the evidence.

Sec. 109. *1. If the Commission determines that a violation of the legislative ethical standards has not been proven against a legislative officer or employee, the Commission shall dismiss the matter.*

2. If the Commission determines that a violation of the legislative ethical standards has been proven against a legislative



officer or employee, the Commission may take any actions authorized by this chapter or the rules adopted by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

Sec. 110. *1. In proceedings concerning an ethics complaint, the Commission may issue a letter of caution or instruction to the legislative officer or employee who is the subject of the ethics complaint to caution or instruct the legislative officer or employee regarding the propriety of the conduct under the legislative ethical standards.*

2. If the Commission issues a letter of caution or instruction to the legislative officer or employee, the letter may be considered in deciding the appropriate actions to be taken on any subsequent ethics complaint involving the legislative officer or employee, unless the letter is not relevant to the issues presented by the subsequent ethics complaint.

Sec. 111. *1. In addition to any other remedies or penalties provided by law, if the Commission determines that a violation of the legislative ethical standards has been proven against a legislative officer or employee, the Commission may take one or more of the following actions:*

(a) Admonish, reprimand or censure the legislative officer or employee.

(b) Impose on the legislative officer or employee civil penalties:

(1) Not to exceed \$5,000 for a separate act or event that constitutes a first violation of the legislative ethical standards;

(2) Not to exceed \$10,000 for a separate act or event that constitutes a second violation of the legislative ethical standards; and

(3) Not to exceed \$25,000 for a separate act or event that constitutes a third violation of the legislative ethical standards or any additional violation of the legislative ethical standards.

(c) If the Commission finds that a violation of the legislative ethical standards has resulted in the realization of a financial benefit by the legislative officer or employee or any other person, require the legislative officer or employee to pay a civil penalty of not more than twice the amount so realized.

(d) Take any other reasonable actions that the Commission determines will remedy the violation or deter similar violations, including, without limitation, referring the matter to the appropriate House for review and consideration pursuant to Section 6 of Article 4 of the Nevada Constitution.



2. If a legislative officer or employee fails to pay any civil penalties imposed pursuant to this chapter, the Legislative Department is entitled to pursue every legal and equitable remedy that is available to recover and collect the civil penalties in the same manner as if they were imposed by a judgment rendered by the district court in a civil action.

Sec. 112. *1. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of legislative officers or employees.*

2. If the Commission finds that a legislative officer or employee has committed a violation of the legislative ethical standards which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

Sec. 113. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,



286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,



645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 12 and 105 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:



- (1) Was not created or prepared in an electronic format; and
 - (2) Is not available in an electronic format; or
- (b) Providing the public record in an electronic format or by means of an electronic medium would:
- (1) Give access to proprietary software; or
 - (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.
5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
- (a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.
 - (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 114. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

- (a) The Legislature of the State of Nevada.
- (b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.
- (c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

- (a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or



(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↳ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 115. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 116. 1. Except as otherwise provided in this section, the Commission on Ethics:

(a) Shall apply the amendatory provisions of sections 2 to 54, inclusive, of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that are within the jurisdiction of the Commission on Ethics and are commenced on or after July 1, 2021, whether or not the conduct at issue in such proceedings occurred before July 1, 2021.

(b) May apply the amendatory provisions of sections 2 to 54, inclusive, of this act which govern the procedures applicable to administrative proceedings arising under chapter 281A of NRS to any such proceedings that were commenced before July 1, 2021, and are still within the jurisdiction of the Commission on Ethics and pending before the Commission on Ethics on July 1, 2021, unless the Commission on Ethics determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission on Ethics shall apply the procedures in effect before July 1, 2021.

2. The amendatory provisions of sections 10, 16, 29, 30, 31 and 33 of this act do not apply to any conduct occurring before July 1, 2021.

Sec. 117. Notwithstanding any provisions of sections 91, 95 and 99 of this act to the contrary:

1. As soon as practicable after July 1, 2021, the appointing authorities shall appoint the members and alternate members of the Senate Commission on Ethics, Assembly Commission on Ethics and Joint Commission on Ethics in the manner set forth in sections 91, 95 and 99 of this act, as applicable.

2. The terms of the members and alternate members appointed pursuant to this section end when the next regular session of the



Legislature convenes in the manner set forth in sections 91, 95 and 99 of this act, as applicable.

Sec. 118. 1. Notwithstanding any other provisions of this act to the contrary:

(a) If, before July 1, 2021, administrative proceedings were commenced under chapter 281A of NRS against a legislative officer or employee and are still pending before the Commission on Ethics on July 1, 2021, the Commission on Ethics may exercise continuing jurisdiction or authority over such proceedings after July 1, 2021.

(b) If, on or after July 1, 2021, administrative proceedings are commenced under chapter 281A of NRS against a legislative officer or employee, the Commission on Ethics shall not exercise jurisdiction or authority over such proceedings, whether or not the conduct at issue in such proceedings occurred before July 1, 2021.

2. As used in this section:

(a) "Legislative employee" has the meaning ascribed to it in section 71 of this act.

(b) "Legislative officer" has the meaning ascribed to it in section 73 of this act.

Sec. 119. This act becomes effective on July 1, 2021.



NCSL CHART ON ETHICS COMMISSIONS

www.ncsl.org

October 23, 2021

State	Commission Name & Citations	Legislative Branch	Executive Branch	Candidates	Local Officials
Alabama	State Ethics Commission (Ala. Code § 36-25-1 to Ala. Code § 36-25-30)	X	X	X	X
Alaska	Select Committee on Legislative Ethics (AS § 24.60.130 to AS § 24.60.178)	X			
	Public Offices Commission (AS § 15.13.010; AS § 15.13.020; AS § 15.13.030; AS § 15.13.040; AS § 15.13.045)	X	X	X	X
Arizona	No ethics commission				
Arkansas	State Ethics Commission (Ark. Code Ann. § 7-6-217)	X	X	X	X
California	Fair Political Practices Commission (CA Code §83100-83124)	X	X	X	X
Colorado	State Independent Ethics Commission (CO Constitution Art. XXIX)	X	X		X
Connecticut	State Ethics Commission (C.G.S.A. § 1-79 to C.G.S.A. § 1-101rr)	X	X	X	
Delaware	State Public Integrity Commission (29 Del.C. § 5801 to 5839)	X	X		
Florida	State Commission on Ethics (West's F.S.A. Const. Art. 2 § 8; West's F.S.A. § 112.311 to West's F.S.A. § 112.3261)	X	X	X	X
Georgia	Government Transparency and Campaign Finance Commission (Ga. Code Ann. § 21-5-4 to Ga. Code Ann. § 21-5-76)	X	X	X	X
Guam	State Ethics Commission (4 G.C.A. § 15101; 4 G.C.A. § 15102)	X	X		

State	Commission Name & Citations	Legislative Branch	Executive Branch	Candidates	Local Officials
Hawaii	State Ethics Commission (HI Rev. Stat. § 84-2)	X	X	X	
Idaho	No ethics commission				
Illinois	Legislative Ethics Commission (5 ILCS 430/25-5)	X			
	Executive Ethics Commission (5 ILCS 430/20-5)		X		
Indiana	State Ethics Commission (IC 4-2-6-2.5)		X	X	
	Lobby Registration Commission (IC 2-7-1.6-1)				
Iowa	Ethics and Campaign Disclosure Board (I.C.A. § 68B.34A; I.C.A. § 68B.32A)	X (Jurisdiction limited)	X	X	
Kansas	Governmental Ethics Commission (Kan. Stat. Ann. § 46-253)	X	X	X	
Kentucky	Legislative Ethics Commission (KRS § 6.651; KRS § 6.666)	X			
	Executive Ethics Commission (KRS § 11A.060; KRS § 11A.010; KRS § 11A.050)		X	X	
Louisiana	State Board of Ethics (RSA 42:1132)	X	X	X	X
Maine	Commission on Governmental Ethics and Election Practices (1 M.R.S.A. § 1008)	X		X	
Maryland	State Ethics Commission (MD Code, General Provisions, § 5-205)	X	X		X
Massachusetts	State Ethics Commission (M.G.L.A. 268B § 1 to M.G.L.A. 268B § 8)	X	X	X	X
Michigan	State Board of Ethics		X		

State	Commission Name & Citations	Legislative Branch	Executive Branch	Candidates	Local Officials
	(Mich. Comp. Laws Ann. § 15.343)		(State employees and appointed officials only.)		
Minnesota	Campaign Finance and Public Disclosure Board (M.S.A. § 10A.022)	X	X	X	X
Mississippi	State Ethics Commission (Miss. Code Ann. § 25-4-17; Miss. Code Ann. § 25-4-19; Miss. Code Ann. § 25-4-21)	X	X	X	
Missouri	State Ethics Commission MO Rev. Stat. § 105.955; MO Rev. Stat. § 105.450)	X	X	X	
Montana	Commissioner of Political Practices (MCA 13-37-111)	X	X	X	X
Nebraska	Accountability and Disclosure Commission (Neb. Rev. St. § 49-14,123)	X	X	X	
Nevada	State Commission on Ethics (N.R.S. 281A.280; N.R.S. 281A.160)	X	X		X
New Hampshire	No ethics commission				
New Jersey	Election Law Enforcement Commission (N.J.A.C. 19:25-1.7)	X	X	X	X
	State Ethics Commission (N.J.A.C. 19:61-2.1)		X		
New Mexico	State Ethics Commission. NM ST § 10-16G-5.	X	X	X	
New York	Joint Commission on Public Ethics	X (limited)	X		

State	Commission Name & Citations	Legislative Branch	Executive Branch	Candidates	Local Officials
	(N.Y. Exec. Law § 94)				
	State Legislative Ethics Commission Legislative Law § 80	X		X	
North Carolina	State Ethics Commission (N.C.G.S.A. § 163A-156; N.C.G.S.A. § 163A-152; N.C.G.S.A. § 163A-155)	X	X	X	
North Dakota	State Ethics Commission (N.D. Const. Art. 14, N.D. Cent. Code Ann. § 54-66-01 through 54-66-16.)	X	X	X	X
Ohio	State Ethics Commission (Ohio Rev. Code Ann. § 102.06; R.C. § 102.02; R.C. § 102.01)		X	X	
Oklahoma	State Ethics Commission (OK Const. Art. 29, § 3)	X	X	X	X
Oregon	Governmental Ethics Commission (O.R.S. § 171.776; O.R.S. § 171.772; O.R.S. § 171.778; O.R.S. § 171.756; 244.050)	X	X		X
Pennsylvania	State Ethics Commission (65 Pa.C.S.A. § 1107; 65 Pa.C.S.A. § 1104)	X	X		X
Rhode Island	State Ethics Commission (36 R.I. Gen. Laws Ann. § 36-14-8; Gen.Laws 1956, § 36-14-9; Gen.Laws 1956, § 36-14.1-4; Gen.Laws 1956, § 36-14-4)	X	X		X
South Carolina	State Ethics Commission (S.C. Code Ann. § 8-13-320; Code 1976 § 8-13-540)	X	X	X	X
South Dakota	State Government Accountability Board (S.D. Codified Laws § 3-24- 3)		X		
Tennessee	Bureau of Ethics and Campaign Finance (TN Code Ann. § 3-6-106)	X	X		

State	Commission Name & Citations	Legislative Branch	Executive Branch	Candidates	Local Officials
Texas	State Ethics Commission (V.T.C.A., Government Code § 571.061)	X	X	X	X
Utah	Independent Legislative Ethics Commission (Utah Const. art. VI, § 10)	X			
Vermont	State Ethics Commission (Vt. Stat. Ann. tit. 3, § 1221)	X	X	X	
Virginia	Conflict of Interest and Ethics Advisory Council (VA ST § 30-356) (VA Code Ann. § 30-356; VA Code Ann. § 30-355)	X	X		X
Washington	State Legislative Ethics Board RCW 42.52.320	X			
	State Executive Ethics Board RCW 42.52.360		X		
	Public Disclosure Commission RCW 42.17A.105	X	X	X	X
West Virginia	State Ethics Commission (W. Va. Code, § 6B-2-2; W. Va. Code Ann. § 6B-2-3)	X	X		X
Wisconsin	State Ethics Commission (W.S.A. 19.48; W.S.A. 15.62; Wis. Stat. Ann. § 19.49)	X	X	X	
Wyoming	No ethics commission				

MEMO



Connecting People to Policy

DATE: November 15, 2021
TO: Assemblyman Philip (P.K.) O'Neill
FROM: Susan Scholley, Principal Policy Analyst, Research Division
SUBJECT: **Ethics Commissions in Other States**

You have asked for information on how other states structure their ethics commissions. Specifically, you are interested in possible draft legislation separating responsibility for ethics oversight of the executive and legislative branches—similar to what [Assembly Bill 65](#) (2021) attempted last session before it was vetoed by Governor Steve Sisolak. You also asked about the constitutionality of an executive branch entity having oversight of legislative ethics violations.

SUMMARY

The majority of states have an ethics commission that oversees all public officials, including legislators, with respect to matters covered in the state ethics laws. It should be noted that state laws on ethics vary widely, as does the jurisdiction and powers of the ethics enforcement entities.

Among states with separate ethics commissions for the executive and legislative branches, Iowa is the state in which the legislature has retained *almost* complete control over ethics violations by its members. The legislative committees in each house of the General Assembly are responsible for enforcement of the ethics provisions in Chapter 68B of the *Iowa Code* and only campaign finance laws are enforced by the executive branch board.

All 50 states have ethics committees within their legislatures that deal with ethics or “disorderly behavior” during legislative sessions. While this may result in overlap between ethics commissions with authority over both branches, there are no clear rules or guidelines on how such overlap is handled.

NATIONAL OVERVIEW OF ETHICS COMMISSIONS

Attached is an excerpt of a 50-state chart compiled by the National Conference of State Legislatures.

- Four states have no formal ethics commission (Arizona, Idaho, New Hampshire, and Wyoming);
- Thirty-seven (37) states have a single ethics commission to oversee both branches;
- Two states (Maine and Utah) have only a legislative ethics commission and four states (Indiana, Michigan, Ohio, and South Dakota) have only an executive branch ethics commission;
- Seven states (Alaska, Illinois, Iowa, Kentucky, New Jersey, New York, Washington) have separate legislative and executive ethics commissions; and
- However, five of those seven states (Alaska, Iowa, New Jersey, New York, Washington) grant the executive branch certain limited jurisdiction over the legislative branch, summarized as follows:

- Alaska—Select Committee on Legislative Ethics generally operates as two subcommittees—one for each house. If the Select Committee finds a probable violation of state election campaign laws, it refers the matter to the Public Offices Commission which oversees state officials and employees;
- Iowa—Campaign finance complaints for both branches are handled by an executive branch commission (Iowa Ethics and Campaign Disclosure Board);
- New Jersey—State Ethics Commission handles election law violations for both branches, along with some other ethics violations, but the Joint Legislative Committee on Ethical Standards retains authority to enforce conflict of interest laws and its legislative ethics code;
- New York—Legislative Ethics Commission (NYLEC) works in tandem with the nonlegislative entity (Joint Commission on Public Ethics) on violations relating to business/professional activities, financial disclosure, and ethics, but the NYLEC retains authority over decisions affecting legislators, legislative employees, and candidates for legislative office; and
- Washington—Campaign finance complaints for both the legislative and executive branches are handled by the Executive Ethics Board.

LEGISLATIVE OVERSIGHT ENTITIES

Six of the seven states with separate ethics commissions have citizen members on the legislative oversight entity. However, as noted earlier, these state legislatures retain the authority to discipline their members—separate and apart from these statutory legislative oversight entities.

- Alaska’s Select Committee on Legislative Ethics has four members appointed by the two houses and five public members appointed by the Chief Justice of the Alaska Supreme Court and ratified by two-thirds of the Alaska Legislature;
- Illinois’ Legislative Ethics Commission has eight members (who may or may not be current or former legislators) appointed by the four legislative leaders. As of the date of this memorandum, seven members are current legislators, and one is a former legislator;
- Kentucky’s Legislative Ethics Commission (KLEC) has nine citizen members. The KLEC handles lobbyist registration/reporting, legislative conduct, and financial disclosure by legislators, legislative candidates, and key legislative staff;
- New Jersey’s Joint Legislative Committee on Ethical Standards (JLCES) has eight members, all of whom are members of the public appointed by the four legislative leaders (two each). Not more than two members of the Committee may be former legislators. The JLCES enforces the *Legislative Code of Ethics* and the *New Jersey Conflicts of Interest Law*;
- New York’s Legislative Ethics Commission (NYLEC) has nine members. Each of the four legislative leaders appoints one legislator and one nonlegislator. The ninth member is a nonlegislative member appointed jointly by the Assembly Speaker and Senate Majority Leader, giving citizen members a voting majority. The NYLEC enforces state ethics laws on business/professional activities, financial disclosure, and other ethics provisions; and
- Washington’s Legislative Ethics Board has nine members consisting of four legislators and five citizen members. The citizen members elect the chair. The Board enforces state ethics laws and legislative ethics rules.

Other ethics entities that may be of interest are:

- Illinois: In 2003, the Office of the Legislative Inspector General was created to oversee members of the General Assembly and state employees whose jurisdictional authority is a legislative leader, the Senate Operations Commission, or the Joint Committee on Legislative Support Services;
- Montana: [Montana Code § 2-2-135](#) creates two ethics committees in each house of the legislature with equal membership from both parties; and
- New York: The New York Assembly has a legislative ethics committee (Committee on Ethics and Guidance) with membership equally divided between the majority and minority parties that handles complaints about harassment, discrimination, retaliation, and fraternization with student interns.

CONSTITUTIONALITY OF EXECUTIVE BRANCH ETHICS COMMISSIONS OVERSEEING LEGISLATIVE ETHICS

This issue arises frequently but, as evidenced by the 37 states with an executive branch ethics commission overseeing legislative ethics to varying degrees, the general rule is that ethics oversight can be statutorily delegated—to a point.

In 2009, the Nevada Supreme Court issued a decision in *Commission on Ethics v. Hardy*, 212 P.3d 1098, in which it found that the “Legislature may not delegate the constitutionally committed authority conferred on each house to discipline its members for disorderly conduct.” The Nevada Supreme Court went on to conclude that the “power to discipline its membership with respect to the core legislative function of voting, and by extension, disclosure of conflicts of interest, ...” cannot be delegated.

This Nevada decision is consistent with case law in other states, many of which have similar constitutional separation of powers language. In fact, over 30 states have nearly identical wording to the *Nevada Constitution’s* provision in Article 4, Section 6 relating to discipline for “disorderly behavior.” Therefore, as in Nevada, state legislatures retain the right to discipline their members for activities in connection with legislative activities. The precise boundaries of what legislative authority can (or cannot) be delegated are not specifically defined.

For an in-depth discussion of Nevada’s constitutional provisions and the scope of the *Hardy* decision, or related case law in other states, please contact the Legal Division.

CONCLUSION

Among states with ethics oversight entities for both the legislative and executive branches of government, Iowa appears to have the most separation between the two branches. Attached is an Iowa Legislative Services Agency brief on “Jurisdiction of Ethics Issues” dated December 2010, which explains the Iowa system in more detail.

Four states (Indiana, Michigan, Ohio, and South Dakota) have executive ethics commissions with no jurisdiction over legislators so that the legislatures have complete control over ethics issues involving their members.

If you would like additional information on any of the states discussed in this memorandum or have any questions, please do not hesitate to contact me at susan.scholley@lcb.state.nv.us. As this information may lead to a bill draft request, I am copying Kristin C. Roberts, Assembly Bill Drafting Adviser, Legal Division, Legislative Counsel Bureau (LCB).

SES/jb:W220018

Att.

Cc: Kristin C. Roberts, Assembly Bill Drafting Adviser, Legal Division, LCB



Legal Services Division

December 2010

Inside this Briefing

- **Overview**
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- **Summary**

Legal Background Briefings are prepared and updated periodically by the Legal Services Division of the Iowa Legislative Services Agency, a nonpartisan agency providing legislative drafting and research services to the committees and members of the Iowa General Assembly. The briefings provide background information regarding a particular area of law. Although a briefing may identify issues for consideration by the General Assembly, nothing contained in a briefing should be interpreted as advocating a particular course of action. The reader is cautioned against using information contained in a briefing to draw conclusions as to the legality of a particular behavior or set of circumstances.

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Legal Background Briefing on ...

Jurisdiction of Ethics Issues

Overview

Jurisdiction of the laws and rules governing ethical conduct of persons serving in, employed in, or lobbying the legislative and executive branches falls under the Ethics Committees of the General Assembly and the Iowa Ethics and Campaign Disclosure Board (IECDB). This document examines the jurisdiction of the General Assembly and the IECDB regarding ethics issues and refers to the campaign finance jurisdiction of the IECDB.

References to the Code in this briefing are to the 2011 Iowa Code unless otherwise noted. References to Codes of Ethics are to the Senate Code of Ethics and the House Code of Ethics adopted by the 83rd General Assembly (2009 and 2010).

Sources of Law

The primary source of ethics law is found in Code Chapter 68B. Ethics laws found in Code Chapter 68B address gift restrictions,¹ prohibitions against honoraria² and certain types of loans,³ revolving-door prohibitions,⁴ financial disclosure requirements,⁵ conflicts of interest restrictions,⁶ and lobbyist regulations.⁷ In the legislative branch, a second source of law is the Code of Ethics for legislators and Rules Governing Lobbyists adopted by each house at the beginning of each General Assembly. In the executive branch, the IECDB has adopted administrative rules relating to various ethics laws.⁸

Jurisdictions

General Assembly — Ethics Committees

The statutory, standing Ethics Committee in each house regulates the ethical conduct in the respective house.⁹

- Membership. Each Ethics Committee consists of six members and is equally divided between the majority and minority parties.¹⁰
- Duties — Jurisdiction. The Ethics Committees are charged with a number of duties. These duties include:
 - Preparing a Code of Ethics within 30 days of the convening of each General Assembly and Rules Governing Lobbyists for their respective houses.¹¹ The Code of Ethics governs the ethical conduct of legislators, and in the House also House employees, and the Rules Governing Lobbyists govern the ethical conduct of lobbyists before the respective houses.
 - Issuing advisory opinions when approved by the majority of an Ethics Committee.¹² A person subject to the jurisdiction of the Ethics Committee may request an advisory opinion or the committee may issue an opinion on the committee's own motion.¹³
 - Recommending legislation relating to ethics and lobbying activities.¹⁴
 - Receiving complaints regarding ethical misconduct¹⁵ and conducting hearings on such charges if the complaint is deemed by an Ethics Committee to be valid and if an investigation by independent special counsel supports a finding of probable cause.¹⁶ A valid complaint must allege facts, that if true, would

establish a violation of Code Chapter 68B, the Rules Governing Lobbyists, or the Code of Ethics, that the conduct occurred within three years of the filing of the complaint, and that the party charged with the violation is subject to the jurisdiction of the committee.¹⁷ An Ethics Committee may initiate a complaint on its own motion.¹⁸

- Persons Subject to the Jurisdiction of the Ethics Committees. A complaint regarding ethical misconduct may be filed with an Ethics Committee against members of the General Assembly, lobbyists before the General Assembly, or clients of lobbyists before the General Assembly.¹⁹

Executive Branch — Iowa Ethics and Campaign Disclosure Board

- Structure. The IECDB is an independent agency governed by a six-member board appointed by the Governor and subject to confirmation by the Senate.²⁰ The IECDB employs an executive director to serve as the board's chief administrative officer.²¹
- Duties — Jurisdiction. The IECDB is charged with a number of duties relating to the ethical conduct of officials, employees, lobbyists, and candidates for office in the executive branch,²² and, on an advisory basis, local government officials and employees.²³ Some of the duties relating to ethical conduct include:
 - Adopting administrative rules relating to ethical conduct of officials, employees, lobbyists, and candidates for office in the executive branch.²⁴
 - Issuing advisory opinions to persons subject to the jurisdiction of the IECDB. Advice contained in such opinions, if followed, constitutes a defense to a complaint

filed with the IECDB regarding the same subject matter. Advisory opinions of the IECDB may also be sought by local government officials and employees.²⁵

- Receiving and filing registrations and reports from lobbyists of the executive branch, client disclosures from clients of lobbyists of the executive branch, and personal financial disclosure information from certain persons employed and serving in the executive branch.²⁶
- Setting standards for, investigating complaints relating to, and monitoring the ethics of officials, employees, lobbyists, and candidates for office in the executive branch.²⁷
- Receiving complaints regarding ethical misconduct²⁸ and conducting contested case proceedings on such charges if the complaint is deemed to be legally sufficient and if, after an investigation by IECDB staff, support for probable cause is found.²⁹ The IECDB may initiate an investigation on its own motion.³⁰
- Persons Subject to the Jurisdiction of the IECDB. A complaint regarding ethical misconduct may be filed with the IECDB against a person holding a state office in the executive branch, an employee in the executive branch, or a lobbyist or client of a lobbyist of the executive branch.³¹

Campaign Finance — Iowa Ethics and Campaign Disclosure Board

- Duties — Jurisdiction. The IECDB is charged with administering and setting standards for, investigating complaints relating to, and monitoring the campaign finance practices of candidates for any state or local office filled by election.³²

- Persons Subject to the Jurisdiction of the IECDB. A complaint regarding campaign finance violations may be filed with the IECDB against a candidate, a political committee or candidate's committee, a person holding state office in the executive branch, an employee of the executive branch, or any other person violating the campaign finance laws or administrative rules.³³

Summary

For purposes of ethics, members of the General Assembly are subject to the jurisdiction of the Ethics Committees. Persons holding office in or employed by the executive branch are subject to the jurisdiction of the IECDB. For purposes of campaign finance issues, members of and candidates for the General Assembly are subject to the jurisdiction of the IECDB.

Lobbyists and clients of lobbyists are subject to the jurisdiction of both the Ethics Committees of the General Assembly and the IECDB for purposes of ethics. The proper jurisdiction is determined by whether the lobbying activity at issue involves conduct relating to the legislative branch or the executive branch.

¹ Iowa Code § 68B.22.
² Iowa Code § 68B.23.
³ Iowa Code § 68B.24.
⁴ Iowa Code §§ 68B.5A, 68B.7.
⁵ Iowa Code §§ 68B.3, 68B.35.
⁶ Iowa Code §§ 68B.2A, 68B.4A, 68B.6.
⁷ Iowa Code §§ 68B.36, 68B.37, 68B.38
⁸ Iowa Admin. Code 351.
⁹ Iowa Code § 68B.31.
¹⁰ Iowa Code § 68B.31(1).
¹¹ Iowa Code § 68B.31(4)(a)(1),(2).
¹² Iowa Code § 68B.31(4)(a)(3).
¹³ Senate Code of Ethics, Rule 21(a); House Code of Ethics, Rule 16(a).
¹⁴ Iowa Code § 68B.31(4)(a)(5).
¹⁵ Iowa Code § 68B.31(4)(a)(4).
¹⁶ Iowa Code §§ 68B.31(6)-(8), 68B.31A.
¹⁷ Iowa Code § 68B.31(6).
¹⁸ Senate Code of Ethics, Rule 16(b); House Code of Ethics, Rule 12(b).

¹⁹ Iowa Code §§ 68B.31(4)(a)(4), 68B.31(5).

²⁰ Iowa Code § 68B.32(1).

²¹ Iowa Code § 68B.32(5).

²² Iowa Code § 68B.32A(13).

²³ Iowa Code § 68B.32A(12).

²⁴ Iowa Code § 68B.32A(1),(13).

²⁵ Iowa Code § 68B.32A(12).

²⁶ Iowa Code § 68B.32A(5).

²⁷ Iowa Code § 68B.32(1).

²⁸ Iowa Code § 68B.32B(1).

²⁹ Iowa Code § 68B.32B(9).

³⁰ Iowa Code § 68B.32B(7).

³¹ Iowa Code § 68B.32B(1).

³² Iowa Code § 68B.32(1).

³³ Iowa Code § 68B.32B(1).

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