



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

**MINUTES  
of the meeting of the  
NEVADA COMMISSION ON ETHICS'  
LEGISLATIVE SUBCOMMITTEE**

The Commission on Ethics' Legislative Subcommittee held a public meeting on Wednesday, May 4, 2022, at 9:00 a.m. at the following location:

**Nevada State Capitol Building  
Guinn Room  
101 N. Carson Street, Second Floor  
Carson City, NV 89701**

**Zoom Meeting Information**

<https://us06web.zoom.us/j/87095493812?pwd=R2xNUk5GK3FTMUsrWVc3bHZkbzhhUT09>

Zoom Meeting Telephone Number: 720-707-2699 \*

Meeting ID: 870 9549 3812

Passcode: 989739

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics' Legislative Subcommittee. A recording of the meeting is available for public inspection at the Commission's office.

1. Call to Order and Roll Call.

Chair Kim Wallin, CPA, CMA, CFM appeared in-person in the Guinn Room in Carson City and called the meeting to order at 9:00 a.m. Also appearing in-person was Vice-Chair Brian Duffrin. Commissioner James Oscarson appeared via videoconference. Present for Commission staff in Carson City were Executive Director Ross E. Armstrong, Esq., Commission Counsel Tracy L. Chase, Esq., and Executive Assistant Kari Pedroza. Senior Legal Researcher Darci Hayden appeared via videoconference.

2. Public Comment.

There was no public comment.

3. Approval of Minutes of the April 20, 2022 Legislative Subcommittee Meeting.

Vice-Chair Duffrin moved to approve the April 20, 2022 Legislative Subcommittee Minutes as presented. Commissioner Oscarson seconded the motion. The Motion was put to a vote and carried unanimously.

4. Discussion and approval of updated Legislative proposal for the 82nd Legislative Session (2023) to amend NRS Chapter 281A, Nevada's Ethics in Government Law for submission to the full Commission and approval at its May Meeting.

Chair Wallin introduced the Item and asked Executive Director Armstrong for his presentation.

Executive Director Armstrong presented the updated Legislative proposal language and directed the Subcommittee to the additional discussion points document titled *Options for Statutory Language Development* included in the Subcommittee meeting materials (see Attachment A to the minutes).

The Subcommittee Members discussed the alternative language provided for **Issue 1: Language about abuse of power** and agreed that the language included in Alternative 2 was closest to the intent of the abuse of power provision and directed staff to further develop that proposal for consideration at the next Subcommittee Meeting.

The Subcommittee Members discussed the alternative language provided for **Issue 2: Timeframes for Completion** and agreed that Alternative 3 language be revised to allow only one extension of procedural time limit and remove the reference to a specific number of days for the extension.

The Subcommittee Members requested staff include examples illustrating both issues be established and shared with Legislative Counsel Bureau bill drafters as supplemental material to the Commission's proposed bill draft.

Commissioner Oscarson moved to direct staff to proceed with the requested revisions to the Legislative proposal for consideration by the Subcommittee at its next meeting on May 12, 2022. Vice-Chair Duffrin seconded the motion. The Motion was put to a vote and carried unanimously.

5. Commissioner Comments on matters including, without limitation, identification of future agenda items, upcoming meeting dates and meeting procedures. No action will be taken under this agenda item.

Vice-Chair Duffrin acknowledged Employee Appreciation week and shared his appreciation for Commission staff.

Chair Wallin expressed her appreciation to Commission staff for their hard work.

6. Public Comment.

No public comment.

7. Adjournment.

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

The meeting adjourned at 10:07 a.m.

Minutes prepared by:

/s/ Kari Pedroza

Kari Pedroza  
Executive Assistant

/s/ Ross Armstrong

Ross Armstrong, Esq.  
Executive Director

Minutes approved May 12, 2022:

/s/ Kim Wallin

Kim Wallin, CPA, CMA, CFM  
Vice-Chair

/s/ Brian Duffrin

Brian Duffrin  
Commissioner

/s/ James Oscarson

James Oscarson  
Commissioner

# Attachment A

Nevada Commission Ethics  
2022 Legislative Subcommittee  
Options for Statutory Language Development

**Issue 1: Language about abuse of power**

AB65 Language

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.

Alternative 1 – Eliminating Integrity or Impartiality Language / Adding Factors

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. In determining whether the abuse is gross or unconscionable the Commission may consider evidence of personal animus, ability of the affected individual to appeal or take other reasonable action to remedy the harm, or .....

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.

Alternative 2 – Unwarranted Harm Motived by Pecuniary Interest

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 cause unwarranted harm or damage to an individual in order to benefit the significant pecuniary or personal interest of the public officer or employee or the pecuniary or personal or other interests any person to whom the public officer or employee has a commitment in a private capacity

## **Issue 2: Timeframes for Completion**

### AB65 Language

“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.”

Similar language for each time frame in the bill.

### Alternative 1 – Blanket Extension Authority

The creation of a section of the bill to the effect “Upon the request of the Executive Director, the Chair may issue one or more extensions of procedural time limits in this Chapter for good cause shown. If the Chair grants such an extension, the Chair must set a specific and reasonable time period for such an extension”

### Alternative 2 – Extended Base Timeframes, no extensions unless waived

Amending language as follows

Advisory Opinions from 45 days to 90 days

Investigation from 70 days to 180 days

### Alternative 3 – Limited Extension Authority

The creation of a section of the bill to the effect “Upon the request of the Executive Director, the Chair may issue one 90-day extension of procedural time limits in this Chapter for good cause shown. Subsequent to any extension granted by the Chair, upon the request of the Executive Director, the Commission may issue one or more 90-day extensions of a procedural limit found in this Chapter.”