

# **Agenda Item 3**



**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, April 20, 2020, at 10:30 a.m. at the following location:

**Grant Sawyer State Building  
Governor's Conference Room Suite 5100  
555 E. Washington Avenue  
Las Vegas, NV 89101**

**Zoom Meeting Information**

<https://us06web.zoom.us/j/82849521118?pwd=RFNiYnl6N2dwRFZwUGtmZUJNeVY1UT09>

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

Meeting ID: 828 4952 1118

**Passcode:** 445288

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 Wallin, CPA, CMA, CFM appeared in-person in the Governor's Conference Room in Las Vegas and called the meeting to order at 10:30 a.m. Also appearing in-person was Commissioner James Oscarson. Vice-Chair Brian Duffrin appeared via videoconference. Present for Commission staff in Las Vegas were Executive Director Ross E. Armstrong, Esq., Commission Counsel Tracy L. Chase, Esq., Associate Counsel Elizabeth Bassett, Esq. and Executive Assistant Kari Pedroza. Senior Legal Researcher Darci Hayden appeared via videoconference.

2. Public Comment.

There was no public comment.

3. Identification of proposed priorities for inclusion in the Commission's Bill Draft Request for the 82nd Legislative Session (2023) to amend NRS Chapter 281A, Nevada's Ethics in Government Law) including, without limitation, review of Assembly Bill 65, as amended, from the 81st Legislative Session (2021) and information detailing Executive and Legislative Branch Ethics Commissions.

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

Executive Director Armstrong directed the Subcommittee to the proposed legislative priorities document titled *Reference Guide to AB 65 Provisions* (Attached as Attachment A to these minutes) and included in the Subcommittee meeting materials. He explained the formatting of the proposed priorities as outlined at the top of the document with highlights based on staff's recommended level of priority. Executive Director Armstrong presented the proposed changes to be included in the Commission's legislation to the Subcommittee Members.

The Subcommittee Members agreed the following sections of AB 65 be included with the proposed language provided:

<b>Section(s)</b>	<b>Purpose</b>
Sections 1-6	Definitional clean-up
Section 7	Clarifies the application of the Ethics Law to former public officers and employees after the end of public service if they violate the cooling-off provisions. 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.
Section 9	Serves to preserve the confidentiality protections afforded to Requesters of advisory opinions when the Requester seeks judicial review.
Section 11	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 which the Commission can utilize to confirm Acknowledgment of Ethical Standards form filing compliance.
Sections 13-19	Clean-up of definitions and language
Section 20	Clarifies the Vice-Chair may perform the duties of the Chair in the Chair's absence.
Section 21	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.
Sections 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.
Section 27	Clarifies that subpoenas would apply to personnel records of public officers/employees relevant to the consideration of the ethics complaints.
Section 29	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.
Section 30	Miscellaneous language clean-up
Section 33	Limits 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.
Section 34	Miscellaneous language clean-up

<b>Section(s)</b>	<b>Purpose</b>
Section 35	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.
Section 36	<ol style="list-style-type: none"> <li>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</li> <li>2) Permits the Commission to stay advisory opinion proceedings when ethics complaints are filed on the same or similar matter.</li> <li>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).</li> </ol>
Section 38	Clerical revision allowing the Commission to hold a confidential advisory opinion hearing.
Sections 39-40	Miscellaneous language clean-up
Section 45	Allows the Executive Director to serve a notice detailing 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 that are entitled to maintain their name as confidential under current law.
Section 46	Provides confidentiality protection for those persons who file complaints by instituting a “notice of allegations” instead of providing a copy of the Complaint.
Section 47	Adds a schedule for discovery, which identifies parties, provides discovery, a notice of hearing and addresses other procedural matters.
Section 48	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.
Section 49	Includes miscellaneous clean up.
Sections 50-53	Clarifies that the requirement for the Commission to treat comparable situations in a comparable manner is qualified by practicality and confirms the Commission may resolve complaint cases by stipulation, deferral agreement, consent order, and/or opinion.

The Subcommittee Members agreed the following sections of AB 65 could be included with revised language:

<b>Section(s)</b>	<b>Purpose</b>
Section 10	Revises NRS 281A.400 to include an additional code of conduct for a gross or unconscionable abuse of power.
Section 25	Establishes that the 2-year statute of limitations applies to advisory opinions on past conduct.

Section 31	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.
Sections 41-42	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.
Section 43	Authorizes the presiding officer of the Review panel to grant good cause extensions during the pre-panel investigative phase.
Section 44	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.

The Subcommittee Members agreed the following sections of AB 65 would NOT be included in upcoming Legislation and could be considered for the next Legislative Session:

<b>Section(s)</b>	<b>Purpose</b>
Section 8	Seeks reasonable assistance and cooperation of public officers and employees in the Commission's proceedings.
Section 12	Allows the Commission to provide information obtained during an Ethics investigation to state or federal law enforcement agencies.
Section 22	Added requirement that the Executive Director be an attorney licensed to practice law in the State of Nevada.
Section 26	Permits a certified court reporter or other authorized person to administer oaths in Commission meetings and proceedings.
Section 28	Permits the Commission to accept requests for advice as a referral on behalf of the public officer or employee whose conduct is at issue.
Section 32	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.
Section 36	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.
Section 37	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.
Section 54	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.

Section(s)	Purpose
Sections 57-111	Portions of these sections creating the Legislature's ethics model are best pursued by the Legislature given the Governor's request for a cost analysis in his veto letter dated June 11, 2021.

Commissioner Oscarson requested that the prioritized language be incorporated in NRS Chapter 281A as typically done with submitted amendments reflecting the changes as different colored, highlighted, strike-through and underlined text.

Vice-Chair Duffrin moved to direct staff to proceed with the discussed recommendations to the Commission's proposed legislation and provide those requested revisions to the Subcommittee at its next meeting on May 4, 2022. Commissioner Oscarson seconded the motion. The Motion was put to a vote and carried unanimously.

4. 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.

There were no Commissioner comments.

5. Public Comment.

No public comment.

6. 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 12:07 p.m.

Minutes prepared by:

[/s/ Kari Pedroza](#)

Kari Pedroza  
Executive Assistant

[/s/ Ross Armstrong](#)

Ross Armstrong, Esq.  
Executive Director

Minutes approved May 4, 2022:

\_\_\_\_\_  
Kim Wallin, CPA, CMA, CFM  
Vice-Chair

\_\_\_\_\_  
Brian Duffrin  
Commissioner

\_\_\_\_\_  
James Oscarson  
Commissioner

# **Agenda Item 4**

A.  
B.  
65

- 1 -  
MMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON

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ETHICS) PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and  
Elections

SUMMARY—Revises provisions relating to ethics in  
government. (BDR 23-257)

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

CONTAINS UNFUNDED MANDATE (§  
11) (NOT REQUESTED BY AFFECTED LOCAL  
GOVERNMENT)

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

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

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

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

3 281.5584 “Financial disclosure statement” or “statement”  
4 means a financial disclosure statement in the electronic form or  
5 other authorized form prescribed by the Secretary of State pursuant  
6 to NRS 281.5555 to 281.581, inclusive . [~~or in the form approved  
7 by the Secretary of State for a specialized or local ethics committee  
8 pursuant to NRS 281A.350.~~]

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

12 **Sec. 3.** “*Chair*” means:



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

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

16 **Sec. 4.** *“Party” means, for the purposes of the adjudicatory*  
17 *Hearing or other disposition of proceedings before the Commission*  
18 *concerning an ethics complaint*  
19 *pursuant to this chapter:*

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

20 2. *The public officer or employee who is the subject of the*  
21 *ethics complaint.*

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

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

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

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

30 (b) *Former public officers and employees in situations where*  
31 *the statutory ethical standards apply to the conduct of former*  
32 *public officers and employees after the end of any period of public*  
33 *service or employment.*

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

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

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

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

44       **Sec. 10.** *1. A public officer or employee shall not use the*  
45 *public officer's or employee's position or power in government to*

1 *take any actions or compel a subordinate to take any actions that a*  
2 *reasonable person would find, based on the given set of facts and*  
3 *circumstances, to be a gross or unconscionable abuse of official*  
4 *position or power that would undermine the integrity or*  
5 *impartiality of a reasonable person in the public officer's or*  
6 *employee's position under the same or similar facts and*  
7 *circumstances.*

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

13       **Sec. 11.** *A list of each public officer who is required to file an*  
14 *acknowledgment of the statutory ethical standards in accordance*  
15 *with NRS 281A.500 must be submitted electronically to the*  
16 *Commission, in the form prescribed by the Commission, on or*  
17 *before December 1 of each year by:*

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

20       (a) *The manager of each local agency for a public officer of a*  
21 *local agency;*

22       (b) *The Director of the Legislative Counsel Bureau for a*  
23 *public officer of the Legislative Department of the State*  
24 *Government; and*

25 (c) *The Director of the Department of Administration, or his*  
26 *or her designee, for a public officer of the Executive Department*  
27 *of the State Government; and*

28 2. *For an elected public officer of:*

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

31 (b) *A city, the city clerk;*

32 (c) *The Legislative Department of the State Government, the*  
33 *Director of the Legislative Counsel Bureau; and*

34 (d) *The Executive Department of the State Government, the*  
35 *Director of the Department of Administration, or his or her*  
36 *designee.*

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

2 281A.030 As used in this chapter, unless the context otherwise  
3 requires, the words and terms defined in NRS 281A.032 to  
4 281A.170, inclusive, *and sections 3 to 6, inclusive, of this act* have  
5 the meanings ascribed to them in those sections.

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

7 281A.032 “Adjudicatory hearing” means a hearing held by the  
8 Commission pursuant to NRS 281A.745 to receive evidence *and*  
9 *render a decision* concerning an ethics complaint . ~~[and render an~~  
10 ~~opinion in the matter.]~~

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

12 281A.033 “Advisory opinion” means an advisory opinion  
13 ~~[rendered]~~ *issued* by the Commission pursuant to NRS 281A.670 to  
14 281A.690, inclusive.

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

16 281A.065 “Commitment in a private ~~[capacity, with respect to~~  
17 ~~the interests of another person,]~~ *capacity*” means a *private*  
18 commitment, interest or relationship of a public officer or employee  
19 to : ~~[a person:]~~

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

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

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

28 4. ~~[Who employs]~~ *The employer of* the public officer or  
29 employee, the spouse or domestic partner of the public officer

1 or employee or a member of the household of the public officer or  
2 employee;

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

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

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

10 281A.088 “Ethics complaint” means ~~[[a request for an opinion]]~~  
11 *an ethics complaint* which is filed with the Commission or initiated  
12 by the Commission on its own motion pursuant to NRS 281A.710  
13 regarding the propriety of the conduct of a public officer or  
14 employee under ~~this chapter the statutory ethical standards .~~ ~~[[set-~~  
15 ~~forth in this~~  
16 ~~chapter.]]~~

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

18 281A.135 1. “Opinion” means an opinion ~~[[rendered]]~~ *issued*  
19 by the Commission in accordance with the provisions of this  
20 chapter.

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

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

25 281A.161 “Request for an advisory opinion” means a request  
26 for an advisory opinion which is filed with the Commission  
27 pursuant to NRS 281A.675 . ~~[[by a public officer or employee who~~  
28 ~~is:~~

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

33 ~~—2. Requesting relief pursuant to NRS 281A.410, 281A.430 or~~  
34 ~~281A.550.]~~

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

36 281A.210 1. The Commission shall ~~[[~~

37 ~~(a) At]]~~ *at* its first meeting ~~of the fiscal year~~ and annually  
38 thereafter elect a Chair and Vice Chair from among its members.

39 ~~[[b) Meet]]~~

40 *2. If the Chair is prohibited from acting on a particular*  
41 *matter or is otherwise unable to act on a particular matter, the*  
42 *Vice Chair shall exercise the powers and functions and perform*  
43 *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,*

44 *another member of the Commission who is designated in*

1 *accordance with the regulations of the Commission shall exercise*  
2 *the powers and functions and perform the duties of the Chair*  
3 *concerning that particular matter.*

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

8 ~~[2.]~~**4.** Members of the Commission are entitled to receive a  
9 salary of not more than \$80 per day, as fixed by the Commission,  
10 while engaged in the business of the Commission.

11 ~~[3.]~~**5.** While engaged in the business of the Commission, each  
12 member and employee of the Commission is entitled to receive the  
13 per diem allowance and travel expenses provided for state officers  
14 and employees generally.

15 ~~[4.]~~**6.** The Commission may, within the limits of legislative  
16 appropriation, maintain such facilities as are required to carry out its  
17 functions.

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

19 281A.220 1. The Chair shall appoint one or more review  
20 panels of three members of the Commission on a rotating basis to  
21 perform the functions assigned to such review panels pursuant to  
22 this chapter.

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

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

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

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

32 *(a) One or more members of the review panel may, with the*  
33 *consent of the parties, participate as mediators or facilitators in*  
34 *any settlement negotiations between the parties ~~that are conducted~~*  
*after issuance of the review panel determination and before an*  
*adjudicatory hearing in the matter.*

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

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

2 281A.240 1. In addition to any other duties imposed upon the  
3 Executive Director, the Executive Director shall:

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

6 (b) Receive ethics complaints and requests for advisory opinions

7 pursuant to this chapter.

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

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

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

18 (f) Upon the request of any public officer or the employer of a  
19 public employee, conduct training on the requirements of this

1 chapter, the rules and regulations adopted by the Commission and  
2 ~~previous~~ *the published* opinions of the Commission. In any such  
3 training, the Executive Director shall emphasize that the Executive  
4 Director is not a member of the Commission and that only the  
5 Commission may issue opinions concerning the application of the  
6 statutory ethical standards to any given set of facts and  
7 circumstances. The Commission may charge a reasonable fee to  
8 cover the costs of training provided by the Executive Director  
9 pursuant to this paragraph.

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

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

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

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

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

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

24 281A.260 1. The Commission Counsel is the legal adviser to  
25 the Commission. For each *written* opinion of the Commission,  
26 the Commission Counsel shall prepare, at the direction of the  
27 Commission ~~;~~ *or as required pursuant to this chapter*, the  
28 appropriate findings of fact and conclusions as to *the* relevant  
29 *statutory ethical* standards and the propriety of particular conduct.  
30 The Commission Counsel shall not issue written opinions  
31 concerning the applicability of the statutory ethical standards to a  
32 given set of facts and circumstances except as directed by the

33 Commission.

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

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

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

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

6 (b) *Employs outside legal counsel.*

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

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

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

17 (b) Employ outside legal counsel.

18 **Sec. 25.** NRS 281A.280 is hereby amended to read as follows:

19 281A.280 1. Except as otherwise provided in this section, the  
20 Commission has jurisdiction to **[investigate]**:

21 (a) *Gather information and issue an advisory opinion in any*  
22 *proceeding commenced by a request for an advisory opinion that*  
23 *is filed with the Commission, except that the Commission does not*  
24 *have jurisdiction to issue an advisory opinion on matters which*  
25 *directly relate to the propriety of past conduct occurring more than*  
26 *2 years before the date on which the request for an advisory*  
27 *opinion is filed with the Commission.*

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

34 (c) *Investigate and take appropriate action regarding an*



35 *alleged violation of subsection 3 of NRS 281A.790 by a current or*  
36 *former public officer or employee or any other person in any*  
37 *proceeding commenced by a written notice of the charges, which*  
38 *is initiated by the Commission on its own motion, within 2 years*  
39 *after the alleged violation or reasonable discovery of the alleged*  
40 *violation.*

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

44 (a) A complaint may be filed or, if the applicable limitations  
45 period has expired, could have been filed with the United States

1 Equal Employment Opportunity Commission or the Nevada Equal  
2 Rights Commission; or

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

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

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

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

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

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

2 281A.300 1. The Chair ~~and Vice Chair~~ *or a member* of the  
3 Commission *appointed by the Chair to preside over any meetings,*  
4 *hearings and proceedings* may administer oaths ~~[-]~~ *or direct a*  
5 *certified court reporter or other authorized person to administer*  
6 *oaths.*

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

10 3. ~~Upon~~ *Except as otherwise provided in this subsection,*  
11 *upon* the request of the Executive Director, the Chair ~~for, in the~~  
12 ~~Chair's absence, the Vice Chair,~~ may issue a subpoena *during the*  
13 *course of any investigation* to compel the participation of a  
14 potential witness and the production of any books and papers  
15 ~~during the course of any investigation,~~ *including, without*  
16 *limitation, information, records and documentation regarding*  
17 *personnel records maintained by an agency concerning the*  
18 *conduct of a public officer or employee, including,*  
19 *notwithstanding any other provision of law to the contrary,*  
20 *records otherwise deemed by law to be confidential, that relate to*  
21 *issues under consideration in an ethics complaint. A request by*  
22 *the Executive Director for a subpoena pursuant to this subsection*  
23 *may not include a request for records related to a concurrent,*

1 *pending criminal investigation where such records are otherwise*  
2 *protected as confidential.*

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

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

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

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

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

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

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

32 to voluntarily participate or attend at the time and place specified or  
33 produce the books and papers requested by the Executive Director  
34 within 5 business days after receipt of the written request, the Chair  
35 ~~for, in the Chair's absence, the Vice Chair,]~~ may issue the subpoena.  
36 Failure of the public officer or employee to comply with the written  
37 request of the Executive Director shall be deemed a waiver by the  
38 public officer or employee of the time limits set forth in NRS  
39 281A.700 to 281A.790, inclusive, *and section 12 of this act*, that  
40 apply to proceedings concerning the ethics complaint.

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

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

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

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

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

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

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

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

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

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

4       1. A public officer or employee shall not seek or accept any  
5 gift, service, favor, employment, engagement, emolument or  
6 economic opportunity, for the public officer or employee or any  
7 person to whom the public officer or employee has a commitment in  
8 a private capacity, which would tend improperly to influence a

1 reasonable person in the public officer's or employee's position to  
2 depart from the faithful and impartial discharge of the public  
3 officer's or employee's public duties.

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

12       3. A public officer or employee shall not participate as an agent  
13 of government in the negotiation or execution of a contract between  
14 the government and the public officer or employee, any business  
15 entity in which the public officer or employee has a significant  
16 pecuniary interest or any person to whom the public officer or  
17 employee has a commitment in a private capacity.

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

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

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

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

38 facility to benefit a significant personal or pecuniary interest of the  
39 public officer or employee or any person to whom the public officer  
40 or employee has a commitment in a private capacity. This  
41 subsection does not prohibit:

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

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

1 (I) *Authorized by a written policy which was adopted*  
2 *before the use occurs by the* public officer or employee who is  
3 responsible for and has authority to authorize the use of such  
4 property, equipment or other facility ~~[has established a policy~~  
5 ~~allowing the use or the use is necessary]~~; *or*

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

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

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

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

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

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

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

22 8. A State Legislator shall not:

23 (a) Use governmental time, property, equipment or other facility  
24 ~~[for a nongovernmental purpose or for the private]~~ *to* benefit *a*  
25 *significant personal or pecuniary interest* of the State Legislator or  
26 any ~~[other]~~ person ~~[]~~ *to whom the State Legislator has a*  
27 *commitment in a private capacity.* This paragraph does not prohibit:

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

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

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

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

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

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

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

43 (1) In unusual and infrequent situations where the *legislative*  
44 employee's service is reasonably necessary to permit the State

1 Legislator or legislative employee to perform that person's official  
2 duties; or

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

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

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

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

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

22 281A.410 ~~[In addition to the requirements of the code of~~  
23 ~~ethical standards and the other provisions of this chapter:]~~

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

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

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

39 2. Except as otherwise provided in subsection 3, a State

40 Legislator or a member of a local legislative body, or a public  
41 officer or employee whose public service requires less than half of  
42 his or her time, may represent or counsel a private person before an  
43 agency in which he or she does not serve.

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

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

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

9 (1) The best interests of the public;

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

12 (3) The provisions of this chapter.

13 4. For the purposes of subsection 3, the request for an advisory  
14 opinion, *the decision rendered*, the advisory opinion and all  
15 meetings, hearings and proceedings of the Commission in such a  
16 matter are governed by the provisions of NRS 281A.670 to  
17 281A.690, inclusive.

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

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

23 281A.420 1. Except as otherwise provided in this section, a  
24 public officer or employee shall not approve, disapprove, vote,  
25 abstain from voting or otherwise act upon a matter:

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

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

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

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

38 ↪ without disclosing information concerning the gift or loan, the  
39 significant pecuniary interest, the commitment in a private capacity



40 to the interests of the other person or the nature of the representation  
41 or counseling of the private person that is sufficient to inform the  
42 public of the potential effect of the action or abstention upon the  
43 person who provided the gift or loan, upon the public officer's or  
44 employee's significant pecuniary interest, upon the person to whom  
45 the public officer or employee has a commitment in a private

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

12 2. The provisions of subsection 1 do not require ~~[(a)]~~:

13 (a) A public officer to disclose:

14 ~~[(a)]-(1)~~ Any campaign contributions that the public officer  
15 reported in a timely manner pursuant to NRS 294A.120 or  
16 294A.125; or

17 ~~[(b)]-(2)~~ Any contributions to a legal defense fund that  
18 the public officer reported in a timely manner pursuant to  
19 NRS 294A.286.

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

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

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

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

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



40 (b) The public officer's significant pecuniary interest; ~~or~~

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

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

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

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

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

38 5. Except as otherwise provided in NRS 241.0355, if a public  
39 officer declares to the body or committee in which the vote is to be  
40 taken that the public officer will abstain from voting because of the  
41 requirements of this section, the necessary quorum to act upon and

42 the number of votes necessary to act upon the matter, as fixed by  
43 any statute, ordinance or rule, is reduced as though the member  
44 abstaining were not a member of the body or committee.

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

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

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

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

20 8. As used in this section, “public officer” and “public  
21 employee” do not include a State Legislator.

1 **Sec. 33.** NRS 281A.550 is hereby amended to read as follows:

2 281A.550 1. A former member of the Public Utilities  
3 Commission of Nevada shall not:

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

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

9 ➤ for 1 year after the termination of the member’s service on the  
10 Public Utilities Commission of Nevada.

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

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

8 (b) Be employed by such a person,

9 ➤ for 1 year after the termination of the member’s service on the  
10 Nevada Gaming Control Board or the Nevada Gaming Commission.

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

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

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

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

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

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

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

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

6 5. Except as otherwise provided in subsection 6, a *current or*  
7 former public officer or employee of the State or a political  
8 subdivision, except a clerical employee, shall not solicit or accept  
9 employment from a person to whom a contract for supplies,  
10 materials, equipment or services was awarded by the State or

11 political subdivision, as applicable, *or was implemented, managed*  
12 *or administered by the State or political subdivision, as applicable,*  
13 *during the public officer's or employee's period of public service*  
14 *or employment or* for 1 year after the termination of ~~the officer's or~~  
15 ~~employee's~~ *his or her period of public* service or ~~period of~~  
16 employment, if:

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

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

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

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

45 (a) The best interests of the public;

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

3 (c) The provisions of this chapter,

4 ↪ it may issue an advisory opinion to that effect and grant such  
5 relief.

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

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

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

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

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

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

29 10. As used in this section, "regulation" has the meaning  
30 ascribed to it in NRS 233B.038 and also includes regulations  
31 adopted *or administered* by a board, commission, department,  
32 division or other agency of the Executive Department of *the* State  
33 Government that is exempted from the requirements of chapter  
34 233B of NRS.

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

36 281A.665 *1. The Legislative Counsel shall prepare*  
37 *annotations to this chapter for inclusion in the Nevada Revised*  
38 *Statutes based on the published opinions of the Commission.*

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

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

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

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

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

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

17 **Sec. 35.** NRS 281A.675 is hereby amended to read as follows:  
18 281A.675 1. ~~[A]~~*Except as otherwise provided in this*  
19 *section and NRS 281A.280, a public officer or employee may file*  
20 *with the Commission a request for an advisory opinion to:*

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

25 (b) Request relief pursuant to NRS 281A.410, 281A.430 or  
26 281A.550.

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

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

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

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

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

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

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

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

2 281A.690 1. ~~[Except as otherwise provided in this section,~~  
3 ~~the]~~ *The provisions of chapter 241 of NRS do not apply to:*

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

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

3 2. The ~~[public officer or employee]~~ *requester* who files the  
4 request for an advisory opinion may also file a request with  
5 the Commission to hold a public meeting or hearing regarding the

6 request for an advisory opinion, which request must confirm that  
7 requester is waiving the rights to confidentiality established in NRS  
8 281A.685. *If the Commission grants the request to hold a public*  
9 *meeting or hearing, the Commission shall provide public notice of*  
10 *the meeting or hearing, and the meeting or hearing must be*  
11 *open to the public and conducted in accordance with the*  
12 *regulations of the Commission, but the meeting or hearing is*  
13 *not subject to the provisions of chapter 241*  
14 *of NRS.*

8 **Sec. 39.** NRS 281A.700 is hereby amended to read as follows:  
9 281A.700 The provisions of NRS 281A.700 to 281A.790,  
10 inclusive, *and section 12 of this act* apply to proceedings  
11 concerning an ethics complaint.

12 ~~**Sec. 40.** NRS 281A.710 is hereby amended to read as follows:~~  
13 ~~281A.710 1. Except as otherwise provided in this section and~~  
14 ~~NRS 281A.280, the Commission may render a decision and issue~~  
15 ~~an opinion that interprets the statutory ethical standards and applies~~  
16 ~~those standards to a given set of facts and circumstances regarding~~  
17 ~~the propriety of the conduct of a public officer or employee if an~~  
18 ~~ethics complaint is:~~

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

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

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

26 ~~2. An ethics complaint filed by a specialized or local ethics~~  
27 ~~committee or person pursuant to paragraph (a) or (b) of subsection~~  
28 ~~1 must be:~~

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

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

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



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

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

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

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

24       ~~[3.]~~4. If the Commission determines *pursuant to subsection 1*  
25 that it has jurisdiction in the matter but the evidence ~~[submitted with~~  
26 ~~the ethics complaint]~~ is not sufficient to warrant an investigation in  
27 the matter, the Commission shall dismiss the matter, with or without  
28 issuing a letter of caution or instruction to the public officer or  
29 employee pursuant to NRS 281A.780.

30       ~~[4.]~~5. If the Commission determines *pursuant to subsection 1*  
31 that it has jurisdiction in the matter and the evidence ~~[submitted with~~  
32 ~~the ethics complaint]~~ is sufficient to warrant an investigation in the  
33 matter, the Commission may direct the Executive Director to  
34 investigate the ethics complaint pursuant to NRS 281A.720.

35       6. *If the Commission initiates an ethics complaint on its own*  
36 *motion pursuant to paragraph (c) of subsection 1 of NRS*  
37 *281A.710 and the Commission determines that the evidence:*

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

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



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

2       281A.720 1. If the Commission directs the Executive  
3 Director to investigate an ethics complaint pursuant to NRS  
4 281A.715, ~~for if the Commission initiates an ethics complaint on its~~  
5 ~~own motion pursuant to NRS 281A.710,]~~ the Executive Director  
6 shall investigate the facts and circumstances relating to the ethics  
7 complaint to determine whether the Executive Director believes that  
8 there is just and sufficient cause for the Commission to render *a*  
9 *decision and issue* an opinion in the matter in order to present a  
10 written recommendation to the review panel pursuant to  
11 NRS 281A.725.

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

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

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

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

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

41       5. *Whether or not the public officer or employee submits a*  
42 *response pursuant to this section, the Executive Director may take*  
43 *action, in the manner authorized by NRS 281A.300, to secure the*  
44 *public officer's or employee's participation, attendance as a*

1 *witness and production of any books and papers during the course*  
2 *of the investigation through records requests, subpoenas or other*  
3 *legal methods.*

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

4 281A.725 1. ~~{Except as otherwise provided in this~~  
5 ~~subsection, the}~~ *The* Executive Director shall complete the  
6 investigation required by NRS 281A.720 and present a written  
7 recommendation to the review panel within 70 days after the  
8 Commission directs the Executive Director to investigate the ethics  
9 complaint ~~{or after the Commission initiates the ethics complaint on~~  
10 ~~its own motion, as applicable.}~~, *except that:*

11 (a) The public officer or employee who is the subject of the  
12 ethics complaint may waive this time limit ~~{}~~; *or*

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

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

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

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

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

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

33 281A.730 1. Except as otherwise provided in this section, the  
34 review panel shall determine whether there is just and sufficient  
35 cause for the Commission to render *a decision and issue* an opinion  
36 in the matter within ~~{15}~~ 30 days after the Executive Director  
37 ~~{provides}~~ *presents to* the review panel ~~{with}~~ the recommendation  
38 required by NRS 281A.725. The public officer or employee who is  
39 the subject of the ethics complaint may waive this time limit. *The*  
40 *review panel shall serve on the public officer or employee who is*  
41 *the subject of the ethics complaint a written notice of its*  
42 *determination.*

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

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

6 4. If the review panel determines that there is not just and  
7 sufficient cause for the Commission to render *a decision and issue*  
8 an opinion in the matter, it shall dismiss the matter, with or without  
9 prejudice, and with or without issuing a letter of caution or  
10 instruction to the public officer or employee pursuant to  
11 NRS 281A.780.

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

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

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

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

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

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

39 281A.745 1. If the review panel refers an ethics complaint to  
40 the Commission for further proceedings in the matter pursuant to  
41 NRS 281A.730 or if the Commission vacates a deferral agreement  
42 and conducts further proceedings in the matter pursuant to NRS  
43 281A.740 ~~[, the]~~:

44 (a) *The Executive Director shall issue a formal notice of*  
45 *charges to the public officer or employee who is the subject of the*

1 *ethics complaint regarding the allegations to be presented at an*  
2 *adjudicatory hearing; and*

3 (b) *The Commission shall hold an adjudicatory hearing and*  
4 *render ~~[an opinion in the matter]~~ a decision concerning the ethics*  
5 *complaint within 60 days after the date on which the review panel*  
6 *refers the ethics complaint to the Commission or the Commission*  
7 *vacates the deferral agreement, as appropriate, unless the public*  
8 *officer or employee who is the subject of the ethics complaint*  
9 *waives this time limit ~~[.]~~ or the Commission determines that there*  
10 *is good cause to extend this time limit and sets a specific and*  
11 *reasonable time period for such an extension.*

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

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

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

20 3. *At the adjudicatory hearing:*

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

23 (b) *The Commission shall:*

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

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

30 ~~[3.]~~ 4. Unless the public officer or employee agrees to a  
31 shorter time, an adjudicatory hearing may not be held less than 10  
32 days after the date on which the *written* notice of the hearing is  
33 ~~[given]~~ *provided* to the public officer or employee.

34 ~~[4.]~~ 5. For good cause shown, the Commission may take  
35 testimony from a person by telephone or video conference at an  
36 adjudicatory hearing or at any other proceedings concerning the  
37 ethics complaint.

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

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

5       **Sec. 46.** NRS 281A.750 is hereby amended to read as follows:

6       281A.750 1. Except as otherwise provided in this section and  
7 NRS 281A.755, all information, communications, records,  
8 documents or other materials in the possession of the Commission,  
9 the review panel or their staff that are related to an ethics complaint  
10 are confidential and are not public records pursuant to chapter 239  
11 of NRS until:

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

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

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

25       (a) Shall keep the identity of the requester confidential if he or  
26 she is a public officer or employee who works for the same public  
27 body, agency or employer as the public officer or employee who is  
28 the subject of the ethics complaint ~~[-]~~*, worked for the same public*  
29 *body, agency or employer during the time of the alleged conduct at*  
30 *issue or if revealing the identity of the requester would reveal the*  
31 *identity of witnesses who work for the same public body, agency or*  
32 *employer.*

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

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

42       (a) *All information, communications, records, documents or*  
43 *other materials in the possession of the Commission that, if*  
44 *disclosed by the Commission, would reveal that the requester*  
45 *filed the ethics complaint. Notwithstanding the provisions of*

1 *chapter 239 of NRS, in denying a request for public records based*  
2 *on the confidentiality provided by this paragraph, the Commission*  
3 *is not required to provide any information that, if disclosed by the*  
4 *Commission in denying the request for public records, would*  
5 *reveal that the requester filed the ethics complaint.*

6 *(b) All information, communications, records, documents or*  
7 *other materials in the possession of the requester of the ethics*  
8 *complaint or his or her public body, agency or employer that, if*  
9 *disclosed by either of them, would reveal that the requester filed*  
10 *the ethics complaint. Notwithstanding the provisions of chapter*  
11 *239 of NRS, in denying a request for public records based on the*  
12 *confidentiality provided by this paragraph, the requester of the*  
13 *ethics complaint or his or her public body, agency or employer is*  
14 *not required to provide any information that, if disclosed by either*  
15 *of them in denying the request for public records, would reveal*  
16 *that the requester filed the ethics complaint.*

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

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

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

42 281A.755 1. Except as otherwise provided in this section, the  
43 investigative file related to an ethics complaint is confidential and is  
44 not a public record pursuant to chapter 239 of NRS.

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

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

20 4. For the purposes of this section:

21 (a) The investigative file includes, without limitation:

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

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

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

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



1       **Sec. 48.** NRS 281A.760 is hereby amended to read as follows:  
2       281A.760 *1.* The provisions of chapter 241 of NRS do not  
3 apply to:

4       ~~1.~~ *(a)* Any meeting or hearing held by the Commission to  
5 receive information or evidence concerning an ethics complaint; and  
6       ~~2.~~ *(b)* Any deliberations *or actions* of the Commission on  
7 such information or evidence.

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

15       **Sec. 49.** NRS 281A.765 is hereby amended to read as follows:  
16       281A.765 ~~1. If the Commission renders an opinion in~~  
17 ~~proceedings concerning an ethics complaint, the opinion must~~  
18 ~~include findings of fact and conclusions of law.~~

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

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

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

27       **Sec. 50.** NRS 281A.770 is hereby amended to read as follows:  
28       281A.770 In any matter in which the Commission disposes of  
29 an ethics complaint by stipulation, agreed settlement, *deferral*  
*agreement*, or consent

30 order or in which the review panel approves a deferral agreement,  
31 the Commission or the review panel, as appropriate, shall :

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

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

37       **Sec. 51.** NRS 281A.775 is hereby amended to read as follows:  
38       281A.775 *1.* The Commission, in determining whether a  
39 violation of this chapter is a willful violation and, if so, the penalty  
40 to be imposed on a ~~public officer or employee~~ *current* or former  
41 public officer or employee pursuant to NRS 281A.785 or 281A.790,  
42 or the review panel, in determining whether to approve a deferral  
43 agreement regarding an alleged violation, shall consider, without  
44 limitation:



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

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

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

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

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

18 (f) The extent of any financial gain resulting from the violation  
19 or alleged violation; and

20 (g) Any other matter justice may require.

21 2. The factors set forth in this section are not exclusive or  
22 exhaustive, and the Commission or the review panel, as appropriate,  
23 may consider other factors in the disposition of the matter if they  
24 bear a reasonable relationship to the determination of the severity of  
25 the violation or alleged violation.

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

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

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

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

34 281A.780 1. In proceedings concerning an ethics complaint,  
35 the Commission or the review panel, as appropriate, may issue a  
36 letter of caution or instruction to the public officer or employee who  
37 is the subject of the ethics complaint to caution or instruct the public  
38 officer or employee regarding the propriety of his or her conduct  
39 under the statutory ethical standards. ~~[set forth in this chapter.]~~

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

42 (a) Is confidential and is not a public record pursuant to chapter  
43 239 of NRS.

44 (b) May be considered in deciding the appropriate action to be  
45 taken on any subsequent ethics complaint involving the public

1 officer or employee, unless the letter is not relevant to the issues  
2 presented by the subsequent ethics complaint.

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

4 281A.785 1. ~~Except as otherwise provided in this section,~~  
5 ~~in~~ *In* proceedings concerning an ethics complaint, the Commission,  
6 based on a finding that a violation of this chapter has been proven,  
7 or the review panel, as part of the terms and conditions of a deferral  
8 agreement, may, in addition to any other ~~penalty~~ *penalties*  
9 provided by law and in accordance with the provisions of  
10 NRS 281A.775:

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

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

20 (2) Attend and complete training.

21 (3) Follow a remedial course of action.

22 (4) Issue a public apology.

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

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

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

30 2. In carrying out the provisions of subsection 1, the  
31 Commission, based on a finding that a violation of this chapter has  
32 been proven *may issue an opinion or resolve the case by any method  
available in this chapter, including, without limitation, approval of a  
stipulation, consent order, agreed settlement, or deferral agreement,* or  
the review panel, as part of the terms and conditions  
33 of a deferral agreement, may publicly:

34 (a) Admonish a public officer or employee if it is determined  
35 that the public officer or employee has violated any provision of this  
36 chapter, but the violation is not willful, or if such an admonishment  
37 is imposed as part of the terms and conditions of a deferral  
38 agreement. An admonishment is a written expression of disapproval  
39 of the conduct of the public officer or employee.

40 (b) Reprimand a public officer or employee if it is determined  
41 that the public officer or employee has willfully violated any  
42 provision of this chapter, but there is no evidence that the willful

43 violation involved bad faith, malicious intent or knowing or reckless  
44 disregard of the law, or if such a reprimand is imposed as part of the  
45 terms and conditions of a deferral agreement. A reprimand is a

1 severe written reproof for the conduct of the public officer or  
2 employee.

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

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

24 **Sec. 55.** NRS 239.010 is hereby amended to read as follows:

25 239.010 1. Except as otherwise provided in this section and  
30 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,  
31 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,  
32 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,  
33 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,  
34 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,  
35 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,  
36 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,  
37 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,  
38 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,  
39 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,  
40 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,  
41 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
42 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,  
43 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
44 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,  
45 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,

1 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,  
2 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,  
3 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,  
4 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,  
5 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,  
6 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,  
7 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,  
8 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
9 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,  
10 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,  
11 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,  
12 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,  
13 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,  
14 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,  
15 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,  
16 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,  
17 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,  
18 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,  
19 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,  
20 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,  
21 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
22 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,  
23 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,  
24 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,  
25 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,  
26 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,  
27 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
28 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,  
29 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,  
30 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,  
31 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,  
32 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,  
33 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,  
34 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
35 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,  
36 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,  
37 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,  
38 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,  
39 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
40 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,  
41 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,  
42 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,  
43 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
44 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,  
45 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,

1 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
2 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
3 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,  
4 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,  
5 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,  
6 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,  
7 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
8 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,  
9 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
10 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
11 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,  
12 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,  
13 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,  
14 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,  
15 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
16 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,  
17 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
18 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,  
19 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and**  
20 **section 12 of this act**, sections 35, 38 and 41 of chapter 478,  
21 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
22 Nevada 2013 and unless otherwise declared by law to be  
23 confidential, all public books and public records of a governmental  
24 entity must be open at all times during office hours to inspection by  
25 any person, and may be fully copied or an abstract or memorandum  
26 may be prepared from those public books and public records. Any  
27 such copies, abstracts or memoranda may be used to supply the  
28 general public with copies, abstracts or memoranda of the records or  
29 may be used in any other way to the advantage of the governmental  
30 entity or of the general public. This section does not supersede or in  
31 any manner affect the federal laws governing copyrights or enlarge,  
32 diminish or affect in any other manner the rights of a person in any  
33 written book or record which is copyrighted pursuant to federal law.  
34 2. A governmental entity may not reject a book or record  
35 which is copyrighted solely because it is copyrighted.  
36 3. A governmental entity that has legal custody or control of a  
37 public book or record shall not deny a request made pursuant to  
38 subsection 1 to inspect or copy or receive a copy of a public book or  
39 record on the basis that the requested public book or record contains  
40 information that is confidential if the governmental entity can  
41 redact, delete, conceal or separate, including, without limitation,  
42 electronically, the confidential information from the information  
43 included in the public book or record that is not otherwise  
44 confidential.

1 4. If requested, a governmental entity shall provide a copy of a  
2 public record in an electronic format by means of an electronic  
3 medium. Nothing in this subsection requires a governmental entity  
4 to provide a copy of a public record in an electronic format or by  
5 means of an electronic medium if:

6 (a) The public record:

7 (1) Was not created or prepared in an electronic format; and

8 (2) Is not available in an electronic format; or

9 (b) Providing the public record in an electronic format or by  
10 means of an electronic medium would:

11 (1) Give access to proprietary software; or

12 (2) Require the production of information that is confidential  
13 and that cannot be redacted, deleted, concealed or separated from  
14 information that is not otherwise confidential.

15 5. An officer, employee or agent of a governmental entity who  
16 has legal custody or control of a public record:

17 (a) Shall not refuse to provide a copy of that public record in the  
18 medium that is requested because the officer, employee or agent has  
19 already prepared or would prefer to provide the copy in a different  
20 medium.

21 (b) Except as otherwise provided in NRS 239.030, shall, upon  
22 request, prepare the copy of the public record and shall not require  
23 the person who has requested the copy to prepare the copy himself  
24 or herself.

25 **Sec. 56.** NRS 241.016 is hereby amended to read as follows:

26 241.016 1. The meetings of a public body that are quasi-  
27 judicial in nature are subject to the provisions of this chapter.

28 2. The following are exempt from the requirements of this  
29 chapter:

30 (a) The Legislature of the State of Nevada.

31 (b) Judicial proceedings, including, without limitation,  
32 proceedings before the Commission on Judicial Selection and,  
33 except as otherwise provided in NRS 1.4687, the Commission on  
34 Judicial Discipline.

35 (c) Meetings of the State Board of Parole Commissioners when  
36 acting to grant, deny, continue or revoke the parole of a prisoner or  
37 to establish or modify the terms of the parole of a prisoner.

38 3. Any provision of law, including, without limitation, NRS  
39 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350,  
40 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415,  
41 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247,  
42 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730,  
43 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,  
44 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311,

1 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,  
2 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

3 (a) Provides that any meeting, hearing or other proceeding is not  
4 subject to the provisions of this chapter; or

5 (b) Otherwise authorizes or requires a closed meeting, hearing  
6 or proceeding,

7 ➤ prevails over the general provisions of this chapter.

8 4. The exceptions provided to this chapter, and electronic  
9 communication, must not be used to circumvent the spirit or letter of  
10 this chapter to deliberate or act, outside of an open and public  
11 meeting, upon a matter over which the public body has supervision,  
12 control, jurisdiction or advisory powers.

13 **Sec. 57.** The provisions of NRS 354.599 do not apply to any  
14 additional expenses of a local government that are related to the  
15 provisions of this act.

16 **Sec. 58.** 1. Except as otherwise provided in this section, the  
17 Commission on Ethics:

18 (a) Shall apply the amendatory provisions of this act which  
19 govern the procedures applicable to administrative proceedings  
20 arising under chapter 281A of NRS to any such proceedings that are  
21 within the jurisdiction of the Commission and are commenced on or  
22 after July 1, 2021, whether or not the conduct at issue in such  
23 proceedings occurred before July 1, 2021.

24 (b) May apply the amendatory provisions of this act which  
25 govern the procedures applicable to administrative proceedings  
26 arising under chapter 281A of NRS to any such proceedings that  
27 were commenced before July 1, 2021, and are still within the  
28 jurisdiction of the Commission and pending before the Commission  
29 on July 1, 2021, unless the Commission determines that such an  
30 application would be impracticable, unreasonable or  
31 unconstitutional under the circumstances, in which case the  
32 Commission shall apply the procedures in effect before July 1,  
33 2021.

34 2. The amendatory provisions of sections 10, 16, 29, 30, 31 and  
35 33 of this act do not apply to any conduct occurring before July 1,  
36 2021.

37 **Sec. 59.** This act becomes effective on **October 1, 2023**.

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.”