



704 W. NYE LANE
CARSON CITY, NEVADA 89703
(775) 684-5469

NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that the Nevada Commission on Ethics will hold a public workshop to consider amendments to Nevada Administrative Code (NAC) chapter 281A.

The workshop will be conducted in person at the Nye County Commission Chambers located at 101 Radar Road, Tonopah, NV 89048, as well as via Zoom videoconference/ teleconference during the Commission's November Commission meeting starting at 10:00 a.m. on Wednesday, November 8, 2023.

The meeting can be accessed:

1. In person at 101 Radar Road, Tonopah, NV 89048;
2. [Via this Zoom video-conference link](#);
3. Via Zoom teleconference: 720-707-2699 (Meeting ID: 825 9981 0591, Passcode: 432590)

The workshop will be conducted in accordance with NRS 241, Nevada's Open Meeting Law.

Workshop Agenda

1. Introduction of workshop process
2. Public comment on proposed amendment to NAC 281A
3. Review of small business impact statement
4. Drafting direction to Commission staff
5. Public Comment

The proposed changes may amend NAC 281A consistent with the Commission's authority in NRS 281A.290 and include procedural regulations that are necessary and proper to carry out the provisions of NRS Chapter 281A including, without limitation, regulations:

1. To facilitate the receipt of inquiries by the Commission.
2. For the filing of an ethics complaint or a request for an advisory opinion with the Commission.
3. For the withdrawal of an ethics complaint or request for an advisory opinion.
4. To facilitate the prompt rendition of opinions by the Commission.
5. For proceedings concerning an ethics complaint, to facilitate written discovery requests submitted pursuant to NRS 281A.750 and 281A.755 and the disclosure of evidence in the manner required by those sections, including, without limitation, the disclosure of evidence obtained by or on behalf of the Executive Director during the course of the investigation that affirmatively and substantively disproves any alleged violation of this chapter that is related to the ethics complaint and has been referred to the Commission for an adjudicatory hearing.

6. Prescribe forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500.

Current language of the Commission's regulations which may be discussed during the workshop can be found here: <https://www.leg.state.nv.us/nac/NAC-281A.html>

Members of the public may make oral comments at the meeting. Persons wishing to submit written testimony or documentary evidence may submit material electronically at ncoe@ethics.nv.gov to Ross Armstrong, Executive Director at the following address:

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

The Commission is pleased to provide reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada Commission on Ethics, in writing at 704 W. Nye Lane, Suite 204, Carson City, Nevada 89703; via email at ncoe@ethics.nv.gov or call 775-687-5469 *at least five (5) working days* prior to the date of the public workshop.

The same contact as above can be used to request further information on the proposed regulations or how to obtain copies of the supporting documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

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

A copy of the regulations and small business impact statement can be found on the Commission on Ethics' web page: ethics.nv.gov

A copy of this notice has been posted at the following locations:

1. Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City
2. Nevada Commission on Ethics' website: ethics.nv.gov
3. The Nevada Legislature's website: leg.state.nv.us/App/Notice/A
4. Nevada Public Notice Website: notice.nv.gov

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.



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SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608

1. Background:

The Nevada Commission on Ethics intends to proceed with the administrative rulemaking process as outlined in NRS 233B and is statutorily authorized to do so by NRS 281A.290. The Commission's Nevada Administrative Code (NAC) chapter is 281A. The Commission's jurisdiction is limited to public officers and public employees as defined by NRS Chapter 281A (Ethics Law). The enabling statute, NRS 281A.290, permits the Commission to adopt only procedural regulations. The Commission is not permitted to create new or otherwise modify substantive ethics standards that are established in the Ethics Law.

In analyzing the potential impact NAC 281A regulations may have on small business, the agency has concluded that regulations of the Commission have no impact on small business. The only parts of Nevada's ethics statutory framework that could impact small businesses are restrictions on where a former public officer or employee may work for one-year following separation from public service ("cooling off" restrictions) and restrictions on certain contracts. Those rules are established in statute and may not be modified by a change in NAC. Therefore, any regulations adopted or modified as part of the Commission's rulemaking process will have no direct or significant economic burden on small business and will not directly restrict the formation, operation, or expansion of small business.

2. Methods for Determination:

In making the determination that proposed amendments or new regulations under NAC 281A do not have an impact on small business, the agency used the following methods to determine any small business impacts:

- a. Review and analysis of the Commission's statutory authority and limits of jurisdiction
- b. Review and analysis of the Commission's rulemaking authority under NRS 281A
- c. Staff discussion of any Ethics Law touch points with small businesses
- d. Identification of potential small business issues related to the Ethics Law's "cooling off" and contracting restrictions as the only touch point with small business
- e. Legal conclusion that changes to "cooling off" and contracting restriction requirements are beyond the rulemaking authority of the Commission and can only be changed by statutory amendment by the Nevada Legislature

3. Conclusions and Reasons:

Conclusion 1: Any proposed regulation changes in Chapter 281A will not impose a direct and significant economic burden upon a small business.

Reasons: Statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses.

Conclusion 2: Any proposed regulation changes in Chapter 281A. will not directly restrict the formation, operation, or expansion of a small business.

Reasons: Statutory limitations on the Commission's jurisdiction and rulemaking authority prevent the Commission from considering or adopting regulations that would impose burdens on small businesses.

Conclusion 3: The Commission does not need to consult or solicit feedback from small business pursuant to NRS 222B.0608(2) related to proposed language in NAC Chapter 281A.

Reasons: Consultation and feedback are required under NRS 233B.0608(2) only if the agency determination that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business and the agency has determined the proposed regulations do not, as described in Conclusion 1 and 2 above.

I, Ross E. Armstrong, Esq., Executive Director of the Nevada Commission on Ethics ("Commission"), certify that a concerted effort was made to determine the impact of the proposed regulation on small business and the information contained in this statement is accurate to the best of my knowledge or belief:

Respectfully submitted,

DATED: 10/24/23

/s/ 
Ross E. Armstrong, Esq.
Executive Director