



## **Notice Of Intent To Act Upon A Regulation**

### **Notice of Hearing for the Amendment and Repeal of Regulations of the Nevada Commission on Ethics**

The Nevada Commission on Ethics will hold a public hearing at **10:00 a.m.**, on the **21 of August of 2024**, at the **Nevada State Bar located at 9456 Double R Boulevard, Suite B, Reno NV, 89521** as well as, via Zoom **videoconference** at <https://us06web.zoom.us/j/81988115035?pwd=1k1tQWsbmAPmzPcpLk9ricAWMHbCp4.1> (**Meeting ID: 819 8811 5035 Passcode: 521743**) and via Zoom **telephonically** by calling **1-253-205-0468**, entering 819 8811 5035 when prompted to enter the Meeting ID and entering 521743 when prompted to enter the Passcode. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment and Repeal of regulations that pertain to chapter 281A of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

### **Need and Purpose**

#### **The need for and the purpose of the proposed regulation or amendment.**

Chapter 281A of the Nevada Administrative Code was last updated in 2018. During and following the COVID-19 pandemic, government agencies and business adopted new and efficient ways of conducting business as well as reviewed operational resiliency in the face of emergencies. Other changes are made to improve customer services and transparency. These regulatory amendments address those issues in the following ways

1. Clarification of the role of Vice Chair to act when the Chair is unable to;
2. Clarification to expand the timeframe in which a public official may request an Advisory Opinion;
3. Ability to reject anonymous complaints without full Commission review;
4. Clarity regarding the authority of staff to research a complaint in making the jurisdictional recommendation to the Commission;
5. Amendments to promote electronic communication; and
6. Various other procedural and administrative adjustments

At a prior meeting of the Legislative Commission, members expressed concerns with two sections.

The first section relates to the definition of "subject." With the proposed amendments at this hearing, the change to the definition of "subject" is proposed to be eliminated,

reverting to the current regulatory language. NAC 281A.100.

The second section relates to the rejection of anonymous complaints without full Commission review. Currently, NRS 281A prohibits the Commission to proceed based on an anonymous Complaint. With the proposed amendments at this hearing, the wording “shall” will be replaced with “may”. In the event the Legislature passes, and the Governor approves amendments to NRS Chapter 281A in the future to permit consideration of anonymous complaints, this wording change would permit immediate implementation of that change without the need for changes to the regulation.

**If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The text of the proposed regulation can be requested at [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov) and is posted to the Ethics Commission’s website at: <https://ethics.nv.gov/Resources/Home/>

### **Small Business Impact & Cost of Enforcement**

**The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

The regulations proposed to be amended and repealed will have no effect on business. The Nevada Commission on Ethics enforces the Nevada Ethics Law which can be found in NRS Chapter 281A. The Ethics Law applies only to government officers and employees. Although there are some aspects of the Nevada Ethics Law which may affect businesses (restrictions on outside employment, cooling off, etc.), those requirements are found in the statute and cannot be changed by regulation. Therefore, there is no economic effect of these regulations on business.

**The methods used by the agency in determining the impact on a small business.**

Staff of the Commission reviewed the proposed changes to the regulations, analyzed which parts of the Ethics Law effect small business, and determined that there is no impact on small business.

**The estimated cost to the agency for enforcement of the proposed regulation.**

There is no anticipate cost to the Commission for enforcement of the proposed regulations.

### **Relationship to Other Regulations**

**A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The regulation does not overlap any state agency regulations. Although local governments are permitted to establish their own ethics policies and specialized or local ethics committees, the regulations included in these changes only apply to cases before the Nevada Commission on Ethics.

**If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The regulation is not required pursuant to a federal law.

**If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal ethics regulations that apply to Nevada's state and local public officers and employees. Federal ethics regulations apply only to federal employees.

**Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulation does not establish a new fee or increase any existing fees.

Persons wishing to comment upon the proposed action of the Nevada Commission on Ethics may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada 89701. Written submissions must be received by the Nevada Commission on Ethics on or before 5:30 p.m. on April 16, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Commission on Ethics may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Amended will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Amended will be available at Nevada Commission on Ethics, 704 W. Nye Lane, Suite 204, Carson City, Nevada 89701 and [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov), for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to [NRS 233B.0653](#), and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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.

This notice of hearing has been posted at the following locations:

State Library and Archives and Public Records, 100 Stewart Street, Carson City, NV  
Nevada Commission on Ethics, 704 W. Nye Lane, Ste 204, Carson City, NV  
Nevada Commission on Ethics' website: <http://ethics.nv.gov>  
The Nevada Legislature's website: [leg.state.nv.us/App/Notice/A](http://leg.state.nv.us/App/Notice/A)  
Nevada Public Notice Website: [notice.nv.gov](http://notice.nv.gov)