

ASSEMBLY BILL NO. 65—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and Elections

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

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.

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.

Legislative Counsel’s Digest:

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

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



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

27 **Sections 3, 8, 9, 12, 20-24 and 26-28** of this bill make various changes to
28 existing provisions of the Ethics Law which govern the operation, powers,
29 functions and duties of the Commission, its members and staff and any specialized
30 or local ethics committees. (NRS 281A.200-281A.350) Under the Ethics Law, the
31 Commission is required to annually elect a Chair and Vice Chair who are assigned
32 certain powers, functions and duties. (NRS 281A.210, 281A.220, 281A.240,
33 281A.300) **Sections 3 and 20** of this bill provide for the Chair's powers, functions
34 and duties to be assigned for a particular matter to the Vice Chair or another
35 member of the Commission under certain circumstances. **Section 27** of this bill
36 additionally authorizes the administration of oaths by a member of the Commission
37 when appointed by the Chair to preside over any meetings, hearings or proceedings
38 and by a certified court reporter. **Section 27** also specifically authorizes the Chair to
39 issue a subpoena during the course of an investigation for information, records and
40 documentation regarding confidential personnel records maintained by a state or
41 local governmental agency that relate to issues under consideration in an ethics
42 complaint. Under **section 47** of this bill, these records are made part of the
43 investigative file. **Section 27** further provides that any court proceeding
44 commenced relating to a subpoena is deemed good cause for the Commission to
45 grant an extension of the time limits that apply to proceedings concerning ethics
46 complaints.

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

59 The Ethics Law requires the Commission to appoint and prescribe the duties of
60 the Executive Director who must have experience in administration, investigations
61 and law. (NRS 281A.230) **Section 22** of this bill adds to these qualifications by
62 requiring the Executive Director to be an attorney who is licensed to practice law in
63 Nevada.

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



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

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

89 **Section 9** provides that during any period in which proceedings concerning a
90 request for an advisory opinion or an ethics complaint are confidential under the
91 Ethics Law, the Open Meeting Law does not apply to any meetings, hearings,
92 deliberations or actions of the Commission involving: (1) any decisions in litigation
93 concerning any judicial action or proceeding related to the request for an advisory
94 opinion or the ethics complaint; and (2) any delegation of authority to make such
95 decisions in the litigation to the Chair or the Executive Director, or both. **Section**
96 **24** of this bill specifies the powers and duties of the Commission Counsel regarding
97 any litigation in which the Commission or its members or staff are parties in an
98 official capacity. **Section 24** clarifies that the Commission Counsel does not
99 represent the interests of the Executive Director in a judicial action or proceeding in
100 which the Executive Director is named as a party based on the conduct of the
101 Executive Director in his or her official conduct as a party to an adjudicative
102 proceeding.

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

112 Under the Ethics Law, a specialized or local ethics committee may: (1)
113 establish its own code of ethical standards suitable for the particular ethical
114 problems encountered in its sphere of activity; and (2) render opinions upon the
115 request of public officers and employees subject to its jurisdiction seeking an
116 interpretation of its own ethical standards on certain questions. However, a
117 specialized or local ethics committee may not attempt to interpret or render an
118 opinion regarding the statutory ethical standards subject to the jurisdiction of the
119 Commission, but it may refer such questions to the Commission. (NRS 281A.350)

120 **Section 28** of this bill clarifies the circumstances when such questions may be
121 referred to the Commission as a request for an advisory opinion. **Section 28** also
122 makes conforming changes to ensure consistency with the other revisions that this
123 bill makes to the Ethics Law. **Section 28** of this bill also removes the authority of a
124 specialized or local ethics committee in existing law to require the filing of
125 financial disclosure statements if the form has been approved by the Secretary
126 of State. **Section 1** of this bill makes a conforming change related to the removal of
127 this authority.



128 The Ethics Law establishes statutory ethical standards that are intended to
129 enhance the people's faith in the integrity and impartiality of public officers and
130 employees by requiring appropriate separation between the roles of persons who
131 are both public servants and private citizens in order to avoid conflicts between
132 their private interests and the interests of the general public whom they serve. (NRS
133 281A.020, 281A.400-281A.550) **Sections 6, 7, 10, 16 and 29-33** of this bill make
134 various changes to the statutory ethical standards.

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

140 The Ethics Law prohibits public officers and employees from engaging in
141 certain unethical conduct that benefits themselves, any business entities in which
142 they have a significant pecuniary interest or any persons to whom they have a
143 commitment in a private capacity. (NRS 281A.400, 281A.420) The Ethics Law
144 defines the persons to whom public officers and employees have a "commitment in
145 a private capacity" to include: (1) the spouse or domestic partner of the public
146 officer or employee, any member of his or her household or any relative within the
147 third degree of consanguinity or affinity; (2) any person who employs the public
148 officer or employee, his or her spouse or domestic partner or any member of his or
149 her household; (3) any person with whom the public officer or employee has a
150 substantial and continuing business relationship; or (4) any person with whom the
151 public officer or employee has any other commitment, interest or relationship that
152 is substantially similar to the foregoing commitments, interests or relationships.
153 (NRS 281A.065) **Section 16** makes technical revisions to the definition of
154 "commitment in a private capacity" that do not change its substantive meaning.

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

170 The Ethics Law contains a general provision that prohibits public officers and
171 employees from using governmental time, property, equipment or other facility to
172 benefit a significant personal or pecuniary interest of the public officers and
173 employees or any persons to whom they have a commitment in a private capacity.
174 By contrast, the Ethics Law also contains a specific provision that prohibits State
175 Legislators from using governmental time, property, equipment or other facility for
176 a nongovernmental purpose or for the private benefit of the Legislators or any other
177 persons. Both of these prohibitions contain separate limited-use exceptions that
178 allow a limited use of governmental property, equipment or other facility for
179 personal purposes if the limited use meets certain requirements. (NRS 281A.400)
180 **Section 29** of this bill revises these prohibitions and limited-use exceptions in
181 several ways.



182 First, **section 29** aligns the prohibitions so they employ the same prohibitive
183 language for Legislators and other public officers and employees. As a result,
184 subject to the limited-use exceptions, **section 29** prohibits all public officers and
185 employees from using governmental time, property, equipment or other facility to
186 benefit a significant personal or pecuniary interest of the public officers and
187 employees or any persons to whom they have a commitment in a private capacity.

188 Second, with regard to the limited-use exceptions that apply to public officers
189 and employees other than Legislators, one of the existing requirements for the
190 exceptions is that the public officer or employee who is responsible for and has
191 authority to authorize the limited use for personal purposes must have established a
192 policy allowing the limited use. (NRS 281A.400) **Section 29** clarifies the exception
193 by providing that the limited use must be authorized by a written policy which was
194 adopted before the limited use occurs.

195 Finally, with regard to the limited-use exceptions that apply to Legislators and
196 other public officers and employees, one of the existing requirements for the
197 exceptions is that the limited use for personal purposes must not create the
198 appearance of impropriety. (NRS 281A.400) **Section 29** defines the term
199 "appearance of impropriety" to mean a reasonable person would find, based on the
200 given set of facts and circumstances, that the limited use for personal purposes is
201 inappropriate, disproportionate, excessive or unreasonable under that given set of
202 facts and circumstances.

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

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

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



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

249 The Ethics Law contains existing provisions which govern the proceedings
250 concerning requests for advisory opinions and ethics complaints and the issuance of
251 opinions and the imposition of remedies and penalties by the Commission. (NRS
252 281A.665-281A.790) **Sections 4, 5, 14, 15, 17-19, 25 and 34-54** of this bill make
253 various changes to these existing provisions.

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

264 The Ethics Law authorizes public officers and employees to file with the
265 Commission requests for advisory opinions to: (1) seek guidance relating to the
266 propriety of their own past, present or future conduct under the statutory ethical
267 standards; or (2) request relief from the strict application of certain provisions of
268 the Ethics Law. (NRS 281A.675) **Section 35** of this bill authorizes the Commission
269 to request additional information relating to the request for an advisory opinion
270 from the requester or his or her legal counsel.

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



291 opinion in the matter by requiring the Commission to issue the written advisory
292 opinion within a specified time limit after the decision is rendered.

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

312 Under the Ethics Law, certain materials relating to a request for an advisory
313 opinion are confidential and not public records unless the requester: (1) authorizes
314 the Commission to disclose the materials; or (2) voluntarily discloses the materials
315 to persons other than those specified in the statute. (NRS 281A.685) **Section 37** of
316 this bill clarifies that any authorization given by the requester is limited to the
317 specific materials that the requester authorizes the Commission to disclose. **Section**
318 **37** also revises the specified persons to whom the requester may voluntarily
319 disclose the materials without waiving the confidentiality of the materials. In
320 addition, **section 37** provides that a request for advice from the Executive Director
321 or Commission Counsel receives the same confidentiality protections as a request
322 for an advisory opinion from the Commission.

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

335 In addition to rendering advisory opinions, the Commission is also authorized
336 by the Ethics Law to render opinions regarding the propriety of the conduct of
337 public officers and employees under the statutory ethical standards in response to
338 ethics complaints. (NRS 281A.710) Not later than 45 days after receiving an ethics
339 complaint, the Ethics Law requires the Commission to determine initially whether
340 it has jurisdiction over the ethics complaint and whether an investigation is
341 warranted in the matter, unless the subject of the ethics complaint waives the time
342 limit. (NRS 281A.715) **Section 41** of this bill authorizes the Executive Director,
343 during this initial period, to conduct a preliminary investigation to obtain additional
344 information concerning the allegations in the ethics complaint to assist the
345 Commission in making its initial determination. In addition, **section 41**: (1) allows



346 the Commission to extend the time limit for good cause but requires the
347 Commission to set a specific and reasonable time period for such an extension; and
348 (2) eliminates, as unnecessary, the provision authorizing the subject to waive the
349 time limit because the subject does not receive notice of the matter during this
350 initial period, but only receives notice of the matter if the Commission determines
351 that it has jurisdiction and an investigation is warranted. **Section 41** also allows the
352 Commission to dismiss an ethics complaint initiated on its own motion if it
353 determines that the evidence is not sufficient to warrant an investigation in the
354 matter but requires the Commission to issue a letter of caution or instruction in
355 those circumstances.

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

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

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

379 Within 15 days after the Executive Director presents the written
380 recommendation to the review panel, the Ethics Law requires the review panel to
381 determine whether there is just and sufficient cause for the Commission to render
382 an opinion regarding the ethics complaint, unless the subject waives the time limit.
383 (NRS 281A.730) **Section 44** of this bill extends the time for the panel to issue its
384 determination to 45 days. If the review panel determines that there is not just and
385 sufficient cause, the Ethics Law requires the review panel to dismiss the matter, but
386 the review panel may issue a confidential letter of caution or instruction to the
387 subject as part of the dismissal. If the review panel determines that there is just and
388 sufficient cause but reasonably believes that the conduct at issue may be
389 appropriately addressed through additional training or other corrective action, the
390 Ethics Law authorizes the review panel to approve a deferral agreement between
391 the Executive Director and the subject to defer further proceedings in the matter
392 under the terms and conditions of the deferral agreement. If the subject complies
393 with the terms and conditions of the deferral agreement, the matter must be
394 dismissed. However, if the subject fails to comply with the terms and conditions of
395 the deferral agreement, the deferral agreement may be vacated and further
396 proceedings conducted in the matter before the Commission. If the review panel
397 does not believe that a deferral agreement is appropriate or if the subject declines to
398 enter into such a deferral agreement, the Ethics Law requires the review panel to
399 refer the matter to the Commission for further proceedings. (NRS 281A.730,
400 281A.740)



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

404 The Ethics Law establishes various requirements regarding the adjudication of
405 ethics complaints referred to the Commission for further proceedings. (NRS
406 281A.745-281A.760) **Sections 4 and 45** of this bill clarify that the parties to the
407 proceedings are: (1) the Executive Director or his or her designee, who present
408 the case to the Commission at the adjudicatory hearing in the matter; and (2) the
409 subject of the ethics complaint, who has the right to written notice of the hearing, to
410 be represented by legal counsel and to hear the evidence presented to the
411 Commission and to present his or her own case. **Section 45** also requires: (1) the
412 Executive Director to issue a formal notice of charges to the subject of the ethics
413 complaint regarding the allegations to be presented at an adjudicatory hearing; and
414 (2) the Commission to provide the parties with a written schedule for discovery in
415 order to prepare for the hearing.

416 The Ethics Law requires the Commission to hold the hearing and render an
417 opinion in the matter within a certain time limit, unless waived by the subject, and
418 requires the opinion to include findings of fact and conclusions of law. (NRS
419 281A.745, 281A.765) **Section 45** requires the Commission to hold a hearing and
420 render a decision in the matter within the existing time limit, unless waived by the
421 subject or extended by the Commission for good cause with a specific and
422 reasonable time period, but **section 45** provides the Commission with more time to
423 prepare the written opinion in the matter by requiring the Commission to issue the
424 written opinion within a specified time limit after the decision is rendered. **Section**
425 **45** also clarifies that, in addition to including findings of fact and conclusions of
426 law, the written opinion must otherwise comply with the requirements for a final
427 decision under Nevada's Administrative Procedure Act. (NRS 233B.125) **Section**
428 **49** of this bill makes a conforming change related to the contents of a written
429 opinion.

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

446 Under the Ethics Law, the subject of an ethics complaint may submit a written
447 discovery request for a list of proposed witnesses and a copy of any materials in the
448 investigative file that the Executive Director intends to present as evidence in the
449 matter. The Ethics Law also provides that the materials in the investigative file are
450 confidential, except that any materials which the Executive Director presents as
451 evidence in the matter become public records. (NRS 281A.755) **Section 47** requires
452 any written discovery request to be submitted in accordance with the schedule for
453 discovery in the matter. **Section 47** also provides that any materials which the
454 Executive Director presents as evidence in the matter become public records after
455 the Commission takes final action concerning the ethics complaint in a public



456 meeting or hearing held under **section 48** of this bill, but provides an exception if
457 any of the materials are declared confidential by another law.

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

470 The Ethics Law establishes various requirements regarding the disposition of
471 ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-
472 281A.790) Under the Ethics Law, there are two types of violations: (1) willful
473 violations that require proof of specific mental elements showing that the subject of
474 an ethics complaint committed the violations intentionally and knowingly; and (2)
475 other violations that do not require proof of those specific mental elements. (NRS
476 281A.170) To determine whether violations are willful, the Ethics Law requires the
477 Commission to: (1) consider a nonexclusive list of aggravating and mitigating
478 factors, as well as any other reasonably related factors; and (2) ensure when it
479 applies those factors that the disposition of the matter bears a reasonable
480 relationship to the severity of the violations. (NRS 281A.775) For any violations,
481 whether or not willful, the Ethics Law authorizes the Commission to impose certain
482 remedies, such as training, a remedial course of action or public admonishment.
483 (NRS 281A.785) However, for willful violations, the Ethics Law also authorizes
484 more severe remedies and penalties, such as substantial civil penalties and public
485 reprimand or censure. In some cases involving willful violations, the Ethics Law
486 further requires the Commission to seek removal of certain public officers through
487 court proceedings or to submit the matter to the appropriate House of the
488 Legislature for consideration of additional remedies and penalties against certain
489 public officers, including removal through impeachment or expulsion. (NRS
490 281A.785, 281A.790) With respect to certain dispositions of ethics complaints and
491 in determining whether a violation is willful, existing law requires the Commission
492 to treat comparable situations in a comparable manner. (NRS 281A.770, 281A.775)
493 **Sections 50 and 51** of this bill require the Commission to carry out that duty to the
494 extent practicable based on the given set of facts and circumstances. **Section 54** of
495 this bill clarifies that in determining whether the subject has committed one or more
496 violations, each separate act or event that constitutes a violation, or course of
497 conduct that the Commission interprets as constituting a separate violation, must be
498 treated as a separate violation that is cumulative to all other violations, whenever
499 committed, without regard to the sequence of the violations or whether the
500 violations are established in the same or separate proceedings.

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



511 with a written notice of the charges and an opportunity for a hearing in accordance
512 with the regulations of the Commission. **Section 54** also authorizes the
513 Commission, under certain circumstances, to assess against the person certain
514 attorney's fees and costs incurred by the Commission as a result of the violation.
515 **Section 55** of this bill makes a conforming change relating to the
516 confidentiality of materials provided by the Commission pursuant to **section 12**.
517 **Section 56** of this bill makes a conforming change relating to **section 9**. **Section 58**
518 of this bill addresses the applicability of the amendatory provisions of this bill to
519 administrative proceedings and conduct that occurred before July 1, 2021.

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 *-serving in the capacity of the Chair pursuant to NRS 281A.210.*

16 **Sec. 4. "Party" means, for the purposes of the adjudication**
17 ***and disposition of proceedings concerning an ethics complaint***
18 ***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. 8.** *1. Except as otherwise provided in this section,*
8 *every public officer or employee of the State or one of its political*
9 *subdivisions, regardless of whether he or she is otherwise subject*
10 *to the provisions of this chapter, shall cooperate with the*
11 *Commission in any lawful investigations or proceedings of the*
12 *Commission and furnish information and reasonable assistance to*
13 *the Commission or its authorized representative, except to the*
14 *extent that the public officer or employee is entitled to:*

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

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

19 2. *If a public officer or employee is entitled to any protection*
20 *pursuant to paragraph (a) or (b) of subsection 1, that protection*
21 *extends only to matters within the scope of the protection, and the*
22 *public officer or employee shall comply with the provisions of*
23 *subsection 1 to the fullest extent possible regarding all matters*
24 *outside of the scope of the protection.*

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

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

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

41 2. *Any delegation of authority to make such decisions in the*
42 *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.*

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

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

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

44 2. *If the Commission determines that it does not have*
45 *jurisdiction or does not direct the Executive Director to conduct an*



1 *investigation of an ethics complaint pursuant to NRS 281A.715,*
2 *and the Executive Director reasonably believes that the alleged*
3 *conduct may be properly addressed within the jurisdiction of*
4 *another state or local agency, the Executive Director may refer all*
5 *or a portion of the information, communications, records,*
6 *documents or other materials in the possession of the Commission*
7 *or its staff that are related to the allegations in the ethics*
8 *complaint to that state or local agency. Such a referral must not*
9 *include a copy of any ethics complaint or reveal the identity of the*
10 *requester of any such ethics complaint.*

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

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

18 281A.030 As used in this chapter, unless the context otherwise
19 requires, the words and terms defined in NRS 281A.032 to
20 281A.170, inclusive, *and sections 3 to 6, inclusive, of this act* have
21 the meanings ascribed to them in those sections.

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

23 281A.032 “Adjudicatory hearing” means a hearing held by the
24 Commission pursuant to NRS 281A.745 to receive evidence *and*
25 *render a decision* concerning an ethics complaint . ~~[and render an~~
26 ~~opinion in the matter.]~~

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

28 281A.033 “Advisory opinion” means an advisory opinion
29 ~~[rendered]~~ *issued* by the Commission pursuant to NRS 281A.670 to
30 281A.690, inclusive.

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

32 281A.065 “Commitment in a private ~~[capacity,] with respect to~~
33 ~~the interests of another person,] capacity”~~ means a *private*
34 commitment, interest or relationship of a public officer or employee
35 to : ~~[a person:]~~

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

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

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

44 4. ~~[Who employs]~~ *The employer of* the public officer or
45 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 the statutory ethical standards . ~~[set forth in this~~
15 ~~chapter.]~~

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

17 281A.135 1. "Opinion" means an opinion ~~[rendered]~~ *issued*
18 by the Commission in accordance with the provisions of this
19 chapter.

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

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

24 281A.161 "Request for an advisory opinion" means a request
25 for an advisory opinion which is filed with the Commission
26 pursuant to NRS 281A.675 . ~~[by a public officer or employee who~~
27 ~~is:~~

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

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

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

35 281A.210 1. The Commission shall ~~f:~~

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

38 ~~[(b) Meet]~~

39 2. *If the Chair is prohibited from acting on a particular*
40 *matter or is otherwise unable to act on a particular matter, the*
41 *Vice Chair shall exercise the powers and functions and perform*
42 *the duties of the Chair concerning that particular matter. If the*
43 *Chair and Vice Chair are prohibited from acting on a particular*
44 *matter or are otherwise unable to act on a particular matter,*
45 *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 ~~4.~~, *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*
35 *before an adjudicatory hearing in the matter.*

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

39 **Sec. 22.** NRS 281A.230 is hereby amended to read as follows:

40 281A.230 1. The Commission shall appoint, within the limits
41 of legislative appropriation, an Executive Director who shall
42 perform the duties set forth in this chapter and such other duties as
43 may be prescribed by the Commission.



1 2. The Executive Director must *be an attorney who is licensed*
2 *to practice law in this State and must* have experience in
3 administration, investigations and law.

4 3. The Executive Director is in the unclassified service of the
5 State.

6 4. The Executive Director shall devote the Executive Director's
7 entire time and attention to the business of the Commission and
8 shall not pursue any other business or occupation or hold any other
9 office of profit that detracts from the full and timely performance of
10 the Executive Director's duties.

11 5. The Executive Director may not:

12 (a) Be actively involved in the work of any political party or
13 political campaign; or

14 (b) Except in pursuit of the business of the Commission,
15 communicate directly or indirectly with a State Legislator or a
16 member of a local legislative body on behalf of someone other than
17 the Executive Director to influence:

18 (1) The State Legislator with regard to introducing or voting
19 upon any matter or taking other legislative action; or

20 (2) The member of the local legislative body with regard to
21 introducing or voting upon any ordinance or resolution, taking other
22 legislative action or voting upon:

23 (I) The appropriation of public money;

24 (II) The issuance of a license or permit; or

25 (III) Any proposed subdivision of land or special
26 exception or variance from zoning regulations.

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

28 281A.240 1. In addition to any other duties imposed upon the
29 Executive Director, the Executive Director shall:

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

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

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

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

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

44 (f) Upon the request of any public officer or the employer of a
45 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 ~~[-]~~ *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 ~~[-]~~ *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.

26 **Sec. 26.** NRS 281A.290 is hereby amended to read as follows:

27 281A.290 The Commission shall:

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

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

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

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

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

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



1 ethics complaint and has been referred to the Commission for an
2 adjudicatory hearing.

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

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

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

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

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

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

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

24 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the
25 Commission *appointed by the Chair to preside over any meetings,*
26 *hearings and proceedings* may administer oaths ~~{}~~ *or direct a*
27 *certified court reporter or other authorized person to administer*
28 *oaths.*

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

32 3. ~~{Upon}~~ *Except as otherwise provided in this subsection,*
33 *upon* the request of the Executive Director, the Chair ~~{or, in the~~
34 ~~Chair's absence, the Vice Chair,}~~ *may issue a subpoena during the*
35 *course of any investigation* to compel the participation of a
36 potential witness and the production of any books and papers
37 ~~{during the course of any investigation.}~~ *, including, without*
38 *limitation, information, records and documentation regarding*
39 *personnel records maintained by an agency concerning the*
40 *conduct of a public officer or employee, including,*
41 *notwithstanding any other provision of law to the contrary,*
42 *records otherwise deemed by law to be confidential, that relate to*
43 *issues under consideration in an ethics complaint. A request by*
44 *the Executive Director for a subpoena pursuant to this subsection*
45 *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 ~~at~~
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 ~~it~~ *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.*

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

34 281A.350 1. Any state agency or the governing body of a
35 county or an incorporated city may establish a specialized or local
36 ethics committee to complement the functions of the Commission.
37 A specialized or local ethics committee may:

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

42 (b) Render *a decision and issue* an opinion upon the request of
43 any public officer or employee of its own organization or level
44 seeking an interpretation of its *code of* ethical standards on
45 questions directly related to the propriety of the public officer's or



1 employee's own future official conduct ~~[or]~~, *but the committee*
2 *may* refer the request to the Commission ~~[.]~~ *if the response to the*
3 *request requires the Commission to interpret the statutory ethical*
4 *standards and apply those standards to the given set of facts and*
5 *circumstances. If the request is referred to the Commission, it*
6 *shall be deemed to be a request for an advisory opinion filed by the*
7 *public officer or employee with the Commission pursuant to NRS*
8 *281A.675. Any public officer or employee subject to the jurisdiction*
9 *of the committee shall direct the public officer's or employee's*
10 ~~[inquiry]~~ *request* to that committee *first* instead of the Commission.

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

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

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

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

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

26 ~~[4.]~~ 3. Each request for an opinion submitted *by a public*
27 *officer or employee* to a specialized or local ethics committee, each
28 hearing held *by the committee* to obtain information on which to
29 ~~[base]~~ *render a decision and issue* an opinion, all deliberations *by*
30 *the committee* relating to ~~[an]~~ *the decision and* opinion, each
31 ~~[opinion]~~ *decision* rendered *and opinion issued* by ~~[a]~~ *the*
32 committee and any motion relating to the *decision and* opinion are
33 confidential unless:

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

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

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

39 281A.400 ~~[A code of ethical standards is hereby established to~~
40 ~~govern the conduct of public officers and employees:]~~

41 1. A public officer or employee shall not seek or accept any
42 gift, service, favor, employment, engagement, emolument or
43 economic opportunity, for the public officer or employee or any
44 person to whom the public officer or employee has a commitment in
45 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 ~~is~~
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; ~~{c}~~

41 (c) The public officer's commitment in a private capacity to the
42 interests of another person ~~{d}~~; 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.

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

23 281A.500 1. On or before the date on which a public officer
24 swears or affirms the oath of office, the public officer must be
25 informed of the statutory ethical standards and the duty to file an
26 acknowledgment of the statutory ethical standards in accordance
27 with this section by:

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

30 (b) For an elected public officer of:

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

33 (2) The city, the city clerk;

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

36 (4) The Executive Department of the State Government, the
37 Director of the Department of Administration, or his or her
38 designee.

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

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

44 (b) The manager of each local agency, or his or her designee,
45 shall provide each new public employee of the local agency with the



1 information prepared by the Commission concerning the statutory
2 ethical standards.

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

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

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

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

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

15 (b) If the public officer is elected to office at an election other
16 than the general election or is appointed to office, on or before the
17 30th day following the date on which the public officer swears or
18 affirms the oath of office.

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

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

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

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

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

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



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

6 8. The form for making the acknowledgment must contain:

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

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

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

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

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

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

26 ~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and,~~
27 ~~if the public officer is removable from office pursuant to NRS~~
28 ~~283.440, the Commission may file a complaint in the appropriate~~
29 ~~court for removal of the public officer pursuant to that section. This~~
30 ~~paragraph grants an exclusive right to the Commission, and no other~~
31 ~~person may file a complaint against the public officer pursuant to~~
32 ~~NRS 283.440 based on any violation of this section.]~~

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

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

36 281A.550 1. A former member of the Public Utilities
37 Commission of Nevada shall not:

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

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

43 ↪ for 1 year after the termination of the member's service on the
44 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~~ **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 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~~ *opinions of the Commission* may
40 include guidance to a public officer or employee on questions
41 whether:

42 ~~It~~ *(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. 36.** NRS 281A.680 is hereby amended to read as follows:

2 281A.680 1. ~~[If a public officer or employee]~~ *Except as*
3 *otherwise provided in this section, if a requester* properly files a
4 request for an advisory opinion, the Commission shall render *a*
5 *decision and issue* an advisory opinion that interprets the statutory
6 ethical standards and applies those standards to the given set of facts
7 and circumstances.

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

13 (a) *The requester waives this time limit* ~~[~~
14 ~~2.]~~ ;

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

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

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

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

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

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

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

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

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



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

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

5 ~~[3.]~~ If the requester seeks judicial review pursuant to NRS
6 233B.130, any proceedings concerning such judicial review must be
7 confidential and held in closed court without admittance of persons
8 other than those necessary to the proceedings, unless the requester
9 waives this right to confidential proceedings.

10 5. *If the Commission issues a written advisory opinion:*

11 (a) *To a requester who filed the request for an advisory*
12 *opinion pursuant to paragraph (b) of subsection 1 of NRS*
13 *281A.675; and*

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

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

18 6. *Upon the request of a public officer or employee, the*
19 *Executive Director or Commission Counsel may advise a public*
20 *officer or employee regarding the application of the statutory*
21 *ethical standards to a given set of facts and circumstances. Such*
22 *advice may not be contrary to a published opinion of the*
23 *Commission or otherwise expand a precedential interpretation of*
24 *the Commission in a published opinion. The Executive Director*
25 *shall keep a written record of any advice offered to a public officer*
26 *or employee pursuant to this subsection. Any act or failure to act*
27 *by a current or former public officer or employee relating to this*
28 *chapter is not a violation of this chapter pursuant to subsection 6*
29 *of NRS 281A.790 if the public officer or employee establishes by*
30 *sufficient evidence that he or she relied upon the advice of the*
31 *Executive Director or Commission Counsel pursuant to this*
32 *subsection before the public officer or employee acted or failed to*
33 *act. Any advice rendered by the Executive Director or Commission*
34 *Counsel pursuant to this subsection is not binding on the public*
35 *officer or employee and is not subject to judicial review pursuant*
36 *to NRS 233B.130. Any dispute regarding the advice rendered by*
37 *the Executive Director or Commission Counsel may be resolved*
38 *through the filing of a request for an advisory opinion with the*
39 *Commission pursuant to subsection 1.*

40 7. *Any decision rendered or advisory opinion issued by the*
41 *Commission in response to a request for an advisory opinion or*
42 *advice provided by the Executive Director or Commission Counsel*
43 *pursuant to subsection 6 does not divest the Commission of its*
44 *jurisdiction to initiate or accept jurisdiction of an ethics complaint*
45 *and direct the Executive Director to conduct an investigation of*



1 *the ethics complaint if the ethics complaint alleges facts that are*
2 *supported by sufficient evidence which are different from the facts*
3 *relied upon by the Commission, Executive Director or*
4 *Commission Counsel, as applicable, in rendering advice pursuant*
5 *to this section.*

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

7 281A.685 1. Except as otherwise provided in this section, the
8 following materials are confidential and are not public records
9 pursuant to chapter 239 of NRS:

10 (a) A request for an advisory opinion ~~[]~~ *or a request for the*
11 *advice of the Executive Director or Commission Counsel provided*
12 *pursuant to subsection 6 of NRS 281A.680;*

13 (b) The *decision rendered and the* advisory opinion ~~[rendered]~~
14 *issued* by the Commission in response to the request ~~[]~~ *for an*
15 *advisory opinion or the advice of the Executive Director or*
16 *Commission Counsel provided pursuant to subsection 6 of*
17 *NRS 281A.680;*

18 (c) Any information, communications, records, documents or
19 other materials in the possession of the Commission or its staff that
20 are related to the request ~~[]~~ *for an advisory opinion or the advice of*
21 *the Executive Director or Commission Counsel pursuant to*
22 *subsection 6 of NRS 281A.680;* and

23 (d) Any information, communications, records, documents or
24 other materials in the possession of the requester of the *request for*
25 *an advisory opinion or the request for the advice of the Executive*
26 *Director or Commission Counsel provided pursuant to subsection*
27 *6 of NRS 281A.680* that are related to the request and, if disclosed
28 by the requester, would reveal the existence, nature or content of the
29 request, *the decision rendered* or the advisory opinion ~~[]~~ *issued by*
30 *the Commission or the advice of the Executive Director or*
31 *Commission Counsel provided pursuant to subsection 6 of*
32 *NRS 281A.680;*

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

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

44 (a) Acts in contravention of *the decision rendered or the*
45 advisory opinion ~~[]~~ *issued by the Commission or the advice of the*



1 *Executive Director or Commission Counsel provided pursuant to*
2 *subsection 6 of NRS 281A.680*, in which case the Commission may
3 disclose the request, *the decision rendered*, the advisory opinion or
4 *the advice of the Executive Director or Commission Counsel*
5 *provided pursuant to subsection 6 of NRS 281A.680* and any
6 information, communications, records, documents or other materials
7 in the possession of the Commission or its staff that are related to
8 the request;

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

19 (c) Voluntarily discloses, in any manner, the request, *the*
20 *decision rendered*, the advisory opinion, *the advice of the*
21 *Executive Director or Commission Counsel provided pursuant to*
22 *subsection 6 of NRS 281A.680* or any information,
23 communications, records, documents or other materials in the
24 possession of the Commission or its staff that are related to the
25 request, except to:

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

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

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

37 ~~§(3)~~ (4) Any *other* person to whom the requester makes
38 such a disclosure for the purposes of judicial review pursuant to
39 *subsection 4 of NRS 281A.680.*

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

41 281A.690 1. ~~Except as otherwise provided in this section,~~
42 ~~the~~ *The* provisions of chapter 241 of NRS do not apply to:

43 (a) Any meeting or hearing held by the Commission to receive
44 information or evidence concerning a request for an advisory
45 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. *If the Commission grants the*
7 *request to hold a public meeting or hearing, the Commission shall*
8 *provide public notice of the meeting or hearing, and the meeting*
9 *or hearing must be open to the public and conducted in*
10 *accordance with the regulations of the Commission, but the*
11 *meeting or hearing is not subject to the provisions of chapter 241*
12 *of NRS.*

13 **Sec. 39.** NRS 281A.700 is hereby amended to read as follows:
14 281A.700 The provisions of NRS 281A.700 to 281A.790,
15 inclusive, *and section 12 of this act* apply to proceedings
16 concerning an ethics complaint.

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

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

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

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

31 2. An ethics complaint filed by a *specialized or local ethics*
32 *committee or person pursuant to paragraph (a) or (b) of subsection*
33 *1* must be:

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

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

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



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

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

14
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.*

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}~~ *45* 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 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, 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.

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

19 281A.790 1. In addition to any other penalties provided by
20 law and in accordance with the provisions of NRS 281A.775, the
21 Commission may impose on a ~~public officer or employee~~ *current*
22 or former public officer or employee civil penalties:

23 (a) Not to exceed \$5,000 for a first willful violation of this
24 chapter;

25 (b) Not to exceed \$10,000 for a separate act or event that
26 constitutes a second willful violation of this chapter; and

27 (c) Not to exceed \$25,000 for a separate act or event that
28 constitutes a third willful violation *or any additional violation* of
29 this chapter.

30 2. ~~For~~ *For the purposes of this section, in determining*
31 *whether a current or former public officer or employee has*
32 *committed one or more violations of this chapter, each separate*
33 *act or event that constitutes a violation of this chapter, or course*
34 *of conduct that the Commission interprets as constituting a*
35 *separate violation of this chapter, must be treated as a separate*
36 *violation that is cumulative to all other violations by that person,*
37 *whenever committed, without regard to the sequence of the*
38 *violations or whether the violations are established in the same*
39 *proceedings concerning the same ethics complaint or in separate*
40 *proceedings concerning separate ethics complaints.*

41 3. *Except as otherwise provided in NRS 281A.280, in* addition
42 to any other penalties provided by law, if *a current or former*
43 *public officer or employee* or any *other* person prevents, interferes
44 with or attempts to prevent or interfere with any investigation or
45 proceedings pursuant to this chapter or the discovery of a violation



1 of this chapter, *such an act shall be deemed to be a violation of this*
2 *chapter, and* the Commission may, ~~[upon its own motion or upon~~
3 ~~the motion of the current or former public officer or employee who~~
4 ~~is the subject of the investigation or proceedings:]~~ *after providing*
5 *the person committing such an act with a written notice of the*
6 *charges and an opportunity for a hearing in accordance with the*
7 *regulations of the Commission:*

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

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

18 ~~[3.]~~ **4.** If the Commission finds that a violation of ~~[a provision~~
19 ~~of]~~ this chapter by a ~~[public officer or employee]~~ *current* or former
20 public officer or employee has resulted in the realization of a
21 financial benefit by the ~~[current or former]~~ public officer or
22 employee or another person, the Commission may, in addition to
23 any other penalties provided by law, require the ~~[current or former]~~
24 public officer or employee to pay a civil penalty of not more than
25 twice the amount so realized.

26 ~~[4.]~~ **5.** In addition to any other penalties provided by law, if ~~[a~~
27 ~~proceeding results in]~~ *the Commission issues* an opinion *in which it*
28 *finds* that:

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

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

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

42 (b) One or more willful violations of this chapter have been
43 committed by a state officer removable from office only through
44 impeachment pursuant to Article 7 of the Nevada Constitution, the
45 Commission shall submit the opinion to the Speaker of the



1 Assembly and the Majority Leader of the Senate or, if the Speaker
2 of the Assembly or the Majority Leader of the Senate is the person
3 who requested the opinion, to the Speaker Pro Tempore of the
4 Assembly or the President Pro Tempore of the Senate, as
5 appropriate.

6 (c) One or more willful violations of this chapter have been
7 committed by a public officer other than a public officer described
8 in paragraphs (a) and (b), the willful violations shall be deemed to
9 be malfeasance in office for the purposes of NRS 283.440 and the
10 Commission:

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

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

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

23 ~~{5-}~~ 6. Notwithstanding any other provision of this chapter,
24 any act or failure to act by a ~~{public officer or employee}~~ *current* or
25 former public officer or employee relating to this chapter is not a
26 ~~{willful}~~ violation of this chapter if the public officer or employee
27 establishes by sufficient evidence that:

28 (a) The public officer or employee relied in good faith upon the
29 advice of the *Executive Director or Commission Counsel pursuant*
30 *to subsection 6 of NRS 281A.680 or* legal counsel *employed or*
31 retained by his or her public body, agency or employer; and

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

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

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

42 ~~{6-}~~ 7. In addition to any other penalties provided by law, if a
43 public employee commits a ~~{willful}~~ violation of this chapter or fails
44 to complete a period of compliance imposed by the Commission
45 pursuant to NRS 281A.785 or by the review panel as part of the



1 terms and conditions of a deferral agreement ~~[, the public employee~~
2 ~~is subject to disciplinary proceedings by the]~~ :

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

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

10 ~~—7.]~~ 8. The provisions of this chapter do not abrogate or
11 decrease the effect of the provisions of the Nevada Revised Statutes
12 which define crimes or prescribe punishments with respect to the
13 conduct of public officers or employees. If the Commission finds
14 that a *current or former* public officer or employee has committed a
15 ~~[willful]~~ violation of this chapter which it believes may also
16 constitute a criminal offense, the Commission shall refer the matter
17 to the Attorney General or the district attorney, as appropriate, for a
18 determination of whether a crime has been committed that warrants
19 prosecution.

20 ~~[8.]~~ 9. The imposition of a civil penalty pursuant to
21 ~~[subsection 1, 2 or 3]~~ *any provision of subsections 1 to 4, inclusive,*
22 is a final decision for the purposes of judicial review pursuant to
23 NRS 233B.130.

24 ~~[9.]~~ 10. A finding by the Commission that a *current or former*
25 public officer or employee *or any other person* has violated any
26 provision of this chapter must be supported by a preponderance of
27 the evidence unless a greater burden is otherwise prescribed by law.

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

29 239.010 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 July 1, 2021.



