

ASSEMBLY BILL NO. 66—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to ethics in government.
(BDR 23-264)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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; 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 circumstances,
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 Ethics Commission. (Chapter 281A
10 of NRS)

11 Under the Ethics Law, the Commission is required to annually elect a Chair and
12 Vice Chair who are assigned certain powers, functions and duties. (NRS 281A.210,
13 281A.220, 281A.240, 281A.300) **Sections 2 and 17** of this bill provide for the
14 Chair’s powers, functions and duties to be assigned for a particular matter to the
15 Vice Chair or another member of the Commission under certain circumstances.
16 **Section 17** also specifies that the Chair and Vice Chair be elected at the first fiscal
17 meeting of each year. **Section 8** of this bill authorizes the Chair, with certain
18 exceptions, to grant not more than one extension of a time limitation set forth in the
19 Ethics Law. **Sections 31, 35 and 37-39** of this bill make conforming changes
20 consistent with the authority of the Chair to grant such an extension.

21 **Sections 3-5** of this bill define certain terms relating to proceedings before the
22 Commission and the statutory ethical standards established by the Ethics Law.



23 **Sections 10, 14 and 46** of this bill make conforming changes to incorporate these
24 definitions into the chapter.

25 **Section 6** of this bill: (1) restates more clearly the existing scope and
26 applicability of the statutory ethical standards to the conduct of current and former
27 public officers and employees; and (2) codifies the existing rule of construction that
28 the standards are cumulative and supplement each other.

29 Under Nevada's Open Meeting Law, the Commission may receive information
30 regarding any litigation from its legal counsel and deliberate toward a decision
31 regarding the litigation without holding a public meeting that complies with the
32 Open Meeting Law. (NRS 241.015) **Section 7** of this bill provides that during any
33 period in which proceedings concerning a request for an advisory opinion or an
34 ethics complaint are confidential under the Ethics Law, the Open Meeting Law
35 does not apply to any meetings, hearings, deliberations or actions of the
36 Commission involving: (1) any decisions in litigation related to the request for an
37 advisory opinion or the ethics complaint; and (2) any delegation of authority to
38 make such decisions in the litigation. **Section 49** of this bill makes a conforming
39 change to indicate this additional exception to the Open Meeting Law.

40 The Ethics Law requires public officers to execute and timely file with the
41 Commission written acknowledgments that they have received, read and
42 understood the statutory ethical standards and that they have a responsibility to
43 become familiar with any amendments to those standards. (NRS 281A.500)
44 **Section 9** of this bill requires the appropriate appointing authorities and
45 administrative officials at the state and local level to: (1) compile a list of the public
46 officers within their purview who are required to file the written acknowledgment
47 of the statutory ethical standards; and (2) submit the list annually to the
48 Commission.

49 Under the Ethics Law, the Commission is authorized to make a decision
50 relating to a matter or proceeding before the Commission and provide a written
51 advisory opinion or written opinion in response to an ethics complaint. (NRS
52 281A.670-281A.760) **Sections 11, 12, 15, 18, 19, 22, 24, 26, 28, 30-32, 34, 36-41**
53 **and 47** of this bill make various changes to distinguish between rendering a
54 decision and issuing a written advisory opinion or issuing an opinion in response to
55 an ethics complaint.

56 The Ethics Law prohibits public officers and employees from engaging in
57 certain unethical conduct, including conduct that benefits any persons to whom
58 they have a commitment in a private capacity. (NRS 281A.400, 281A.420) Existing
59 law defines the persons to whom public officers and employees have a
60 "commitment in a private capacity" to include: (1) the spouse or domestic partner
61 of the public officer or employee, any member of his or her household or any
62 relative within the third degree of consanguinity or affinity; (2) any person who
63 employs the public officer or employee, his or her spouse or domestic partner or
64 any member of his or her household; (3) any person with whom the public officer
65 or employee has a substantial and continuing business relationship; or (4) any
66 person with whom the public officer or employee has any other commitment,
67 interest or relationship that is substantially similar to the foregoing commitments,
68 interests or relationships. (NRS 281A.065) **Section 13** of this bill makes technical
69 revisions to the definition of "commitment in a private capacity" that do not change
70 the substantive meaning of the term.

71 The Ethics Law requires the Chair to appoint review panels, consisting of three
72 members of the Commission to review ethics complaints during the investigatory
73 stage of the proceedings, and if a review panel determines that there is just and
74 sufficient cause for the Commission to render an opinion in a matter, the members
75 of the review panel generally cannot participate in any further proceedings of the
76 Commission relating to the matter. (NRS 281A.220) However, the Ethics Law
77 allows the members of the review panel to authorize the development of and



78 approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 18** also
79 allows one or more members of a review panel to participate as mediators or
80 facilitators in any settlement negotiations with the consent of the parties during a
81 specified period.

82 The Ethics Law requires the Commission on Ethics to appoint and prescribe the
83 duties of the Commission Counsel, who is the legal advisor to the Commission and
84 generally acts as legal counsel in any litigation in which the Commission or its
85 members or staff are parties in an official capacity. (NRS 281A.250, 281A.260)
86 **Section 20** of this bill: (1) specifies the powers and duties of the Commission
87 Counsel regarding any litigation in which the Commission or its members or staff
88 are parties in an official capacity; and (2) clarifies that the Commission Counsel
89 does not represent the interests of the Executive Director of the Commission in a
90 judicial action or proceeding in which the Executive Director is named as a party to
91 the action or proceeding based on the conduct of the Executive Director in his or
92 her official conduct as a party to an adjudicative proceeding.

93 The Ethics Law sets forth the jurisdiction of the Commission to investigate and
94 take action regarding an alleged violation of the Ethics Law in any proceeding
95 commenced by an ethics complaint if the ethics complaint is filed or initiated
96 within 2 years after the alleged violation or reasonable discovery of the alleged
97 violation. (NRS 281A.280) **Section 21** of this bill similarly provides that the
98 Commission has jurisdiction to gather information and issue an advisory opinion
99 and investigate and take action regarding an alleged violation for past conduct
100 relating to the realization of a financial benefit that has occurred within 2 years
101 before the date on which the request for an advisory opinion is filed or before the
102 alleged violation or reasonable discovery of the alleged violation.

103 Existing law requires the Commission to publish a manual explaining the
104 Ethics Law. **Section 22** of this bill replaces this requirement with a requirement to
105 publish materials to educate public officers and employees on the Ethics Law.

106 **Section 23** of this bill: (1) authorizes the administration of oaths by a member
107 of the Commission when appointed by the Chair to preside over any meetings,
108 hearings or proceedings or by a certified court reporter; (2) authorizes the Chair to
109 issue a subpoena during the course of an investigation for certain information; and
110 (3) provides that any court proceeding commenced relating to a subpoena is
111 deemed good cause for the Chair to grant an extension of the time limitations that
112 apply to proceedings concerning ethics complaints.

113 The Ethics Law contains a general provision that prohibits public officers and
114 employees from using governmental time, property, equipment or other facility to
115 benefit a significant personal or pecuniary interest of the public officers and
116 employees or any persons to whom they have a commitment in a private capacity.
117 By contrast, the Ethics Law also contains a specific provision that prohibits State
118 Legislators from using governmental time, property, equipment or other facility for
119 a nongovernmental purpose or for the private benefit of the Legislators or any other
120 persons. Both of these prohibitions contain separate limited-use exceptions that
121 allow a limited use of governmental property, equipment or other facility for
122 personal purposes if the limited use meets certain requirements. (NRS 281A.400)
123 **Section 25** of this bill revises these prohibitions and limited-use exceptions in
124 several ways.

125 First, **section 25** aligns the prohibitions so they employ the same prohibitive
126 language for Legislators and other public officers and employees. As a result,
127 subject to the limited-use exceptions, **section 25** prohibits all public officers and
128 employees from using governmental time, property, equipment or other facility to
129 benefit a significant personal or pecuniary interest of the public officers and
130 employees or any persons to whom they have a commitment in a private capacity.

131 Second, with regard to the limited-use exceptions that apply to public officers
132 and employees other than Legislators, one of the existing requirements for the



133 exceptions is that the public officer or employee who is responsible for and has
134 authority to authorize the limited use for personal purposes must have established a
135 policy allowing the limited use. (NRS 281A.400) **Section 25** clarifies the exception
136 by providing that the limited use must be authorized by a written policy which was
137 adopted before the limited use occurs.

138 Finally, with regard to the limited-use exceptions that apply to Legislators and
139 other public officers and employees, one of the existing requirements for the
140 exceptions is that the limited use for personal purposes must not create the
141 appearance of impropriety. (NRS 281A.400) **Section 25** defines the term
142 "appearance of impropriety" to mean a reasonable person would find, based on the
143 given set of facts and circumstances, that the limited use for personal purposes is
144 inappropriate, disproportionate, excessive or unreasonable under that given set of
145 facts and circumstances.

146 The Ethics Law prohibits public officers and employees from using their
147 position in government to secure or grant any unwarranted privileges, preferences,
148 exemptions or advantages for themselves, any business entity in which they have a
149 significant pecuniary interest or any person to whom they have a commitment in a
150 private capacity. (NRS 281A.400) **Section 25** also adds to the statutory ethical
151 standards a prohibition against public officers and employees using their position or
152 power in government to take actions or compel a subordinate to take any actions
153 that would cause unwarranted harm or damage to another person to benefit the
154 significant pecuniary interest or personal interest of the public officer or employee
155 or of any person to whom the public officer or employee has a commitment in a
156 private capacity.

157 With certain exceptions, the Ethics Law prohibits public officers and
158 employees from acting upon a matter in which their personal or private interests
159 may create potential conflicts of interests unless, at the time the matter is
160 considered, they make a disclosure that is sufficient to inform the public of their
161 potential conflicts of interests. (NRS 281A.420) **Section 27** of this bill provides
162 that, when public officers and employees make such a public disclosure, they are
163 not required to disclose any information which is confidential under the terms of a
164 contract or as a matter of law, such as a result of an attorney-client relationship, if
165 they: (1) disclose all nonconfidential information and describe the general nature of
166 the contract or law; and (2) abstain from acting upon the matter.

167 The Ethics Law allows certain public officers to represent or counsel private
168 persons for compensation before state or local agencies in which they do not serve.
169 In addition, although the Ethics Law requires public officers to disclose such
170 private representation or counseling when it may create potential conflicts of
171 interests with their public duties, they are not required to abstain from acting on a
172 matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420)
173 **Section 27** requires public officers to abstain from acting on a matter under certain
174 circumstances when such private representation or counseling results in conflicts of
175 interests with their public duties.

176 The Ethics Law prohibits certain former public officers and employees, for a 1-
177 year "cooling-off" period after the termination of their public service or
178 employment, from soliciting or accepting private employment from any entities
179 regulated or awarded certain contracts by the agencies that employed the former
180 public officers and employees. However, the Ethics Law also allows the
181 Commission to grant relief from the strict application of the prohibition in specified
182 circumstances. (NRS 281A.550) **Section 28** provides that: (1) certain current and
183 former public officers and management-level public employees are subject to the
184 "cooling-off" period both during and after their public service or employment and
185 cannot solicit or accept private employment from such entities under similar
186 circumstances; and (2) the "cooling-off" period applies when certain current and
187 former public officers and employees are or were materially involved in the



188 implementation, management or administration of certain contracts awarded by
189 their employing agencies.

190 Under the Ethics Law, the Legislative Counsel is required to prepare
191 annotations to the Commission's published opinions for inclusion in the Nevada
192 Revised Statutes. (NRS 281A.290) **Sections 22 and 29** of this bill move and
193 recodify this requirement.

194 The Ethics Law authorizes a public officer or employee to file with the
195 Commission a request for an advisory opinion to: (1) seek guidance relating to the
196 propriety of his or her own past, present or future conduct under the statutory
197 ethical standards; or (2) request relief from the strict application of certain
198 provisions of the Ethics Law. (NRS 281A.675) **Section 16** of this bill deletes
199 duplicative provisions from the definition of a "request for an advisory opinion."
200 **Section 30** authorizes the Commission to request additional information relating to
201 the request for an advisory opinion from the requester or his or her legal counsel.

202 With certain exceptions, the Commission is subject to the Open Meeting Law,
203 which generally requires most meetings of public bodies to be open to the public.
204 (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does
205 not apply to meetings, hearings, deliberations and actions of the Commission
206 relating to requests for advisory opinions, although the requester of the advisory
207 opinion may file a request with the Commission to hold a public meeting or hearing
208 regarding the matter. (NRS 281A.690) **Section 33** of this bill requires the requester
209 to acknowledge his or her waiver of confidentiality in the request. **Section 33** also
210 provides that if the Commission grants such a request for a public meeting or
211 hearing regarding the matter, the Commission must provide public notice of the
212 meeting or hearing and the meeting or hearing must be open to the public and
213 conducted in accordance with the regulations of the Commission, but the meeting
214 or hearing is not subject to specific requirements of the Open Meeting Law.

215 In addition to rendering advisory opinions, the Commission is also authorized
216 by the Ethics Law to render opinions regarding the propriety of the conduct of
217 public officers and employees under the statutory ethical standards in response to
218 ethics complaints filed by a specialized or local ethics committee or a person or
219 initiated by the Commission on its own motion. (NRS 281A.710) **Section 34** of this
220 bill authorizes the Executive Director to conduct a preliminary investigation into
221 the propriety of the conduct of a public officer or employee to determine if the
222 Commission has jurisdiction and whether the Commission should initiate an ethics
223 complaint on its own motion.

224 Not later than 45 days after receiving an ethics complaint, the Ethics Law
225 requires the Commission to determine initially whether it has jurisdiction over the
226 ethics complaint and whether an investigation is warranted in the matter, unless the
227 subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 35**
228 authorizes the Executive Director, during this initial period, to conduct a
229 preliminary investigation to obtain additional information concerning the
230 allegations in the ethics complaint to assist the Commission in making its initial
231 determination. In addition, **section 35**: (1) eliminates, as unnecessary, the provision
232 authorizing the subject to waive the time limit because the subject does not receive
233 notice of the matter during this initial period, but only receives notice of the matter
234 if the Commission determines that it has jurisdiction and an investigation is
235 warranted; and (2) allows the Commission to dismiss an ethics complaint initiated
236 on its own motion if it determines that the evidence is not sufficient to warrant an
237 investigation in the matter.

238 Under the Ethics Law, if the Commission determines that it has jurisdiction
239 over an ethics complaint and an investigation is warranted, the subject of the ethics
240 complaint is served with a notice of the investigation and provided with an
241 opportunity to submit a response to that notice. (NRS 281A.720) **Section 36**
242 authorizes the Executive Director to grant, under certain circumstances, one or



243 more extensions of the time limitation to submit the response, but the Executive
244 Director must set a specific and reasonable time period for such an extension.

245 As part of the investigation, the Ethics Law permits the Executive Director to
246 secure the subject's participation, attendance as a witness or production of books
247 and papers under existing procedures. (NRS 281A.300) **Section 36** clarifies that,
248 regardless of whether the subject submits a response to the investigation, the
249 Executive Director retains the authority during the course of the investigation to
250 secure the subject's participation, attendance as a witness or production of books
251 and papers under those existing procedures or any other law that provides such
252 authority.

253 Under the Ethics Law, a review panel is required to determine whether there is
254 just and sufficient cause for the Commission to render an opinion in the matter.
255 (NRS 281A.730) **Section 38** of this bill requires that, after the review panel makes
256 its determination, the review panel must serve a written notice of its determination
257 on the public officer or employee who is the subject of the ethics complaint.

258 The Ethics Law establishes various requirements regarding the adjudication of
259 ethics complaints referred to the Commission for further proceedings. (NRS
260 281A.745-281A.760) **Section 39** requires: (1) the Executive Director to issue a
261 formal notice of charges to the subject of the ethics complaint regarding the
262 allegations to be presented at an adjudicatory hearing; and (2) the Commission to
263 provide the parties with a written schedule for discovery in order to prepare for the
264 hearing.

265 The Ethics Law requires the Commission to hold the hearing and render an
266 opinion in the matter within a certain time period, unless waived by the subject, and
267 requires the opinion to include findings of fact and conclusions of law. (NRS
268 281A.745, 281A.765) **Section 39**: (1) provides the Commission with more time to
269 prepare the written opinion in the matter by requiring the Commission to issue the
270 written opinion within a specified time period after the decision is rendered; and (2)
271 clarifies that, in addition to including findings of fact and conclusions of law, the
272 written opinion must otherwise comply with the requirements for a final decision
273 under Nevada's Administrative Procedure Act. (NRS 233B.125) **Section 43** of this
274 bill makes a conforming change related to the contents of a written opinion.

275 With certain exceptions, the Ethics Law requires, or in some cases allows, the
276 Commission to keep the identity of certain persons who file ethics complaints
277 confidential in order to protect those persons from potential harm. (NRS 281A.750)
278 **Section 40** of this bill extends the confidentiality of the requester to persons who
279 worked for the same public body, agency or employer as the subject of the ethics
280 complaint at the time of the alleged conduct, or if revealing the identity of the
281 requester would otherwise reveal the identity of witnesses who work for the same
282 public body, agency or employer. **Section 40** also clarifies that: (1) such
283 confidentiality extends to all materials that, if disclosed, would reveal the identity
284 of the confidential requester; and (2) the identity of the confidential requester
285 remains protected if the Executive Director does not intend to present the testimony
286 of the confidential requester as evidence in the matter. However, if the Executive
287 Director intends to present the testimony of the confidential requester as evidence
288 in the matter, **section 40** requires the Executive Director to disclose the name of the
289 confidential requester only as a proposed witness in accordance with the schedule
290 for discovery in the matter.

291 Under the Ethics Law, the subject of an ethics complaint is authorized to
292 submit a written discovery request for a list of proposed witnesses and a copy of
293 any materials in the investigative file that the Executive Director intends to present
294 as evidence in the matter. The Ethics Law also provides that the materials in the
295 investigative file are confidential, except that any materials which the Executive
296 Director presents as evidence in the matter become public records. (NRS
297 281A.755) **Section 41** requires any written discovery request to be submitted in



298 accordance with the schedule for discovery in the matter. **Section 41** also provides
299 that any materials which the Executive Director presents as evidence in the matter
300 become public records after the Commission takes final action concerning the
301 ethics complaint in a public meeting or hearing, but provides an exception if any of
302 the materials are declared confidential by another law.

303 In proceedings concerning an ethics complaint, the Ethics Law exempts from
304 the Open Meeting Law: (1) any meeting or hearing held by the Commission to
305 receive information or evidence concerning the ethics complaint; and (2) any
306 deliberations of the Commission on such information or evidence. However, the
307 Ethics Law does not exempt the Commission's actions concerning the ethics
308 complaint from the Open Meeting Law. (NRS 281A.760) **Section 42** of this bill
309 generally exempts the Commission's actions concerning the ethics complaint from
310 the Open Meeting Law. However, **section 42** requires the Commission to take final
311 action concerning the ethics complaint in a public meeting or hearing for which the
312 Commission provides public notice and which is open to the public and conducted
313 in accordance with the regulations of the Commission, but the meeting or hearing is
314 not subject to specific requirements of the Open Meeting Law.

315 The Ethics Law establishes various requirements regarding the disposition of
316 ethics complaints and the imposition of remedies and penalties and, with respect to
317 certain dispositions of ethics complaints and in determining whether a violation is
318 willful, the Ethics Law requires the Commission to treat comparable situations in a
319 comparable manner. (NRS 281A.785, 281A.790) **Sections 44 and 45** of this bill
320 require the Commission to carry out that duty to the extent practicable based on the
321 given set of facts and circumstances. **Section 47** clarifies that, based on a finding
322 that a violation of the Ethics Law has been proven, the Commission is authorized to
323 impose certain penalties using any manner in which the Commission is authorized
324 to dispose of the matter.

325 **Section 48** of this bill makes technical conforming changes to the description
326 of current and former public officers and employees.

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

1 **Section 1.** Chapter 281A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 9, inclusive,
3 of this act.

4 **Sec. 2. "Chair" means:**

- 5 1. *The Chair of the Commission; or*
6 2. *The Vice Chair or another member of the Commission*
7 *servicing in the capacity of the Chair pursuant to NRS 281A.210.*

8 **Sec. 3. "Party" means, for the purposes of an adjudicatory**
9 **hearing or other disposition of proceedings before the Commission**
10 **concerning an ethics complaint pursuant to this chapter:**

- 11 1. *The Executive Director or his or her designee; and*
12 2. *The public officer or employee who is the subject of the*
13 *ethics complaint.*

14 **Sec. 4. "Published opinion" means an opinion issued by the**
15 **Commission that is publicly available on the Internet website of**
16 **the Commission.**



1 **Sec. 5.** *“Statutory ethical standards” means the statutory*
2 *ethical standards set forth in the provisions of this chapter.*

3 **Sec. 6. 1.** *The provisions of this chapter establish statutory*
4 *ethical standards to govern the conduct of:*

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

6 *(b) Former public officers and employees in situations where*
7 *the statutory ethical standards apply to the conduct of former*
8 *public officers and employees after the end of any period of public*
9 *service or employment.*

10 **2.** *The statutory ethical standards are cumulative and*
11 *supplement each other, and the application of any one of the*
12 *statutory ethical standards to a given set of facts and*
13 *circumstances does not bar the application of any other of the*
14 *statutory ethical standards that also apply to the given set of facts*
15 *and circumstances.*

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

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

25 **2.** *Any delegation of authority to make such decisions in the*
26 *litigation to the Chair or the Executive Director, or both, pursuant*
27 *to NRS 241.0357.*

28 **Sec. 8.** *Except as otherwise provided in NRS 281A.720, the*
29 *Chair may, upon the request of the Executive Director and for*
30 *good cause shown, grant not more than one extension of a time*
31 *limitation set forth in this chapter.*

32 **Sec. 9.** *A list of each public officer who is required to file an*
33 *acknowledgment of the statutory ethical standards in accordance*
34 *with NRS 281A.500 must be submitted electronically to the*
35 *Commission, in the form prescribed by the Commission, on or*
36 *before December 1 of each year by:*

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

39 *(a) The manager of each local agency for a public officer of a*
40 *local agency;*

41 *(b) The Director of the Legislative Counsel Bureau for a*
42 *public officer of the Legislative Department of the State*
43 *Government; and*



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

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

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

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

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

10 (d) *The Executive Department of the State Government, the*
11 *Director of the Department of Administration, or his or her*
12 *designee.*

13 **Sec. 10.** NRS 281A.030 is hereby amended to read as follows:

14 281A.030 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 281A.032 to
16 281A.170, inclusive, *and sections 2 to 5, inclusive, of this act* have
17 the meanings ascribed to them in those sections.

18 **Sec. 11.** NRS 281A.032 is hereby amended to read as follows:

19 281A.032 “Adjudicatory hearing” means a hearing held by the
20 Commission pursuant to NRS 281A.745 to ~~receive evidence~~ *hear*
21 *the case presented by the Executive Director, or his or her*
22 *designee, and by the public officer or employee who is the subject*
23 *of the ethics complaint, and render a decision* concerning an ethics
24 complaint. ~~and render an opinion in the matter.~~

25 **Sec. 12.** NRS 281A.033 is hereby amended to read as follows:

26 281A.033 “Advisory opinion” means an advisory opinion
27 ~~rendered~~ *issued* by the Commission pursuant to NRS 281A.670 to
28 281A.690, inclusive.

29 **Sec. 13.** NRS 281A.065 is hereby amended to read as follows:

30 281A.065 “Commitment in a private ~~capacity,~~ *with respect to*
31 ~~the interests of another person,~~ *capacity*” means a *private*
32 commitment, interest or relationship of a public officer or employee
33 to : ~~a person;~~

34 1. ~~Who is the~~ *The* spouse or domestic partner of the public
35 officer or employee;

36 2. ~~Who is a~~ *A* member of the household of the public officer
37 or employee;

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

42 4. ~~Who employs~~ *The employer of* the public officer or
43 employee, the spouse or domestic partner of the public officer
44 or employee or a member of the household of the public officer or
45 employee;



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

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

7 **Sec. 14.** NRS 281A.088 is hereby amended to read as follows:

8 281A.088 “Ethics complaint” means ~~[a request for an opinion]~~
9 *an ethics complaint* which is filed with the Commission or initiated
10 by the Commission on its own motion pursuant to NRS 281A.710
11 regarding the propriety of the conduct of a public officer or
12 employee under the ~~[statutory ethical standards set forth in]~~
13 *provisions of* this chapter.

14 **Sec. 15.** NRS 281A.135 is hereby amended to read as follows:

15 281A.135 1. “Opinion” means an opinion ~~[rendered]~~ *issued*
16 by the Commission in accordance with the provisions of this
17 chapter.

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

21 **Sec. 16.** NRS 281A.161 is hereby amended to read as follows:

22 281A.161 “Request for an advisory opinion” means a request
23 for an advisory opinion which is filed with the Commission
24 pursuant to NRS 281A.675 . ~~[by a public officer or employee who~~
25 ~~is:~~

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

30 ~~— 2. Requesting relief pursuant to NRS 281A.410, 281A.430 or~~
31 ~~281A.550.]~~

32 **Sec. 17.** NRS 281A.210 is hereby amended to read as follows:

33 281A.210 1. The Commission shall ~~[~~

34 ~~(a) At]~~ *at* its first meeting ~~[and annually thereafter]~~ *of each*
35 *fiscal year* elect a Chair and Vice Chair from among its members.

36 ~~[(b) Meet]~~

37 2. *Except as otherwise provided in this subsection, if the*
38 *Chair is prohibited from acting on a particular matter or is*
39 *otherwise unable to act on a particular matter, the Vice Chair*
40 *shall exercise the powers and functions and perform the duties of*
41 *the Chair concerning that particular matter. If both the Chair and*
42 *Vice Chair are prohibited from acting on a particular matter or*
43 *are otherwise unable to act on a particular matter, another*
44 *member of the Commission who is designated in accordance with*
45 *the regulations of the Commission shall exercise the powers and*



1 *functions and perform the duties of the Chair concerning that*
2 *particular matter.*

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

7 ~~2.~~ **4.** Members of the Commission are entitled to receive a
8 salary of not more than \$80 per day, as fixed by the Commission,
9 while engaged in the business of the Commission.

10 ~~3.~~ **5.** While engaged in the business of the Commission, each
11 member and employee of the Commission is entitled to receive the
12 per diem allowance and travel expenses provided for state officers
13 and employees generally.

14 ~~4.~~ **6.** The Commission may, within the limits of legislative
15 appropriation, maintain such facilities as are required to carry out its
16 functions.

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

18 281A.220 1. The Chair shall appoint one or more review
19 panels of three members of the Commission on a rotating basis to
20 perform the functions assigned to such review panels pursuant to
21 this chapter.

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

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

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

31 *(a) One or more members of the review panel may, with the*
32 *consent of the parties, participate as mediators or facilitators in*
33 *any settlement negotiations between the parties that are conducted*
34 *after the determination by the review panel and before an*
35 *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. 19.** NRS 281A.240 is hereby amended to read as follows:

40 281A.240 1. In addition to any other duties imposed upon the
41 Executive Director, the Executive Director shall:

42 (a) Maintain complete and accurate records of all transactions
43 and proceedings of the Commission.

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



1 (c) Gather information and conduct investigations regarding
2 ethics complaints and requests for advisory opinions pursuant to this
3 chapter.

4 (d) ~~[Submit]~~ *Present* recommendations to the review panel
5 regarding whether there is just and sufficient cause for the
6 Commission to render *a decision and issue* an opinion in a matter.

7 (e) Recommend to the Commission any regulations or
8 legislation that the Executive Director considers desirable or
9 necessary to improve the operation of the Commission and maintain
10 high standards of ethical conduct in government.

11 (f) Upon the request of any public officer or the employer of a
12 public employee, conduct training on the requirements of this
13 chapter, the rules and regulations adopted by the Commission and
14 ~~[previous]~~ *the published* opinions of the Commission. In any such
15 training, the Executive Director shall emphasize that the Executive
16 Director is not a member of the Commission and that only the
17 Commission may issue opinions concerning the application of the
18 statutory ethical standards to any given set of facts and
19 circumstances. The Commission may charge a reasonable fee to
20 cover the costs of training provided by the Executive Director
21 pursuant to this paragraph.

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

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

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

28 (b) The investigation of matters under the jurisdiction of the
29 Commission.

30 3. If the Executive Director is prohibited from acting on a
31 particular matter or is otherwise unable to act on a particular matter,
32 the Chair ~~[of the Commission]~~ shall designate a qualified person to
33 perform the duties of the Executive Director with regard to that
34 particular matter.

35 **Sec. 20.** NRS 281A.260 is hereby amended to read as follows:

36 281A.260 1. The Commission Counsel is the legal adviser to
37 the Commission. For each *written* opinion of the Commission, the
38 Commission Counsel shall prepare, at the direction of
39 the Commission ~~[]~~ *or as required pursuant to this chapter*, the
40 appropriate findings of fact and conclusions as to *the* relevant
41 *statutory ethical* standards and the propriety of particular conduct.
42 The Commission Counsel shall not issue written opinions
43 concerning the applicability of the statutory ethical standards to a
44 given set of facts and circumstances except as directed by the
45 Commission.



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

3 3. *Except as otherwise provided in this section or directed by*
4 *the Commission, in litigation concerning any judicial action or*
5 *proceeding in which the Commission or any member or employee*
6 *of the Commission is a party in an official capacity or participates*
7 *or intervenes in an official capacity, the Commission Counsel*
8 *shall represent and act as legal counsel to the Commission or any*
9 *member or employee of the Commission in the action or*
10 *proceeding.*

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

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

16 (b) *Employs outside legal counsel.*

17 5. *The Commission Counsel shall not represent and act as*
18 *legal counsel for the Executive Director in any judicial action or*
19 *proceeding in which the Executive Director is named as a party*
20 *based upon conduct in the official capacity of the Executive*
21 *Director as a party to an adjudicatory proceeding.*

22 6. If the Commission Counsel is prohibited from acting on a
23 particular matter or is otherwise unable to act on a particular matter,
24 the Commission may:

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

27 (b) Employ outside legal counsel.

28 **Sec. 21.** NRS 281A.280 is hereby amended to read as follows:

29 281A.280 1. Except as otherwise provided in this section, the
30 Commission has jurisdiction to ~~investigate~~:

31 (a) *Gather information and issue an advisory opinion in any*
32 *proceeding commenced by a request for an advisory opinion that*
33 *is filed with the Commission, except that the Commission does not*
34 *have jurisdiction to issue an advisory opinion on matters which*
35 *directly relate to the propriety of past conduct occurring more than*
36 *2 years before the date on which the request for an advisory*
37 *opinion is filed with the Commission.*

38 (b) *Investigate* and take appropriate action regarding an alleged
39 violation of this chapter by a ~~public officer or employee~~ *current* or
40 former public officer or employee in any proceeding commenced by
41 an ethics complaint, which is filed with the Commission or initiated
42 by the Commission on its own motion, within 2 years after the
43 alleged violation or reasonable discovery of the alleged violation.

44 (c) *Investigate and take appropriate action regarding an*
45 *alleged violation of subsection 3 of NRS 281A.790 by a current or*



1 *former public officer or employee or any other person in any*
2 *proceeding commenced by a written notice of the charges, which*
3 *is initiated by the Commission on its own motion, within 2 years*
4 *after the alleged violation or reasonable discovery of the alleged*
5 *violation.*

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

9 (a) A complaint may be filed or, if the applicable limitations
10 period has expired, could have been filed with the United States
11 Equal Employment Opportunity Commission or the Nevada Equal
12 Rights Commission; or

13 (b) A complaint or employment-related grievance may be filed
14 or, if the applicable limitations period has expired, could have been
15 filed with another appropriate agency with jurisdiction to redress
16 alleged discrimination or harassment, including, without limitation,
17 a state or local employee-management relations board or similar
18 state or local agency,

19 ↪ but any bar on the Commission's jurisdiction imposed by this
20 subsection applies only to the extent that it pertains to the alleged
21 discrimination or harassment, and this subsection does not deprive
22 the Commission of jurisdiction regarding the alleged conduct if such
23 conduct is sanctionable separately or concurrently under the
24 provisions of this chapter, irrespective of the alleged discrimination
25 or harassment.

26 3. For the purposes of this section, a proceeding is commenced
27 ~~by~~ *by an ethics complaint:*

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

31 (b) If the ethics complaint is initiated by the Commission on its
32 own motion, on the date on which the Commission serves the
33 ~~public officer or employee~~ *current* or former public officer or
34 employee with *a written* notice of the *investigation of the* ethics
35 complaint in accordance with the regulations of the Commission.

36 **Sec. 22.** NRS 281A.290 is hereby amended to read as follows:
37 281A.290 The Commission shall:

38 1. Adopt procedural regulations that are necessary and proper
39 to carry out the provisions of this chapter, including, without
40 limitation:

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

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



1 (c) For the withdrawal of an ethics complaint or a request for an
2 advisory opinion by the person who filed the ethics complaint or
3 request;

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

6 (e) For proceedings concerning an ethics complaint, to facilitate
7 written discovery requests submitted pursuant to NRS 281A.750
8 and 281A.755 and the disclosure of evidence in the manner required
9 by those sections, including, without limitation, the disclosure of
10 evidence obtained by or on behalf of the Executive Director during
11 the course of the investigation that affirmatively and substantively
12 disproves any alleged violation of this chapter that is related to the
13 ethics complaint and has been referred to the Commission for an
14 adjudicatory hearing.

15 2. Prescribe, by regulation, forms and procedures for the
16 submission of ~~{statements of acknowledgment}~~ *acknowledgments*
17 *of the statutory ethical standards* filed by public officers pursuant
18 to NRS 281A.500, maintain files of such ~~{statements}~~
19 *acknowledgments* and make the ~~{statements}~~ *acknowledgments*
20 available for public inspection.

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

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

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

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

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

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

36 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the
37 Commission *appointed by the Chair to preside over any meetings,*
38 *hearings and proceedings* may administer oaths ~~{}~~ *or direct a*
39 *certified court reporter or other authorized person to administer*
40 *oaths.*

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

44 3. ~~{Upon}~~ *Except as otherwise provided in this subsection,*
45 *upon* the request of the Executive Director, the Chair ~~{or, in the~~



1 ~~Chair's absence, the Vice Chair,]~~ may issue a subpoena *during the*
2 *course of any investigation* to compel the participation of a
3 potential witness and the production of any books and papers
4 ~~[during the course of any investigation.]~~ , *including, without*
5 *limitation, information, records and documentation regarding*
6 *personnel records maintained by an agency concerning the*
7 *conduct of a public officer or employee, including,*
8 *notwithstanding any other provision of law to the contrary,*
9 *records otherwise deemed by law to be confidential, that relate to*
10 *issues under consideration in an ethics complaint. A request by*
11 *the Executive Director for a subpoena pursuant to this subsection*
12 *may not include a request for records related to a concurrent,*
13 *pending criminal investigation where such records are otherwise*
14 *protected as confidential.*

15 4. Upon the request of the Executive Director or the public
16 officer or employee who is the subject of an ethics complaint, the
17 Chair ~~[or, in the Chair's absence, the Vice Chair,]~~ may issue a
18 subpoena to compel the attendance of a witness and the production
19 of any books and papers for any hearing before the Commission. A
20 public officer or employee who requests the issuance of a subpoena
21 pursuant to this subsection must serve the subpoena in the manner
22 provided in the Nevada Rules of Civil Procedure for service of
23 subpoenas in a civil action and must pay the costs of such service.

24 5. Before ~~[issuing]~~ *the Chair issues* a subpoena *directed* to ~~[a]~~
25 *the* public officer or employee who is the subject of an ethics
26 complaint to compel his or her participation in any investigation, his
27 or her attendance as a witness or his or her production of any books
28 and papers, the Executive Director shall submit a written request to
29 the public officer or employee requesting:

30 (a) The voluntary participation of the public officer or employee
31 in the investigation;

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

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

36 6. Each written request submitted by the Executive Director
37 pursuant to subsection 5 must specify the time and place for the
38 voluntary participation of the public officer or employee in the
39 investigation, attendance of the public officer or employee as a
40 witness or production of any books and papers, and designate with
41 certainty the books and papers requested, if any.

42 7. If the public officer or employee fails or refuses to respond
43 to the Executive Director's written request pursuant to subsection 5
44 to voluntarily participate or attend at the time and place specified or
45 produce the books and papers requested by the Executive Director



1 within 5 business days after receipt of the written request, the Chair
2 ~~for, in the Chair's absence, the Vice Chair,]~~ may issue the subpoena.
3 Failure of the public officer or employee to comply with the written
4 request of the Executive Director shall be deemed a waiver by the
5 public officer or employee of the time limits set forth in NRS
6 281A.700 to 281A.790, inclusive, that apply to proceedings
7 concerning the ethics complaint.

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

12 (a) Due notice has been given of the time and place of the
13 participation or attendance of the witness or the production of the
14 books and papers;

15 (b) The witness has been subpoenaed pursuant to this section;
16 and

17 (c) The witness has failed or refused to participate, attend,
18 testify or produce the books and papers as required by the subpoena,
19 or has failed or refused to answer questions propounded to the
20 witness,

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

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

31 10. If ~~[it appears to]~~, *at the hearing to show cause*, the court
32 *finds* that the subpoena was regularly issued pursuant to this section
33 ~~[.]~~ *and that the witness has not proven a reason recognized by law*
34 *for the failure to comply with its provisions*, the court shall enter an
35 order that the witness comply with the subpoena, at the time and
36 place fixed in the order, and participate, attend, testify or produce
37 the required books and papers. Upon failure to obey the order, the
38 witness must be dealt with as for contempt of court.

39 *11. Any court proceeding commenced pursuant to this section*
40 *is deemed good cause for the Chair to grant, pursuant to section 8*
41 *of this act, an extension of the time limits set forth in NRS*
42 *281A.700 to 281A.790, inclusive, that apply to proceedings*
43 *concerning the ethics complaint.*



1 **Sec. 24.** NRS 281A.350 is hereby amended to read as follows:
2 281A.350 1. Any state agency or the governing body of a
3 county or an incorporated city may establish a specialized or local
4 ethics committee to complement the functions of the Commission.
5 A specialized or local ethics committee may:

6 (a) Establish a code of ethical standards suitable for the
7 particular ethical problems encountered in its sphere of activity. The
8 standards may not be less restrictive than the statutory ethical
9 standards.

10 (b) Render *a decision and issue* an opinion upon the request of
11 any public officer or employee of its own organization or level
12 seeking an interpretation of its *code of* ethical standards on
13 questions directly related to the propriety of the public officer's or
14 employee's own future official conduct or refer the request to the
15 Commission. Any public officer or employee subject to the
16 jurisdiction of the committee shall direct the public officer's or
17 employee's inquiry to that committee instead of the Commission.

18 (c) Require the filing of financial disclosure statements by
19 public officers on forms prescribed by the committee or the city
20 clerk if the form has been:

21 (1) Submitted, at least 60 days before its anticipated
22 distribution, to the Secretary of State for review; and

23 (2) Upon review, approved by the Secretary of State. The
24 Secretary of State shall not approve the form unless the form
25 contains all the information required to be included in a financial
26 disclosure statement pursuant to NRS 281.571.

27 2. The Secretary of State is not responsible for the costs of
28 producing or distributing a form for filing a financial disclosure
29 statement pursuant to the provisions of subsection 1.

30 3. A specialized or local ethics committee shall not attempt to
31 interpret *the statutory ethical standards* or render *a decision and*
32 *issue* an opinion regarding the statutory ethical standards.

33 4. Each request for an opinion submitted to a specialized or
34 local ethics committee, each hearing held to obtain information on
35 which to ~~[base]~~ *render a decision and issue* an opinion, all
36 deliberations relating to ~~[an]~~ *the decision and* opinion, each
37 ~~[opinion]~~ *decision* rendered *and opinion issued* by ~~[a]~~ *the*
38 committee and any motion relating to the *decision and* opinion are
39 confidential unless:

40 (a) The public officer or employee acts in contravention of the
41 *decision or* opinion; or

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



1 **Sec. 25.** NRS 281A.400 is hereby amended to read as follows:

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

4 1. A public officer or employee shall not seek or accept any
5 gift, service, favor, employment, engagement, emolument or
6 economic opportunity, for the public officer or employee or any
7 person to whom the public officer or employee has a commitment in
8 a private capacity, which would tend improperly to influence a
9 reasonable person in the public officer's or employee's position to
10 depart from the faithful and impartial discharge of the public
11 officer's or employee's public duties.

12 2. A public officer or employee shall not use the public
13 officer's or employee's position in government to secure or grant
14 unwarranted privileges, preferences, exemptions or advantages for
15 the public officer or employee, any business entity in which the
16 public officer or employee has a significant pecuniary interest or
17 any person to whom the public officer or employee has a
18 commitment in a private capacity. ~~{As used in this subsection,~~
19 ~~"unwarranted" means without justification or adequate reason.}~~

20 3. A public officer or employee shall not participate as an agent
21 of government in the negotiation or execution of a contract between
22 the government and the public officer or employee, any business
23 entity in which the public officer or employee has a significant
24 pecuniary interest or any person to whom the public officer or
25 employee has a commitment in a private capacity.

26 4. A public officer or employee shall not accept any salary,
27 retainer, augmentation, expense allowance or other compensation
28 from any private source, for the public officer or employee or any
29 person to whom the public officer or employee has a commitment in
30 a private capacity, for the performance of the public officer's or
31 employee's duties as a public officer or employee.

32 5. If a public officer or employee acquires, through the public
33 officer's or employee's public duties or relationships, any
34 information which by law or practice is not at the time available to
35 people generally, the public officer or employee shall not use the
36 information to further a significant pecuniary interest of the public
37 officer or employee or any other person or business entity.

38 6. A public officer or employee shall not suppress any
39 governmental report or other official document because it might
40 tend to affect unfavorably a significant pecuniary interest of the
41 public officer or employee or any person to whom the public officer
42 or employee has a commitment in a private capacity.

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



1 facility to benefit a significant personal or pecuniary interest of the
2 public officer or employee or any person to whom the public officer
3 or employee has a commitment in a private capacity. This
4 subsection does not prohibit:

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

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

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

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

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

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

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

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

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

24 ↪ If a governmental agency incurs a cost as a result of a use that is
25 authorized pursuant to this subsection or would ordinarily charge a
26 member of the general public for the use, the public officer or
27 employee shall promptly reimburse the cost or pay the charge to the
28 governmental agency.

29 8. A State Legislator shall not:

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

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

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

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

40 (III) The use does not create the appearance of
41 impropriety;

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



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

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

5 (1) In unusual and infrequent situations where the *legislative*
6 employee's service is reasonably necessary to permit the State
7 Legislator or legislative employee to perform that person's official
8 duties; or

9 (2) Where such service has otherwise been established as
10 legislative policy.

11 9. A public officer or employee shall not attempt to benefit a
12 significant personal or pecuniary interest of the public officer or
13 employee or any person to whom the public officer or employee has
14 a commitment in a private capacity through the influence of a
15 subordinate.

16 10. A public officer or employee shall not seek other
17 employment or contracts for the public officer or employee or any
18 person to whom the public officer or employee has a commitment in
19 a private capacity through the use of the public officer's or
20 employee's official position.

21 *11. A public officer or employee shall not use the public*
22 *officer's or employee's position or power in government to take*
23 *any actions or compel a subordinate to take any actions that would*
24 *cause unwarranted harm or damage to another person to benefit*
25 *the significant pecuniary interest or personal interest of the public*
26 *officer or employee or the significant pecuniary interest or*
27 *personal interest of any person to whom the public officer or*
28 *employee has a commitment in a private capacity.*

29 *12. As used in this section:*

30 (a) *"Appearance of impropriety" means a reasonable person*
31 *would find, based on the given set of facts and circumstances, that*
32 *a public officer's or employee's limited use of governmental*
33 *property, equipment or other facility for personal purposes is*
34 *inappropriate, disproportionate, excessive or unreasonable under*
35 *that given set of facts and circumstances.*

36 (b) *"Unwarranted" means without justification or adequate*
37 *reason.*

38 **Sec. 26.** NRS 281A.410 is hereby amended to read as follows:

39 281A.410 ~~In addition to the requirements of the code of~~
40 ~~ethical standards and the other provisions of this chapter:]~~

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

44 (a) Shall not accept compensation from any private person to
45 represent or counsel the private person on any issue pending before



1 the agency in which that public officer or employee serves, if the
2 agency makes decisions; and

3 (b) If the public officer or employee leaves the service of the
4 agency, shall not, for 1 year after leaving the service of the agency,
5 represent or counsel for compensation a private person upon any
6 issue which was under consideration by the agency during the
7 public officer's or employee's service. As used in this paragraph,
8 "issue" includes a case, proceeding, application, contract or
9 determination, but does not include the proposal or consideration of
10 legislative measures or administrative regulations.

11 2. Except as otherwise provided in subsection 3, a State
12 Legislator or a member of a local legislative body, or a public
13 officer or employee whose public service requires less than half of
14 his or her time, may represent or counsel a private person before an
15 agency in which he or she does not serve.

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

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

24 (b) The Commission determines that such relief is not contrary
25 to:

26 (1) The best interests of the public;

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

29 (3) The provisions of this chapter.

30 4. For the purposes of subsection 3, the request for an advisory
31 opinion, *the decision rendered*, the advisory opinion and all
32 meetings, hearings and proceedings of the Commission in such a
33 matter are governed by the provisions of NRS 281A.670 to
34 281A.690, inclusive.

35 5. Unless permitted by this section, a public officer or
36 employee shall not represent or counsel a private person for
37 compensation before any state agency of the Executive or
38 Legislative Department.

39 **Sec. 27.** NRS 281A.420 is hereby amended to read as follows:

40 281A.420 1. Except as otherwise provided in this section, a
41 public officer or employee shall not approve, disapprove, vote,
42 abstain from voting or otherwise act upon a matter:

43 (a) Regarding which the public officer or employee has accepted
44 a gift or loan;



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

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

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

11 ↪ without disclosing information concerning the gift or loan, the
12 significant pecuniary interest, the commitment in a private capacity
13 to the interests of the other person or the nature of the representation
14 or counseling of the private person that is sufficient to inform the
15 public of the potential effect of the action or abstention upon the
16 person who provided the gift or loan, upon the public officer's or
17 employee's significant pecuniary interest, upon the person to whom
18 the public officer or employee has a commitment in a private
19 capacity or upon the private person who was represented or
20 counseled by the public officer or employee. Such a disclosure must
21 be made at the time the matter is considered. If the public officer or
22 employee is a member of a body which makes decisions, the public
23 officer or employee shall make the disclosure in public to the chair
24 and other members of the body. If the public officer or employee is
25 not a member of such a body and holds an appointive office, the
26 public officer or employee shall make the disclosure to the
27 supervisory head of the public officer's or employee's organization
28 or, if the public officer holds an elective office, to the general public
29 in the area from which the public officer is elected.

30 2. The provisions of subsection 1 do not require ~~(a)~~:

31 (a) A public officer to disclose:

32 ~~(a)~~ (1) Any campaign contributions that the public officer
33 reported in a timely manner pursuant to NRS 294A.120 or
34 294A.125; or

35 ~~(b)~~ (2) Any contributions to a legal defense fund that the
36 public officer reported in a timely manner pursuant to
37 NRS 294A.286.

38 (b) *A public officer or employee to disclose any information*
39 *which is confidential under the terms of a contract or as a matter*
40 *of law if the public officer or employee:*

41 (1) *In the disclosure made pursuant to subsection 1,*
42 *discloses all nonconfidential information that is required to be*
43 *disclosed and describes the general nature of the contract or law*
44 *that protects the confidential information from being disclosed;*
45 *and*



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

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

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

12 (b) The public officer's significant pecuniary interest; ~~for~~

13 (c) The public officer's commitment in a private capacity to the
14 interests of another person ~~for~~; or

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

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

20 (a) It must be presumed that the independence of judgment of a
21 reasonable person in the public officer's situation would not be
22 materially affected by the public officer's acceptance of a gift or
23 loan, significant pecuniary interest, ~~for~~ commitment in a private
24 capacity to the interests of another person ***or representation or***
25 ***counseling of a private person for compensation as permitted by***
26 ***NRS 281A.410*** where the resulting benefit or detriment accruing to
27 the public officer, or if the public officer has a commitment in a
28 private capacity to the interests of another person ~~for~~ ***or has***
29 ***represented or counseled a private person for compensation as***
30 ***permitted by NRS 281A.410***, accruing to the other person, is not
31 greater than that accruing to any other member of any general
32 business, profession, occupation or group that is affected by the
33 matter. The presumption set forth in this paragraph does not affect
34 the applicability of the requirements set forth in subsection 1
35 relating to the duty of the public officer to make a proper disclosure
36 at the time the matter is considered and in the manner required by
37 subsection 1.

38 (b) The Commission must give appropriate weight and proper
39 deference to the public policy of this State which favors the right of
40 a public officer to perform the duties for which the public officer
41 was elected or appointed and to vote or otherwise act upon a matter,
42 provided the public officer makes a proper disclosure at the time the
43 matter is considered and in the manner required by subsection 1.
44 Because abstention by a public officer disrupts the normal course of
45 representative government and deprives the public and the public



1 officer's constituents of a voice in governmental affairs, the
2 provisions of this section are intended to require abstention only in
3 clear cases where the independence of judgment of a reasonable
4 person in the public officer's situation would be materially affected
5 by the public officer's acceptance of a gift or loan, significant
6 pecuniary interest, ~~for~~ commitment in a private capacity to the
7 interests of another person ~~or~~ *or representation or counseling of a*
8 *private person for compensation as permitted by NRS 281A.410.*

9 5. Except as otherwise provided in NRS 241.0355, if a public
10 officer declares to the body or committee in which the vote is to be
11 taken that the public officer will abstain from voting because of the
12 requirements of this section, the necessary quorum to act upon and
13 the number of votes necessary to act upon the matter, as fixed by
14 any statute, ordinance or rule, is reduced as though the member
15 abstaining were not a member of the body or committee.

16 6. The provisions of this section do not, under any
17 circumstances:

18 (a) Prohibit a member of a local legislative body from
19 requesting or introducing a legislative measure; or

20 (b) Require a member of a local legislative body to take any
21 particular action before or while requesting or introducing a
22 legislative measure.

23 7. The provisions of this section do not, under any
24 circumstances, apply to State Legislators or allow the Commission
25 to exercise jurisdiction or authority over State Legislators. The
26 responsibility of a State Legislator to make disclosures concerning
27 ~~gifts, loans, interests or commitments~~ *a matter* and the
28 responsibility of a State Legislator to abstain from voting upon or
29 advocating the passage or failure of a matter are governed by the
30 Standing Rules of the Legislative Department of *the* State
31 Government which are adopted, administered and enforced
32 exclusively by the appropriate bodies of the Legislative Department
33 of *the* State Government pursuant to Section 6 of Article 4 of the
34 Nevada Constitution.

35 8. As used in this section, "public officer" and "public
36 employee" do not include a State Legislator.

37 **Sec. 28.** NRS 281A.550 is hereby amended to read as follows:

38 281A.550 1. A former member of the Public Utilities
39 Commission of Nevada shall not:

40 (a) Be employed by a public utility or parent organization or
41 subsidiary of a public utility; or

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



1 ↪ for 1 year after the termination of the member's service on the
2 Public Utilities Commission of Nevada.

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

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

10 (b) Be employed by such a person,

11 ↪ for 1 year after the termination of the member's service on the
12 Nevada Gaming Control Board or the Nevada Gaming Commission.

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

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

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

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

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



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

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

6 (c) Holding a license issued by the board, commission or similar
7 body is a requirement for membership on the board, commission or
8 similar body.

9 5. Except as otherwise provided in subsection 6, a *current or*
10 former public officer or employee of the State or a political
11 subdivision, except a clerical employee, shall not solicit or accept
12 employment from a person to whom a contract for supplies,
13 materials, equipment or services was awarded by the State or
14 political subdivision, as applicable, *or was implemented, managed*
15 *or administered by the State or political subdivision, as applicable,*
16 *during the public officer's or employee's period of public service*
17 *or employment or* for 1 year after the termination of ~~the officer's or~~
18 ~~employee's~~ *his or her period of public* service or ~~period of~~
19 employment, if:

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

21 (b) The contract was awarded *or was implemented, managed or*
22 *administered by the State or political subdivision, as applicable,*
23 *within the immediately preceding year during the public officer's*
24 *or employee's period of public service or employment or* within the
25 ~~12-month period~~ *year* immediately preceding the termination of
26 the *public* officer's or employee's *period of public* service or
27 ~~period of~~ employment; and

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

34 6. A current or former public officer or employee may file a
35 request for an advisory opinion pursuant to NRS 281A.675
36 concerning the application of the relevant facts in that person's case
37 to the provisions of subsection 3 or 5, as applicable, and *the*
38 *Commission may* determine whether relief from the strict
39 application of those provisions is proper. *For the purposes of*
40 *submitting all necessary information for the Commission to render*
41 *a decision and issue an advisory opinion in the matter, a current*
42 *or former public officer or employee may request information*
43 *concerning potential employment from any business, industry or*
44 *other person without violating the provisions of subsection 3 or 5,*
45 *as applicable.* If the Commission determines that relief from the



1 strict application of the provisions of subsection 3 or 5, as
2 applicable, is not contrary to:

- 3 (a) The best interests of the public;
- 4 (b) The continued ethical integrity of the State Government or
5 political subdivision, as applicable; and
- 6 (c) The provisions of this chapter,
7 ↪ it may issue an advisory opinion to that effect and grant such
8 relief.

9 7. For the purposes of subsection 6, the request for an advisory
10 opinion, *the decision rendered*, the advisory opinion and all
11 meetings, hearings and proceedings of the Commission in such a
12 matter are governed by the provisions of NRS 281A.670 to
13 281A.690, inclusive.

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

17 9. ~~{For}~~ *Except as otherwise provided in subsection 6, for* the
18 purposes of this section:

19 (a) A former member of the Public Utilities Commission of
20 Nevada, the Nevada Gaming Control Board or the Nevada Gaming
21 Commission; or

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

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

32 10. As used in this section, "regulation" has the meaning
33 ascribed to it in NRS 233B.038 and also includes regulations
34 adopted *or administered* by a board, commission, department,
35 division or other agency of the Executive Department of *the* State
36 Government that is exempted from the requirements of chapter
37 233B of NRS.

38 **Sec. 29.** NRS 281A.665 is hereby amended to read as follows:

39 281A.665 *1. The Legislative Counsel shall prepare*
40 *annotations to this chapter for inclusion in the Nevada Revised*
41 *Statutes based on the published opinions of the Commission.*

42 2. The ~~{Commission's}~~ *opinions of the Commission* may
43 include guidance to a public officer or employee on questions
44 whether:



1 ~~[1.]~~ (a) A conflict exists between the public officer's or
2 employee's personal interest and the public officer's or employee's
3 official ~~[duty.]~~ *duties*.

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

8 ~~[3.]~~ (c) The conflict would materially affect the independence
9 of the judgment of a reasonable person in the public officer's or
10 employee's situation.

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

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

20 **Sec. 30.** NRS 281A.675 is hereby amended to read as follows:

21 281A.675 1. ~~[A]~~ *Except as otherwise provided in this*
22 *section and NRS 281A.280, a public officer or employee may file*
23 *with the Commission a request for an advisory opinion to:*

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

28 (b) Request relief pursuant to NRS 281A.410, 281A.430 or
29 281A.550.

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

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

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

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

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

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

44 (b) Declare by oath or affirmation that he or she will testify
45 truthfully regarding the matter ~~[.]~~ *or confirm in writing, signed*



1 *under oath, that any information provided to the Commission for*
2 *consideration of the request for an advisory opinion is truthful.*

3 **Sec. 31.** NRS 281A.680 is hereby amended to read as follows:

4 281A.680 1. If a public officer or employee properly files a
5 request for an advisory opinion, the Commission shall render *a*
6 *decision and issue* an advisory opinion that interprets the statutory
7 ethical standards and applies those standards to the given set of facts
8 and circumstances. The Commission shall render *the decision and*
9 *issue* the advisory opinion within 45 days after receiving the
10 request, unless the requester waives this time limit ~~[-]~~ *or the Chair*
11 *grants an extension pursuant to section 8 of this act.*

12 2. If the advisory opinion ~~rendered~~ *issued* by the Commission
13 relates to the propriety of the present or future conduct of the
14 requester, the advisory opinion is:

15 (a) Binding upon the requester with regard to the future conduct
16 of the requester; and

17 (b) A final decision that is subject to judicial review pursuant to
18 NRS 233B.130.

19 3. If the requester seeks judicial review pursuant to NRS
20 233B.130, any proceedings concerning such judicial review must be
21 confidential and held in closed court without admittance of persons
22 other than those necessary to the proceedings, unless the requester
23 waives this right to confidential proceedings.

24 **Sec. 32.** NRS 281A.685 is hereby amended to read as follows:

25 281A.685 1. Except as otherwise provided in this section, the
26 following materials are confidential and are not public records
27 pursuant to chapter 239 of NRS:

28 (a) A request for an advisory opinion;

29 (b) The advisory opinion ~~rendered~~ *issued* by the Commission
30 in response to the request;

31 (c) Any information, communications, records, documents or
32 other materials in the possession of the Commission or its staff that
33 are related to the request; and

34 (d) Any information, communications, records, documents or
35 other materials in the possession of the requester of the advisory
36 opinion that are related to the request and, if disclosed by the
37 requester, would reveal the existence, nature or content of the
38 request or the advisory opinion.

39 2. The provisions of subsection 1 do not create or impose any
40 duty on the Commission or its staff to protect or defend against the
41 disclosure of any materials not in the possession of the Commission
42 or its staff, regardless of whether the materials are related to the
43 request.



1 3. The provisions of subsection 1 do not apply to any materials
2 in the possession of the Commission or its staff that are related to
3 the request if the requester of the advisory opinion:

4 (a) Acts in contravention of the advisory opinion, in which case
5 the Commission may disclose the request, the advisory opinion and
6 any information, communications, records, documents or other
7 materials in the possession of the Commission or its staff that are
8 related to the request;

9 (b) Authorizes the Commission, in writing, to make the request,
10 the advisory opinion or any information, communications, records,
11 documents or other materials in the possession of the Commission
12 or its staff that are related to the request publicly available; or

13 (c) Voluntarily discloses, in any manner, the request, the
14 advisory opinion or any information, communications, records,
15 documents or other materials in the possession of the Commission
16 or its staff that are related to the request, except to:

17 (1) The public body, agency or employer of the requester or
18 the legal counsel of the requester;

19 (2) Any person to whom the Commission authorizes the
20 requester to make such a disclosure; or

21 (3) Any person to whom the requester makes such a
22 disclosure for the purposes of judicial review pursuant to
23 NRS 281A.680.

24 **Sec. 33.** NRS 281A.690 is hereby amended to read as follows:

25 281A.690 1. ~~Except as otherwise provided in this section,~~
26 ~~the~~ *The* provisions of chapter 241 of NRS do not apply to:

27 (a) Any meeting or hearing held by the Commission to receive
28 information or evidence concerning a request for an advisory
29 opinion; and

30 (b) Any deliberations or actions of the Commission on such
31 information or evidence.

32 2. The ~~public officer or employee~~ *requester* who files the
33 request for an advisory opinion may also file a request with
34 the Commission to hold a public meeting or hearing regarding the
35 request for an advisory opinion. *If:*

36 (a) *The requester files a request to hold a public meeting or*
37 *hearing, the requester must acknowledge in the request that the*
38 *requester is waiving the right to confidentiality set forth in*
39 *NRS 281A.685; and*

40 (b) *The Commission grants the request to hold a public*
41 *meeting or hearing, the Commission shall provide public notice of*
42 *the meeting or hearing, and the meeting or hearing must be open*
43 *to the public and conducted in accordance with the regulations of*
44 *the Commission, but the meeting or hearing is not subject to the*
45 *provisions of chapter 241 of NRS.*



1 **Sec. 34.** NRS 281A.710 is hereby amended to read as follows:
2 281A.710 1. Except as otherwise provided in this section and
3 NRS 281A.280, the Commission may render *a decision and issue*
4 an opinion that interprets the statutory ethical standards and applies
5 those standards to a given set of facts and circumstances regarding
6 the propriety of the conduct of a public officer or employee if an
7 ethics complaint is:

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

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

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

15 2. An ethics complaint filed ~~[by a person]~~ *pursuant to*
16 *paragraph (a) or (b) of subsection 1* must be:

17 (a) Verified under oath and filed on a form prescribed by the
18 Commission; and

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

23 3. The Commission may decline to render *a decision and issue*
24 an opinion if the *specialized or local ethics committee or* person
25 who files the ethics complaint does not submit all necessary
26 evidence in the matter.

27 4. *The Executive Director may conduct a preliminary*
28 *investigation to obtain additional evidence concerning the*
29 *propriety of the conduct of a public officer or employee to*
30 *determine if the Commission has jurisdiction in a matter and*
31 *whether the Commission should initiate an ethics complaint on its*
32 *own motion pursuant to paragraph (c) of subsection 1.*

33 **Sec. 35.** NRS 281A.715 is hereby amended to read as follows:

34 281A.715 1. Based on the evidence submitted with an ethics
35 complaint filed with the Commission pursuant to *paragraph (a) or*
36 *(b) of subsection 1 of* NRS 281A.710 ~~[]~~ *and any additional*
37 *evidence obtained by the Executive Director pursuant to*
38 *subsection 2*, the Commission shall determine whether it has
39 jurisdiction in the matter and whether an investigation is warranted
40 in the matter. ~~[The]~~ *Except as otherwise provided in section 8 of*
41 *this act, the* Commission shall make its determination within 45
42 days after receiving the ethics complaint. ~~[, unless the public officer~~
43 ~~or employee who is the subject of the ethics complaint waives this~~
44 ~~time limit.]~~



1 2. *To assist the Commission in making its determination*
2 *pursuant to subsection 1 whether it has jurisdiction in the matter*
3 *and whether an investigation is warranted in the matter, the*
4 *Executive Director may conduct a preliminary investigation to*
5 *obtain additional evidence concerning the allegations in the ethics*
6 *complaint.*

7 3. If the Commission determines *pursuant to subsection 1* that
8 it does not have jurisdiction in the matter, the Commission shall
9 dismiss the matter.

10 ~~[3.]~~ 4. If the Commission determines *pursuant to subsection 1*
11 that it has jurisdiction in the matter but the evidence ~~[submitted with~~
12 ~~the ethics complaint]~~ is not sufficient to warrant an investigation in
13 the matter, the Commission shall dismiss the matter, with or without
14 issuing a letter of caution or instruction to the public officer or
15 employee pursuant to NRS 281A.780.

16 ~~[4.]~~ 5. If the Commission determines *pursuant to subsection 1*
17 that it has jurisdiction in the matter and the evidence ~~[submitted with~~
18 ~~the ethics complaint]~~ is sufficient to warrant an investigation in the
19 matter, the Commission may direct the Executive Director to
20 investigate the ethics complaint pursuant to NRS 281A.720.

21 6. *If the Commission initiates an ethics complaint on its own*
22 *motion pursuant to paragraph (c) of subsection 1 of NRS*
23 *281A.710 and the Commission determines that the evidence:*

24 (a) *Is not sufficient to warrant an investigation in the matter,*
25 *the Commission may dismiss the matter, with or without prejudice.*
26 *If the Commission dismisses the matter, the Commission may*
27 *issue a letter of caution or instruction to the public officer or*
28 *employee pursuant to NRS 281A.780.*

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

32 **Sec. 36.** NRS 281A.720 is hereby amended to read as follows:

33 281A.720 1. If the Commission directs the Executive
34 Director to investigate an ethics complaint pursuant to NRS
35 281A.715, ~~[or if the Commission initiates an ethics complaint on its~~
36 ~~own motion pursuant to NRS 281A.710.]~~ the Executive Director
37 shall investigate the facts and circumstances relating to the ethics
38 complaint to determine whether the Executive Director believes that
39 there is just and sufficient cause for the Commission to render *a*
40 *decision and issue* an opinion in the matter in order to present a
41 written recommendation to the review panel pursuant to
42 NRS 281A.725.

43 2. The Executive Director shall ~~[provide]~~ *prepare and serve a*
44 *written* notice of the investigation *of the ethics complaint* pursuant
45 to this section ~~[to]~~ *on* the public officer or employee who is the



1 subject of the ethics complaint and provide the public officer or
2 employee an opportunity to submit to the Executive Director a
3 response to the ~~allegations against the public officer or employee in~~
4 ~~the ethics complaint. The~~ *written notice of the investigation.*
5 *Except as otherwise provided in subsection 3, the* response must be
6 submitted within 30 days after the date on which the public officer
7 or employee ~~receives~~ *is served with* the *written* notice of the
8 investigation pursuant to this section . ~~[, unless the Executive~~
9 ~~Director grants an extension.]~~

10 3. *If a public officer or employee has waived the time*
11 *limitation set forth in subsection 1 of NRS 281A.725, the*
12 *Executive Director may grant one or more extensions of time for a*
13 *public officer or employee to submit a response pursuant to*
14 *subsection 2 for good cause shown by the public officer or*
15 *employee. If the Executive Director grants an extension of time,*
16 *the Executive Director shall set a specific and reasonable time*
17 *period for such an extension.*

18 4. The purpose of the response submitted pursuant to this
19 section is to provide the Executive Director and the review panel
20 with any information relevant to the ethics complaint which the
21 public officer or employee believes may assist:

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

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

26 ~~[4.]~~ 5. The public officer or employee is not required in the
27 response submitted pursuant to this section or in any proceedings
28 before the review panel to assert, claim or raise any objection or
29 defense, in law or fact, to the allegations against the public officer or
30 employee, and no objection or defense, in law or fact, is waived,
31 abandoned or barred by the failure to assert, claim or raise it in the
32 response or in any proceedings before the review panel.

33 6. *Whether or not the public officer or employee submits a*
34 *response pursuant to this section, the Executive Director may take*
35 *action, in the manner authorized by NRS 281A.300 or any other*
36 *law, to secure the public officer's or employee's participation,*
37 *attendance as a witness and production of any books and papers*
38 *during the course of the investigation.*

39 **Sec. 37.** NRS 281A.725 is hereby amended to read as follows:
40 281A.725 1. Except as otherwise provided in this subsection
41 ~~[.]~~ *and section 8 of this act,* the Executive Director shall complete
42 the investigation required by NRS 281A.720 and present a written
43 recommendation to the review panel within 70 days after the
44 Commission directs the Executive Director to investigate the ethics
45 complaint . ~~[or after the Commission initiates the ethics complaint~~



1 ~~on its own motion, as applicable.~~] The public officer or employee
2 who is the subject of the ethics complaint may waive this time limit.

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

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

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

9 (c) If the Executive Director believes that a disposition of the
10 matter without an adjudicatory hearing is appropriate under the facts
11 and circumstances, state any suggested disposition that is consistent
12 with the provisions of this chapter, including, without limitation,
13 whether the Executive Director believes that the conduct at issue
14 may be appropriately addressed through additional training or other
15 corrective action under the terms and conditions of a deferral
16 agreement.

17 **Sec. 38.** NRS 281A.730 is hereby amended to read as follows:

18 281A.730 1. Except as otherwise provided in this section ~~],~~
19 *and section 8 of this act*, the review panel shall determine whether
20 there is just and sufficient cause for the Commission to render *a*
21 *decision and issue* an opinion in the matter within 15 days after the
22 Executive Director ~~[provides]~~ *presents to* the review panel ~~[with]~~
23 the recommendation required by NRS 281A.725. The public officer
24 or employee who is the subject of the ethics complaint may waive
25 this time limit. *The review panel shall serve on the public officer*
26 *or employee who is the subject of the ethics complaint a written*
27 *notice of its determination.*

28 2. The review panel shall cause a record of its proceedings to
29 be kept.

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

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

41 5. If the review panel determines that there is just and
42 sufficient cause for the Commission to render *a decision and issue*
43 an opinion in the matter but reasonably believes that the conduct at
44 issue may be appropriately addressed through additional training or



1 other corrective action under the terms and conditions of a deferral
2 agreement, the review panel may:

3 (a) Approve a deferral agreement proposed by the Executive
4 Director and the public officer or employee instead of referring the
5 ethics complaint to the Commission for further proceedings in the
6 matter; or

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

11 6. If the review panel does not approve a deferral agreement
12 pursuant to subsection 5 or if the public officer or employee declines
13 to enter into such a deferral agreement, the review panel shall refer
14 the ethics complaint to the Commission for further proceedings in
15 the matter.

16 7. If the review panel determines that there is just and
17 sufficient cause for the Commission to render *a decision and issue*
18 an opinion in the matter and reasonably believes that the conduct at
19 issue may not be appropriately addressed through additional training
20 or other corrective action under the terms and conditions of a
21 deferral agreement, the review panel shall refer the ethics complaint
22 to the Commission for further proceedings in the matter.

23 **Sec. 39.** NRS 281A.745 is hereby amended to read as follows:

24 281A.745 1. If the review panel refers an ethics complaint to
25 the Commission for further proceedings in the matter pursuant to
26 NRS 281A.730 or if the Commission vacates a deferral agreement
27 and conducts further proceedings in the matter pursuant to
28 NRS 281A.740 ~~[, the]~~ :

29 (a) *The Executive Director shall issue a formal notice of*
30 *charges to the public officer or employee who is the subject of the*
31 *ethics complaint regarding the allegations to be presented at an*
32 *adjudicatory hearing; and*

33 (b) *The Commission shall hold an adjudicatory hearing and*
34 *render ~~[an opinion in the matter]~~ a decision concerning the ethics*
35 *complaint within 60 days after the date on which the review panel*
36 *refers the ethics complaint to the Commission or the Commission*
37 *vacates the deferral agreement, as appropriate, unless the public*
38 *officer or employee who is the subject of the ethics complaint*
39 *waives this time limit ~~[;]~~ or the Chair grants an extension of time*
40 *pursuant to section 8 of this act.*

41 2. ~~[H]~~ *Before* the Commission holds an adjudicatory hearing
42 ~~[to receive evidence]~~ concerning an ethics complaint, the
43 Commission shall:



1 (a) ~~Notify~~ *Provide* the public officer or employee who is the
2 subject of the ethics complaint *with a written notice* of the date,
3 time and place of the hearing; *and*

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

6 **3. At the adjudicatory hearing:**

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

9 (b) *The Commission shall:*

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

12 ~~(e)~~ (2) Allow the public officer or employee to hear the
13 ~~evidence~~ case presented to the Commission *by the Executive*
14 *Director or his or her designee* and to ~~respond and~~ present
15 ~~evidence on~~ his or her own ~~behalf.~~ *case to the Commission.*

16 ~~3.~~ 4. Unless the public officer or employee agrees to a
17 shorter time, an adjudicatory hearing may not be held less than 10
18 days after the date on which the *written* notice of the hearing is
19 ~~given~~ *provided* to the public officer or employee.

20 ~~4.~~ 5. For good cause shown, the Commission may take
21 testimony from a person by telephone or video conference at an
22 adjudicatory hearing or at any other proceedings concerning the
23 ethics complaint.

24 **6. After the Commission renders a decision concerning the**
25 *ethics complaint, the Commission shall issue a written opinion on*
26 *or before the date of the next meeting of the Commission that is*
27 *held after the date on which the decision is rendered.*

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

32 **Sec. 40.** NRS 281A.750 is hereby amended to read as follows:

33 281A.750 1. Except as otherwise provided in this section and
34 NRS 281A.755, all information, communications, records,
35 documents or other materials in the possession of the Commission,
36 the review panel or their staff that are related to an ethics complaint
37 are confidential and are not public records pursuant to chapter 239
38 of NRS until:

39 (a) The review panel determines whether there is just and
40 sufficient cause for the Commission to render *a decision and issue*
41 an opinion in the matter and serves *the* written notice of its
42 determination on the public officer or employee who is the subject
43 of the ethics complaint ~~is~~ *pursuant to NRS 281A.730;* or

44 (b) The public officer or employee who is the subject of the
45 ethics complaint authorizes the Commission, in writing, to make the



1 information, communications, records, documents or other materials
2 that are related to the ethics complaint publicly available,
3 ↪ whichever occurs first.

4 2. Except as otherwise provided in subsection ~~3.3~~ 5, if a person
5 who files an ethics complaint asks that his or her identity as the
6 requester be kept confidential, the Commission:

7 (a) Shall keep the identity of the requester confidential if he or
8 she is a public officer or employee who works for the same public
9 body, agency or employer as the public officer or employee who is
10 the subject of the ethics complaint ~~4~~ *or worked for the same public
11 body, agency or employer during the time of the alleged conduct at
12 issue or if revealing the identity of the requester would reveal the
13 identity of witnesses who work for the same public body, agency or
14 employer.*

15 (b) May keep the identity of the requester confidential if he or
16 she offers sufficient facts and circumstances showing a reasonable
17 likelihood that disclosure of his or her identity will subject the
18 requester or a member of his or her household to a bona fide threat
19 of physical force or violence.

20 3. *If the Commission keeps the identity of the requester of an
21 ethics complaint confidential pursuant to this section, the
22 following materials are confidential and are not public records
23 pursuant to chapter 239 of NRS:*

24 (a) *All information, communications, records, documents or
25 other materials in the possession of the Commission that, if
26 disclosed by the Commission, would reveal that the requester filed
27 the ethics complaint. Notwithstanding the provisions of chapter
28 239 of NRS, in denying a request for public records based on the
29 confidentiality provided by this paragraph, the Commission is not
30 required to provide any information that, if disclosed by the
31 Commission in denying the request for public records, would
32 reveal that the requester filed the ethics complaint.*

33 (b) *All information, communications, records, documents or
34 other materials in the possession of the requester of the ethics
35 complaint or his or her public body, agency or employer that, if
36 disclosed by either of them, would reveal that the requester filed
37 the ethics complaint. Notwithstanding the provisions of chapter
38 239 of NRS, in denying a request for public records based on the
39 confidentiality provided by this paragraph, the requester of the
40 ethics complaint or his or her public body, agency or employer is
41 not required to provide any information that, if disclosed by either
42 of them in denying the request for public records, would reveal
43 that the requester filed the ethics complaint.*

44 4. If the Commission keeps the identity of the requester of an
45 ethics complaint confidential ~~4~~ *pursuant to this section and the*



1 *Executive Director does not intend to present the testimony of the*
2 *requester as evidence for consideration by the Commission at the*
3 *adjudicatory hearing or in rendering a decision and issuing an*
4 *opinion in the matter, the Commission shall not render a decision*
5 *and issue an opinion in the matter unless there is sufficient evidence*
6 *without the testimony of the requester to consider the propriety of*
7 *the conduct of the public officer or employee who is the subject of*
8 *the ethics complaint. The provisions of this subsection do not*
9 *abrogate or otherwise alter or affect the confidentiality of the*
10 *identity of the requester of the ethics complaint.*

11 5. *If the Commission keeps the identity of the requester of an*
12 *ethics complaint confidential pursuant to this section and the*
13 *Executive Director intends to present the testimony of the requester*
14 *as evidence for consideration by the Commission at the adjudicatory*
15 *hearing or in rendering a decision and issuing an opinion in*
16 *the matter and the public officer or employee who is the subject of*
17 *the ethics complaint submits a written discovery request to the*
18 *Commission pursuant to NRS 281A.755, the [Commission]*
19 *Executive Director shall disclose the name of the requester only as a*
20 *proposed witness [within a reasonable time before the adjudicatory*
21 *hearing on the matter.] in accordance with the schedule for*
22 *discovery provided to the parties pursuant to NRS 281A.745.*

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

24 281A.755 1. Except as otherwise provided in this section, the
25 investigative file related to an ethics complaint is confidential and is
26 not a public record pursuant to chapter 239 of NRS.

27 2. ~~At any time after being served with written notice of the~~
28 ~~determination of the review panel regarding the existence of just and~~
29 ~~sufficient cause for the Commission to render an opinion in the~~
30 ~~matter.] In accordance with the schedule for discovery provided to~~
31 ~~the parties pursuant to NRS 281A.745, the public officer or~~
32 ~~employee who is the subject of the ethics complaint may submit a~~
33 ~~written discovery request to the Commission for a list of proposed~~
34 ~~witnesses and a copy of any portion of the investigative file that the~~
35 ~~Executive Director intends to present as evidence for consideration~~
36 ~~by the Commission at the adjudicatory hearing or in rendering a~~
37 ~~decision and issuing an opinion in the matter.~~

38 3. ~~Any] Unless otherwise declared confidential by law, any~~
39 ~~portion of the investigative file which the Executive Director~~
40 ~~presents as evidence for consideration by the Commission at the~~
41 ~~adjudicatory hearing or in rendering a decision and issuing an~~
42 ~~opinion in the matter becomes a public record and must be open for~~
43 ~~inspection pursuant to chapter 239 of NRS [] after the Commission~~
44 ~~takes final action concerning the ethics complaint in a public~~
45 ~~meeting or hearing pursuant to subsection 2 of NRS 281A.760.~~



1 4. For the purposes of this section:

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

3 (1) Any response concerning the ethics complaint prepared
4 by the public officer or employee pursuant to NRS 281A.720 and
5 submitted to the Executive Director and the review panel during the
6 course of the investigation and any proceedings before the review
7 panel;

8 (2) Any recommendation concerning the ethics complaint
9 prepared by the Executive Director pursuant to NRS 281A.725 and
10 ~~submitted~~ *presented* to the review panel during the course of the
11 investigation and any proceedings before the review panel; and

12 (3) Any other information provided to or obtained by or on
13 behalf of the Executive Director through any form of
14 communication during the course of the investigation , *including,*
15 *without limitation, information, records and documentation*
16 *obtained pursuant to subsection 3 of NRS 281A.300,* and any
17 proceedings before the review panel and any records, documents or
18 other materials created or maintained during the course of the
19 investigation and any proceedings before the review panel which
20 relate to the public officer or employee who is the subject of the
21 ethics complaint, including, without limitation, a transcript,
22 regardless of whether such information, records, documents or other
23 materials are obtained pursuant to a subpoena.

24 (b) The investigative file does not include any deferral
25 agreement.

26 **Sec. 42.** NRS 281A.760 is hereby amended to read as follows:

27 281A.760 *1.* The provisions of chapter 241 of NRS do not
28 apply to:

29 ~~1.]~~ *(a)* Any meeting or hearing held by the Commission to
30 receive information or evidence concerning an ethics complaint; and

31 ~~2.]~~ *(b)* Any deliberations *or actions* of the Commission on
32 such information or evidence.

33 *2. The Commission shall take final action concerning an*
34 *ethics complaint in a public meeting or hearing. The Commission*
35 *shall provide public notice of the meeting or hearing, and the*
36 *meeting or hearing must be open to the public and conducted in*
37 *accordance with the regulations of the Commission, but the*
38 *meeting or hearing is not subject to the provisions of chapter 241*
39 *of NRS.*

40 **Sec. 43.** NRS 281A.765 is hereby amended to read as follows:

41 281A.765 ~~1. If the Commission renders an opinion in~~
42 ~~proceedings concerning an ethics complaint, the opinion must~~
43 ~~include findings of fact and conclusions of law.~~

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



1 ~~[(a)]~~ 1. Has not been proven, the Commission shall dismiss the
2 matter, with or without prejudice, and with or without issuing a
3 letter of caution or instruction to the public officer or employee
4 pursuant to NRS 281A.780.

5 ~~[(b)]~~ 2. Has been proven, the Commission may take any action
6 authorized by this chapter.

7 **Sec. 44.** NRS 281A.770 is hereby amended to read as follows:

8 281A.770 In any matter in which the Commission disposes of
9 an ethics complaint by stipulation, agreed settlement, *deferral*
10 *agreement* or consent order or in which the review panel approves a
11 deferral agreement, the Commission or the review panel, as
12 appropriate, shall :

13 1. *To the extent practicable based on the given set of facts*
14 *and circumstances*, treat comparable situations in a comparable
15 manner ; and ~~[shall ensure]~~

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

18 **Sec. 45.** NRS 281A.775 is hereby amended to read as follows:

19 281A.775 1. The Commission, in determining whether a
20 violation of this chapter is a willful violation and, if so, the penalty
21 to be imposed on a ~~[public officer or employee]~~ *current* or former
22 public officer or employee pursuant to NRS 281A.785 or 281A.790,
23 or the review panel, in determining whether to approve a deferral
24 agreement regarding an alleged violation, shall consider, without
25 limitation:

26 (a) The seriousness of the violation or alleged violation,
27 including, without limitation, the nature, circumstances, extent and
28 gravity of the violation or alleged violation;

29 (b) The number and history of previous warnings, letters of
30 caution or instruction, deferral agreements or violations or alleged
31 violations of the provisions of this chapter relating to the public
32 officer or employee;

33 (c) The cost to conduct the investigation and any meetings,
34 hearings or other proceedings relating to the violation or alleged
35 violation;

36 (d) Any mitigating factors, including, without limitation, any
37 self-reporting, prompt correction of the violation or alleged
38 violation, any attempts to rectify the violation or alleged violation
39 before any ethics complaint is filed and any cooperation by the
40 public officer or employee in resolving the ethics complaint;

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

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

45 (g) Any other matter justice may require.



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

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

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

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

13 **Sec. 46.** NRS 281A.780 is hereby amended to read as follows:

14 281A.780 1. In proceedings concerning an ethics complaint,
15 the Commission or the review panel, as appropriate, may issue a
16 letter of caution or instruction to the public officer or employee who
17 is the subject of the ethics complaint to caution or instruct the public
18 officer or employee regarding the propriety of his or her conduct
19 under the statutory ethical standards. ~~[set forth in this chapter.]~~

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

22 (a) Is confidential and is not a public record pursuant to chapter
23 239 of NRS.

24 (b) May be considered in deciding the appropriate action to be
25 taken on any subsequent ethics complaint involving the public
26 officer or employee, unless the letter is not relevant to the issues
27 presented by the subsequent ethics complaint.

28 **Sec. 47.** NRS 281A.785 is hereby amended to read as follows:

29 281A.785 1. ~~[Except as otherwise provided in this section,~~
30 ~~in]~~ *In* proceedings concerning an ethics complaint, the Commission,
31 based on a finding that a violation of this chapter has been proven,
32 or the review panel, as part of the terms and conditions of a deferral
33 agreement, may, in addition to any other ~~[penalty]~~ *penalties*
34 provided by law and in accordance with the provisions of
35 NRS 281A.775:

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

38 (1) Comply in all respects with the provisions of this chapter
39 for a specified period without being the subject of another ethics
40 complaint arising from an alleged violation of this chapter by the
41 public officer or employee which occurs during the specified period
42 and for which the review panel determines that there is just and
43 sufficient cause for the Commission to render *a decision and issue*
44 an opinion in the matter.

45 (2) Attend and complete training.



1 (3) Follow a remedial course of action.

2 (4) Issue a public apology.

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

4 (b) Publicly admonish, reprimand or censure the public officer
5 or employee.

6 (c) Take any combination of such actions or any other
7 reasonable action that the Commission or the review panel, as
8 appropriate, determines will remedy the violation or alleged
9 violation or deter similar violations or conduct.

10 2. In carrying out the provisions of subsection 1, the
11 Commission, based on a finding that a violation of this chapter has
12 been proven **‡** *and as part of any manner in which the*
13 *Commission is authorized to dispose of the matter*, or the review
14 panel, as part of the terms and conditions of a deferral agreement,
15 may publicly:

16 (a) Admonish a public officer or employee if it is determined
17 that the public officer or employee has violated any provision of this
18 chapter, but the violation is not willful, or if such an admonishment
19 is imposed as part of the terms and conditions of a deferral
20 agreement. An admonishment is a written expression of disapproval
21 of the conduct of the public officer or employee.

22 (b) Reprimand a public officer or employee if it is determined
23 that the public officer or employee has willfully violated any
24 provision of this chapter, but there is no evidence that the willful
25 violation involved bad faith, malicious intent or knowing or reckless
26 disregard of the law, or if such a reprimand is imposed as part of the
27 terms and conditions of a deferral agreement. A reprimand is a
28 severe written reproof for the conduct of the public officer or
29 employee.

30 (c) Censure a public officer or employee if it is determined that
31 the public officer or employee has willfully violated any provision
32 of this chapter and there is evidence that the willful violation
33 involved bad faith, malicious intent or knowing or reckless
34 disregard of the law or there are no substantial mitigating factors
35 pursuant to NRS 281A.775 for the willful violation, or if such a
36 censure is imposed as part of the terms and conditions of a deferral
37 agreement. A censure is a formal written condemnation of the
38 conduct of the public officer or employee.

39 3. Any action taken by the Commission pursuant to this section
40 is a final decision for the purposes of judicial review pursuant to
41 NRS 233B.130. Any action taken by the review panel pursuant to
42 this chapter, including, without limitation, any action relating to a
43 deferral agreement, is not a final decision for the purposes of
44 judicial review pursuant to NRS 233B.130.



1 **Sec. 48.** NRS 281A.790 is hereby amended to read as follows:
2 281A.790 1. In addition to any other penalties provided by
3 law and in accordance with the provisions of NRS 281A.775, the
4 Commission may impose on a ~~[public officer or employee]~~ **current**
5 or former public officer or employee civil penalties:

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

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

10 (c) Not to exceed \$25,000 for a separate act or event that
11 constitutes a third willful violation of this chapter.

12 2. In addition to any other penalties provided by law, if any
13 person prevents, interferes with or attempts to prevent or interfere
14 with any investigation or proceedings pursuant to this chapter or the
15 discovery of a violation of this chapter, the Commission may, upon
16 its own motion or upon the motion of the current or former public
17 officer or employee who is the subject of the investigation or
18 proceedings:

19 (a) Impose on the person committing such an act a civil penalty
20 not to exceed \$5,000; and

21 (b) If appropriate under the facts and circumstances, assess
22 against the person committing such an act an amount equal to the
23 amount of attorney's fees and costs actually and reasonably incurred
24 by the current or former public officer or employee as a result of the
25 act.

26 3. If the Commission finds that a violation of a provision of
27 this chapter by a ~~[public officer or employee]~~ **current** or former
28 public officer or employee has resulted in the realization of a
29 financial benefit by the current or former public officer or employee
30 or another person, the Commission may, in addition to any other
31 penalties provided by law, require the current or former public
32 officer or employee to pay a civil penalty of not more than twice the
33 amount so realized.

34 4. In addition to any other penalties provided by law, if a
35 proceeding results in an opinion that:

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

40 (1) If the State Legislator is a member of the Senate, submit
41 the opinion to the Majority Leader of the Senate or, if the Majority
42 Leader of the Senate is the subject of the opinion or the person who
43 requested the opinion, to the President Pro Tempore of the Senate;
44 or



1 (2) If the State Legislator is a member of the Assembly,
2 submit the opinion to the Speaker of the Assembly or, if the Speaker
3 of the Assembly is the subject of the opinion or the person who
4 requested the opinion, to the Speaker Pro Tempore of the Assembly.

5 (b) One or more willful violations of this chapter have been
6 committed by a state officer removable from office only through
7 impeachment pursuant to Article 7 of the Nevada Constitution, the
8 Commission shall submit the opinion to the Speaker of the
9 Assembly and the Majority Leader of the Senate or, if the Speaker
10 of the Assembly or the Majority Leader of the Senate is the person
11 who requested the opinion, to the Speaker Pro Tempore of the
12 Assembly or the President Pro Tempore of the Senate, as
13 appropriate.

14 (c) One or more willful violations of this chapter have been
15 committed by a public officer other than a public officer described
16 in paragraphs (a) and (b), the willful violations shall be deemed to
17 be malfeasance in office for the purposes of NRS 283.440 and the
18 Commission:

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

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

27 ➤ This paragraph grants an exclusive right to the Commission, and
28 no other person may file a complaint against the public officer
29 pursuant to NRS 283.440 based on any violation found in the
30 opinion.

31 5. Notwithstanding any other provision of this chapter, any act
32 or failure to act by a ~~public officer or employee~~ **current** or former
33 public officer or employee relating to this chapter is not a willful
34 violation of this chapter if the public officer or employee establishes
35 by sufficient evidence that:

36 (a) The public officer or employee relied in good faith upon the
37 advice of the legal counsel retained by his or her public body,
38 agency or employer; and

39 (b) The advice of the legal counsel was:

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

42 (2) Based on a reasonable legal determination by the legal
43 counsel under the circumstances when the advice was given that the
44 act or failure to act by the public officer or employee would not be



1 contrary to the provisions of this chapter as interpreted by the
2 Commission.

3 6. In addition to any other penalties provided by law, if a
4 public employee commits a willful violation of this chapter or fails
5 to complete a period of compliance imposed by the Commission
6 pursuant to NRS 281A.785 or by the review panel as part of the
7 terms and conditions of a deferral agreement, the public employee is
8 subject to disciplinary proceedings by the employer of the public
9 employee and must be referred for action in accordance to the
10 applicable provisions governing the employment of the public
11 employee.

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

22 8. The imposition of a civil penalty pursuant to subsection 1, 2
23 or 3 is a final decision for the purposes of judicial review pursuant
24 to NRS 233B.130.

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

29 **Sec. 49.** NRS 241.016 is hereby amended to read as follows:

30 241.016 1. The meetings of a public body that are quasi-
31 judicial in nature are subject to the provisions of this chapter.

32 2. The following are exempt from the requirements of this
33 chapter:

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

35 (b) Judicial proceedings, including, without limitation,
36 proceedings before the Commission on Judicial Selection and,
37 except as otherwise provided in NRS 1.4687, the Commission on
38 Judicial Discipline.

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

42 3. Any provision of law, including, without limitation, NRS
43 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028,
44 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150,
45 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121,



1 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150,
2 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467,
3 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405,
4 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340,
5 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
6 696B.550, 703.196 and 706.1725, *and section 7 of this act*, which:

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

9 (b) Otherwise authorizes or requires a closed meeting, hearing
10 or proceeding,

11 ↪ prevails over the general provisions of this chapter.

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

17 **Sec. 50.** 1. Except as otherwise provided in this section, the
18 Commission on Ethics:

19 (a) Shall apply the amendatory provisions of this act which
20 govern the procedures applicable to administrative proceedings
21 arising under chapter 281A of NRS to any such proceedings that are
22 within the jurisdiction of the Commission and are commenced on or
23 after October 1, 2023, whether or not the conduct at issue in such
24 proceedings occurred before October 1, 2023.

25 (b) May apply the amendatory provisions of this act which
26 govern the procedures applicable to administrative proceedings
27 arising under chapter 281A of NRS to any such proceedings that
28 were commenced before October 1, 2023, and are still within the
29 jurisdiction of the Commission and pending before the Commission
30 on October 1, 2023, unless the Commission determines that such an
31 application would be impracticable, unreasonable or
32 unconstitutional under the circumstances, in which case the
33 Commission shall apply the procedures in effect before October 1,
34 2023.

35 2. The amendatory provisions of sections 13 and 25 to 28,
36 inclusive, of this act do not apply to any conduct occurring before
37 October 1, 2023.



