

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.

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

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

Legislative Counsel’s Digest:

1 With certain exceptions, the Nevada Ethics in Government Law (Ethics Law)
2 governs the conduct of public officers and employees and, in certain 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 any time limit set forth in the
19 Ethics Law, but the Chair cannot grant an extension of any time limit in the statute



20 of limitations. **Sections 31, 35 and 37-39** of this bill make conforming changes
21 consistent with the authority of the Chair to grant the authorized extensions.

22 **Sections 3-5** of this bill define certain terms relating to proceedings before the
23 Commission and the statutory ethical standards established by the Ethics Law.
24 **Sections 10, 14 and 46** of this bill make conforming changes to incorporate these
25 definitions into the chapter.

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

30 Under Nevada's Open Meeting Law, the Commission may receive information
31 regarding any litigation from its legal counsel and deliberate toward a decision
32 regarding the litigation without holding a public meeting that complies with the
33 Open Meeting Law. (NRS 241.015) **Section 7** of this bill provides that during any
34 period in which proceedings concerning a request for an advisory opinion or an
35 ethics complaint are confidential under the Ethics Law, the Open Meeting Law
36 does not apply to any meetings, hearings, deliberations or actions of the
37 Commission involving: (1) any decisions in litigation related to the request for an
38 advisory opinion or the ethics complaint; and (2) any delegation of authority to
39 make such decisions in the litigation. **Section 107** of this bill makes a conforming
40 change to indicate this additional exception to the Open Meeting Law.

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

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

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

72 The Ethics Law requires the Chair to appoint review panels, consisting of three
73 members of the Commission to review ethics complaints during the investigatory
74 stage of the proceedings, and if a review panel determines that there is just and



75 sufficient cause for the Commission to render an opinion in a matter, the members
76 of the review panel generally cannot participate in any further proceedings of the
77 Commission relating to the matter. (NRS 281A.220) However, the Ethics Law
78 allows the members of the review panel to authorize the development of and
79 approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 18** of
80 this bill also allows one or more members of a review panel to participate as
81 mediators or facilitators in any settlement negotiations with the consent of the
82 parties during a specified period.

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

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

102 The Ethics Law authorizes the Commission to impose certain penalties, fees
103 and costs against a person who prevents or interferes with, or attempts to prevent or
104 interfere with, any investigation or proceeding under the Ethics Law or the
105 discovery of a violation of the Ethics Law. (NRS 281A.790) **Section 21** of this bill
106 provides that the Commission has jurisdiction to investigate and take appropriate
107 action regarding such an alleged violation in any proceeding commenced by a
108 written notice of the charges within 2 years after the alleged violation or reasonable
109 discovery of the alleged violation.

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

113 **Section 23** of this bill: (1) authorizes the administration of oaths by a member
114 of the Commission when appointed by the Chair to preside over any meetings,
115 hearings or proceedings or by a certified court reporter; (2) authorizes the Chair to
116 issue a subpoena during the course of an investigation for certain information; and
117 (3) provides that any court proceeding commenced relating to a subpoena is
118 deemed good cause for the Chair to grant an extension of the time limits that apply
119 to proceedings concerning ethics complaints.

120 The Ethics Law prohibits public officers and employees from using
121 governmental time, property, equipment or other facility to benefit a significant
122 personal or pecuniary interest of the public officers and employees or any persons
123 to whom they have a commitment in a private capacity. The Ethics Law also
124 contains certain limited-use exceptions that allow a limited use of governmental
125 property, equipment or other facility for personal purposes if the limited use meets
126 certain requirements. (NRS 281A.400) **Section 25** of this bill revises these
127 prohibitions and limited-use exceptions in several ways.

128 First, one of the existing requirements for the limited-use exceptions is that the
129 public officer or employee who is responsible for and has authority to authorize the



130 limited use for personal purposes must have established a policy allowing the
131 limited use. (NRS 281A.400) **Section 25** clarifies the exception by providing that
132 the limited use must be authorized by a written policy which was adopted before
133 the limited use occurs.

134 Second, one of the existing requirements for the limited-use exceptions is that
135 the limited use for personal purposes must not create the appearance of impropriety.
136 (NRS 281A.400) **Section 25** defines the term "appearance of impropriety" to mean
137 a reasonable person would find, based on the given set of facts and circumstances,
138 that the limited use for personal purposes is inappropriate, disproportionate,
139 excessive or unreasonable under that given set of facts and circumstances.

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

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

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

170 The Ethics Law prohibits certain former public officers and employees, for a 1-
171 year "cooling-off" period after the termination of their public service or
172 employment, from soliciting or accepting private employment from any entities
173 regulated or awarded certain contracts by the agencies that employed the former
174 public officers and employees. However, the Ethics Law also allows the
175 Commission to grant relief from the strict application of the prohibition in specified
176 circumstances. (NRS 281A.550) **Section 28** provides that: (1) certain current and
177 former public officers and management-level public employees are subject to the
178 "cooling-off" period both during and after their public service or employment and
179 cannot solicit or accept private employment from such entities under similar
180 circumstances; and (2) the "cooling-off" period applies when certain current and
181 former public officers and employees are or were in positions to materially affect or
182 influence the awarding, renewing or amending of certain contracts by their
183 employing agencies because they had the authority or responsibility to recommend,
184 advise, negotiate, develop, draft, revise, review or approve any material terms of



185 the contracts. In certain situations where current or former public officers and
186 employees are alleged to have violated the “cooling-off” period, **section 45** of this
187 bill provides that the Commission must consider certain factors relating to the
188 comparative value of the contract under the given set of facts and circumstances in
189 assessing the severity of the violation and any penalties.

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 reclassify 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 whether
222 the Commission has jurisdiction and whether the Commission should initiate an
223 ethics 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 limit to submit the response, but the Executive Director
244 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 in the Ethics Law. **Section 108**
327 of this bill addresses the applicability of certain provisions of **sections 2-48** of this
328 bill to various proceedings before the Commission.

329 **Sections 9, 9.5, 13.5, 15.5, 15.7, 25-27.5 and 48** of this bill remove legislative
330 officers and employees from the jurisdiction of the Ethics Law, and **sections 50-**
331 **105** of this bill enact the Nevada Legislative Ethics Law (Legislative Ethics Law) to
332 govern legislative officers and employees and, in certain situations, former
333 legislative officers and employees after the end of their period of legislative service
334 or employment.

335 **Sections 52-71** of this bill establish various definitions applicable to the
336 Legislative Ethics Law. In particular, **section 67** of this bill defines "legislative
337 officer" as any current or former: (1) member of the Senate, Secretary of the Senate
338 or officer of the Senate; (2) member of the Assembly, Chief Clerk of the Assembly
339 or officer of the Assembly; or (3) officer of the Legislature, the Legislative Counsel
340 Bureau or the Legislative Department of the State Government. However, the term
341 does not include the Lieutenant Governor when acting in his or her official capacity
342 as the President of the Senate. **Section 65** of this bill defines "legislative employee"
343 as any current or former employee, assistant, attache, intern or other staff employed
344 with reference to the legislative duties of a Legislator or the Legislative
345 Department, regardless of whether the position is paid or otherwise compensated.

346 Under the Nevada Constitution, the Houses of the Legislature have adopted
347 Standing Rules that establish various ethical standards for Legislators and other
348 legislative officers and employees. (Nev. Const. Art. 4, § 6; Senate Standing Rule
349 No. 23; Assembly Standing Rule No. 23; Joint Standing Rules Nos. 30-39)



350 **Section 73** of this bill provides that the Legislative Ethics Law supplements such
351 Standing Rules and, to the extent that there is a conflict between the Standing Rules
352 and the Legislative Ethics Law, the Standing Rules govern the conflict. **Sections 51**
353 **and 72-76** of this bill set forth additional standards governing the interpretation,
354 application and administration of the Legislative Ethics Law.

355 **Sections 77-83** of this bill establish legislative ethical standards which are
356 similar to existing ethical standards for public officers and employees but which are
357 tailored to the specific ethical demands of the Legislative Department.

358 Existing law establishes general ethical standards to which public officers and
359 employees are bound. (NRS 281A.400) **Section 77** of this bill establishes similar
360 provisions for the purpose of legislative officers and employees.

361 Existing law restricts public officers and employees from representing or
362 counseling private persons before certain public agencies. (NRS 281A.410) **Section**
363 **78** of this bill establishes similar provisions for the purpose of legislative officers
364 and employees.

365 Existing law prohibits public officers and employees from taking certain
366 actions relating to contracts between governmental entities and any business entity
367 in which the public officer or employee has a significant pecuniary interest. (NRS
368 281A.430) **Section 79** of this bill establishes similar provisions applicable to
369 legislative officers and employees.

370 Existing law prohibits a public officer or employee from accepting or receiving
371 an honorarium under certain circumstances. (NRS 281A.510) **Section 80** of this bill
372 establishes similar provisions for the purpose of legislative officers and employees.

373 Existing law prohibits a public officer or employee from requesting or
374 otherwise causing a governmental entity to incur certain expenses or make
375 expenditures to support or oppose ballot questions or candidates under certain
376 circumstances. (NRS 281A.520) **Section 81** of this bill establishes similar
377 provisions prohibiting legislative officers and employees from engaging in such
378 acts with regard to the Legislative Department.

379 Existing law establishes certain "cooling-off" periods for public officers and
380 employees relating to soliciting or accepting employment from certain entities
381 under certain circumstances. (NRS 281A.550) **Section 82** of this bill establishes
382 similar provisions relating to legislative officers and employees.

383 Existing law authorizes the Attorney General or the appropriate district attorney
384 to void certain grants, contracts or leases entered into in violation of the Ethics Law
385 and authorizes the Attorney General to take other actions to redress certain
386 violations. (NRS 281A.540) **Section 83** of this bill authorizes the Attorney General
387 or appropriate district attorney to take similar actions to redress certain violations of
388 the Legislative Ethics Law.

389 To carry out and enforce the Legislative Ethics Law, **sections 84-95** of this bill
390 create the Senate Commission on Ethics (Senate Commission), Assembly
391 Commission on Ethics (Assembly Commission) and Joint Commission on Ethics
392 (Joint Commission), provide for the appointment and terms of their respective
393 members and prescribe standards for their management, governance and
394 proceedings. **Section 109** of this bill directs the appointment and terms of the initial
395 members of each Commission.

396 Under **section 87** of this bill, the Senate Commission has jurisdiction to: (1)
397 hear ethics complaints brought against legislative officers and employees of the
398 Senate; and (2) hear requests brought by such persons for advice on the legislative
399 ethical standards.

400 Under **section 91** of this bill, the Assembly Commission has jurisdiction to: (1)
401 hear ethics complaints brought against legislative officers and employees of the
402 Assembly; and (2) hear requests brought by such persons for advice on the
403 legislative ethical standards.



404 Under **section 95** of this bill, the Joint Commission has jurisdiction to: (1) hear
405 ethics complaints brought against legislative officers and employees other than the
406 officers or employees of the Senate or Assembly; and (2) hear requests brought by
407 such persons for advice on the legislative ethical standards.

408 **Section 97** of this bill authorizes the Senate Commission, Assembly
409 Commission and Joint Commission, as applicable, to conduct investigations and
410 hold hearings to carry out the Legislative Ethics Law.

411 **Section 98** of this bill provides that all proceedings of the Senate Commission,
412 Assembly Commission or Joint Commission, as applicable, relating to the
413 character, alleged misconduct, professional competence or physical or mental
414 health of any person on matters regarding the legislative ethical standards and the
415 materials relating thereto are confidential, unless the person subject to the
416 proceedings waives such confidentiality. **Section 106** of this bill makes a
417 conforming change to the Public Records Law.

418 **Section 99** of this bill provides that a member of the Senate Commission,
419 Assembly Commission or Joint Commission, as applicable, is disqualified from
420 serving during the consideration of a matter if: (1) the member is the subject of the
421 ethics complaint; (2) the member requested the advice on the issue under
422 consideration; or (3) a reasonable person in the member's situation could not
423 exercise independent judgment on the matter.

424 **Section 100** of this bill authorizes an individual to file with the Legislative
425 Counsel an ethics complaint against a legislative officer or employee. **Section 100**
426 requires the Legislative Counsel to review the ethics complaint and consult with the
427 Chair of the Senate Commission, Assembly Commission or Joint Commission, as
428 applicable, to determine whether the Commission has jurisdiction over the
429 complaint and whether an investigation is warranted in the matter. Finally, **section**
430 **100** requires that: (1) if it is determined that the Commission does not have
431 jurisdiction or an investigation is not warranted, the Legislative Counsel must send
432 a written notice of such a determination to the individual who filed the ethics
433 complaint; or (2) if it is determined that the Commission has jurisdiction and an
434 investigation is warranted, the Legislative Counsel must send a written notice of the
435 determination and a copy of the ethics complaint to the person who is subject to the
436 ethics complaint. **Section 74** of this bill requires the ethics complaint to be filed
437 within 2 years after the alleged violation or reasonable discovery of the alleged
438 violation.

439 If the Senate Commission, Assembly Commission or Joint Commission, as
440 applicable, holds an adjudicatory hearing on an ethics complaint, **section 101** of
441 this bill establishes various procedural and evidentiary requirements for the
442 adjudicatory hearing, including the burden and standard of proof.

443 **Section 102** of this bill requires the Senate Commission, Assembly
444 Commission or Joint Commission, as applicable, to dismiss an ethics complaint if
445 the Commission finds that the violation of the legislative ethical standards has not
446 been proven.

447 Alternatively, if the Senate Commission, Assembly Commission or Joint
448 Commission, as applicable, finds that a violation of the legislative ethical standards
449 has occurred, **sections 102-104** of this bill authorize the Commission to: (1) issue a
450 letter of caution or instruction to the legislative officer or employee; (2) admonish,
451 reprimand or censure the legislative officer or employee; (3) impose civil penalties
452 on the legislative officer or employee; or (4) take any other reasonable actions that
453 the Commission determines will remedy the violation or deter similar violations,
454 including referring the matter to the appropriate House for review and
455 consideration.

456 **Section 105** of this bill also requires the Senate Commission, Assembly
457 Commission or Joint Commission, as applicable, to refer the matter to the Attorney



458 General or the district attorney, as appropriate, if the Commission believes that the
459 violation of the legislative ethical standards constitutes a crime.

460 **Section 110** of this bill provides for the transition of jurisdiction for ethics
461 proceedings brought against legislative 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 *serving 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.*

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

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

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

22 *(b) Former public officers and employees in situations where*
23 *the statutory ethical standards apply to the conduct of former*
24 *public officers and employees after the end of any period of public*
25 *service or employment.*

26 *2. The statutory ethical standards are cumulative and*
27 *supplement each other, and the application of any one of the*
28 *statutory ethical standards to a given set of facts and*
29 *circumstances does not bar the application of any other of the*
30 *statutory ethical standards that also apply to the given set of facts*
31 *and circumstances.*

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



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

4 *2. Any delegation of authority to make such decisions in the*
5 *litigation to the Chair or the Executive Director, or both, pursuant*
6 *to NRS 241.0357.*

7 **Sec. 8. 1.** *Except as otherwise provided in this section and*
8 *NRS 281A.720, the Chair may, upon the request of the Executive*
9 *Director and for good cause shown, grant not more than one*
10 *extension of any time limit set forth in this chapter.*

11 *2. The Chair may not grant an extension of any time limit in*
12 *the statute of limitations set forth in NRS 281A.280.*

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

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

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

22 *(b) The Director of the Department of Administration, or his*
23 *or her designee, for a public officer of the Executive Department*
24 *of the State Government; and*

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

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

28 *(b) A city, the city clerk; and*

29 *(c) The Executive Department of the State Government, the*
30 *Director of the Department of Administration, or his or her*
31 *designee.*

32 **Sec. 9.5.** *NRS 281A.020 is hereby amended to read as*
33 *follows:*

34 *281A.020 1. It is hereby declared to be the public policy of*
35 *this State that:*

36 *(a) A public office is a public trust and shall be held for the sole*
37 *benefit of the people.*

38 *(b) A public officer or employee must commit himself or herself*
39 *to avoid conflicts between the private interests of the public officer*
40 *or employee and those of the general public whom the public officer*
41 *or employee serves.*

42 *2. The Legislature finds and declares that:*

43 *(a) The increasing complexity of state and local government,*
44 *more and more closely related to private life and enterprise, enlarges*
45 *the potentiality for conflict of interests.*



1 (b) To enhance the people’s faith in the integrity and
2 impartiality of public officers and employees, adequate guidelines
3 are required to show the appropriate separation between the roles of
4 persons who are both public servants and private citizens.

5 ~~(c) In interpreting and applying the provisions of this chapter~~
6 ~~that are applicable to State Legislators, the Commission must give~~
7 ~~appropriate weight and proper deference to the public policy of this~~
8 ~~State under which State Legislators serve as “citizen Legislators”~~
9 ~~who have other occupations and business interests, who are~~
10 ~~expected to have particular philosophies and perspectives that are~~
11 ~~necessarily influenced by the life experiences of the Legislator,~~
12 ~~including, without limitation, professional, family and business~~
13 ~~experiences, and who are expected to contribute those philosophies~~
14 ~~and perspectives to the debate over issues with which the~~
15 ~~Legislature is confronted.~~

16 ~~—(d)~~ The provisions of this chapter do not, under any
17 circumstances, allow the Commission to exercise jurisdiction or
18 authority over ~~for inquire into, intrude upon or interfere with the~~
19 ~~functions of a~~ :

20 (1) Any State Legislator ~~[that are protected by legislative~~
21 ~~privilege and immunity pursuant to the Constitution of the State of~~
22 ~~Nevada or NRS 41.071.] or other legislative officer as defined in~~
23 ~~section 67 of this act; or~~

24 (2) Any legislative employee as defined in section 65 of this
25 act,

26 *↳ except that if such a person holds another position outside of*
27 *his or her legislative office or employment that is subject to the*
28 *jurisdiction of the Commission pursuant to this chapter, the*
29 *Commission may exercise jurisdiction or authority over that*
30 *person but only for conduct arising out of the other position.*

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

32 281A.030 As used in this chapter, unless the context otherwise
33 requires, the words and terms defined in NRS 281A.032 to
34 281A.170, inclusive, *and sections 2 to 5, inclusive, of this act* have
35 the meanings ascribed to them in those sections.

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

37 281A.032 “Adjudicatory hearing” means a hearing held by the
38 Commission pursuant to NRS 281A.745 to ~~[receive evidence]~~ *hear*
39 *the case presented by the Executive Director, or his or her*
40 *designee, and by the public officer or employee who is the subject*
41 *of the ethics complaint, and render a decision* ~~[an]~~ *the*
42 *ethics complaint.* ~~[and render an opinion in the matter.]~~



1 **Sec. 12.** NRS 281A.033 is hereby amended to read as follows:
2 281A.033 “Advisory opinion” means an advisory opinion
3 ~~rendered~~ *issued* by the Commission pursuant to NRS 281A.670 to
4 281A.690, inclusive.

5 **Sec. 13.** NRS 281A.065 is hereby amended to read as follows:
6 281A.065 “Commitment in a private ~~capacity,” with respect to~~
7 ~~the interests of another person.~~ *capacity*” means a *private*
8 commitment, interest or relationship of a public officer or employee
9 to : ~~a person:~~

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

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

14 3. ~~Who is related to~~ *A relative of* the public officer or
15 employee, or ~~to~~ the spouse or domestic partner of the public
16 officer or employee, by blood, adoption, marriage or domestic
17 partnership within the third degree of consanguinity or affinity;

18 4. ~~Who employs~~ *The employer of* the public officer or
19 employee, the spouse or domestic partner of the public officer
20 or employee or a member of the household of the public officer or
21 employee;

22 5. ~~With~~ *A person with* whom the public officer or employee
23 has a substantial and continuing business relationship; or

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

28 **Sec. 13.5.** NRS 281A.080 is hereby amended to read as
29 follows:

30 281A.080 1. The making of a “decision” is the exercise of
31 governmental power to adopt laws, regulations or standards, render
32 quasi-judicial decisions, establish executive policy or determine
33 questions involving substantial discretion.

34 2. The term does not include:

35 (a) The functions of the judiciary.

36 (b) The functions of ~~a~~ *any* State Legislator ~~that are protected~~
37 ~~by legislative privilege and immunity pursuant to the Constitution of~~
38 ~~the State of Nevada or NRS 41-071.~~ *or other legislative officer as*
39 *defined in section 67 of this act.*

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

41 281A.088 “Ethics complaint” means ~~a request for an opinion~~
42 *an ethics complaint* which is filed with the Commission or initiated
43 by the Commission on its own motion pursuant to NRS 281A.710
44 regarding the propriety of the conduct of a public officer or



1 employee under the ~~statutory ethical standards set forth in~~
2 *provisions of* this chapter.

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

4 281A.135 1. "Opinion" means an opinion ~~rendered~~ *issued*
5 by the Commission in accordance with the provisions of this
6 chapter.

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

10 **Sec. 15.5.** NRS 281A.150 is hereby amended to read as
11 follows:

12 281A.150 1. "Public employee" means any person who:

13 ~~H-1~~ (a) Performs public duties under the direction and control
14 of a public officer for compensation paid by the State or any county,
15 city or other political subdivision; or

16 ~~2-1~~ (b) Is designated as a public employee for the purposes of
17 this chapter pursuant to NRS 281A.182.

18 2. *"Public employee" does not include any legislative*
19 *employee as defined in section 65 of this act.*

20 **Sec. 15.7.** NRS 281A.160 is hereby amended to read as
21 follows:

22 281A.160 1. "Public officer" means a person who is:

23 (a) Elected or appointed to a position which:

24 (1) Is established by the Constitution of the State of Nevada,
25 a statute of this State or a charter or ordinance of any county, city or
26 other political subdivision; and

27 (2) Involves the exercise of a public power, trust or duty; or

28 (b) Designated as a public officer for the purposes of this
29 chapter pursuant to NRS 281A.182.

30 2. As used in this section, "the exercise of a public power, trust
31 or duty" means:

32 (a) Actions taken in an official capacity which involve a
33 substantial and material exercise of administrative discretion in the
34 formulation of public policy;

35 (b) The expenditure of public money; and

36 (c) The administration of laws and rules of the State or any
37 county, city or other political subdivision.

38 3. "Public officer" does not include:

39 (a) Any justice, judge or other officer of the court system;

40 (b) *Any State Legislator or other legislative officer as defined*
41 *in section 67 of this act;*

42 (c) Any member of a board, commission or other body whose
43 function is advisory;



1 ~~[(e)]~~ (d) Any member of a special district whose official duties
2 do not include the formulation of a budget for the district or the
3 authorization of the expenditure of the district's money; or

4 ~~[(d)]~~ (e) A county health officer appointed pursuant to
5 NRS 439.290.

6 4. "Public office" does not include an office held by:

7 (a) Any justice, judge or other officer of the court system;

8 (b) *Any State Legislator or other legislative officer as defined*
9 *in section 67 of this act;*

10 (c) Any member of a board, commission or other body whose
11 function is advisory;

12 ~~[(e)]~~ (d) Any member of a special district whose official duties
13 do not include the formulation of a budget for the district or the
14 authorization of the expenditure of the district's money; or

15 ~~[(d)]~~ (e) A county health officer appointed pursuant to
16 NRS 439.290.

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

18 281A.161 "Request for an advisory opinion" means a request
19 for an advisory opinion which is filed with the Commission
20 pursuant to NRS 281A.675 . ~~[by a public officer or employee who~~
21 ~~is:~~

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

26 ~~—2. Requesting relief pursuant to NRS 281A.410, 281A.430 or~~
27 ~~281A.550.]~~

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

29 281A.210 1. The Commission shall ~~]:~~

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

32 ~~[(b) Meet]~~

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

44 3. *The Commission shall meet* regularly at least once in each
45 calendar quarter, unless there are no ethics complaints or requests



1 for advisory opinions pursuant to this chapter, and at other times
2 upon the call of the Chair.

3 ~~[2-]~~ 4. Members of the Commission are entitled to receive a
4 salary of not more than \$80 per day, as fixed by the Commission,
5 while engaged in the business of the Commission.

6 ~~[3-]~~ 5. While engaged in the business of the Commission, each
7 member and employee of the Commission is entitled to receive the
8 per diem allowance and travel expenses provided for state officers
9 and employees generally.

10 ~~[4-]~~ 6. The Commission may, within the limits of legislative
11 appropriation, maintain such facilities as are required to carry out its
12 functions.

13 **Sec. 18.** NRS 281A.220 is hereby amended to read as follows:
14 281A.220 1. The Chair shall appoint one or more review
15 panels of three members of the Commission on a rotating basis to
16 perform the functions assigned to such review panels pursuant to
17 this chapter.

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

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

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

27 (a) *One or more members of the review panel may, with the*
28 *consent of the parties, participate as mediators or facilitators in*
29 *any settlement negotiations between the parties that are conducted*
30 *after the determination by the review panel and before an*
31 *adjudicatory hearing in the matter.*

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

35 **Sec. 19.** NRS 281A.240 is hereby amended to read as follows:
36 281A.240 1. In addition to any other duties imposed upon the
37 Executive Director, the Executive Director shall:

38 (a) Maintain complete and accurate records of all transactions
39 and proceedings of the Commission.

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

42 (c) Gather information and conduct investigations regarding
43 ethics complaints and requests for advisory opinions pursuant to this
44 chapter.



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

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

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

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

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

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

25 (b) The investigation of matters under the jurisdiction of the
26 Commission.

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

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

33 281A.260 1. The Commission Counsel is the legal adviser to
34 the Commission. For each *written* opinion of the Commission, the
35 Commission Counsel shall prepare, at the direction of
36 the Commission ~~[]~~ *or as required pursuant to this chapter*, the
37 appropriate findings of fact and conclusions as to *the* relevant
38 *statutory ethical* standards and the propriety of particular conduct.
39 The Commission Counsel shall not issue written opinions
40 concerning the applicability of the statutory ethical standards to a
41 given set of facts and circumstances except as directed by the
42 Commission.

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



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

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

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

14 (b) *Employs outside legal counsel.*

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

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

23 (a) *Request that the Attorney General appoint a deputy to act in*
24 *the place of the Commission Counsel; or*

25 (b) *Employ outside legal counsel.*

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

27 281A.280 1. *Except as otherwise provided in this section, the*
28 *Commission has jurisdiction to ~~investigate~~:*

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

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

42 (c) *Investigate and take appropriate action regarding an*
43 *alleged violation of subsection 2 of NRS 281A.790 by a current or*
44 *former public officer or employee or any other person in any*
45 *proceeding commenced by a written notice of the charges, which*



1 *is initiated by the Commission on its own motion, within 2 years*
2 *after the alleged violation or reasonable discovery of the alleged*
3 *violation.*

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

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

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

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

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

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

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

34 **Sec. 22.** NRS 281A.290 is hereby amended to read as follows:

35 281A.290 The Commission shall:

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

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

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

42 (c) For the withdrawal of an ethics complaint or a request for an
43 advisory opinion by the person who filed the ethics complaint or
44 request;



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

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

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

18 3. Cause the making of such investigations as are reasonable
19 and necessary for the rendition *of decisions and the issuance* of
20 ~~its~~ opinions pursuant to this chapter.

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

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

26 6. Publish ~~a manual~~ *materials* for the use of public officers
27 and employees that ~~explains~~ *explain* the requirements of this
28 chapter.

29 ~~The Legislative Counsel shall prepare annotations to this chapter~~
30 ~~for inclusion in the Nevada Revised Statutes based on the published~~
31 ~~opinions of the Commission.]~~

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

33 281A.300 1. The Chair ~~and Vice Chair~~ *or a member* of the
34 Commission *appointed by the Chair to preside over any meetings,*
35 *hearings and proceedings* may administer oaths ~~or~~ *or direct a*
36 *certified court reporter or other authorized person to administer*
37 *oaths.*

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

41 3. ~~Upon~~ *Except as otherwise provided in this subsection,*
42 *upon* the request of the Executive Director, the Chair ~~for, in the~~
43 ~~Chair's absence, the Vice Chair,]~~ *may issue a subpoena during the*
44 *course of any investigation* to compel the participation of a
45 potential witness and the production of any books and papers



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

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

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

27 (a) The voluntary participation of the public officer or employee
28 in the investigation;

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

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

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

39 7. If the public officer or employee fails or refuses to respond
40 to the Executive Director's written request pursuant to subsection 5
41 to voluntarily participate or attend at the time and place specified or
42 produce the books and papers requested by the Executive Director
43 within 5 business days after receipt of the written request, the Chair
44 ~~[or, in the Chair's absence, the Vice Chair.]~~ may issue the subpoena.
45 Failure of the public officer or employee to comply with the written



1 request of the Executive Director shall be deemed a waiver by the
2 public officer or employee of the time limits set forth in NRS
3 281A.700 to 281A.790, inclusive, that apply to proceedings
4 concerning the ethics complaint.

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

9 (a) Due notice has been given of the time and place of the
10 participation or attendance of the witness or the production of the
11 books and papers;

12 (b) The witness has been subpoenaed pursuant to this section;
13 and

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

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

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

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

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

41 **Sec. 24.** NRS 281A.350 is hereby amended to read as follows:
42 281A.350 1. Any state agency or the governing body of a
43 county or an incorporated city may establish a specialized or local
44 ethics committee to complement the functions of the Commission.
45 A specialized or local ethics committee may:



1 (a) Establish a code of ethical standards suitable for the
2 particular ethical problems encountered in its sphere of activity. The
3 standards may not be less restrictive than the statutory ethical
4 standards.

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

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

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

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

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

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

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

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

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

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

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

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



1 a private capacity, which would tend improperly to influence a
2 reasonable person in the public officer's or employee's position to
3 depart from the faithful and impartial discharge of the public
4 officer's or employee's public duties.

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

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

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

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

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

36 7. ~~[Except for State Legislators who are subject to the
37 restrictions set forth in subsection 8, a]~~ A public officer or employee
38 shall not use governmental time, property, equipment or other
39 facility to benefit a significant personal or pecuniary interest of the
40 public officer or employee or any person to whom the public officer
41 or employee has a commitment in a private capacity. This
42 subsection does not prohibit:

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

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



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

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

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

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

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

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

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

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

22 8. ~~[A State Legislator shall not:~~

23 ~~—(a) Use governmental time, property, equipment or other facility~~
24 ~~for a nongovernmental purpose or for the private benefit of the State~~
25 ~~Legislator or any other person. This paragraph does not prohibit:~~

26 ~~—(1) A limited use of state property and resources for personal~~
27 ~~purposes if:~~

28 ~~—(I) The use does not interfere with the performance of the~~
29 ~~State Legislator's public duties;~~

30 ~~—(II) The cost or value related to the use is nominal; and~~

31 ~~—(III) The use does not create the appearance of~~
32 ~~impropriety;~~

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

37 ~~—(3) The use of telephones or other means of communication~~
38 ~~if there is not a special charge for that use.~~

39 ~~—(b) Require or authorize a legislative employee, while on duty,~~
40 ~~to perform personal services or assist in a private activity, except:~~

41 ~~—(1) In unusual and infrequent situations where the~~
42 ~~employee's service is reasonably necessary to permit the State~~
43 ~~Legislator or legislative employee to perform that person's official~~
44 ~~duties; or~~



1 ~~— (2) Where such service has otherwise been established as~~
2 ~~legislative policy.~~

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

8 ~~[10.]~~ 9. A public officer or employee shall not seek other
9 employment or contracts for the public officer or employee or any
10 person to whom the public officer or employee has a commitment in
11 a private capacity through the use of the public officer's or
12 employee's official position.

13 *10. A public officer or employee shall not use the public*
14 *officer's or employee's position or power in government to take*
15 *any actions or compel a subordinate to take any actions that would*
16 *cause unwarranted harm or damage to another person to benefit a*
17 *significant personal or pecuniary interest of the public officer or*
18 *employee or any person to whom the public officer or employee*
19 *has a commitment in a private capacity.*

20 *11. As used in this section:*

21 *(a) "Appearance of impropriety" means a reasonable person*
22 *would find, based on the given set of facts and circumstances, that*
23 *a public officer's or employee's limited use of governmental*
24 *property, equipment or other facility for personal purposes is*
25 *inappropriate, disproportionate, excessive or unreasonable under*
26 *that given set of facts and circumstances.*

27 *(b) "Unwarranted" means without justification or adequate*
28 *reason.*

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

30 281A.410 ~~[In addition to the requirements of the code of~~
31 ~~ethical standards and the other provisions of this chapter.]~~

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

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

39 (b) If the public officer or employee leaves the service of the
40 agency, shall not, for 1 year after leaving the service of the agency,
41 represent or counsel for compensation a private person upon any
42 issue which was under consideration by the agency during the
43 public officer's or employee's service. As used in this paragraph,
44 "issue" includes a case, proceeding, application, contract or



1 determination, but does not include the proposal or consideration of
2 legislative measures or administrative regulations.

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

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

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

16 (b) The Commission determines that such relief is not contrary
17 to:

18 (1) The best interests of the public;

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

21 (3) The provisions of this chapter.

22 4. For the purposes of subsection 3, the request for an advisory
23 opinion, *the decision rendered*, the advisory opinion and all
24 meetings, hearings and proceedings of the Commission in such a
25 matter are governed by the provisions of NRS 281A.670 to
26 281A.690, inclusive.

27 5. Unless permitted by this section, a public officer or
28 employee shall not represent or counsel a private person for
29 compensation before any state agency of the Executive or
30 Legislative Department.

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

32 281A.420 1. Except as otherwise provided in this section, a
33 public officer or employee shall not approve, disapprove, vote,
34 abstain from voting or otherwise act upon a matter:

35 (a) Regarding which the public officer or employee has accepted
36 a gift or loan;

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

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

42 (d) Which would reasonably be related to the nature of any
43 representation or counseling that the public officer or employee
44 provided to a private person for compensation before another



1 agency within the immediately preceding year, provided such
2 representation or counseling is permitted by NRS 281A.410,
3 ↪ without disclosing information concerning the gift or loan, the
4 significant pecuniary interest, the commitment in a private capacity
5 to the interests of the other person or the nature of the representation
6 or counseling of the private person that is sufficient to inform the
7 public of the potential effect of the action or abstention upon the
8 person who provided the gift or loan, upon the public officer's or
9 employee's significant pecuniary interest, upon the person to whom
10 the public officer or employee has a commitment in a private
11 capacity or upon the private person who was represented or
12 counseled by the public officer or employee. Such a disclosure must
13 be made at the time the matter is considered. If the public officer or
14 employee is a member of a body which makes decisions, the public
15 officer or employee shall make the disclosure in public to the chair
16 and other members of the body. If the public officer or employee is
17 not a member of such a body and holds an appointive office, the
18 public officer or employee shall make the disclosure to the
19 supervisory head of the public officer's or employee's organization
20 or, if the public officer holds an elective office, to the general public
21 in the area from which the public officer is elected.

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

23 (a) A public officer to disclose:

24 ~~[(a)]~~ (1) Any campaign contributions that the public officer
25 reported in a timely manner pursuant to NRS 294A.120 or
26 294A.125; or

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

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

33 (1) *In the disclosure made pursuant to subsection 1,
34 discloses all nonconfidential information that is required to be
35 disclosed and describes the general nature of the contract or law
36 that protects the confidential information from being disclosed;
37 and*

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

42 3. Except as otherwise provided in this section, in addition to
43 the requirements of subsection 1, a public officer shall not vote upon
44 or advocate the passage or failure of, but may otherwise participate
45 in the consideration of, a matter with respect to which the



1 independence of judgment of a reasonable person in the public
2 officer's situation would be materially affected by:

- 3 (a) The public officer's acceptance of a gift or loan;
- 4 (b) The public officer's significant pecuniary interest; ~~for~~
- 5 (c) The public officer's commitment in a private capacity to the
6 interests of another person ~~for~~; or

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

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

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

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



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

8 6. The provisions of this section do not, under any
9 circumstances:

10 (a) Prohibit a member of a local legislative body from
11 requesting or introducing a legislative measure; or

12 (b) Require a member of a local legislative body to take any
13 particular action before or while requesting or introducing a
14 legislative measure.

15 ~~[7. The provisions of this section do not, under any~~
16 ~~circumstances, apply to State Legislators or allow the Commission~~
17 ~~to exercise jurisdiction or authority over State Legislators. The~~
18 ~~responsibility of a State Legislator to make disclosures concerning~~
19 ~~gifts, loans, interests or commitments and the responsibility of a~~
20 ~~State Legislator to abstain from voting upon or advocating the~~
21 ~~passage or failure of a matter are governed by the Standing Rules of~~
22 ~~the Legislative Department of State Government which are adopted,~~
23 ~~administered and enforced exclusively by the appropriate bodies of~~
24 ~~the Legislative Department of State Government pursuant to Section~~
25 ~~6 of Article 4 of the Nevada Constitution.~~

26 ~~— 8. As used in this section, “public officer” and “public~~
27 ~~employee” do not include a State Legislator.]~~

28 **Sec. 27.5.** NRS 281A.500 is hereby amended to read as
29 follows:

30 281A.500 1. On or before the date on which a public officer
31 swears or affirms the oath of office, the public officer must be
32 informed of the statutory ethical standards and the duty to file an
33 acknowledgment of the statutory ethical standards in accordance
34 with this section by:

35 (a) For an appointed public officer, the appointing authority of
36 the public officer; and

37 (b) For an elected public officer of:

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

40 (2) The city, the city clerk; *and*

41 (3) ~~[The Legislative Department of the State Government,~~
42 ~~the Director of the Legislative Counsel Bureau; and~~

43 ~~—(4)]~~ The Executive Department of the State Government, the
44 Director of the Department of Administration, or his or her
45 designee.



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

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

6 (b) The manager of each local agency, or his or her designee,
7 shall provide each new public employee of the local agency with the
8 information prepared by the Commission concerning the statutory
9 ethical standards.

10 3. Each public officer shall acknowledge that the public
11 officer:

12 (a) Has received, read and understands the statutory ethical
13 standards; and

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

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

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

22 (b) If the public officer is elected to office at an election other
23 than the general election or is appointed to office, on or before the
24 30th day following the date on which the public officer swears or
25 affirms the oath of office.

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

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

38 (a) Delivered in person to the principal office of the
39 Commission in Carson City.

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

44 (c) Dispatched to a third-party commercial carrier for delivery to
45 the Commission within 3 calendar days. Filing by third-party



1 commercial carrier is complete upon timely depositing the
2 acknowledgment with the third-party commercial carrier.

3 (d) Transmitted to the Commission by facsimile machine or
4 other electronic means authorized by the Commission. Filing by
5 facsimile machine or other electronic means is complete upon
6 receipt of the transmission by the Commission.

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

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

13 (a) The address of the Internet website of the Commission where
14 a public officer may view the statutory ethical standards and print a
15 copy of the standards; and

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

19 9. Whenever the Commission, or any public officer or
20 employee as part of the public officer's or employee's official
21 duties, provides a public officer with a printed copy of the form for
22 making the acknowledgment, a printed copy of the statutory ethical
23 standards must be included with the form.

24 10. The Commission shall retain each acknowledgment filed
25 pursuant to this section for 6 years after the date on which the
26 acknowledgment was filed.

27 11. Willful refusal to execute and file the acknowledgment
28 required by this section shall be deemed to be:

29 (a) A willful violation of this chapter for the purposes of NRS
30 281A.785 and 281A.790; and

31 (b) Nonfeasance in office for the purposes of NRS 283.440 and,
32 if the public officer is removable from office pursuant to NRS
33 283.440, the Commission may file a complaint in the appropriate
34 court for removal of the public officer pursuant to that section. This
35 paragraph grants an exclusive right to the Commission, and no other
36 person may file a complaint against the public officer pursuant to
37 NRS 283.440 based on any violation of this section.

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

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

41 281A.550 1. A former member of the Public Utilities
42 Commission of Nevada shall not:

43 (a) Be employed by a public utility or parent organization or
44 subsidiary of a public utility; or



1 (b) Appear before the Public Utilities Commission of Nevada to
2 testify on behalf of a public utility or parent organization or
3 subsidiary of a public utility,

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

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

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

13 (b) Be employed by such a person,
14 ↪ for 1 year after the termination of the member's service on the
15 Nevada Gaming Control Board or the Nevada Gaming Commission.

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

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

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

42 (c) As a result of the ~~former~~ public officer's or employee's
43 governmental service or employment, the ~~former~~ public officer or
44 employee possesses knowledge of the trade secrets of a direct
45 business competitor.



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

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

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

9 (c) Holding a license issued by the board, commission or similar
10 body is a requirement for membership on the board, commission or
11 similar body.

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

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

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

30 (c) The position held by the ~~former~~ public officer or employee
31 at the time the contract was awarded , *renewed or amended by the*
32 *State or political subdivision, as applicable,* allowed the ~~former~~
33 public officer or employee to *materially* affect or influence the
34 awarding , *renewing or amending* of the contract ~~if~~ *because the*
35 *public officer or employee had the authority or responsibility to*
36 *recommend, advise, negotiate, develop, draft, revise, review or*
37 *approve any material terms of the contract, including, without*
38 *limitation, terms relating to products, supplies, materials,*
39 *equipment, services, quantities, rates, prices, costs, obligations,*
40 *duties, standards, benchmarks, schedules, timeframes,*
41 *administration, oversight, compliance, changes, extensions,*
42 *suspensions, cancellations, terminations, liabilities, immunities,*
43 *remedies or penalties.*

44 6. A current or former public officer or employee may file a
45 request for an advisory opinion pursuant to NRS 281A.675



1 concerning the application of the relevant facts in that person's case
2 to the provisions of subsection 3 or 5, as applicable, and *the*
3 *Commission may* determine whether relief from the strict
4 application of those provisions is proper. *For the purposes of*
5 *submitting all necessary information for the Commission to render*
6 *a decision and issue an advisory opinion in the matter, a current*
7 *or former public officer or employee may request information*
8 *concerning potential employment from any business, industry or*
9 *other person without violating the provisions of subsection 3 or 5,*
10 *as applicable.* If the Commission determines that relief from the
11 strict application of the provisions of subsection 3 or 5, as
12 applicable, is not contrary to:

13 (a) The best interests of the public;

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

16 (c) The provisions of this chapter,

17 ➔ it may issue an advisory opinion to that effect and grant such
18 relief.

19 7. For the purposes of subsection 6, the request for an advisory
20 opinion, *the decision rendered*, the advisory opinion and all
21 meetings, hearings and proceedings of the Commission in such a
22 matter are governed by the provisions of NRS 281A.670 to
23 281A.690, inclusive.

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

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

29 (a) A former member of the Public Utilities Commission of
30 Nevada, the Nevada Gaming Control Board or the Nevada Gaming
31 Commission; or

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

34 ➔ is employed by or is soliciting or accepting employment from a
35 business, industry or other person described in this section if any
36 oral or written agreement is sought, negotiated or exists during the
37 restricted period pursuant to which the personal services of
38 the public officer or employee are provided or will be provided to
39 the business, industry or other person, even if such an agreement
40 does not or will not become effective until after the restricted
41 period.

42 10. As used in this section, "regulation" has the meaning
43 ascribed to it in NRS 233B.038 and also includes regulations
44 adopted *or administered* by a board, commission, department,
45 division or other agency of the Executive Department of *the* State



1 Government that is exempted from the requirements of chapter
2 233B of NRS.

3 **Sec. 29.** NRS 281A.665 is hereby amended to read as follows:
4 281A.665 *1. The Legislative Counsel shall prepare*
5 *annotations to this chapter for inclusion in the Nevada Revised*
6 *Statutes based on the published opinions of the Commission.*

7 *2. The ~~Commission's~~ opinions of the Commission* may
8 include guidance to a public officer or employee on questions
9 whether:

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

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

17 ~~3.~~ (c) The conflict would materially affect the independence
18 of the judgment of a reasonable person in the public officer's or
19 employee's situation.

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

24 ~~5.~~ (e) It would be appropriate for the public officer or
25 employee to withdraw or abstain from participation, disclose the
26 nature of the public officer's or employee's conflicting personal
27 interest or pursue some other designated course of action in the
28 matter.

29 **Sec. 30.** NRS 281A.675 is hereby amended to read as follows:
30 281A.675 *1. ~~A~~ Except as otherwise provided in this*
31 *section and NRS 281A.280, a public officer or employee may file*
32 *with the Commission a request for an advisory opinion to:*

33 (a) Seek guidance on matters which directly relate to the
34 propriety of his or her own past, present or future conduct as a
35 public officer or employee under the statutory ethical standards ;
36 ~~set forth in this chapter;~~ or

37 (b) Request relief pursuant to NRS 281A.410, 281A.430 or
38 281A.550.

39 *2. The request for an advisory opinion must be:*

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

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

44 *3. At any time after a request for an advisory opinion is filed*
45 *with the Commission, the Commission may request additional*



1 *information relating to the request for an advisory opinion from*
2 *the requester and his or her legal counsel.*

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

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

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

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

13 281A.680 1. If a public officer or employee properly files a
14 request for an advisory opinion, the Commission shall render *a*
15 *decision and issue* an advisory opinion that interprets the statutory
16 ethical standards and applies those standards to the given set of facts
17 and circumstances. The Commission shall render *the decision and*
18 *issue* the advisory opinion within 45 days after receiving the
19 request, unless the requester waives this time limit ~~[]~~ *or the Chair*
20 *grants an extension of time pursuant to section 8 of this act.*

21 2. If the advisory opinion ~~[rendered]~~ *issued* by the Commission
22 relates to the propriety of the present or future conduct of the
23 requester, the advisory opinion is:

24 (a) Binding upon the requester with regard to the future conduct
25 of the requester; and

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

28 3. If the requester seeks judicial review pursuant to NRS
29 233B.130, any proceedings concerning such judicial review must be
30 confidential and held in closed court without admittance of persons
31 other than those necessary to the proceedings, unless the requester
32 waives this right to confidential proceedings.

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

34 281A.685 1. Except as otherwise provided in this section, the
35 following materials are confidential and are not public records
36 pursuant to chapter 239 of NRS:

37 (a) A request for an advisory opinion;

38 (b) The advisory opinion ~~[rendered]~~ *issued* by the Commission
39 in response to the request;

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

43 (d) Any information, communications, records, documents or
44 other materials in the possession of the requester of the advisory
45 opinion that are related to the request and, if disclosed by the



1 requester, would reveal the existence, nature or content of the
2 request or the advisory opinion.

3 2. The provisions of subsection 1 do not create or impose any
4 duty on the Commission or its staff to protect or defend against the
5 disclosure of any materials not in the possession of the Commission
6 or its staff, regardless of whether the materials are related to the
7 request.

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

11 (a) Acts in contravention of the advisory opinion, in which case
12 the Commission may disclose the request, the advisory opinion and
13 any information, communications, records, documents or other
14 materials in the possession of the Commission or its staff that are
15 related to the request;

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

20 (c) Voluntarily discloses, in any manner, the request, the
21 advisory opinion or any information, communications, records,
22 documents or other materials in the possession of the Commission
23 or its staff that are related to the request, except to:

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

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

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

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

32 281A.690 1. ~~Except as otherwise provided in this section,~~
33 ~~the~~ *The* provisions of chapter 241 of NRS do not apply to:

34 (a) Any meeting or hearing held by the Commission to receive
35 information or evidence concerning a request for an advisory
36 opinion; and

37 (b) Any deliberations or actions of the Commission on such
38 information or evidence.

39 2. The ~~public officer or employee~~ *requester* who files the
40 request for an advisory opinion may also file a request with
41 the Commission to hold a public meeting or hearing regarding the
42 request for an advisory opinion. *If:*

43 (a) *The requester files a request to hold a public meeting or*
44 *hearing, the requester must acknowledge in the request that the*



1 *requester is waiving the right to confidentiality set forth in*
2 *NRS 281A.685; and*

3 *(b) The Commission grants the request to hold a public*
4 *meeting or hearing, the Commission shall provide public notice of*
5 *the meeting or hearing, and the meeting or hearing must be open*
6 *to the public and conducted in accordance with the regulations of*
7 *the Commission, but the meeting or hearing is not subject to the*
8 *provisions of chapter 241 of NRS.*

9 **Sec. 34.** NRS 281A.710 is hereby amended to read as follows:

10 281A.710 1. Except as otherwise provided in this section and
11 NRS 281A.280, the Commission may render *a decision and issue*
12 an opinion that interprets the statutory ethical standards and applies
13 those standards to a given set of facts and circumstances regarding
14 the propriety of the conduct of a public officer or employee if an
15 ethics complaint is:

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

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

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

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

25 (a) Verified under oath and filed on a form prescribed by the
26 Commission; and

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

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

35 *4. The Executive Director may conduct a preliminary*
36 *investigation to obtain additional evidence concerning the*
37 *propriety of the conduct of a public officer or employee to*
38 *determine whether the Commission has jurisdiction in a matter*
39 *and whether the Commission should initiate an ethics complaint*
40 *on its own motion pursuant to paragraph (c) of subsection 1.*

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

42 281A.715 1. Based on the evidence submitted with an ethics
43 complaint filed with the Commission pursuant to *paragraph (a) or*
44 *(b) of subsection 1 of NRS 281A.710* ~~[]~~ *and any additional*
45 *evidence obtained by the Executive Director pursuant to*



1 *subsection 2*, the Commission shall determine whether it has
2 jurisdiction in the matter and whether an investigation is warranted
3 in the matter. ~~[The]~~ *Except as otherwise provided in section 8 of*
4 *this act, the* Commission shall make its determination within 45
5 days after receiving the ethics complaint . ~~[, unless the public officer~~
6 ~~or employee who is the subject of the ethics complaint waives this~~
7 ~~time limit.]~~

8 2. *To assist the Commission in making its determination*
9 *pursuant to subsection 1 whether it has jurisdiction in the matter*
10 *and whether an investigation is warranted in the matter, the*
11 *Executive Director may conduct a preliminary investigation to*
12 *obtain additional evidence concerning the allegations in the ethics*
13 *complaint.*

14 3. If the Commission determines *pursuant to subsection 1* that
15 it does not have jurisdiction in the matter, the Commission shall
16 dismiss the matter.

17 ~~[3.]~~ 4. If the Commission determines *pursuant to subsection 1*
18 that it has jurisdiction in the matter but the evidence ~~[submitted with~~
19 ~~the ethics complaint]~~ is not sufficient to warrant an investigation in
20 the matter, the Commission shall dismiss the matter, with or without
21 issuing a letter of caution or instruction to the public officer or
22 employee pursuant to NRS 281A.780.

23 ~~[4.]~~ 5. If the Commission determines *pursuant to subsection 1*
24 that it has jurisdiction in the matter and the evidence ~~[submitted with~~
25 ~~the ethics complaint]~~ is sufficient to warrant an investigation in the
26 matter, the Commission may direct the Executive Director to
27 investigate the ethics complaint pursuant to NRS 281A.720.

28 6. *If the Commission initiates an ethics complaint on its own*
29 *motion pursuant to paragraph (c) of subsection 1 of NRS*
30 *281A.710 and the Commission determines that the evidence:*

31 (a) *Is not sufficient to warrant an investigation in the matter,*
32 *the Commission may dismiss the matter, with or without prejudice.*
33 *If the Commission dismisses the matter, the Commission may*
34 *issue a letter of caution or instruction to the public officer or*
35 *employee pursuant to NRS 281A.780.*

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

39 **Sec. 36.** NRS 281A.720 is hereby amended to read as follows:
40 281A.720 1. If the Commission directs the Executive
41 Director to investigate an ethics complaint pursuant to NRS
42 281A.715 , ~~[or if the Commission initiates an ethics complaint on its~~
43 ~~own motion pursuant to NRS 281A.710,]~~ the Executive Director
44 shall investigate the facts and circumstances relating to the ethics
45 complaint to determine whether the Executive Director believes that



1 there is just and sufficient cause for the Commission to render *a*
2 *decision and issue* an opinion in the matter in order to present a
3 written recommendation to the review panel pursuant to
4 NRS 281A.725.

5 2. The Executive Director shall ~~{provide}~~ *prepare and serve a*
6 *written* notice of the investigation *of the ethics complaint* pursuant
7 to this section ~~{to}~~ *on* the public officer or employee who is the
8 subject of the ethics complaint and provide the public officer or
9 employee an opportunity to submit to the Executive Director a
10 response to the ~~{allegations against the public officer or employee in~~
11 ~~{the ethics complaint. The}~~ *written notice of the investigation.*
12 *Except as otherwise provided in subsection 3, the* response must be
13 submitted within 30 days after the date on which the public officer
14 or employee ~~{receives}~~ *is served with* the *written* notice of the
15 investigation pursuant to this section . ~~{, unless the Executive~~
16 ~~{Director grants an extension.}~~

17 3. *If a public officer or employee has waived the time limit set*
18 *forth in subsection 1 of NRS 281A.725, the Executive Director*
19 *may grant one or more extensions of time for a public officer or*
20 *employee to submit a response pursuant to subsection 2 for good*
21 *cause shown by the public officer or employee. If the Executive*
22 *Director grants an extension of time, the Executive Director shall*
23 *set a specific and reasonable time period for such an extension.*

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

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

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

32 ~~{4.}~~ 5. The public officer or employee is not required in the
33 response submitted pursuant to this section or in any proceedings
34 before the review panel to assert, claim or raise any objection or
35 defense, in law or fact, to the allegations against the public officer or
36 employee, and no objection or defense, in law or fact, is waived,
37 abandoned or barred by the failure to assert, claim or raise it in the
38 response or in any proceedings before the review panel.

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



1 **Sec. 37.** NRS 281A.725 is hereby amended to read as follows:

2 281A.725 1. Except as otherwise provided in this subsection
3 ~~{}~~ *and section 8 of this act*, the Executive Director shall complete
4 the investigation required by NRS 281A.720 and present a written
5 recommendation to the review panel within 70 days after the
6 Commission directs the Executive Director to investigate the ethics
7 complaint . ~~{or after the Commission initiates the ethics complaint~~
8 ~~on its own motion, as applicable.}~~ The public officer or employee
9 who is the subject of the ethics complaint may waive this time limit.

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

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

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

16 (c) If the Executive Director believes that a disposition of the
17 matter without an adjudicatory hearing is appropriate under the facts
18 and circumstances, state any suggested disposition that is consistent
19 with the provisions of this chapter, including, without limitation,
20 whether the Executive Director believes that the conduct at issue
21 may be appropriately addressed through additional training or other
22 corrective action under the terms and conditions of a deferral
23 agreement.

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

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

35 2. The review panel shall cause a record of its proceedings to
36 be kept.

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

42 4. If the review panel determines that there is not just and
43 sufficient cause for the Commission to render *a decision and issue*
44 an opinion in the matter, it shall dismiss the matter, with or without
45 prejudice, and with or without issuing a letter of caution or



1 instruction to the public officer or employee pursuant to
2 NRS 281A.780.

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

9 (a) Approve a deferral agreement proposed by the Executive
10 Director and the public officer or employee instead of referring the
11 ethics complaint to the Commission for further proceedings in the
12 matter; or

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

17 6. If the review panel does not approve a deferral agreement
18 pursuant to subsection 5 or if the public officer or employee declines
19 to enter into such a deferral agreement, the review panel shall refer
20 the ethics complaint to the Commission for further proceedings in
21 the matter.

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

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

30 281A.745 1. If the review panel refers an ethics complaint to
31 the Commission for further proceedings in the matter pursuant to
32 NRS 281A.730 or if the Commission vacates a deferral agreement
33 and conducts further proceedings in the matter pursuant to
34 NRS 281A.740 ~~[, the]~~ :

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

39 (b) *The Commission shall hold an adjudicatory hearing and*
40 *render ~~[an opinion in the matter]~~ a decision concerning the ethics*
41 *complaint* within 60 days after the date on which the review panel
42 refers the ethics complaint to the Commission or the Commission
43 vacates the deferral agreement, as appropriate, unless the public
44 officer or employee who is the subject of the ethics complaint



1 waives this time limit ~~[3]~~ *or the Chair grants an extension of time*
2 *pursuant to section 8 of this act.*

3 2. ~~[[3]]~~ *Before* the Commission holds an adjudicatory hearing
4 ~~[to receive evidence]~~ concerning an ethics complaint, the
5 Commission shall:

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

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

11 3. *At the adjudicatory hearing:*

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

14 (b) *The Commission shall:*

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

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

21 ~~[3.]~~ 4. Unless the public officer or employee agrees to a
22 shorter time, an adjudicatory hearing may not be held less than 10
23 days after the date on which the *written* notice of the hearing is
24 ~~[given]~~ *provided* to the public officer or employee.

25 ~~[4.]~~ 5. For good cause shown, the Commission may take
26 testimony from a person by telephone or video conference at an
27 adjudicatory hearing or at any other proceedings concerning the
28 ethics complaint.

29 6. *After the Commission renders a decision concerning the*
30 *ethics complaint, the Commission shall issue a written opinion on*
31 *or before the date of the next meeting of the Commission that is*
32 *held after the date on which the decision is rendered.*

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

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

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

44 (a) The review panel determines whether there is just and
45 sufficient cause for the Commission to render *a decision and issue*



1 an opinion in the matter and serves *the* written notice of its
2 determination on the public officer or employee who is the subject
3 of the ethics complaint ~~§~~ *pursuant to NRS 281A.730*; or

4 (b) The public officer or employee who is the subject of the
5 ethics complaint authorizes the Commission, in writing, to make the
6 information, communications, records, documents or other materials
7 that are related to the ethics complaint publicly available,
8 ↪ whichever occurs first.

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

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

20 (b) May keep the identity of the requester confidential if he or
21 she offers sufficient facts and circumstances showing a reasonable
22 likelihood that disclosure of his or her identity will subject the
23 requester or a member of his or her household to a bona fide threat
24 of physical force or violence.

25 3. *If the Commission keeps the identity of the requester of an*
26 *ethics complaint confidential pursuant to this section, the*
27 *following materials are confidential and are not public records*
28 *pursuant to chapter 239 of NRS:*

29 (a) *All information, communications, records, documents or*
30 *other materials in the possession of the Commission that, if*
31 *disclosed by the Commission, would reveal that the requester filed*
32 *the ethics complaint. Notwithstanding the provisions of chapter*
33 *239 of NRS, in denying a request for public records based on the*
34 *confidentiality provided by this paragraph, the Commission is not*
35 *required to provide any information that, if disclosed by the*
36 *Commission in denying the request for public records, would*
37 *reveal that the requester filed the ethics complaint.*

38 (b) *All information, communications, records, documents or*
39 *other materials in the possession of the requester of the ethics*
40 *complaint or his or her public body, agency or employer that, if*
41 *disclosed by either of them, would reveal that the requester filed*
42 *the ethics complaint. Notwithstanding the provisions of chapter*
43 *239 of NRS, in denying a request for public records based on the*
44 *confidentiality provided by this paragraph, the requester of the*
45 *ethics complaint or his or her public body, agency or employer is*



1 *not required to provide any information that, if disclosed by either*
2 *of them in denying the request for public records, would reveal*
3 *that the requester filed the ethics complaint.*

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

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

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

29 281A.755 1. Except as otherwise provided in this section, the
30 investigative file related to an ethics complaint is confidential and is
31 not a public record pursuant to chapter 239 of NRS.

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

43 3. ~~[Any]~~ *Unless otherwise declared confidential by law, any*
44 portion of the investigative file which the Executive Director
45 presents as evidence for consideration by the Commission at the



1 adjudicatory hearing or in rendering *a decision and issuing* an
2 opinion in the matter becomes a public record and must be open for
3 inspection pursuant to chapter 239 of NRS ~~[(1)]~~ *after the Commission*
4 *takes final action concerning the ethics complaint in a public*
5 *meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

6 4. For the purposes of this section:

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

8 (1) Any response concerning the ethics complaint prepared
9 by the public officer or employee pursuant to NRS 281A.720 and
10 submitted to the Executive Director and the review panel during the
11 course of the investigation and any proceedings before the review
12 panel;

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

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

29 (b) The investigative file does not include any deferral
30 agreement.

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

32 281A.760 *1.* The provisions of chapter 241 of NRS do not
33 apply to:

34 ~~[(1)]~~ (a) Any meeting or hearing held by the Commission to
35 receive information or evidence concerning an ethics complaint; and

36 ~~[(2)]~~ (b) Any deliberations *or actions* of the Commission on
37 such information or evidence.

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



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

2 281A.765 ~~1. If the Commission renders an opinion in~~
3 ~~proceedings concerning an ethics complaint, the opinion must~~
4 ~~include findings of fact and conclusions of law.~~

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

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

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

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

14 281A.770 In any matter in which the Commission disposes of
15 an ethics complaint by stipulation, agreed settlement, *deferral*
16 *agreement* or consent order or in which the review panel approves a
17 deferral agreement, the Commission or the review panel, as
18 appropriate, shall :

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

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

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

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

32 (a) The seriousness of the violation or alleged violation,
33 including, without limitation, the nature, circumstances, extent and
34 gravity of the violation or alleged violation;

35 (b) The number and history of previous warnings, letters of
36 caution or instruction, deferral agreements or violations or alleged
37 violations of the provisions of this chapter relating to the public
38 officer or employee;

39 (c) The cost to conduct the investigation and any meetings,
40 hearings or other proceedings relating to the violation or alleged
41 violation;

42 (d) Any mitigating factors, including, without limitation, any
43 self-reporting, prompt correction of the violation or alleged
44 violation, any attempts to rectify the violation or alleged violation



1 before any ethics complaint is filed and any cooperation by the
2 public officer or employee in resolving the ethics complaint;

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

5 (f) The extent of any financial gain resulting from the violation
6 or alleged violation; ~~and~~

7 (g) *If the violation or alleged violation arises under subsection
8 5 of NRS 281A.550 and involves the public officer or employee
9 soliciting or accepting employment from a person to whom a
10 contract for supplies, materials, equipment or services was
11 awarded, renewed or amended by the State or political subdivision,
12 as applicable, the amount of the contract involved in the violation
13 or alleged violation compared to the amount of:*

14 (1) *The total annual budget of the agency that awarded,
15 renewed or amended the contract; and*

16 (2) *The total annual budget of the person to whom the
17 contract was awarded, renewed or amended; and*

18 (h) Any other matter justice may require.

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

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

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

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

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

32 281A.780 1. In proceedings concerning an ethics complaint,
33 the Commission or the review panel, as appropriate, may issue a
34 letter of caution or instruction to the public officer or employee who
35 is the subject of the ethics complaint to caution or instruct the public
36 officer or employee regarding the propriety of his or her conduct
37 under the statutory ethical standards. ~~set forth in this chapter.~~

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

40 (a) Is confidential and is not a public record pursuant to chapter
41 239 of NRS.

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



1 **Sec. 47.** NRS 281A.785 is hereby amended to read as follows:
2 281A.785 1. ~~Except as otherwise provided in this section,~~
3 ~~in~~ *In* proceedings concerning an ethics complaint, the Commission,
4 based on a finding that a violation of this chapter has been proven,
5 or the review panel, as part of the terms and conditions of a deferral
6 agreement, may, in addition to any other ~~penalty~~ *penalties*
7 provided by law and in accordance with the provisions of
8 NRS 281A.775:

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

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

18 (2) Attend and complete training.

19 (3) Follow a remedial course of action.

20 (4) Issue a public apology.

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

22 (b) Publicly admonish, reprimand or censure the public officer
23 or employee.

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

28 2. In carrying out the provisions of subsection 1, the
29 Commission, based on a finding that a violation of this chapter has
30 been proven ~~in~~ *and as part of any manner in which the*
31 *Commission is authorized to dispose of the matter,* or the review
32 panel, as part of the terms and conditions of a deferral agreement,
33 may publicly:

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

40 (b) Reprimand a public officer or employee if it is determined
41 that the public officer or employee has willfully violated any
42 provision of this chapter, but there is no evidence that the willful
43 violation involved bad faith, malicious intent or knowing or reckless
44 disregard of the law, or if such a reprimand is imposed as part of the
45 terms and conditions of a deferral agreement. A reprimand is a



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

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

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

18 **Sec. 48.** NRS 281A.790 is hereby amended to read as follows:

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

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

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

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

29 2. ~~Ha~~ *Except as otherwise provided in NRS 281A.280, in*
30 addition to any other penalties provided by law, if any person
31 prevents, interferes with or attempts to prevent or interfere with any
32 investigation or proceedings pursuant to this chapter or the
33 discovery of a violation of this chapter, the Commission may, upon
34 its own motion or upon the motion of the current or former public
35 officer or employee who is the subject of the investigation or
36 proceedings:

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

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

44 3. If the Commission finds that a violation of a provision of
45 this chapter by a ~~public officer or employee~~ *current* or former



1 public officer or employee has resulted in the realization of a
2 financial benefit by the current or former public officer or employee
3 or another person, the Commission may, in addition to any other
4 penalties provided by law, require the current or former public
5 officer or employee to pay a civil penalty of not more than twice the
6 amount so realized.

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

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

13 ~~— (1) If the State Legislator is a member of the Senate, submit~~
14 ~~the opinion to the Majority Leader of the Senate or, if the Majority~~
15 ~~Leader of the Senate is the subject of the opinion or the person who~~
16 ~~requested the opinion, to the President Pro Tempore of the Senate;~~
17 ~~or~~

18 ~~— (2) If the State Legislator is a member of the Assembly,~~
19 ~~submit the opinion to the Speaker of the Assembly or, if the Speaker~~
20 ~~of the Assembly is the subject of the opinion or the person who~~
21 ~~requested the opinion, to the Speaker Pro Tempore of the Assembly.~~

22 ~~— (b)~~ One or more willful violations of this chapter have been
23 committed by a state officer removable from office only through
24 impeachment pursuant to Article 7 of the Nevada Constitution, the
25 Commission shall submit the opinion to the Speaker of the
26 Assembly and the Majority Leader of the Senate or, if the Speaker
27 of the Assembly or the Majority Leader of the Senate is the person
28 who requested the opinion, to the Speaker Pro Tempore of the
29 Assembly or the President Pro Tempore of the Senate, as
30 appropriate.

31 ~~(e)~~ (b) One or more willful violations of this chapter have been
32 committed by a public officer other than a public officer described
33 in ~~paragraphs (a) and (b),~~ *paragraph (a)*, the willful violations
34 shall be deemed to be malfeasance in office for the purposes of NRS
35 283.440 and the Commission:

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

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

44 ↗ This paragraph grants an exclusive right to the Commission, and
45 no other person may file a complaint against the public officer



1 pursuant to NRS 283.440 based on any violation found in the
2 opinion.

3 5. Notwithstanding any other provision of this chapter, any act
4 or failure to act by a ~~public officer or employee~~ *current* or former
5 public officer or employee relating to this chapter is not a willful
6 violation of this chapter if the public officer or employee establishes
7 by sufficient evidence that:

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

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

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

14 (2) Based on a reasonable legal determination by the legal
15 counsel under the circumstances when the advice was given that the
16 act or failure to act by the public officer or employee would not be
17 contrary to the provisions of this chapter as interpreted by the
18 Commission.

19 6. In addition to any other penalties provided by law, if a
20 public employee commits a willful violation of this chapter or fails
21 to complete a period of compliance imposed by the Commission
22 pursuant to NRS 281A.785 or by the review panel as part of the
23 terms and conditions of a deferral agreement, the public employee is
24 subject to disciplinary proceedings by the employer of the public
25 employee and must be referred for action in accordance to the
26 applicable provisions governing the employment of the public
27 employee.

28 7. The provisions of this chapter do not abrogate or decrease
29 the effect of the provisions of the Nevada Revised Statutes which
30 define crimes or prescribe punishments with respect to the conduct
31 of public officers or employees. If the Commission finds that a
32 *current or former* public officer or employee has committed a
33 willful violation of this chapter which it believes may also constitute
34 a criminal offense, the Commission shall refer the matter to the
35 Attorney General or the district attorney, as appropriate, for a
36 determination of whether a crime has been committed that warrants
37 prosecution.

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

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



1 **Sec. 49.** Title 17 of NRS is hereby amended by adding thereto
2 a new chapter to consist of the provisions set forth as sections 50 to
3 105, inclusive, of this act.

4 **Sec. 50.** *This chapter may be cited as the Nevada Legislative*
5 *Ethics Law.*

6 **Sec. 51.** *The Legislature hereby finds and declares that:*

7 1. *The purposes of this chapter are to:*

8 (a) *Establish the highest standards of ethical behavior founded*
9 *upon principles of dignity, decorum, civility and respect;*

10 (b) *Prohibit any conduct that creates the appearance of*
11 *impropriety; and*

12 (c) *Prohibit any improper, inappropriate or dishonorable*
13 *conduct that is unbecoming to the legislative process or is*
14 *inconsistent with or undermines the people's faith, trust and*
15 *confidence in the integrity of the legislative process.*

16 2. *This chapter must be construed:*

17 (a) *Liberally to carry out and achieve its purposes; and*

18 (b) *Strictly against any person alleging that his or her conduct*
19 *is not subject to its provisions, so that any doubt or uncertainty as*
20 *to the application of its provisions must be resolved against such a*
21 *person and in favor of removing unethical behavior from the*
22 *legislative process.*

23 **Sec. 52.** *As used in this chapter, unless the context otherwise*
24 *requires, the words and terms defined in sections 53 to 71,*
25 *inclusive, of this act have the meanings ascribed to them in those*
26 *sections.*

27 **Sec. 53.** *“Adjudicatory hearing” means a hearing held by the*
28 *Senate Commission, Assembly Commission or Joint Commission,*
29 *as applicable, pursuant to this chapter to receive evidence, render*
30 *a decision and, if appropriate, issue an opinion concerning an*
31 *ethics complaint.*

32 **Sec. 54.** *“Assembly Commission” means the Assembly*
33 *Commission on Ethics created by section 88 of this act.*

34 **Sec. 55.** *“Business entity” means an organization or*
35 *enterprise operated for economic gain, including, without*
36 *limitation, a proprietorship, partnership, firm, business, company,*
37 *trust, joint venture, syndicate, corporation or association.*

38 **Sec. 56.** *“Candidate” means any person:*

39 1. *Who files a declaration of candidacy; or*

40 2. *Whose name appears on an official ballot at any election.*

41 **Sec. 57.** *“Chair” means:*

42 1. *The Chair of the Senate Commission, Assembly*
43 *Commission or Joint Commission, as applicable; or*

44 2. *The Vice Chair or another member serving in the capacity*
45 *of the Chair.*



1 **Sec. 58.** *“Commitment in a private capacity” means a private*
2 *commitment, interest or relationship of a legislative officer or*
3 *employee to:*

4 1. *The spouse or domestic partner of the legislative officer or*
5 *employee;*

6 2. *A member of the household of the legislative officer or*
7 *employee;*

8 3. *A relative of the legislative officer or employee, or the*
9 *spouse or domestic partner of the legislative officer or employee,*
10 *by blood, adoption, marriage or domestic partnership within the*
11 *third degree of consanguinity or affinity;*

12 4. *The employer of the legislative officer or employee, the*
13 *spouse or domestic partner of the legislative officer or employee or*
14 *a member of the household of the legislative officer or employee;*

15 5. *A person with whom the legislative officer or employee has*
16 *a substantial and continuing business relationship; or*

17 6. *A person with whom the legislative officer or employee has*
18 *any other private commitment, interest or relationship that is*
19 *substantially similar to a private commitment, interest or*
20 *relationship described in subsections 1 to 5, inclusive.*

21 **Sec. 59.** *“Compensation” means any money, thing of value*
22 *or economic benefit conferred on or received by any person in*
23 *return for services rendered, personally or by another person.*

24 **Sec. 60.** *“Domestic partner” means a person in a domestic*
25 *partnership.*

26 **Sec. 61.** *“Domestic partnership” means a domestic*
27 *partnership as defined in NRS 122A.040.*

28 **Sec. 62.** *“Ethics complaint” means an ethics complaint*
29 *which is filed with the Senate Commission, Assembly Commission*
30 *or Joint Commission, as applicable, pursuant to this chapter*
31 *regarding the propriety of the conduct of a legislative officer or*
32 *employee under the legislative ethical standards.*

33 **Sec. 63.** *“Household” means an association of persons who*
34 *live in the same home or dwelling and who are related by blood,*
35 *adoption, marriage or domestic partnership.*

36 **Sec. 64.** *“Joint Commission” means the Joint Commission*
37 *on Ethics created by section 92 of this act.*

38 **Sec. 65.** 1. *“Legislative employee” means any current or*
39 *former employee, assistant, attache, intern or other staff employed*
40 *with reference to the legislative duties of a Legislator or the*
41 *Legislative Department, regardless of whether they are paid or*
42 *otherwise compensated to serve in their positions.*

43 2. *The term includes, without limitation, any current or*
44 *former employee, assistant, attache, intern or other staff of:*

45 (a) *The Legislature or either House;*



1 (b) Any legislative committee;
2 (c) Any legislative office or caucus;
3 (d) Any division of the Legislative Counsel Bureau; or
4 (e) Any other agency, body, office, organization or unit of the
5 Legislative Department.

6 **Sec. 66.** "Legislative ethical standards" means:

7 1. Any statutory ethical standards set forth in this chapter;
8 and

9 2. Any other ethical standards recognized by the rules
10 adopted by the Houses pursuant to Section 6 of Article 4 of the
11 Nevada Constitution.

12 **Sec. 67.** 1. "Legislative officer" means any current or
13 former:

14 (a) Member of the Senate, Secretary of the Senate or officer of
15 the Senate;

16 (b) Member of the Assembly, Chief Clerk of the Assembly or
17 officer of the Assembly; or

18 (c) Officer of the Legislature, the Legislative Counsel Bureau
19 or the Legislative Department.

20 2. The term does not include the Lieutenant Governor when
21 acting in his or her official capacity as the President of the Senate.

22 **Sec. 68.** 1. "Opinion" means an opinion issued by the
23 Senate Commission, Assembly Commission or Joint Commission,
24 as applicable, in accordance with the provisions of this chapter.

25 2. The term includes, without limitation, the disposition of an
26 ethics complaint by stipulation, agreed settlement, consent order
27 or default.

28 **Sec. 69.** "Pecuniary interest" means any beneficial or
29 detrimental interest in a matter that consists of or is measured in
30 money or is otherwise related to money, including, without
31 limitation:

32 1. Anything of economic value; and

33 2. Payments or other money which a person is owed or
34 otherwise entitled to by virtue of any statute, regulation, code,
35 ordinance or contract or other agreement.

36 **Sec. 70.** "Senate Commission" means the Senate
37 Commission on Ethics created by section 84 of this act.

38 **Sec. 71.** "State agency of the Executive Department" means
39 any agency, bureau, board, commission, department, division,
40 office or other unit of the Executive Department.

41 **Sec. 72.** 1. In carrying out the provisions of this chapter,
42 the Legislative Department is entitled to pursue every legal and
43 equitable remedy that is available to enforce the provisions of this
44 chapter.



1 2. *This chapter does not create any private right of action for*
2 *any person, and this chapter cannot be enforced by any person in*
3 *any private right of action.*

4 **Sec. 73.** 1. *This chapter supplements all other ethical*
5 *standards recognized by the rules adopted by the Houses pursuant*
6 *to Section 6 of Article 4 of the Nevada Constitution and does not*
7 *limit the application of such other ethical standards but is*
8 *cumulative thereto, so that the application or attempted*
9 *application of any one of the ethical standards does not bar the*
10 *application or attempted application of any other, except in*
11 *circumstances where Section 6 of Article 4 of the Nevada*
12 *Constitution invests each House with plenary and exclusive*
13 *constitutional powers.*

14 2. *If there is any conflict between the provisions of the rules*
15 *adopted by the Houses pursuant to Section 6 of Article 4 of the*
16 *Nevada Constitution and the provisions of this chapter, the*
17 *provisions of the rules control.*

18 **Sec. 74.** 1. *Except as otherwise provided in this section, the*
19 *Senate Commission, Assembly Commission or Joint Commission,*
20 *as applicable, has jurisdiction to investigate and take appropriate*
21 *actions regarding an alleged violation of the legislative ethical*
22 *standards by a current or former legislative officer or employee in*
23 *any proceedings commenced by an ethics complaint which is filed*
24 *in accordance with this chapter within 2 years after the alleged*
25 *violation or reasonable discovery of the alleged violation.*

26 2. *The Senate Commission, Assembly Commission or Joint*
27 *Commission, as applicable, does not have jurisdiction in*
28 *circumstances where Section 6 of Article 4 of the Nevada*
29 *Constitution invests each House with plenary and exclusive*
30 *constitutional powers.*

31 **Sec. 75.** *In applying the provisions of this chapter to an*
32 *alleged violation by a former legislative officer or employee, the*
33 *use of the term “legislative officer” or “legislative employee” in*
34 *this chapter must be interpreted to include the former legislative*
35 *officer or employee, unless the commencement of proceedings*
36 *against the former legislative officer or employee concerning the*
37 *alleged violation is time-barred by the statute of limitations*
38 *pursuant to section 74 of this act.*

39 **Sec. 76.** 1. *The provisions of this chapter establish*
40 *legislative ethical standards to govern:*

- 41 (a) *Legislative officers and employees; and*
42 (b) *Former legislative officers and employees in situations*
43 *where the legislative ethical standards apply to the conduct of*
44 *former legislative officers and employees after the end of any*
45 *period of legislative service or employment.*



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

7 **Sec. 77.** 1. *A legislative officer or employee shall not seek*
8 *or accept any gift, service, favor, employment, engagement,*
9 *emolument or economic opportunity, for the legislative officer or*
10 *employee or any person to whom the legislative officer or*
11 *employee has a commitment in a private capacity, which would*
12 *tend to improperly influence a reasonable person in the legislative*
13 *officer's or employee's position to depart from the faithful and*
14 *impartial discharge of the legislative officer's or employee's*
15 *official duties.*

16 2. *A legislative officer or employee shall not use the*
17 *legislative officer's or employee's official position to secure or*
18 *grant unwarranted privileges, preferences, exemptions or*
19 *advantages for the legislative officer or employee, any business*
20 *entity in which the legislative officer or employee has a significant*
21 *pecuniary interest or any person to whom the legislative officer or*
22 *employee has a commitment in a private capacity.*

23 3. *A legislative officer or employee shall not participate as an*
24 *agent of the Legislative Department in the negotiation or*
25 *execution of a contract between the Legislative Department and*
26 *the legislative officer or employee, any business entity in which the*
27 *legislative officer or employee has a significant pecuniary interest*
28 *or any person to whom the legislative officer or employee has a*
29 *commitment in a private capacity.*

30 4. *A legislative officer or employee shall not accept any*
31 *salary, retainer, augmentation, expense allowance or other*
32 *compensation from any private source, for the legislative officer or*
33 *employee or any person to whom the legislative officer or*
34 *employee has a commitment in a private capacity, for the*
35 *performance of the legislative officer's or employee's official*
36 *duties.*

37 5. *If a legislative officer or employee acquires, through the*
38 *legislative officer's or employee's official duties or relationships,*
39 *any information which by law or practice is not at the time*
40 *available to people generally, the legislative officer or employee*
41 *shall not use the information to further a significant pecuniary*
42 *interest of the legislative officer or employee or any other person*
43 *or business entity.*

44 6. *A legislative officer or employee shall not suppress any*
45 *governmental report or other official document because it might*



1 *tend to affect unfavorably a significant pecuniary interest of the*
2 *legislative officer or employee or any person to whom the*
3 *legislative officer or employee has a commitment in a private*
4 *capacity.*

5 *7. Except for Legislators who are subject to the restrictions*
6 *set forth in subsection 8, a legislative officer or employee shall not*
7 *use governmental time, property, equipment or other facility to*
8 *benefit a significant personal or pecuniary interest of the*
9 *legislative officer or employee or any person to whom the*
10 *legislative officer or employee has a commitment in a private*
11 *capacity. This subsection does not prohibit:*

12 *(a) A limited use of governmental property, equipment or other*
13 *facility for personal purposes if:*

14 *(1) At the time that the use occurs, the use is:*

15 *(I) Authorized by a policy which was adopted before the*
16 *use occurs by the legislative officer or employee who is responsible*
17 *for and has authority to authorize the use of such property,*
18 *equipment or other facility; or*

19 *(II) Necessary as a result of emergency circumstances,*
20 *whether or not the use is authorized by such a policy;*

21 *(2) The use does not interfere with the performance of the*
22 *legislative officer's or employee's official duties;*

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

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

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

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

31 *↳ If the Legislative Department incurs a cost as a result of a use*
32 *that is authorized pursuant to this subsection or would ordinarily*
33 *charge a member of the general public for the use, the legislative*
34 *officer or employee shall reimburse the cost or pay the charge to*
35 *the Legislative Department.*

36 *8. A Legislator shall not:*

37 *(a) Use governmental time, property, equipment or other*
38 *facility to benefit a significant personal or pecuniary interest of*
39 *the Legislator or any person to whom the Legislator has a*
40 *commitment in a private capacity. This paragraph does not*
41 *prohibit:*

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

44 *(I) The use does not interfere with the performance of*
45 *the Legislator's official duties;*



1 (ii) *The cost or value related to the use is nominal; and*
2 (iii) *The use does not create the appearance of*
3 *impropriety;*

4 (2) *The use of mailing lists, computer data or other*
5 *information lawfully obtained from a governmental agency which*
6 *is available to members of the general public for nongovernmental*
7 *purposes; or*

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

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

12 (1) *In unusual and infrequent situations where such*
13 *service or assistance is reasonably necessary to permit the*
14 *Legislator or legislative employee to perform that person's official*
15 *duties; or*

16 (2) *Where such service or assistance has otherwise been*
17 *established as legislative policy.*

18 9. *A legislative officer or employee shall not attempt to*
19 *benefit a significant personal or pecuniary interest of the*
20 *legislative officer or employee or any person to whom the*
21 *legislative officer or employee has a commitment in a private*
22 *capacity through the influence of a subordinate.*

23 10. *A legislative officer or employee shall not seek other*
24 *employment or contracts for the legislative officer or employee or*
25 *any person to whom the legislative officer or employee has a*
26 *commitment in a private capacity through the use of the legislative*
27 *officer's or employee's official position.*

28 11. *A legislative officer or employee shall not use the*
29 *legislative officer's or employee's official position to take any*
30 *actions or compel a subordinate to take any actions that would*
31 *cause unwarranted harm or damage to another person to benefit a*
32 *significant personal or pecuniary interest of the legislative officer*
33 *or employee or any person to whom the legislative officer or*
34 *employee has a commitment in a private capacity.*

35 12. *As used in this section:*

36 (a) *"Appearance of impropriety" means a reasonable person*
37 *would find, based on the given set of facts and circumstances, that*
38 *a legislative officer's or employee's limited use of governmental*
39 *property, equipment or other facility for personal purposes is*
40 *inappropriate, disproportionate, excessive or unreasonable under*
41 *that given set of facts and circumstances.*

42 (b) *"Unwarranted" means without any legitimate justification*
43 *or adequate reason.*

44 **Sec. 78. 1. Unless permitted by this section, a legislative**
45 **officer or employee shall not represent or counsel a private person**



1 *for compensation before any state agency of the Executive*
2 *Department or the Legislative Department.*

3 2. *A Legislator, or a legislative officer or employee whose*
4 *legislative service requires less than half of his or her time, may*
5 *represent or counsel a private person for compensation before any*
6 *state agency of the Executive Department in which he or she does*
7 *not serve.*

8 **Sec. 79. 1.** *Except as otherwise provided in this section and*
9 *NRS 218A.970, a legislative officer or employee shall not bid on or*
10 *enter into a contract between a state agency of the Executive*
11 *Department and any business entity in which the legislative officer*
12 *or employee has a significant pecuniary interest.*

13 2. *A legislative officer or employee may bid on or enter into a*
14 *contract between a state agency of the Executive Department and*
15 *any business entity in which the legislative officer or employee has*
16 *a significant pecuniary interest if:*

17 (a) *The contracting process is controlled by the rules of open*
18 *competitive bidding or the rules of open competitive bidding or for*
19 *a solicitation are not employed as a result of the applicability of*
20 *NRS 332.112 or 332.148;*

21 (b) *The sources of supply are limited;*

22 (c) *The legislative officer or employee has not taken part in*
23 *developing the contract plans or specifications; and*

24 (d) *The legislative officer or employee will not be personally*
25 *involved in opening, considering or accepting offers.*

26 **Sec. 80. 1.** *Except as otherwise provided in this section, a*
27 *legislative officer or employee shall not accept or receive an*
28 *honorarium.*

29 2. *An honorarium paid on behalf of a legislative officer or*
30 *employee to a charitable organization from which the legislative*
31 *officer or employee does not derive any financial benefit is deemed*
32 *not to be accepted or received by the legislative officer or employee*
33 *for the purposes of this section.*

34 3. *This section does not prohibit:*

35 (a) *The receipt of any payment by a legislative officer or*
36 *employee for work performed outside the normal course and scope*
37 *of his or her legislative office or employment if the performance of*
38 *that work is consistent with the applicable policies of his or her*
39 *legislative body, agency or employer regarding supplemental*
40 *employment.*

41 (b) *The receipt of an honorarium by the spouse or domestic*
42 *partner of a legislative officer or employee if it is related to the*
43 *profession or occupation of the spouse or domestic partner.*

44 4. *As used in this section, "honorarium" means the payment*
45 *of money or anything of value for an appearance or speech by the*



1 *legislative officer or employee in his or her capacity as a legislative*
2 *officer or employee. The term does not include the payment of:*

3 (a) *The actual and necessary costs incurred by the legislative*
4 *officer or employee, the spouse or domestic partner of the*
5 *legislative officer or employee or any assistant of the legislative*
6 *officer or employee for transportation and for lodging and meals*
7 *while the legislative officer or employee is away from his or her*
8 *residence.*

9 (b) *Compensation which would otherwise have been earned by*
10 *the legislative officer or employee in the normal course and scope*
11 *of his or her legislative office or employment.*

12 (c) *A fee for a speech related to the legislative officer's or*
13 *employee's profession or occupation outside the normal course*
14 *and scope of his or her legislative office or employment if:*

15 (1) *Other members of the profession or occupation are*
16 *ordinarily compensated for such a speech; and*

17 (2) *The fee paid to the legislative officer or employee is*
18 *approximately the same as the fee that would be paid to a member*
19 *of the private sector whose qualifications are similar to those of*
20 *the legislative officer or employee for a comparable speech.*

21 (d) *A fee for a speech delivered to an organization of*
22 *legislatures, legislators or other elected officers.*

23 5. *In addition to any other remedies or penalties provided by*
24 *law, a legislative officer or employee who violates the provisions of*
25 *this section shall forfeit the amount of the honorarium.*

26 **Sec. 81. 1.** *Except as otherwise provided in this section, a*
27 *legislative officer or employee shall not request or otherwise cause*
28 *the Legislative Department to incur an expense or make an*
29 *expenditure to support or oppose:*

30 (a) *A ballot question.*

31 (b) *A candidate.*

32 2. *For the purposes of paragraph (b) of subsection 1, an*
33 *expense incurred or an expenditure made by the Legislative*
34 *Department shall be considered an expense incurred or an*
35 *expenditure made in support of a candidate if:*

36 (a) *The expense is incurred or the expenditure is made for the*
37 *creation or dissemination of a pamphlet, brochure, publication,*
38 *advertisement or television programming that prominently*
39 *features the activities of a current legislative officer or employee*
40 *who is a candidate for a state, local or federal elective office; and*

41 (b) *The pamphlet, brochure, publication, advertisement or*
42 *television programming described in paragraph (a) is created or*
43 *disseminated during the period specified in subsection 3.*

44 3. *The period during which the provisions of subsection 2*
45 *apply to the Legislative Department begins when a current*



1 legislative officer or employee files a declaration of candidacy and
2 ends on the date of the general election, general city election or
3 special election for the office for which the current legislative
4 officer or employee is a candidate.

5 4. The provisions of this section do not prohibit the creation
6 or dissemination of, or the appearance of a candidate in or on, as
7 applicable, a pamphlet, brochure, publication, advertisement or
8 television programming that:

9 (a) Is made available to the public on a regular basis and
10 merely describes the functions of:

11 (1) The legislative office or employment held by the
12 legislative officer or employee who is the candidate; or

13 (2) The Legislative Department; or

14 (b) Is created or disseminated in the course of carrying out a
15 duty of:

16 (1) The legislative officer or employee who is the candidate;
17 or

18 (2) The Legislative Department.

19 5. The provisions of this section do not prohibit an expense
20 incurred or an expenditure made to create or disseminate a
21 television program that provides a forum for discussion or debate
22 regarding a ballot question, if persons both in support of and in
23 opposition to the ballot question participate in the television
24 program.

25 6. The provisions of this section do not prohibit an expense
26 incurred or an expenditure made to carry out any functions,
27 powers or duties regarding preparation and distribution of ballot
28 materials for a ballot question as authorized or required by NRS
29 218D.810 or any other law, rule or resolution.

30 7. As used in this section, "pamphlet, brochure, publication,
31 advertisement or television programming" includes, without
32 limitation, a publication, a public service announcement and any
33 programming on a television station created to provide community
34 access to cable television. The term does not include:

35 (a) A press release issued to the media by the Legislative
36 Department; or

37 (b) An official Internet website of the Legislative Department.

38 **Sec. 82.** A current or former legislative officer or employee,
39 except a clerical employee, shall not solicit or accept employment
40 from a person to whom a contract for supplies, materials,
41 equipment or services was awarded, renewed or amended by the
42 Legislative Department if the solicitation or acceptance of
43 employment occurs during the legislative officer's or employee's
44 period of legislative service or employment, or within 1 year after



1 *the termination of his or her period of legislative service or*
2 *employment, and:*

3 *1. The amount of the contract exceeded \$25,000;*

4 *2. The contract was awarded, renewed or amended by the*
5 *Legislative Department within the immediately preceding year*
6 *during the legislative officer's or employee's period of legislative*
7 *service or employment, or within the year immediately preceding*
8 *the termination of the legislative officer's or employee's period of*
9 *legislative service or employment; and*

10 *3. The position held by the legislative officer or employee at*
11 *the time the contract was awarded, renewed or amended by the*
12 *Legislative Department allowed the legislative officer or employee*
13 *to materially affect or influence the awarding, renewing or*
14 *amending of the contract because the legislative officer or*
15 *employee had the authority or responsibility to recommend, advise,*
16 *negotiate, develop, draft, revise, review or approve any material*
17 *terms of the contract, including, without limitation, terms relating*
18 *to products, supplies, materials, equipment, services, quantities,*
19 *rates, prices, costs, obligations, duties, standards, benchmarks,*
20 *schedules, timeframes, administration, oversight, compliance,*
21 *changes, extensions, suspensions, cancellations, terminations,*
22 *liabilities, immunities, remedies or penalties.*

23 **Sec. 83. 1.** *In addition to any other remedies or penalties*
24 *provided by law, a governmental grant, contract or lease entered*
25 *into by any person in violation of this chapter is voidable by the*
26 *governmental entity. In making a determination under this section*
27 *whether to void a grant, contract or lease, the interests of innocent*
28 *third parties who could be damaged must be taken into account.*
29 *The Attorney General or official attorney for the governmental*
30 *entity must give notice of the intent to void a grant, contract or*
31 *lease under this section not later than 30 days after the Senate*
32 *Commission, Assembly Commission or Joint Commission, as*
33 *applicable, has determined that there has been a related violation*
34 *of this chapter.*

35 *2. Any actions taken by a state agency of the Executive*
36 *Department in violation of this chapter are voidable, except that*
37 *the interests of innocent third parties in the nature of the violation*
38 *must be taken into account. The Attorney General may also*
39 *pursue any other available legal or equitable remedies to redress*
40 *the violation.*

41 *3. In addition to any other remedies or penalties provided by*
42 *law, the Attorney General may recover any fee, compensation, gift*
43 *or other pecuniary benefit received by any person as a result of a*
44 *violation of this chapter by a legislative officer or employee. An*
45 *action to recover under this section must be brought within 2 years*



1 *after the Senate Commission, Assembly Commission or Joint*
2 *Commission, as applicable, has determined that there has been a*
3 *violation of this chapter.*

4 **Sec. 84. 1.** *The Senate Commission on Ethics is hereby*
5 *created. Subject to the provisions of this section, the Senate*
6 *Commission consists of six members appointed as follows:*

7 *(a) Two members of the Senate appointed by the Majority*
8 *Leader of the Senate from the majority political party;*

9 *(b) One member of the Senate appointed by the Minority*
10 *Leader of the Senate from the minority political party; and*

11 *(c) Three members who are qualified electors of the State, with*
12 *two such members appointed by the Majority Leader of the Senate*
13 *and one such member appointed by the Minority Leader of the*
14 *Senate. The members appointed pursuant to this paragraph must*
15 *not be current Legislators or employed by the State of Nevada*
16 *during their terms.*

17 *2. Not more than four members of the Senate Commission*
18 *may be members of the same political party.*

19 *3. As soon as practicable after each regular session convenes,*
20 *the appointing authorities shall appoint the members of the Senate*
21 *Commission. The terms of the members end when the next regular*
22 *session convenes. Any member who is a Legislator and who is not*
23 *a candidate for reelection or who is defeated for reelection*
24 *continues to serve after the general election until the next regular*
25 *session convenes, with all the rights, powers, privileges and*
26 *immunities of a member who is a Legislator.*

27 *4. As soon as practicable after each regular session convenes,*
28 *the appointing authorities shall appoint the following alternate*
29 *members for the Senate Commission:*

30 *(a) The Majority Leader of the Senate shall appoint an*
31 *alternate member with the qualifications set forth in paragraph (a)*
32 *of subsection 1 and an alternate member with the qualifications*
33 *set forth in paragraph (c) of subsection 1.*

34 *(b) The Minority Leader of the Senate shall appoint an*
35 *alternate member with the qualifications set forth in paragraph (b)*
36 *of subsection 1 and an alternate member with the qualifications*
37 *set forth in paragraph (c) of subsection 1.*

38 *5. The terms of the alternate members end when the next*
39 *regular session convenes. Any alternate member who is a*
40 *Legislator and who is not a candidate for reelection or who is*
41 *defeated for reelection continues to serve after the general election*
42 *until the next regular session convenes, with all the rights, powers,*
43 *privileges and immunities of an alternate member who is a*
44 *Legislator.*



1 6. *If a regular member of the Senate Commission is unable to*
2 *serve for any reason during the consideration of a specific matter,*
3 *the alternate member appointed with the qualifications from the*
4 *same paragraph in subsection 1 by the same appointing authority*
5 *shall serve as a member of the Senate Commission during the*
6 *consideration of the specific matter, with all the rights, powers,*
7 *privileges and immunities of a regular member.*

8 7. *A vacancy in the membership or alternate membership of*
9 *the Senate Commission must be filled in the same manner as the*
10 *original appointment for the remainder of the unexpired term.*

11 **Sec. 85. 1.** *The Legislative Commission shall review and*
12 *approve the budget and work program for the Senate Commission*
13 *and any changes to the budget or work program.*

14 2. *Except during a regular or special session, if members of*
15 *the Senate Commission are Legislators or former Legislators*
16 *continuing to serve after the immediately preceding general*
17 *election pursuant to section 84 of this act, the members are*
18 *entitled to receive for each day or portion of a day during which*
19 *they attend a meeting of the Senate Commission or are otherwise*
20 *engaged in the business of the Senate Commission:*

21 (a) *The compensation provided for a majority of the*
22 *Legislators during the first 60 days of the preceding regular*
23 *session;*

24 (b) *The per diem allowance provided for state officers and*
25 *employees generally; and*

26 (c) *The travel expenses provided pursuant to NRS 218A.655.*

27 3. *If members of the Senate Commission are not Legislators*
28 *or former Legislators continuing to serve after the immediately*
29 *preceding general election pursuant to section 84 of this act, the*
30 *members:*

31 (a) *Serve without compensation.*

32 (b) *Are entitled to receive for each day or portion of a day*
33 *during which they attend a meeting of the Senate Commission or*
34 *are otherwise engaged in the business of the Senate Commission:*

35 (1) *The per diem allowance provided for state officers and*
36 *employees generally; and*

37 (2) *The travel expenses provided pursuant to*
38 *NRS 218A.655.*

39 4. *An alternate member of the Senate Commission who serves*
40 *for a regular member during the consideration of a specific matter*
41 *is entitled to receive the same compensation, per diem allowances*
42 *and travel expenses as that regular member would be entitled to*
43 *receive for the same service.*

44 5. *All compensation, per diem allowances and travel expenses*
45 *must be paid from the Legislative Fund.*



1 **Sec. 86. 1. The Majority Leader of the Senate shall appoint**
2 **the Chair and Vice Chair of the Senate Commission.**

3 2. *If a vacancy occurs in the office of Chair or Vice Chair of*
4 *the Senate Commission, the vacancy must be filled in the same*
5 *manner as the original appointment for the remainder of the*
6 *unexpired term.*

7 3. *The Chair may prescribe rules, practices and procedures*
8 *for the Senate Commission's management, government and*
9 *proceedings.*

10 4. *The Chair may take, direct or require any necessary and*
11 *reasonable actions to facilitate or carry out the Senate*
12 *Commission's management, government and proceedings,*
13 *including, without limitation, issuing and enforcing any orders or*
14 *other directives to the parties and any attorneys representing the*
15 *parties.*

16 5. *The Vice Chair shall serve as the acting Chair if the Chair*
17 *is unable to serve for any reason during the consideration of a*
18 *specific matter.*

19 **Sec. 87. 1. The Senate Commission shall meet at such**
20 **times and places as specified by a call of the Chair or a majority of**
21 **the Senate Commission.**

22 2. *At a meeting, four members of the Senate Commission*
23 *constitute a quorum, and a quorum may exercise all the power*
24 *and authority conferred on the Senate Commission.*

25 3. *The Senate Commission shall hear ethics complaints*
26 *brought against a legislative officer or employee of the Senate*
27 *regarding an alleged violation of the legislative ethical standards.*

28 4. *The Senate Commission may hear requests brought by a*
29 *legislative officer or employee of the Senate for advice on the*
30 *legislative ethical standards.*

31 **Sec. 88. 1. The Assembly Commission on Ethics is hereby**
32 **created. Subject to the provisions of this section, the Assembly**
33 **Commission consists of six members appointed as follows:**

34 (a) *Two members of the Assembly appointed by the Speaker of*
35 *the Assembly from the majority political party;*

36 (b) *One member of the Assembly appointed by the Minority*
37 *Leader of the Assembly from the minority political party; and*

38 (c) *Three members who are qualified electors of the State, with*
39 *two such members appointed by the Speaker of the Assembly and*
40 *one such member appointed by the Minority Leader of the*
41 *Assembly. The members appointed pursuant to this paragraph*
42 *must not be current Legislators or employed by the State of*
43 *Nevada during their terms.*

44 2. *Not more than four members of the Assembly Commission*
45 *may be members of the same political party.*



1 3. *As soon as practicable after each regular session convenes,*
2 *the appointing authorities shall appoint the members of the*
3 *Assembly Commission. The terms of the members end when the*
4 *next regular session convenes. Any member who is a Legislator*
5 *and who is not a candidate for reelection or who is defeated for*
6 *reelection continues to serve after the general election until the*
7 *next regular session convenes, with all the rights, powers,*
8 *privileges and immunities of a member who is a Legislator.*

9 4. *As soon as practicable after each regular session convenes,*
10 *the appointing authorities shall appoint the following alternate*
11 *members for the Assembly Commission:*

12 (a) *The Speaker of the Assembly shall appoint an alternate*
13 *member with the qualifications set forth in paragraph (a) of*
14 *subsection 1 and an alternate member with the qualifications set*
15 *forth in paragraph (c) of subsection 1.*

16 (b) *The Minority Leader of the Assembly shall appoint an*
17 *alternate member with the qualifications set forth in paragraph (b)*
18 *of subsection 1 and an alternate member with the qualifications*
19 *set forth in paragraph (c) of subsection 1.*

20 5. *The terms of the alternate members end when the next*
21 *regular session convenes. Any alternate member who is a*
22 *Legislator and who is not a candidate for reelection or who is*
23 *defeated for reelection continues to serve after the general election*
24 *until the next regular session convenes, with all the rights, powers,*
25 *privileges and immunities of an alternate member who is a*
26 *Legislator.*

27 6. *If a regular member of the Assembly Commission is*
28 *unable to serve for any reason during the consideration of a*
29 *specific matter, the alternate member appointed with the*
30 *qualifications from the same paragraph in subsection 1 by*
31 *the same appointing authority shall serve as a member of the*
32 *Assembly Commission during the consideration of the specific*
33 *matter, with all the rights, powers, privileges and immunities of a*
34 *regular member.*

35 7. *A vacancy in the membership or alternate membership of*
36 *the Assembly Commission must be filled in the same manner as*
37 *the original appointment for the remainder of the unexpired term.*

38 **Sec. 89. 1.** *The Legislative Commission shall review and*
39 *approve the budget and work program for the Assembly*
40 *Commission and any changes to the budget or work program.*

41 2. *Except during a regular or special session, if members of*
42 *the Assembly Commission are Legislators or former Legislators*
43 *continuing to serve after the immediately preceding general*
44 *election pursuant to section 88 of this act, the members are*
45 *entitled to receive for each day or portion of a day during which*



1 *they attend a meeting of the Assembly Commission or are*
2 *otherwise engaged in the business of the Assembly Commission:*

3 (a) *The compensation provided for a majority of the*
4 *Legislators during the first 60 days of the preceding regular*
5 *session;*

6 (b) *The per diem allowance provided for state officers and*
7 *employees generally; and*

8 (c) *The travel expenses provided pursuant to NRS 218A.655.*

9 3. *If members of the Assembly Commission are not*
10 *Legislators or former Legislators continuing to serve after the*
11 *immediately preceding general election pursuant to section 88 of*
12 *this act, the members:*

13 (a) *Serve without compensation.*

14 (b) *Are entitled to receive for each day or portion of a day*
15 *during which they attend a meeting of the Assembly Commission*
16 *or are otherwise engaged in the business of the Assembly*
17 *Commission:*

18 (1) *The per diem allowance provided for state officers and*
19 *employees generally; and*

20 (2) *The travel expenses provided pursuant to*
21 *NRS 218A.655.*

22 4. *An alternate member of the Assembly Commission who*
23 *serves for a regular member during the consideration of a specific*
24 *matter is entitled to receive the same compensation, per diem*
25 *allowances and travel expenses as that regular member would be*
26 *entitled to receive for the same service.*

27 5. *All compensation, per diem allowances and travel expenses*
28 *must be paid from the Legislative Fund.*

29 **Sec. 90.** 1. *The Speaker of the Assembly shall appoint the*
30 *Chair and Vice Chair of the Assembly Commission.*

31 2. *If a vacancy occurs in the office of Chair or Vice Chair of*
32 *the Assembly Commission, the vacancy must be filled in the same*
33 *manner as the original appointment for the remainder of the*
34 *unexpired term.*

35 3. *The Chair may prescribe rules, practices and procedures*
36 *for the Assembly Commission's management, government and*
37 *proceedings.*

38 4. *The Chair may take, direct or require any necessary and*
39 *reasonable actions to facilitate or carry out the Assembly*
40 *Commission's management, government and proceedings,*
41 *including, without limitation, issuing and enforcing any orders or*
42 *other directives to the parties and any attorneys representing the*
43 *parties.*



1 5. *The Vice Chair shall serve as the acting Chair if the Chair*
2 *is unable to serve for any reason during the consideration of a*
3 *specific matter.*

4 **Sec. 91.** *1. The Assembly Commission shall meet at such*
5 *times and places as specified by a call of the Chair or a majority of*
6 *the Assembly Commission.*

7 2. *At a meeting, four members of the Assembly Commission*
8 *constitute a quorum, and a quorum may exercise all the power*
9 *and authority conferred on the Assembly Commission.*

10 3. *The Assembly Commission shall hear ethics complaints*
11 *brought against a legislative officer or employee of the Assembly*
12 *regarding an alleged violation of the legislative ethical standards.*

13 4. *The Assembly Commission may hear requests brought by a*
14 *legislative officer or employee of the Assembly for advice on the*
15 *legislative ethical standards.*

16 **Sec. 92.** *1. The Joint Commission on Ethics is hereby*
17 *created. Subject to the provisions of this section, the Joint*
18 *Commission consists of six members as follows:*

19 (a) *The three members of the Senate Commission who are*
20 *Legislators or former Legislators continuing to serve after the*
21 *immediately preceding general election pursuant to section 84 of*
22 *this act; and*

23 (b) *The three members of the Assembly Commission who are*
24 *Legislators or former Legislators continuing to serve after the*
25 *immediately preceding general election pursuant to section 88 of*
26 *this act.*

27 2. *The terms of the members of the Joint Commission are*
28 *coextensive with their respective terms on the Senate Commission*
29 *or Assembly Commission, as applicable.*

30 3. *If a regular member of the Joint Commission is unable to*
31 *serve for any reason during the consideration of a specific matter,*
32 *the appropriate alternate member authorized to serve for that*
33 *member pursuant to section 84 or 88 of this act, as applicable,*
34 *shall serve as a member of the Joint Commission during the*
35 *consideration of the specific matter, with all the rights, powers,*
36 *privileges and immunities of a regular member.*

37 **Sec. 93.** *1. The Legislative Commission shall review and*
38 *approve the budget and work program for the Joint Commission*
39 *and any changes to the budget or work program.*

40 2. *Except during a regular or special session, the members of*
41 *the Joint Commission are entitled to receive for each day or*
42 *portion of a day during which they attend a meeting of the Joint*
43 *Commission or are otherwise engaged in the business of the Joint*
44 *Commission:*



1 (a) *The compensation provided for a majority of the*
2 *Legislators during the first 60 days of the preceding regular*
3 *session;*

4 (b) *The per diem allowance provided for state officers and*
5 *employees generally; and*

6 (c) *The travel expenses provided pursuant to NRS 218A.655.*

7 3. *An alternate member of the Joint Commission who serves*
8 *for a regular member during the consideration of a specific matter*
9 *is entitled to receive the same compensation, per diem allowances*
10 *and travel expenses as that regular member would be entitled to*
11 *receive for the same service.*

12 4. *All compensation, per diem allowances and travel expenses*
13 *must be paid from the Legislative Fund.*

14 **Sec. 94.** 1. *The offices of Chair and Vice Chair of the Joint*
15 *Commission alternate between the Houses, beginning with the*
16 *Chair of the Senate Commission serving as the Chair of the Joint*
17 *Commission and the Chair of the Assembly Commission serving*
18 *as the Vice Chair of the Joint Commission, and following this*
19 *pattern thereafter.*

20 2. *The terms of the Chair and Vice Chair of the Joint*
21 *Commission are coextensive with their respective terms as the*
22 *Chairs of the Senate Commission and Assembly Commission, as*
23 *applicable.*

24 3. *If a vacancy occurs in the office of Chair or Vice Chair of*
25 *the Joint Commission, the vacancy must be filled in the same*
26 *manner as the original appointment for the remainder of the*
27 *unexpired term.*

28 4. *The Chair may prescribe rules, practices and procedures*
29 *for the Joint Commission's management, government and*
30 *proceedings.*

31 5. *The Chair may take, direct or require any necessary and*
32 *reasonable actions to facilitate or carry out the Joint*
33 *Commission's management, government and proceedings,*
34 *including, without limitation, issuing and enforcing any orders or*
35 *other directives to the parties and any attorneys representing the*
36 *parties.*

37 6. *The Vice Chair shall serve as the acting Chair if the Chair*
38 *is unable to serve for any reason during the consideration of a*
39 *specific matter.*

40 **Sec. 95.** 1. *The Joint Commission shall meet at such times*
41 *and places as specified by a call of the Chair or a majority of the*
42 *Joint Commission.*

43 2. *At a meeting, four members of the Joint Commission*
44 *constitute a quorum, and a quorum may exercise all the power*
45 *and authority conferred on the Joint Commission.*



1 3. *The Joint Commission shall hear ethics complaints*
2 *brought against a legislative officer or employee, other than a*
3 *legislative officer or employee of the Senate or Assembly,*
4 *regarding an alleged violation of the legislative ethical standards.*

5 4. *The Joint Commission may hear requests brought by a*
6 *legislative officer or employee, other than a legislative officer or*
7 *employee of the Senate or Assembly, for advice on the legislative*
8 *ethical standards.*

9 **Sec. 96.** *As used in sections 96 to 105, inclusive, of this act,*
10 *unless the context otherwise requires, "Commission" means the*
11 *Senate Commission, Assembly Commission or Joint Commission,*
12 *as applicable to the proceedings.*

13 **Sec. 97.** 1. *The Commission shall conduct investigations*
14 *and hold hearings to carry out the provisions of this chapter and*
15 *may exercise any of the investigative powers set forth in NRS*
16 *218E.105 to 218E.140, inclusive, and any other investigative*
17 *powers that are necessary and reasonable to carry out the*
18 *provisions of this chapter.*

19 2. *The rights, powers, privileges and immunities granted by*
20 *this chapter to the Commission and its members are in addition to*
21 *any other rights, powers, privileges and immunities recognized by*
22 *law, and all such rights, powers, privileges and immunities are*
23 *cumulative, so that the application or attempted application of any*
24 *one does not bar the application or attempted application of any*
25 *other.*

26 **Sec. 98.** *All proceedings held by the Commission pursuant to*
27 *this chapter to consider the character, alleged misconduct,*
28 *professional competence or physical or mental health of any*
29 *person on matters regarding the legislative ethical standards and*
30 *all materials related to those proceedings are confidential, unless*
31 *the legislative officer or employee who is the subject of the*
32 *proceedings requests a public hearing or discloses the content of*
33 *the proceedings or materials.*

34 **Sec. 99.** *A member of the Commission is disqualified to serve*
35 *during the consideration of a specific matter if:*

36 1. *The member is the subject of the ethics complaint alleging*
37 *a violation of the legislative ethical standards regarding the*
38 *specific matter;*

39 2. *The member is the person who requested advice on the*
40 *legislative ethical standards regarding the specific matter; or*

41 3. *A reasonable person in the member's situation could not*
42 *exercise independent judgment on the specific matter.*

43 **Sec. 100.** 1. *An individual may file an ethics complaint*
44 *against a legislative officer or employee regarding an alleged*
45 *violation of the legislative ethical standards.*



1 2. *If the alleged violation involves the conduct of more than*
2 *one legislative officer or employee, separate ethics complaints*
3 *must be filed regarding each legislative officer or employee.*

4 3. *An ethics complaint must be:*

5 (a) *Made in writing on a form provided by the Legislative*
6 *Counsel;*

7 (b) *Signed and verified under penalty of perjury by the*
8 *individual making the allegation; and*

9 (c) *Filed with the Legislative Counsel.*

10 4. *The Legislative Counsel shall review the ethics complaint*
11 *and any other relevant information and consult with the Chair of*
12 *the Commission or, if the Chair is the subject of the ethics*
13 *complaint, with the Vice Chair, to evaluate whether the*
14 *Commission has jurisdiction and whether an investigation is*
15 *warranted in the matter.*

16 5. *If it is determined that the Commission:*

17 (a) *Does not have jurisdiction or that an investigation is not*
18 *warranted in the matter, the Legislative Counsel shall send written*
19 *notice of the determination to the individual who filed the ethics*
20 *complaint.*

21 (b) *Has jurisdiction and that an investigation is warranted in*
22 *the matter, the Legislative Counsel shall send written notice of the*
23 *determination and a copy of the ethics complaint to the legislative*
24 *officer or employee who is the subject of the ethics complaint.*

25 6. *If the Legislative Counsel is the subject of the ethics*
26 *complaint, the General Counsel shall carry out all powers and*
27 *duties assigned to legal counsel for the Commission regarding that*
28 *specific matter.*

29 **Sec. 101.** 1. *If the Commission holds an adjudicatory*
30 *hearing on an ethics complaint, the Commission shall provide the*
31 *legislative officer or employee who is the subject of the ethics*
32 *complaint with a written notice of the date, time and place of the*
33 *hearing.*

34 2. *At the adjudicatory hearing, the Commission shall:*

35 (a) *Allow the legislative officer or employee to be represented*
36 *by legal counsel;*

37 (b) *Allow the legislative officer or employee to hear the*
38 *evidence presented to the Commission and to respond and present*
39 *evidence on his or her own behalf; and*

40 (c) *Require the parties to follow any other procedures that are*
41 *necessary and reasonable to facilitate or carry out the*
42 *adjudicatory hearing.*

43 3. *Strict rules of evidence do not apply to the parties at the*
44 *adjudicatory hearing, but the Chair may admit or exclude any*
45 *evidence based on the rules of evidence.*



1 4. *To facilitate or carry out the adjudicatory hearing, the*
2 *Chair may instruct the Director to:*

3 (a) *Request that the Attorney General appoint a deputy to serve*
4 *as the party who presents the evidence and argues the matter*
5 *against the legislative officer or employee; or*

6 (b) *Employ outside legal counsel to serve as the party who*
7 *presents the evidence and argues the matter against the legislative*
8 *officer or employee.*

9 5. *The party who presents the evidence and argues the matter*
10 *against the legislative officer or employee has the burden of proof*
11 *at the adjudicatory hearing.*

12 6. *The standard of proof at the adjudicatory hearing is a*
13 *preponderance of the evidence, which means evidence that*
14 *enables a trier of fact to determine that the existence of the*
15 *contested fact is more probable than the nonexistence of the*
16 *contested fact.*

17 7. *For the Commission to determine that a violation of the*
18 *legislative ethical standards has been proven against the legislative*
19 *officer or employee, the Commission's determination must be*
20 *supported by a preponderance of the evidence.*

21 **Sec. 102.** *1. If the Commission determines that a violation*
22 *of the legislative ethical standards has not been proven against a*
23 *legislative officer or employee, the Commission shall dismiss the*
24 *matter.*

25 2. *If the Commission determines that a violation of the*
26 *legislative ethical standards has been proven against a legislative*
27 *officer or employee, the Commission may take any actions*
28 *authorized by this chapter or the rules adopted by the Houses*
29 *pursuant to Section 6 of Article 4 of the Nevada Constitution.*

30 **Sec. 103.** *1. In proceedings concerning an ethics*
31 *complaint, the Commission may issue a letter of caution or*
32 *instruction to the legislative officer or employee who is the subject*
33 *of the ethics complaint to caution or instruct the legislative officer*
34 *or employee regarding the propriety of the conduct under the*
35 *legislative ethical standards.*

36 2. *If the Commission issues a letter of caution or instruction*
37 *to the legislative officer or employee, the letter may be considered*
38 *in deciding the appropriate actions to be taken on any subsequent*
39 *ethics complaint involving the legislative officer or employee,*
40 *unless the letter is not relevant to the issues presented by the*
41 *subsequent ethics complaint.*

42 **Sec. 104.** *1. In addition to any other remedies or penalties*
43 *provided by law, if the Commission determines that a violation of*
44 *the legislative ethical standards has been proven against a*



1 legislative officer or employee, the Commission may take one or
2 more of the following actions:

3 (a) Admonish, reprimand or censure the legislative officer or
4 employee.

5 (b) Impose on the legislative officer or employee civil
6 penalties:

7 (1) Not to exceed \$5,000 for a separate act or event that
8 constitutes a first violation of the legislative ethical standards;

9 (2) Not to exceed \$10,000 for a separate act or event that
10 constitutes a second violation of the legislative ethical standards;
11 and

12 (3) Not to exceed \$25,000 for a separate act or event that
13 constitutes a third violation of the legislative ethical standards or
14 any additional violation of the legislative ethical standards.

15 (c) If the Commission finds that a violation of the legislative
16 ethical standards has resulted in the realization of a financial
17 benefit by the legislative officer or employee or any other person,
18 require the legislative officer or employee to pay a civil penalty of
19 not more than twice the amount so realized.

20 (d) Take any other reasonable actions that the Commission
21 determines will remedy the violation or deter similar violations,
22 including, without limitation, referring the matter to the
23 appropriate House for review and consideration pursuant to
24 Section 6 of Article 4 of the Nevada Constitution.

25 2. If a legislative officer or employee fails to pay any civil
26 penalties imposed pursuant to this chapter, the Legislative
27 Department is entitled to pursue every legal and equitable remedy
28 that is available to recover and collect the civil penalties in the
29 same manner as if they were imposed by a judgment rendered by
30 the district court in a civil action.

31 **Sec. 105.** 1. The provisions of this chapter do not abrogate
32 or decrease the effect of the provisions of the Nevada Revised
33 Statutes which define crimes or prescribe punishments with
34 respect to the conduct of legislative officers or employees.

35 2. If the Commission finds that a legislative officer or
36 employee has committed a violation of the legislative ethical
37 standards which it believes may also constitute a criminal offense,
38 the Commission shall refer the matter to the Attorney General or
39 the district attorney, as appropriate, for a determination of
40 whether a crime has been committed that warrants prosecution.

41 **Sec. 106.** NRS 239.010 is hereby amended to read as follows:

42 239.010 1. Except as otherwise provided in this section and
43 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
44 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
45 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,



1 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
2 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
3 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
4 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
5 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
6 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
7 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
8 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
9 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
10 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
11 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
12 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
13 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
14 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
15 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
16 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
17 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
18 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
19 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
20 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
21 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
22 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
23 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
24 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
25 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
26 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
27 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
28 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
29 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
30 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
31 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
32 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
33 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
34 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
35 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
36 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
37 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
38 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
39 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
40 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
41 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
42 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
43 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
44 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
45 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,



1 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
2 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
3 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
4 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
5 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
6 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
7 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
8 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
9 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
10 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
11 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
12 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
13 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
14 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
15 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
16 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
17 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
18 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
19 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
20 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
21 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
22 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
23 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
24 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
25 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
26 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
27 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
28 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
29 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
30 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
31 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
32 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
33 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
34 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
35 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
36 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
37 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
38 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
39 711.600, *and section 98 of this act*, sections 35, 38 and 41 of
40 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
41 Statutes of Nevada 2013 and unless otherwise declared by law to be
42 confidential, all public books and public records of a governmental
43 entity must be open at all times during office hours to inspection by
44 any person, and may be fully copied or an abstract or memorandum
45 may be prepared from those public books and public records. Any



1 such copies, abstracts or memoranda may be used to supply the
2 general public with copies, abstracts or memoranda of the records or
3 may be used in any other way to the advantage of the governmental
4 entity or of the general public. This section does not supersede or in
5 any manner affect the federal laws governing copyrights or enlarge,
6 diminish or affect in any other manner the rights of a person in any
7 written book or record which is copyrighted pursuant to federal law.

8 2. A governmental entity may not reject a book or record
9 which is copyrighted solely because it is copyrighted.

10 3. A governmental entity that has legal custody or control of a
11 public book or record shall not deny a request made pursuant to
12 subsection 1 to inspect or copy or receive a copy of a public book or
13 record on the basis that the requested public book or record contains
14 information that is confidential if the governmental entity can
15 redact, delete, conceal or separate, including, without limitation,
16 electronically, the confidential information from the information
17 included in the public book or record that is not otherwise
18 confidential.

19 4. If requested, a governmental entity shall provide a copy of a
20 public record in an electronic format by means of an electronic
21 medium. Nothing in this subsection requires a governmental entity
22 to provide a copy of a public record in an electronic format or by
23 means of an electronic medium if:

24 (a) The public record:

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

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

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

29 (1) Give access to proprietary software; or

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

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

35 (a) Shall not refuse to provide a copy of that public record in the
36 medium that is requested because the officer, employee or agent has
37 already prepared or would prefer to provide the copy in a different
38 medium.

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

43 **Sec. 107.** NRS 241.016 is hereby amended to read as follows:

44 241.016 1. The meetings of a public body that are quasi-
45 judicial in nature are subject to the provisions of this chapter.



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

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

4 (b) Judicial proceedings, including, without limitation,
5 proceedings before the Commission on Judicial Selection and,
6 except as otherwise provided in NRS 1.4687, the Commission on
7 Judicial Discipline.

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

11 3. Any provision of law, including, without limitation, NRS
12 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028,
13 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150,
14 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121,
15 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150,
16 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467,
17 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405,
18 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340,
19 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
20 696B.550, 703.196 and 706.1725, *and section 7 of this act*, which:

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

23 (b) Otherwise authorizes or requires a closed meeting, hearing
24 or proceeding,

25 ↪ prevails over the general provisions of this chapter.

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

31 **Sec. 108.** 1. Except as otherwise provided in this section, the
32 Commission on Ethics:

33 (a) Shall apply the amendatory provisions of sections 2 to 48,
34 inclusive, of this act which govern the procedures applicable to
35 administrative proceedings arising under chapter 281A of NRS to
36 any such proceedings that are within the jurisdiction of the
37 Commission on Ethics and are commenced on or after the effective
38 date of this act, whether or not the conduct at issue in such
39 proceedings occurred before the effective date of this act.

40 (b) May apply the amendatory provisions of sections 2 to 48,
41 inclusive, of this act which govern the procedures applicable to
42 administrative proceedings arising under chapter 281A of NRS to
43 any such proceedings that were commenced before the effective
44 date of this act and are still within the jurisdiction of the
45 Commission on Ethics and pending before the Commission on



1 Ethics on the effective date of this act, unless the Commission on
2 Ethics determines that such an application would be impracticable,
3 unreasonable or unconstitutional under the circumstances, in which
4 case the Commission on Ethics shall apply the procedures in effect
5 before the effective date of this act.

6 2. The amendatory provisions of sections 13, 25, 26, 27 and 28
7 of this act do not apply to any conduct occurring before the effective
8 date of this act.

9 **Sec. 109.** Notwithstanding any other provisions of this act to
10 the contrary:

11 1. As soon as practicable after the effective date of this act, the
12 appointing authorities shall appoint the members and alternate
13 members of the Senate Commission on Ethics, Assembly
14 Commission on Ethics and Joint Commission on Ethics in the
15 manner set forth in sections 84, 88 and 92 of this act, as applicable.

16 2. The terms of the members and alternate members appointed
17 pursuant to this section end when the next regular session of the
18 Legislature convenes in the manner set forth in sections 84, 88 and
19 92 of this act, as applicable.

20 **Sec. 110.** 1. Notwithstanding any other provisions of this act
21 to the contrary:

22 (a) If, before the effective date of this act, administrative
23 proceedings were commenced under chapter 281A of NRS against a
24 legislative officer or employee and are still pending before the
25 Commission on Ethics on the effective date of this act, the
26 Commission on Ethics may exercise continuing jurisdiction or
27 authority over such proceedings after the effective date of this act.

28 (b) If, on or after the effective date of this act, administrative
29 proceedings are commenced under chapter 281A of NRS against a
30 legislative officer or employee, the Commission on Ethics shall not
31 exercise jurisdiction or authority over such proceedings, whether or
32 not the conduct at issue in such proceedings occurred before the
33 effective date of this act.

34 2. Notwithstanding any other provisions of this act to the
35 contrary, the Senate Commission on Ethics, Assembly Commission
36 on Ethics or Joint Commission on Ethics, as applicable, has
37 jurisdiction to investigate and take appropriate actions regarding an
38 alleged violation of the legislative ethical standards by a current or
39 former legislative officer or employee which occurred before the
40 effective date of this act if proceedings are commenced by an ethics
41 complaint which is filed in accordance with sections 50 to 105,
42 inclusive, of this act within 2 years after the alleged violation or
43 reasonable discovery of the alleged violation.

44 3. Notwithstanding any other provisions of this act to the
45 contrary:



1 (a) If, on the effective date of this act, an ethics complaint
2 regarding an alleged violation of the legislative ethical standards by
3 a current or former legislative officer or employee is pending before
4 the Senate Committee on Ethics created by Senate Standing Rule
5 No. 23 or the Assembly Select Committee on Ethics created by
6 Senate Standing Rule No. 23, the Chair of the respective committee
7 may refer the ethics complaint and all materials related to the ethics
8 complaint to the Senate Commission on Ethics, Assembly
9 Commission on Ethics or Joint Commission on Ethics, as
10 applicable; and

11 (b) The Commission to which the ethics complaint is referred
12 has jurisdiction to investigate and take appropriate actions regarding
13 the referred ethics complaint in the same manner as an ethics
14 complaint filed in accordance with sections 50 to 105, inclusive, of
15 this act.

16 4. As used in this section, the words and terms defined in
17 sections 53 to 71, inclusive, of this act have the meanings ascribed
18 to them in those sections.

19 **Sec. 111.** This act becomes effective upon passage and
20 approval.

