

SENATE BILL NO. 228—SENATOR PARKS (BY REQUEST)

MARCH 11, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to public servants.
(BDR 23-445)

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

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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 public servants; revising provisions relating to public officers and employees; revising provisions relating to ethics in government and the enforcement of such provisions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill makes various changes to provisions relating to public officers and employees and the administration of the Nevada Ethics in Government Law by the Commission on Ethics. (Chapter 281A of NRS)

Sections 18-24 and 30-32.5 of this bill enact and revise various definitions in the Ethics Law. **Section 19** revises and makes applicable throughout the Ethics Law the existing definition of “commitment in a private capacity to the interests of others” in NRS 281A.420.

Section 23 defines “pecuniary interest” for the Ethics Law, and **sections 40.3, 41 and 42.5** of this bill require proof of a significant personal or pecuniary interest in defining various types of ethical conflicts, so that a de minimis or insignificant personal or pecuniary interest does not create a conflict of interest, require disqualification or abstention, or provide just or sufficient cause for an ethics investigation or violation. (NRS 281A.400, 281A.420, 281A.430)

Sections 24.5 and 32.3 of this bill establish that a president of a state university, college or community college, a superintendent of a county school district, and a county manager or city manager are designated as public officers for the purposes of the Ethics Law. (NRS 281A.160)

Section 25 of this bill enacts provisions for computing periods of time prescribed or allowed under the Ethics Law. **Section 27** of this bill authorizes the Commission to apply for and accept grants, contributions, services and money for the purposes of carrying out the Ethics Law.

Section 27.3 of this bill requires the Commission, when disposing of a request for an opinion by stipulation, agreed settlement or consent order, to treat comparable situations in a comparable manner and ensure that the disposition of a



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25 request for an opinion bears a reasonable relationship to the severity of the violation
26 or alleged violation of the Ethics Law. **Section 27.5** of this bill requires the
27 Commission to consider various aggravating and mitigating factors when
28 determining whether a violation of the Ethics Law is a willful violation and, if so,
29 the amount of any civil penalty to be imposed for such a willful violation of the
30 Ethics Law. **Section 27.5** also requires the Commission, when applying these
31 factors, to treat comparable situations in a comparable manner and to ensure that
32 the disposition of the matter bears a reasonable relationship to the severity of the
33 violation.

34 **Sections 33-37** of this bill make various changes concerning the operation of
35 the Commission and the duties of the Executive Director of the Commission and
36 the Commission Counsel. Those changes include: (1) adjusting the eligibility
37 requirements for certain members of the Commission; (2) requiring the Chair of the
38 Commission to designate a qualified person to perform the duties of the Executive
39 Director if the Executive Director is disqualified or unable to act on a particular
40 matter; (3) revising the administration of the assessments paid by cities and
41 counties in semiannual installments to the Commission; and (4) authorizing the
42 Commission to adopt procedural regulations that are necessary and proper to carry out
43 the Ethics Law. (NRS 281A.200, 281A.240, 281A.260, 281A.270, 281A.290)

44 **Section 38** of this bill directs public officers and employees who request the
45 issuance of a subpoena on their behalf in ethics proceedings to serve the subpoena
46 in the manner provided in the Nevada Rules of Civil Procedure and to pay the costs
47 of such service. (NRS 281A.300)

48 **Sections 40.3-44** of this bill make various changes to provisions in the Ethics
49 Law, including provisions relating to conflicts of interests for public officers and
50 employees, disclosures and abstentions, the rendering of opinions and conduct of
51 investigations by the Commission and the duties of specialized and local ethics
52 committees. (NRS 281A.400, 281A.410, 281A.420, 281A.430, 281A.440,
53 281A.470)

54 **Section 40.5** prohibits a member of a local legislative body from representing
55 or counseling a private person for compensation before another local agency whose
56 territorial jurisdiction includes any part of the same county in which the member
57 serves. However, **section 40.5** allows the Commission to provide the member
58 with relief from strict application of the prohibition if certain conditions are met.
59 (NRS 281A.410)

60 With certain exceptions, the Ethics Law prohibits a public officer or employee
61 from bidding on or entering into a contract between a governmental agency and any
62 business entity in which the public officer or employee has a significant pecuniary
63 interest. **Section 42.5** allows the Commission to provide a public officer or
64 employee with relief from strict application of the prohibition if certain conditions
65 are met. (NRS 281A.430)

66 **Sections 42.5 and 62** of this bill move, revise and remove certain provisions of
67 the Ethics Law that regulate when a member of a local legislative body may sell
68 goods or services to his or her local agency as the sole source of supply within the
69 area served by the local agency. (NRS 281A.430, 281A.530) **Section 42.5** prohibits
70 such a member from selling goods or services to his or her local agency unless
71 certain conditions are met, but **section 42.5** also allows the Commission to provide
72 the member with relief from strict application of the prohibition. **Section 62** repeals
73 an existing provision of the Ethics Law regulating such "sole source" transactions
74 because under this bill, "sole source" transactions are regulated by **section 42.5**.

75 **Sections 16.3, 16.5 and 57-61** of this bill make conforming changes to other
76 provisions of existing law that restrict various public officers and employees from
77 being personally interested in or benefiting from a contract with a governmental
78 agency. (NRS 245.075, 268.384, 269.071, 269.072, 281.221, 281.230, 332.800)



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79 **Section 45** of this bill revises the “safe harbor” provision of the Ethics Law to
80 provide that a public officer or employee does not commit a willful violation if: (1)
81 the public officer or employee relied in good faith upon the advice of the legal
82 counsel retained by his or her public body, agency or employer; and (2) his or her
83 act or failure to act was not contrary to a prior published opinion issued by the
84 Commission. (NRS 281A.480)

85 **Section 46** of this bill provides new requirements relating to informing,
86 educating and instructing public officers and employees concerning the statutory
87 ethical standards and the duties of public officers and employees under the Ethics
88 Law. (NRS 281A.500)

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** (Deleted by amendment.)

8 **Sec. 8.** (Deleted by amendment.)

9 **Sec. 9.** (Deleted by amendment.)

10 **Sec. 10.** (Deleted by amendment.)

11 **Sec. 11.** (Deleted by amendment.)

12 **Sec. 12.** (Deleted by amendment.)

13 **Sec. 13.** (Deleted by amendment.)

14 **Sec. 14.** (Deleted by amendment.)

15 **Sec. 15.** (Deleted by amendment.)

16 **Sec. 16.** (Deleted by amendment.)

17 **Sec. 16.3.** NRS 281.221 is hereby amended to read as follows:

18 281.221 1. Except as otherwise provided in this section ~~†~~
19 *and NRS 281A.430*, it is unlawful for ~~any~~ *a* state officer , who is
20 not a member of the Legislature *subject to the restrictions set forth*
21 *in NRS 218A.970*, to:

22 (a) Become a contractor under any contract or order for supplies
23 or other kind of contract authorized by or for the State or any of its
24 departments, or the Legislature or either of its houses, or to be
25 interested, directly or indirectly, as principal, in any kind of contract
26 so authorized.

27 (b) Be interested in any contract made by the officer or to be a
28 purchaser or interested in any purchase under a sale made by the
29 officer in the discharge of the officer’s official duties.

30 2. ~~Any~~ *A* member of any board, commission or similar body
31 who is engaged in the profession, occupation or business regulated
32 by the board, commission or body may supply or contract to supply,



1 in the ordinary course of ~~the member's~~ *his or her* business, goods,
2 materials or services to any state or local agency, except the board ,
3 ~~for~~ commission *or body* of which he or she is a member, if the
4 member has not taken part in developing the contract plans or
5 specifications and the member will not be personally involved in
6 opening, considering or accepting offers.

7 3. A full- or part-time faculty member in the Nevada System of
8 Higher Education may bid on or enter into a contract with a
9 governmental agency, or may benefit financially or otherwise from
10 a contract between a governmental agency and a private entity, if
11 the contract complies with the policies established by the Board of
12 Regents of the University of Nevada pursuant to NRS 396.255.

13 4. A state officer, other than an officer described in subsection
14 2 or 3, may bid on or enter into a contract with a governmental
15 agency if the contracting process is controlled by rules of open
16 competitive bidding, the sources of supply are limited, the officer
17 has not taken part in developing the contract plans or specifications
18 and the officer will not be personally involved in opening,
19 considering or accepting offers.

20 5. Any contract made in violation of this section may be
21 declared void at the instance of the State or of any other person
22 interested in the contract except an officer prohibited from making
23 or being interested in the contract.

24 6. ~~Any~~ A person ~~violating~~ *who violates* this section is guilty
25 of a gross misdemeanor and shall forfeit his or her office.

26 **Sec. 16.5.** NRS 281.230 is hereby amended to read as follows:

27 281.230 1. Except as otherwise provided in this section and
28 NRS 218A.970, ~~281A.530~~ *281A.430* and 332.800, the following
29 persons shall not, in any manner, directly or indirectly, receive any
30 commission, personal profit or compensation of any kind resulting
31 from any contract or other significant transaction in which the
32 employing state, county, municipality, township, district or quasi-
33 municipal corporation is in any way directly interested or affected:

34 (a) State, county, municipal, district and township officers of the
35 State of Nevada;

36 (b) Deputies and employees of state, county, municipal, district
37 and township officers; and

38 (c) Officers and employees of quasi-municipal corporations.

39 2. A member of any board, commission or similar body who is
40 engaged in the profession, occupation or business regulated by the
41 board, commission or body may, in the ordinary course of his or her
42 business, bid on or enter into a contract with any governmental
43 agency, except the board , ~~for~~ commission *or body* of which he or
44 she is a member, if the member has not taken part in developing the



1 contract plans or specifications and the member will not be
2 personally involved in opening, considering or accepting offers.

3 3. A full- or part-time faculty member or employee of the
4 Nevada System of Higher Education may bid on or enter into a
5 contract with a governmental agency, or may benefit financially or
6 otherwise from a contract between a governmental agency and a
7 private entity, if the contract complies with the policies established
8 by the Board of Regents of the University of Nevada pursuant to
9 NRS 396.255.

10 4. A public officer or employee, other than an officer or
11 employee described in subsection 2 or 3, may bid on or enter into a
12 contract with a governmental agency if the contracting process is
13 controlled by rules of open competitive bidding, the sources of
14 supply are limited, the public officer or employee has not taken part
15 in developing the contract plans or specifications and the public
16 officer or employee will not be personally involved in opening,
17 considering or accepting offers. If a public officer who is authorized
18 to bid on or enter into a contract with a governmental agency
19 pursuant to this subsection is a member of the governing body of the
20 agency, the public officer, pursuant to the requirements of NRS
21 281A.420, shall disclose his or her interest in the contract and shall
22 not vote on or advocate the approval of the contract.

23 5. A person who violates any of the provisions of this section
24 shall be punished as provided in NRS 197.230 and:

25 (a) Where the commission, personal profit or compensation is
26 \$650 or more, for a category D felony as provided in NRS 193.130.

27 (b) Where the commission, personal profit or compensation is
28 less than \$650, for a misdemeanor.

29 6. A person who violates the provisions of this section shall
30 pay any commission, personal profit or compensation resulting from
31 the contract or transaction to the employing state, county,
32 municipality, township, district or quasi-municipal corporation as
33 restitution.

34 **Sec. 17.** Chapter 281A of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 18 to 27.5, inclusive, of
36 this act.

37 **Sec. 18.** *“Agency” means any state agency or local agency.*

38 **Sec. 19.** *“Commitment in a private capacity,” with respect to*
39 *the interests of another person, means a commitment, interest or*
40 *relationship of a public officer or employee to a person:*

41 1. *Who is the spouse or domestic partner of the public officer*
42 *or employee;*

43 2. *Who is a member of the household of the public officer or*
44 *employee;*



1 3. *Who is related to the public officer or employee, or to the*
2 *spouse or domestic partner of the public officer or employee, by*
3 *blood, adoption, marriage or domestic partnership within the third*
4 *degree of consanguinity or affinity;*

5 4. *Who employs the public officer or employee, the spouse or*
6 *domestic partner of the public officer or employee or a member of*
7 *the household of the public officer or employee;*

8 5. *With whom the public officer or employee has a*
9 *substantial and continuing business relationship; or*

10 6. *With whom the public officer or employee has any other*
11 *commitment, interest or relationship that is substantially similar to*
12 *a commitment, interest or relationship described in subsections 1*
13 *to 5, inclusive.*

14 **Sec. 20.** *“Domestic partner” means a person in a domestic*
15 *partnership.*

16 **Sec. 21.** *“Domestic partnership” means:*

17 1. *A domestic partnership as defined in NRS 122A.040; or*

18 2. *A domestic partnership which was validly formed in*
19 *another jurisdiction and which is substantially equivalent to a*
20 *domestic partnership as defined in NRS 122A.040, regardless of*
21 *whether it bears the name of a domestic partnership or is*
22 *registered in this State.*

23 **Sec. 22.** *“Local agency” means any local legislative body,*
24 *agency, bureau, board, commission, department, division, office or*
25 *other unit of any county, city or other political subdivision.*

26 **Sec. 23.** *“Pecuniary interest” means any beneficial or*
27 *detrimental interest in a matter that consists of or is measured in*
28 *money or is otherwise related to money, including, without*
29 *limitation:*

30 1. *Anything of economic value; and*

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

34 **Sec. 24.** *“State agency” means any agency, bureau, board,*
35 *commission, department, division, office or other unit of the*
36 *Executive Department of the State Government.*

37 **Sec. 24.5.** 1. *Any person who serves in one of the following*
38 *positions is designated as a public officer for the purposes of this*
39 *chapter:*

40 (a) *A president of a university, state college or community*
41 *college within the Nevada System of Higher Education.*

42 (b) *A superintendent of a county school district.*

43 (c) *A county manager or a city manager.*

44 2. *This section applies to such a person regardless of whether*
45 *the person serves in the position:*



- 1 (a) *By appointment, contract or employment;*
- 2 (b) *With or without compensation; or*
- 3 (c) *On a temporary, interim or acting basis.*

4 **Sec. 25.** *In computing any period prescribed or allowed by*
5 *this chapter:*

6 1. *If the period begins to run on the occurrence of an act or*
7 *event, the day on which the act or event begins is excluded from*
8 *the computation.*

9 2. *The last day of the period is included in the computation,*
10 *except that if the last day falls on a Saturday, Sunday, legal*
11 *holiday or holiday proclaimed by the Governor or on a day on*
12 *which the office of the Commission is not open for the conduct of*
13 *business, the period is extended to the close of business on the*
14 *next business day.*

15 **Sec. 26.** (Deleted by amendment.)

16 **Sec. 27.** *The Commission may apply for and accept grants,*
17 *contributions, services or money for the purposes of carrying out*
18 *the provisions of this chapter only if the action is approved by a*
19 *majority vote in an open public meeting of the Commission and*
20 *the Commission complies with the provisions of the State Budget*
21 *Act.*

22 **Sec. 27.3.** *In any matter in which the Commission disposes*
23 *of a request for an opinion by stipulation, agreed settlement or*
24 *consent order, the Commission shall treat comparable situations*
25 *in a comparable manner and shall ensure that the disposition of*
26 *the matter bears a reasonable relationship to the severity of the*
27 *violation or alleged violation.*

28 **Sec. 27.5.** 1. *In determining whether a violation of this*
29 *chapter is a willful violation and, if so, the amount of any civil*
30 *penalty to be imposed on a public officer or employee or former*
31 *public officer or employee pursuant to NRS 281A.480, the*
32 *Commission shall consider:*

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

36 (b) *The number and history of previous warnings issued to or*
37 *violations of the provisions of this chapter by the public officer or*
38 *employee;*

39 (c) *The cost to the Commission to conduct the investigation*
40 *and any hearing relating to the violation;*

41 (d) *Any mitigating factors, including, without limitation, any*
42 *self-reporting, prompt correction of the violation, any attempts to*
43 *rectify the violation before any complaint is filed and any*
44 *cooperation by the public officer or employee in resolving the*
45 *complaint;*



1 (e) Any restitution or reimbursement paid to parties affected by
2 the violation;

3 (f) The extent of any financial gain resulting from the
4 violation; and

5 (g) Any other matter justice may require.

6 2. In applying the factors set forth in this section, the
7 Commission shall treat comparable situations in a comparable
8 manner and shall ensure that the disposition of the matter bears a
9 reasonable relationship to the severity of the violation.

10 Sec. 28. (Deleted by amendment.)

11 Sec. 29. NRS 281A.030 is hereby amended to read as follows:

12 281A.030 As used in this chapter, unless the context otherwise
13 requires, the words and terms defined in NRS 281A.040 to
14 281A.170, inclusive, *and sections 18 to 24, inclusive, of this act*
15 have the meanings ascribed to them in those sections.

16 Sec. 30. NRS 281A.100 is hereby amended to read as follows:

17 281A.100 "Household" means an association of persons who
18 live in the same home or dwelling ~~+, sharing its expenses,~~ and who
19 are related by blood, adoption, ~~+, or~~ marriage *or domestic*
20 *partnership.*

21 Sec. 31. NRS 281A.125 is hereby amended to read as follows:

22 281A.125 "Member of a local legislative body" means a
23 member of a board of county commissioners, a governing body of a
24 city or a governing body of any other political subdivision who
25 performs any function that involves introducing, voting upon or
26 otherwise acting upon any matter of a permanent or general
27 character which may reflect public policy. ~~+, and which is not~~
28 ~~typically restricted to identifiable persons or groups.~~

29 Sec. 32. (Deleted by amendment.)

30 Sec. 32.3. NRS 281A.160 is hereby amended to read as
31 follows:

32 281A.160 1. "Public officer" means a person ~~+, elected,~~ *who*
33 *is:*

34 (a) *Elected* or appointed to a position which:

35 ~~+, (1)~~ (1) Is established by the Constitution of the State of
36 Nevada, a statute of this State or a charter or ordinance of any
37 county, city or other political subdivision; and

38 ~~+, (2)~~ (2) Involves the exercise of a public power, trust or duty
39 ~~+, or~~

40 (b) *Designated as a public officer for the purposes of this*
41 *chapter pursuant to section 24.5 of this act.*

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



1 ~~(1)~~ (a) Actions taken in an official capacity which involve
2 a substantial and material exercise of administrative discretion in the
3 formulation of public policy;

4 ~~(2)~~ (b) The expenditure of public money; and

5 ~~(3)~~ (c) The administration of laws and rules of the State or
6 any county, city or other political subdivision.

7 ~~(2)~~ 3. "Public officer" does not include:

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

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

11 (c) Any member of a special district whose official duties do not
12 include the formulation of a budget for the district or the
13 authorization of the expenditure of the district's money; or

14 (d) A county health officer appointed pursuant to NRS 439.290.

15 ~~(3)~~ 4. "Public office" does not include an office held by:

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

17 (b) Any member of a board, commission or other body whose
18 function is advisory;

19 (c) Any member of a special district whose official duties do not
20 include the formulation of a budget for the district or the
21 authorization of the expenditure of the district's money; or

22 (d) A county health officer appointed pursuant to NRS 439.290.

23 **Sec. 32.5.** NRS 281A.170 is hereby amended to read as
24 follows:

25 281A.170 "Willful violation" means a violation where ~~the~~:

26 1. *The* public officer or employee:

27 ~~(1)~~ (a) Acted intentionally and knowingly; or

28 ~~(2)~~ (b) Was in a situation where this chapter imposed a duty to
29 act and the public officer or employee intentionally and knowingly
30 failed to act in the manner required by this chapter ~~(1)~~; and

31 2. *The Commission determines, after applying the factors set*
32 *forth in section 27.5 of this act, that the public officer's or*
33 *employee's act or failure to act resulted in a sanctionable violation*
34 *of this chapter.*

35 **Sec. 33.** NRS 281A.200 is hereby amended to read as follows:

36 281A.200 1. The Commission on Ethics, consisting of eight
37 members, is hereby created.

38 2. The Legislative Commission shall appoint to the
39 Commission four residents of the State, at least two of whom ~~are~~
40 *must be* former public officers ~~(1)~~ *or employees*, and at least one of
41 whom must be an attorney licensed to practice law in this State.

42 3. The Governor shall appoint to the Commission four
43 residents of the State, at least two of whom must be former public
44 officers or ~~(public)~~ employees, and at least one of whom must be an
45 attorney licensed to practice law in this State.



1 4. Not more than four members of the Commission may be
2 members of the same political party. Not more than four members
3 *of the Commission* may be residents of the same county.

4 5. None of the members of the Commission may, while the
5 member is serving on the Commission:

6 (a) Hold another public office;

7 (b) Be actively involved in the work of any political party or
8 political campaign; or

9 (c) Communicate directly with a State Legislator or a member of
10 a local legislative body on behalf of someone other than himself or
11 herself or the Commission, for compensation, to influence:

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

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

17 (I) The appropriation of public money;

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

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

21 6. After the initial terms, the terms of the members are 4 years.
22 Any vacancy in the membership must be filled by the appropriate
23 appointing authority for the unexpired term. Each member may
24 serve no more than two consecutive full terms.

25 **Sec. 34.** NRS 281A.240 is hereby amended to read as follows:

26 281A.240 1. In addition to any other duties imposed upon the
27 Executive Director, the Executive Director shall:

28 (a) Maintain complete and accurate records of all transactions
29 and proceedings of the Commission.

30 (b) Receive requests for opinions pursuant to NRS 281A.440.

31 (c) Gather information and conduct investigations regarding
32 requests for opinions received by the Commission and submit
33 recommendations to the investigatory panel appointed pursuant to
34 NRS 281A.220 regarding whether there is just and sufficient cause
35 to render an opinion in response to a particular request.

36 (d) Recommend to the Commission any regulations or
37 legislation that the Executive Director considers desirable or
38 necessary to improve the operation of the Commission and maintain
39 high standards of ethical conduct in government.

40 (e) Upon the request of any public officer or the employer of a
41 public employee, conduct training on the requirements of this
42 chapter, the rules and regulations adopted by the Commission and
43 previous opinions of the Commission. In any such training, the
44 Executive Director shall emphasize that the Executive Director is
45 not a member of the Commission and that only the Commission



1 may issue opinions concerning the application of the statutory
2 ethical standards to any given set of facts and circumstances. The
3 Commission may charge a reasonable fee to cover the costs of
4 training provided by the Executive Director pursuant to this
5 subsection.

6 (f) Perform such other duties, not inconsistent with law, as may
7 be required by the Commission.

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

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

12 (b) The investigation of matters under the jurisdiction of the
13 Commission.

14 *3. If the Executive Director is prohibited from acting on a*
15 *particular matter or is otherwise unable to act on a particular*
16 *matter, the Chair of the Commission shall designate a qualified*
17 *person to perform the duties of the Executive Director with regard*
18 *to that particular matter.*

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

20 281A.260 1. The Commission Counsel is the legal adviser to
21 the Commission. For each opinion of the Commission, the
22 Commission Counsel shall prepare, at the direction of the
23 Commission, the appropriate findings of fact and conclusions as to
24 relevant standards and the propriety of particular conduct. ~~within~~
25 ~~the time set forth in subsection 6 of NRS 281A.440.~~ The
26 Commission Counsel shall not issue written opinions concerning the
27 applicability of the statutory ethical standards to a given set of facts
28 and circumstances except as directed by the Commission.

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

31 3. If the Commission Counsel is prohibited from acting on a
32 particular matter or is otherwise unable to act on a particular matter,
33 the Commission may:

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

36 (b) Employ outside legal counsel.

37 **Sec. 36.** NRS 281A.270 is hereby amended to read as follows:

38 281A.270 1. Each county whose population is 10,000 or
39 more and each city whose population is 15,000 or more and that is
40 located within such a county shall pay an assessment for the costs
41 incurred by the Commission each biennium in carrying out its
42 functions pursuant to this chapter. The total amount of money to be
43 derived from assessments paid pursuant to this subsection for a
44 biennium must be determined by the Legislature in the legislatively
45 approved budget of the Commission for that biennium. The



1 assessments must be apportioned among each such city and county
2 based on the proportion that the total population of the city or the
3 total population of the unincorporated area of the county bears to the
4 total population of all such cities and the unincorporated areas of all
5 such counties in this State.

6 2. On or before July 1 of each odd-numbered year, the
7 Executive Director shall, in consultation with the Budget Division
8 of the Department of Administration and the Fiscal Analysis
9 Division of the Legislative Counsel Bureau, determine for the next
10 ensuing biennium the amount of the assessments due for each city
11 and county that is required to pay an assessment pursuant to
12 subsection 1. The assessments must be paid to the Commission in
13 semiannual installments that are due on or before August 1 and
14 February 1 of each year of the biennium. The Executive Director
15 shall send out a billing statement to each such city or county which
16 states the amount of the semiannual installment payment due from
17 the city or county.

18 3. Any money that the Commission receives pursuant to
19 subsection 2:

20 (a) Must be deposited in the State Treasury, accounted for
21 separately in the State General Fund and credited to the budget
22 account for the Commission;

23 (b) May only be used to carry out the provisions of this chapter
24 and only to the extent authorized for expenditure by the Legislature;

25 ~~and~~

26 (c) Does not revert to the State General Fund at the end of any
27 fiscal year ~~+~~; and

28 *(d) Does not revert to a city or county if:*

29 *(1) The actual expenditures by the Commission are less*
30 *than the amount of the assessments approved by the Legislature*
31 *pursuant to subsection 1 and the city or county has already*
32 *remitted its semiannual installment to the Commission for the*
33 *billing period; or*

34 *(2) The budget of the Commission is modified after the*
35 *amount of the assessments has been approved by the Legislature*
36 *pursuant to subsection 1 and the city or county has already*
37 *remitted its semiannual installment to the Commission for the*
38 *billing period.*

39 4. If any installment payment is not paid on or before the date
40 on which it is due, the Executive Director shall make reasonable
41 efforts to collect the delinquent payment. If the Executive Director
42 is not able to collect the arrearage, the Executive Director shall
43 submit a claim for the amount of the unpaid installment payment to
44 the Department of Taxation. If the Department of Taxation receives
45 such a claim, the Department shall deduct the amount of the claim



1 from money that would otherwise be allocated from the Local
2 Government Tax Distribution Account to the city or county that
3 owes the installment payment and shall transfer that amount to the
4 Commission.

5 5. As used in this section, "population" means the current
6 population estimate for that city or county as determined and
7 published by the Department of Taxation and the demographer
8 employed pursuant to NRS 360.283.

9 **Sec. 37.** NRS 281A.290 is hereby amended to read as follows:
10 281A.290 The Commission shall:

11 1. Adopt procedural regulations ~~†~~ *that are necessary and*
12 *proper to carry out the provisions of this chapter, including,*
13 *without limitation:*

- 14 (a) To facilitate the receipt of inquiries by the Commission;
15 (b) For the filing of a request for an opinion with the
16 Commission;
17 (c) For the withdrawal of a request for an opinion by the person
18 who filed the request; and
19 (d) To facilitate the prompt rendition of opinions by the
20 Commission.

21 2. Prescribe, by regulation, forms and procedures for the
22 submission of statements of acknowledgment filed by public
23 officers pursuant to NRS 281A.500, maintain files of such
24 statements and make the statements available for public inspection.

25 3. Cause the making of such investigations as are reasonable
26 and necessary for the rendition of its opinions pursuant to this
27 chapter.

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

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

33 6. Publish a manual for the use of public officers and
34 employees that ~~contains:~~

35 ~~—(a) Hypothetical opinions which are abstracted from opinions~~
36 ~~rendered pursuant to subsection 1 of NRS 281A.440, for the future~~
37 ~~guidance of all persons concerned with ethical standards in~~
38 ~~government;~~

39 ~~—(b) Abstracts of selected opinions rendered pursuant to~~
40 ~~subsection 2 of NRS 281A.440; and~~

41 ~~—(c) An abstract of~~ *explains* the requirements of this chapter.

42 ➔ The Legislative Counsel shall prepare annotations to this chapter
43 for inclusion in the Nevada Revised Statutes based on the ~~abstracts~~
44 ~~and~~ published opinions of the Commission.



1 **Sec. 38.** NRS 281A.300 is hereby amended to read as follows:

2 281A.300 1. The Chair and Vice Chair of the Commission
3 may administer oaths.

4 2. The Commission, upon majority vote, may issue a subpoena
5 to compel the attendance of a witness and the production of books
6 and papers. Upon the request of the Executive Director or the public
7 officer or ~~public~~ employee who is the subject of a request for an
8 opinion, the Chair or, in the Chair's absence, the Vice Chair, may
9 issue a subpoena to compel the attendance of a witness and the
10 production of books and papers. *A public officer or employee who*
11 *requests the issuance of a subpoena pursuant to this subsection*
12 *must serve the subpoena in the manner provided in the Nevada*
13 *Rules of Civil Procedure for service of subpoenas in a civil action*
14 *and must pay the costs of such service.*

15 3. Before issuing a subpoena to a public officer or ~~public~~
16 employee who is the subject of a request for an opinion ~~to~~ *to*
17 *compel his or her attendance as a witness or his or her production*
18 *of books or papers*, the Executive Director shall submit a written
19 request to the public officer or ~~public~~ employee requesting:

20 (a) The appearance of the public officer or ~~public~~ employee as
21 a witness; or

22 (b) The production by the public officer or ~~public~~ employee of
23 any books and papers relating to the request for an opinion.

24 4. Each written request submitted by the Executive Director
25 pursuant to subsection 3 must specify the time and place for the
26 attendance of the public officer or ~~public~~ employee or
27 the production of any books and papers, and designate with certainty
28 the books and papers requested, if any. If the public officer or
29 ~~public~~ employee fails or refuses to attend at the time and place
30 specified or produce the books and papers requested by the
31 Executive Director within 5 business days after receipt of the
32 request, the Chair may issue the subpoena. Failure of the public
33 officer or ~~public~~ employee to comply with the written request of
34 the Executive Director shall be deemed a waiver by the public
35 officer or ~~public~~ employee of the time set forth in subsections 4, 5
36 and 6 of NRS 281A.440.

37 5. If any witness refuses to attend, testify or produce any books
38 and papers as required by the subpoena, the Chair of the
39 Commission may report to the district court by petition, setting forth
40 that:

41 (a) Due notice has been given of the time and place of
42 attendance of the witness or the production of the books and papers;

43 (b) The witness has been subpoenaed by the Commission
44 pursuant to this section; and



1 (c) The witness has failed or refused to attend or produce the
2 books and papers required by the subpoena before the Commission,
3 or has refused to answer questions propounded to the witness, and
4 asking for an order of the court compelling the witness to attend and
5 testify or produce the books and papers before the Commission.

6 6. Upon such a petition, the court shall enter an order directing
7 the witness to appear before the court at a time and place to be fixed
8 by the court in its order, the time to be not more than 10 days after
9 the date of the order, and then and there show cause why the witness
10 has not attended, testified or produced the books or papers before
11 the Commission. A certified copy of the order must be served upon
12 the witness.

13 7. If it appears to the court that the subpoena was regularly
14 issued by the Commission, the court shall enter an order that the
15 witness appear before the Commission, at the time and place fixed
16 in the order, and testify or produce the required books and papers.
17 Upon failure to obey the order, the witness must be dealt with as for
18 contempt of court.

19 **Sec. 39.** (Deleted by amendment.)

20 **Sec. 40.** (Deleted by amendment.)

21 **Sec. 40.3.** NRS 281A.400 is hereby amended to read as
22 follows:

23 281A.400 A code of ethical standards is hereby established to
24 govern the conduct of public officers and employees:

25 1. A public officer or employee shall not seek or accept any
26 gift, service, favor, employment, engagement, emolument or
27 economic opportunity which would tend improperly to influence a
28 reasonable person in the public officer's or employee's position to
29 depart from the faithful and impartial discharge of the public
30 officer's or employee's public duties.

31 2. A public officer or employee shall not use the public
32 officer's or employee's position in government to secure or grant
33 unwarranted privileges, preferences, exemptions or advantages for
34 the public officer or employee, any business entity in which the
35 public officer or employee has a significant pecuniary interest, or
36 any person to whom the public officer or employee has a
37 commitment in a private capacity to the interests of that person. As
38 used in this subsection †

39 ~~—(a) “Commitment in a private capacity to the interests of that~~
40 ~~person” has the meaning ascribed to “commitment in a private~~
41 ~~capacity to the interests of others” in subsection 8 of~~
42 ~~NRS 281A.420.~~

43 ~~—(b) “Unwarranted”} , “unwarranted”~~ means without
44 justification or adequate reason.



1 3. A public officer or employee shall not participate as an agent
2 of government in the negotiation or execution of a contract between
3 the government and any business entity in which the public officer
4 or employee has a significant pecuniary interest.

5 4. A public officer or employee shall not accept any salary,
6 retainer, augmentation, expense allowance or other compensation
7 from any private source for the performance of the public officer's
8 or employee's duties as a public officer or employee.

9 5. If a public officer or employee acquires, through the public
10 officer's or employee's public duties or relationships, any
11 information which by law or practice is not at the time available to
12 people generally, the public officer or employee shall not use the
13 information to further ~~the~~ *a significant* pecuniary ~~interests~~
14 *interest* of the public officer or employee or any other person or
15 business entity.

16 6. A public officer or employee shall not suppress any
17 governmental report or other *official* document because it might
18 tend to affect unfavorably ~~the public officer's or employee's~~ *a*
19 *significant* pecuniary ~~interests~~ *interest of the public officer or*
20 *employee.*

21 7. Except for State Legislators who are subject to the
22 restrictions set forth in subsection 8, a public officer or employee
23 shall not use governmental time, property, equipment or other
24 facility to benefit ~~the public officer's or employee's~~ *a significant*
25 personal or ~~financial~~ *pecuniary* interest ~~of~~ *of the public officer or*
26 *employee.* This subsection does not prohibit:

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

29 (1) The public officer *or employee* who is responsible for
30 and has authority to authorize the use of such property, equipment
31 or other facility has established a policy allowing the use or the use
32 is necessary as a result of emergency circumstances;

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

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

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

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

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

42 ➤ If a governmental agency incurs a cost as a result of a use that is
43 authorized pursuant to this subsection or would ordinarily charge a
44 member of the general public for the use, the public officer or



1 employee shall promptly reimburse the cost or pay the charge to the
2 governmental agency.

3 8. A State Legislator shall not:

4 (a) Use governmental time, property, equipment or other facility
5 for a nongovernmental purpose or for the private benefit of the State
6 Legislator or any other person. This paragraph does not prohibit:

7 (1) A limited use of state property and resources for personal
8 purposes if:

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

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

12 (III) The use does not create the appearance of
13 impropriety;

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

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

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

22 (1) In unusual and infrequent situations where the
23 employee's service is reasonably necessary to permit the State
24 Legislator or legislative employee to perform that person's official
25 duties; or

26 (2) Where such service has otherwise been established as
27 legislative policy.

28 9. A public officer or employee shall not attempt to benefit ~~the~~
29 ~~public officer's or employee's~~ *a significant* personal or ~~financial~~
30 *pecuniary* interest *of the public officer or employee* through the
31 influence of a subordinate.

32 10. A public officer or employee shall not seek other
33 employment or contracts through the use of the public officer's or
34 employee's official position.

35 **Sec. 40.5.** NRS 281A.410 is hereby amended to read as
36 follows:

37 281A.410 In addition to the requirements of the code of ethical
38 standards ~~and~~ *and the other provisions of this chapter:*

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

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



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

9 2. ~~1A~~ *Except as otherwise provided in subsection 3, a State*
10 *Legislator or a member of a local legislative body, or a public*
11 *officer or employee whose public service requires less than half of*
12 *his or her time, may represent or counsel a private person before an*
13 *agency in which he or she does not serve.* ~~Any other~~

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

20 (a) *The member requests an opinion from the Commission*
21 *pursuant to subsection 1 of NRS 281A.440; and*

22 (b) *The Commission determines that such relief is not contrary*
23 *to:*

24 (1) *The best interests of the public;*

25 (2) *The continued ethical integrity of each local agency*
26 *affected by the matter; and*

27 (3) *The provisions of this chapter.*

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

32 ~~3~~ 5. Not later than January 15 of each year, *if* any State
33 *Legislator, member of a local legislative body* or other public
34 *officer* ~~who~~ *permitted by this section* has, within the preceding
35 *year, represented or counseled a private person for compensation*
36 *before a state agency of the Executive Department, he or she* shall
37 *disclose for each such representation or counseling during the*
38 *previous calendar year:*

39 (a) *The name of the client;*

40 (b) *The nature of the representation; and*

41 (c) *The name of the state agency.*

42 ~~4~~ 6. The disclosure required by subsection ~~3~~ 5 must be
43 made in writing and filed with the Commission on a form prescribed
44 by the Commission. For the purposes of this subsection, the



1 disclosure is timely filed if, on or before the last day for filing, the
2 disclosure is filed in one of the following ways:

3 (a) Delivered in person to the principal office of the
4 Commission in Carson City.

5 (b) Mailed to the Commission by first-class mail, or other class
6 of mail that is at least as expeditious, postage prepaid. Filing by mail
7 is complete upon timely depositing the disclosure with the United
8 States Postal Service.

9 (c) Dispatched to a third-party commercial carrier for delivery to
10 the Commission within 3 calendar days. Filing by third-party
11 commercial carrier is complete upon timely depositing the
12 disclosure with the third-party commercial carrier.

13 *(d) Transmitted to the Commission by facsimile machine or*
14 *other electronic means authorized by the Commission. Filing by*
15 *facsimile machine or other electronic means is complete upon*
16 *receipt of the transmission by the Commission.*

17 ~~§.~~ 7. The Commission shall retain a disclosure filed pursuant
18 to ~~subsections 3 and 4~~ *this section* for 6 years after the date on
19 which the disclosure was filed.

20 **Sec. 41.** NRS 281A.420 is hereby amended to read as follows:

21 281A.420 1. Except as otherwise provided in this section, a
22 public officer or employee shall not approve, disapprove, vote,
23 abstain from voting or otherwise act upon a matter:

24 (a) Regarding which the public officer or employee has accepted
25 a gift or loan;

26 (b) In which the public officer or employee has a *significant*
27 pecuniary interest; or

28 (c) Which would reasonably be affected by the public officer's
29 or employee's commitment in a private capacity to the ~~interest of~~
30 *others,* *interests of another person,*

31 ~~without disclosing sufficient~~ information concerning the gift ~~or~~
32 *or* loan, *significant pecuniary* interest or commitment *in a private*
33 *capacity to the interests of the person that is sufficient* to inform
34 the public of the potential effect of the action or abstention upon the
35 person who provided the gift or loan, upon the public officer's or
36 employee's *significant* pecuniary interest, or upon the ~~persons~~
37 *person* to whom the public officer or employee has a commitment in
38 a private capacity. Such a disclosure must be made at the time the
39 matter is considered. If the public officer or employee is a member
40 of a body which makes decisions, the public officer or employee
41 shall make the disclosure in public to the chair and other members
42 of the body. If the public officer or employee is not a member of
43 such a body and holds an appointive office, the public officer or
44 employee shall make the disclosure to the supervisory head of the
45 public officer's or employee's organization or, if the public officer



1 holds an elective office, to the general public in the area from which
2 the public officer is elected.

3 2. The provisions of subsection 1 do not require a public
4 officer to disclose:

5 (a) Any campaign contributions that the public officer reported
6 in a timely manner pursuant to NRS 294A.120 or 294A.125; or

7 (b) Any contributions to a legal defense fund that the public
8 officer reported in a timely manner pursuant to NRS 294A.286.

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

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

16 (b) The public officer's *significant* pecuniary interest; or

17 (c) The public officer's commitment in a private capacity to the
18 interests of ~~others~~ *another person*.

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

20 (a) It must be presumed that the independence of judgment of a
21 reasonable person in the public officer's situation would not be
22 materially affected by the public officer's *acceptance of a gift or
23 loan, significant* pecuniary interest or ~~the public officer's~~
24 *person* where the resulting benefit or detriment accruing to the
25 public officer, or if the public officer has a commitment in a private
26 capacity to the interests of ~~others~~ *another person*, accruing to the
27 other ~~persons~~ *person*, is not greater than that accruing to any other
28 member of ~~the~~ *any* general business, profession, occupation or
29 group that is affected by the matter. The presumption set forth in
30 this paragraph does not affect the applicability of the requirements
31 set forth in subsection 1 relating to the disclosure of the *acceptance
32 of a gift or loan, significant* pecuniary interest or commitment in a
33 private capacity to the interests of ~~others~~ *another person*.

34 (b) The Commission must give appropriate weight and proper
35 deference to the public policy of this State which favors the right of
36 a public officer to perform the duties for which the public officer
37 was elected or appointed and to vote or otherwise act upon a matter,
38 provided the public officer has properly disclosed the public
39 officer's acceptance of a gift or loan, ~~the public officer's~~
40 *significant* pecuniary interest or ~~the public officer's~~
41 *person* commitment in a private capacity to the interests of ~~others~~ *another person*
42 in the manner required by subsection 1. Because abstention by a public
43 officer disrupts the normal course of representative government and
44 deprives the public and the public officer's constituents of a voice in
45



1 governmental affairs, the provisions of this section are intended to
2 require abstention only in clear cases where the independence of
3 judgment of a reasonable person in the public officer's situation
4 would be materially affected by the public officer's acceptance of a
5 gift or loan, ~~the public officer's~~ *significant* pecuniary interest or
6 ~~the public officer's~~ commitment in a private capacity to the
7 interests of ~~others.~~ *another person.*

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

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

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

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

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

33 8. As used in this section ~~the~~:

34 ~~—(a) "Commitment in a private capacity to the interests of others"~~
35 ~~means a commitment to a person:~~

36 ~~—(1) Who is a member of the public officer's or employee's~~
37 ~~household;~~

38 ~~—(2) Who is related to the public officer or employee by~~
39 ~~blood, adoption or marriage within the third degree of consanguinity~~
40 ~~or affinity;~~

41 ~~—(3) Who employs the public officer or employee or a~~
42 ~~member of the public officer's or employee's household;~~

43 ~~—(4) With whom the public officer or employee has a~~
44 ~~substantial and continuing business relationship; or~~



~~(5) Any other commitment or relationship that is substantially similar to a commitment or relationship described in subparagraphs (1) to (4), inclusive, of this paragraph.~~

~~(b) "Public", "public officer" and "public employee" do not include a State Legislator.~~

Sec. 42. (Deleted by amendment.)

Sec. 42.5. NRS 281A.430 is hereby amended to read as follows:

281A.430 1. Except as otherwise provided in this section and NRS ~~281A.530~~ **218A.970** and 332.800, a public officer or employee shall not bid on or enter into a contract between ~~an~~ **governmental** ~~an~~ agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with ~~any governmental~~ **an** agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with ~~an~~ **governmental** ~~an~~ agency, or may benefit financially or otherwise from a contract between ~~an~~ **governmental** ~~an~~ agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. ~~Any~~ **Except as otherwise provided in subsection 2, 3 or 5,** a public officer or employee ~~other than a public officer or employee described in subsection 2 or 3,~~ may bid on or enter into a contract with ~~an~~ **governmental** ~~an~~ agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➤ If a public officer who is authorized to bid on or enter into a contract with ~~an~~ **governmental** ~~an~~ agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall



1 disclose the public officer's interest in the contract and shall not
2 vote on or advocate the approval of the contract.

3 **5. A member of a local legislative body shall not, either**
4 **individually or through any business entity in which the member**
5 **has a significant pecuniary interest, sell goods or services to the**
6 **local agency governed by his or her local legislative body unless:**

7 **(a) The member, or the business entity in which the member**
8 **has a significant pecuniary interest, offers the sole source of**
9 **supply of the goods or services within the territorial jurisdiction of**
10 **the local agency governed by his or her local legislative body;**

11 **(b) The local legislative body includes in the public notice and**
12 **agenda for the meeting at which it will consider the purchase of**
13 **such goods or services a clear and conspicuous statement that it is**
14 **considering purchasing such goods or services from one of its**
15 **members, or from a business entity in which the member has a**
16 **significant pecuniary interest;**

17 **(c) At the meeting, the member discloses his or her significant**
18 **pecuniary interest in the purchase of such goods or services and**
19 **does not vote upon or advocate the approval of the matter**
20 **pursuant to the requirements of NRS 281A.420; and**

21 **(d) The local legislative body approves the purchase of such**
22 **goods or services in accordance with all other applicable**
23 **provisions of law.**

24 **6. The Commission may relieve a public officer or employee**
25 **from the strict application of the provisions of this section if:**

26 **(a) The public officer or employee requests an opinion from**
27 **the Commission pursuant to subsection 1 of NRS 281A.440; and**

28 **(b) The Commission determines that such relief is not contrary**
29 **to:**

30 **(1) The best interests of the public;**

31 **(2) The continued ethical integrity of each agency affected**
32 **by the matter; and**

33 **(3) The provisions of this chapter.**

34 **Sec. 43.** NRS 281A.440 is hereby amended to read as follows:

35 281A.440 1. The Commission shall render an opinion
36 interpreting the statutory ethical standards and apply the standards to
37 a given set of facts and circumstances within 45 days after receiving
38 a request, on a form prescribed by the Commission, from a public
39 officer or employee who is seeking guidance on questions which
40 directly relate to the propriety of the requester's own past, present or
41 future conduct as ~~an~~ **a public** officer or employee, unless the
42 public officer or employee waives the time limit. The public officer
43 or employee may also request the Commission to hold a public
44 hearing regarding the requested opinion. If a requested opinion



1 relates to the propriety of the requester's own present or future
2 conduct, the opinion of the Commission is:

3 (a) Binding upon the requester as to the requester's future
4 conduct; and

5 (b) Final and subject to judicial review pursuant to NRS
6 233B.130, except that a proceeding regarding this review must be
7 held in closed court without admittance of persons other than those
8 necessary to the proceeding, unless this right to confidential
9 proceedings is waived by the requester.

10 2. The Commission may render an opinion interpreting the
11 statutory ethical standards and apply the standards to a given set of
12 facts and circumstances:

13 (a) Upon request from a specialized or local ethics committee.

14 (b) Except as otherwise provided in this subsection, upon
15 request from a person, if the requester submits:

16 (1) The request on a form prescribed by the Commission;
17 and

18 (2) All related evidence deemed necessary by the Executive
19 Director and the investigatory panel to make a determination of
20 whether there is just and sufficient cause to render an opinion in the
21 matter.

22 (c) Upon the Commission's own motion regarding the propriety
23 of conduct by a public officer or employee. The Commission shall
24 not initiate proceedings pursuant to this paragraph based solely upon
25 an anonymous complaint.

26 ↪ The Commission shall not render an opinion interpreting the
27 statutory ethical standards or apply those standards to a given set of
28 facts and circumstances if the request is submitted by a person who
29 is incarcerated in a correctional facility in this State.

30 3. Upon receipt of a request for an opinion by the Commission
31 or upon the motion of the Commission pursuant to subsection 2, the
32 Executive Director shall investigate the facts and circumstances
33 relating to the request to determine whether there is just and
34 sufficient cause for the Commission to render an opinion in the
35 matter. The Executive Director shall notify the public officer or
36 employee who is the subject of the request and provide the public
37 officer or employee an opportunity to submit to the Executive
38 Director a response to the allegations against the public officer or
39 employee within 30 days after the date on which the public officer
40 or employee received the notice of the request. The purpose of the
41 response is to provide the Executive Director with any information
42 relevant to the request which the public officer or employee believes
43 may assist the Executive Director and the investigatory panel in
44 conducting the investigation. The public officer or employee is not
45 required in the response or in any proceeding before the



* S B 2 2 8 R 3 *

1 investigatory panel to assert, claim or raise any objection or defense,
2 in law or fact, to the allegations against the public officer or
3 employee and no objection or defense, in law or fact, is waived,
4 abandoned or barred by the failure to assert, claim or raise it in the
5 response or in any proceeding before the investigatory panel.

6 4. The Executive Director shall complete the investigation and
7 present a *written* recommendation relating to just and sufficient
8 cause , *including, without limitation, the specific evidence or*
9 *reasons that support the recommendation,* to the investigatory
10 panel within 70 days after the receipt of or the motion of the
11 Commission for the request, unless the public officer or employee
12 waives this time limit. ~~If, after the investigation, the Executive~~
13 ~~Director determines that there is just and sufficient cause for the~~
14 ~~Commission to render an opinion in the matter, the Executive~~
15 ~~Director shall state such a recommendation in writing, including,~~
16 ~~without limitation, the specific evidence that supports the Executive~~
17 ~~Director's recommendation. If, after the investigation, the Executive~~
18 ~~Director determines that there is not just and sufficient cause for the~~
19 ~~Commission to render an opinion in the matter, the Executive~~
20 ~~Director shall state such a recommendation in writing, including,~~
21 ~~without limitation, the specific reasons for the Executive Director's~~
22 ~~recommendation.]~~

23 5. Within 15 days after the Executive Director has provided the
24 ~~[Executive Director's]~~ *written* recommendation in the matter to the
25 investigatory panel ~~[]~~ *pursuant to subsection 4,* the investigatory
26 panel shall *conclude the investigation and* make a final
27 determination regarding whether there is just and sufficient cause
28 for the Commission to render an opinion in the matter, unless the
29 public officer or employee waives this time limit. The investigatory
30 panel shall not determine that there is just and sufficient cause for
31 the Commission to render an opinion in the matter unless the
32 Executive Director has provided the public officer or employee an
33 opportunity to respond to the allegations against the public officer or
34 employee as required by subsection 3. The investigatory panel shall
35 cause a record of its proceedings in each matter to be kept . ~~[, and~~
36 ~~such a record must remain confidential until the investigatory panel~~
37 ~~determines whether there is just and sufficient cause for the~~
38 ~~Commission to render an opinion in the matter.]~~

39 6. If the investigatory panel determines that there is just and
40 sufficient cause for the Commission to render an opinion in the
41 matter, the Commission shall hold a hearing and render an opinion
42 in the matter within 60 days after the determination of just and
43 sufficient cause by the investigatory panel, unless the public officer
44 or employee waives this time limit.



1 7. Each request for an opinion that a public officer or employee
2 submits to the Commission pursuant to subsection 1, each opinion
3 rendered by the Commission in response to such a request and any
4 motion, determination, evidence or record of a hearing relating to
5 such a request are confidential unless the public officer or employee
6 who requested the opinion:

7 (a) Acts in contravention of the opinion, in which case the
8 Commission may disclose the request for the opinion, the contents
9 of the opinion and any motion, evidence or record of a hearing
10 related thereto;

11 (b) Discloses the request for the opinion, the contents of the
12 opinion, or any motion, evidence or record of a hearing related
13 thereto; or

14 (c) Requests the Commission to disclose the request for the
15 opinion, the contents of the opinion, or any motion, evidence or
16 record of a hearing related thereto.

17 8. Except as otherwise provided in ~~{this}~~ subsection ~~{each~~
18 ~~document}~~ **9, all information, communications, records,**
19 **documents or other material** in the possession of the Commission
20 or its staff that is related to a request for an opinion regarding a
21 public officer or employee submitted to or initiated by the
22 Commission pursuant to subsection 2, including, without limitation,
23 ~~{the Commission's copy of the request and all materials and~~
24 ~~information gathered in an investigation of the request, is}~~ **the**
25 **record of the proceedings of the investigatory panel made**
26 **pursuant to subsection 5, are confidential and not public records**
27 **pursuant to chapter 239 of NRS** until ~~{the}~~ :

28 (a) **The** investigatory panel determines whether there is just and
29 sufficient cause to render an opinion in the matter ~~{The}~~ **and serves**
30 **written notice of such a determination on the public officer or**
31 **employee who is the subject of the request for an opinion**
32 **submitted or initiated pursuant to subsection 2; or**

33 (b) **The** public officer or employee who is the subject of a
34 request for an opinion submitted or initiated pursuant to subsection
35 2 ~~{may in writing authorize}~~ **authorizes** the Commission **in writing**
36 to make its ~~{files, material and}~~ information, **communications,**
37 **records, documents or other material** which are related to the
38 request publicly available ~~{}~~ ,

39 **whichever occurs first.**

40 9. Except as otherwise provided in ~~{paragraphs (a) and (b), the~~
41 ~~proceedings of the investigatory panel are}~~ **this section, the**
42 **investigative file of the Commission is** confidential. ~~{until}~~ **At any**
43 **time after being served with written notice of the determination of**
44 **the investigatory panel {determines whether there is} regarding the**



1 *existence of* just and sufficient cause *for the Commission* to render
2 an opinion in the matter ~~†. A person who:~~

3 ~~— (a) Requests an opinion from the Commission pursuant to~~
4 ~~paragraph (b) of subsection 2 may:~~

5 ~~— (1) At any time, reveal to a third party the alleged conduct of~~
6 ~~a public officer or employee underlying the request that the person~~
7 ~~filed with the Commission or the substance of testimony, if any, that~~
8 ~~the person gave before the Commission.~~

9 ~~— (2) After the investigatory panel determines whether there is~~
10 ~~just and sufficient cause to render an opinion in the matter, reveal to~~
11 ~~a third party the fact that the person requested an opinion from the~~
12 ~~Commission.~~

13 ~~— (b) Gives testimony before the Commission may:~~

14 ~~— (1) At any time, reveal to a third party the substance of~~
15 ~~testimony that the person gave before the Commission.~~

16 ~~— (2) After the investigatory panel determines whether there is~~
17 ~~just and sufficient cause to render an opinion in the matter, reveal to~~
18 ~~a third party the fact that the person gave testimony before the~~

19 ~~Commission.†, the public officer or employee who is the subject of~~
20 ~~the request for an opinion may submit a written discovery request~~
21 ~~to the Commission for a copy of any portion of the investigative~~
22 ~~file that the Commission intends to present for consideration as~~
23 ~~evidence in rendering an opinion in the matter and a list of~~
24 ~~proposed witnesses. Any portion of the investigative file which the~~
25 ~~Commission presents as evidence in rendering an opinion in the~~
26 ~~matter becomes a public record as provided in chapter 239 of~~
27 ~~NRS.~~

28 10. Whenever the Commission holds a hearing pursuant to this
29 section, the Commission shall:

30 (a) Notify the person about whom the opinion was requested of
31 the place and time of the Commission's hearing on the matter;

32 (b) Allow the person to be represented by counsel; and

33 (c) Allow the person to hear the evidence presented to the
34 Commission and to respond and present evidence on the person's
35 own behalf.

36 ➤ The Commission's hearing may be held no sooner than 10 days
37 after the notice is given unless the person agrees to a shorter time.

38 11. If a person who is not a party to a hearing before the
39 Commission, including, without limitation, a person who has
40 requested an opinion pursuant to paragraph (a) or (b) of subsection
41 2, wishes to ask a question of a witness at the hearing, the person
42 must submit the question to the Executive Director in writing. The
43 Executive Director may submit the question to the Commission if
44 the Executive Director deems the question relevant and appropriate.



1 This subsection does not require the Commission to ask any
2 question submitted by a person who is not a party to the proceeding.

3 12. If a person who requests an opinion pursuant to subsection
4 1 or 2 does not:

5 (a) Submit all necessary information to the Commission; and

6 (b) Declare by oath or affirmation that the person will testify
7 truthfully,

8 ↳ the Commission may decline to render an opinion.

9 13. For good cause shown, the Commission may take
10 testimony from a person by telephone or video conference.

11 14. For the purposes of NRS 41.032, the members of the
12 Commission and its employees shall be deemed to be exercising or
13 performing a discretionary function or duty when taking an action
14 related to the rendering of an opinion pursuant to this section.

15 15. A meeting or hearing that the Commission or the
16 investigatory panel holds to receive information or evidence
17 concerning the propriety of the conduct of a public officer or
18 employee pursuant to this section and the deliberations of the
19 Commission and the investigatory panel on such information or
20 evidence are not subject to the provisions of chapter 241 of NRS.

21 *16. For the purposes of this section, the investigative file of*
22 *the Commission which relates to a request for an opinion*
23 *regarding a public officer or employee includes, without*
24 *limitation, any information obtained by the Commission through*
25 *any form of communication during the course of an investigation*
26 *and any records, documents or other material created or*
27 *maintained during the course of an investigation which relate*
28 *to the public officer or employee who is the subject of the request for*
29 *an opinion, regardless of whether such information, records,*
30 *documents or other material are obtained by a subpoena.*

31 **Sec. 44.** NRS 281A.470 is hereby amended to read as follows:

32 281A.470 1. Any ~~{department, board, commission or other}~~
33 *state* agency ~~{of the State}~~ or the governing body of a county or an
34 incorporated city may establish a specialized or local ethics
35 committee to complement the functions of the Commission. A
36 specialized or local ethics committee may:

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

41 (b) Render an opinion upon the request of any public officer or
42 employee of its own organization or level seeking an interpretation
43 of its ethical standards on questions directly related to the propriety
44 of the public officer's or employee's own future official conduct or
45 refer the request to the Commission. Any public officer or employee



1 subject to the jurisdiction of the committee shall direct the public
2 officer's or employee's inquiry to that committee instead of the
3 Commission.

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

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

9 (2) Upon review, approved by the Secretary of State. *The*
10 *Secretary of State shall not approve the form unless the form*
11 *contains all the information required to be included in a statement*
12 *of financial disclosure pursuant to NRS 281.571.*

13 2. *The Secretary of State is not responsible for the costs of*
14 *producing or distributing a form for filing a statement of financial*
15 *disclosure pursuant to the provisions of subsection 1.*

16 3. A specialized or local ethics committee shall not attempt to
17 interpret or render an opinion regarding the statutory ethical
18 standards.

19 ~~3~~ 4. Each request for an opinion submitted to a specialized or
20 local ethics committee, each hearing held to obtain information on
21 which to base an opinion, all deliberations relating to an opinion,
22 each opinion rendered by a committee and any motion relating to
23 the opinion are confidential unless:

24 (a) The public officer or employee acts in contravention of the
25 opinion; or

26 (b) The requester discloses the content of the opinion.

27 **Sec. 45.** NRS 281A.480 is hereby amended to read as follows:

28 281A.480 1. In addition to any other penalties provided by
29 law ~~H~~ *and in accordance with the provisions of section 27.5 of*
30 *this act*, the Commission may impose on a public officer or
31 employee or former public officer or employee civil penalties:

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

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

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

38 2. In addition to any other penalties provided by law, the
39 Commission may , *upon its own motion or upon the motion of the*
40 *person about whom an opinion was requested pursuant to NRS*
41 *281A.440*, impose a civil penalty not to exceed \$5,000 and assess an
42 amount equal to the amount of attorney's fees and costs actually and
43 reasonably incurred by the person about whom an opinion was
44 requested pursuant to NRS 281A.440 against a person who



1 prevents, interferes with or attempts to prevent or interfere with the
2 discovery or investigation of a violation of this chapter.

3 3. If the Commission finds that a violation of a provision of
4 this chapter by a public officer or employee or former public officer
5 or employee has resulted in the realization of a financial benefit by
6 the current or former public officer or employee or another person,
7 the Commission may, in addition to any other penalties provided by
8 law, require the current or former public officer or employee to pay
9 a civil penalty of not more than twice the amount so realized.

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

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

16 (1) If the State Legislator is a member of the Senate, submit
17 the opinion to the Majority Leader of the Senate or, if the Majority
18 Leader of the Senate is the subject of the opinion or the person who
19 requested the opinion, to the President Pro Tempore of the Senate;
20 or

21 (2) If the State Legislator is a member of the Assembly,
22 submit the opinion to the Speaker of the Assembly or, if the Speaker
23 of the Assembly is the subject of the opinion or the person who
24 requested the opinion, to the Speaker Pro Tempore of the Assembly.

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

34 (c) One or more willful violations of this chapter have been
35 committed by a public officer other than a public officer described
36 in paragraphs (a) and (b), the willful violations shall be deemed to
37 be malfeasance in office for the purposes of NRS 283.440 and the
38 Commission:

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

43 (2) Shall file a complaint in the appropriate court for removal
44 of the public officer pursuant to NRS 283.440 when the public



1 officer is found in the opinion to have committed three or more
2 willful violations of this chapter.

3 ➔ This paragraph grants an exclusive right to the Commission, and
4 no other person may file a complaint against the public officer
5 pursuant to NRS 283.440 based on any violation found in the
6 opinion.

7 5. ~~{An action taken}~~ *Notwithstanding any other provision of*
8 *this chapter, any act or failure to act* by a public officer or
9 employee or former public officer or employee relating to this
10 chapter is not a willful violation of ~~{a provision of those sections}~~
11 *this chapter* if the public officer or employee establishes by
12 sufficient evidence that : ~~{the public officer or employee satisfied all~~
13 ~~of the following requirements:}~~

14 (a) The public officer or employee relied in good faith upon the
15 advice of the legal counsel retained by ~~{the}~~ *his or her* public body
16 ~~{which the public officer represents or by the}~~ , *agency or* employer
17 ; ~~{of the public employee or upon the manual published by the~~
18 ~~Commission pursuant to NRS 281A.290;-~~

19 ~~—(b) The public officer or employee was unable, through no fault~~
20 ~~of the public officer or employee, to obtain an opinion from the~~
21 ~~Commission before the action was taken;}~~ and

22 ~~{(e)}~~ (b) The *act or failure to act by the* public officer or
23 employee ~~{took action that}~~ was not contrary to a prior published
24 opinion issued by the Commission.

25 6. In addition to any other penalties provided by law, a public
26 employee who commits a willful violation of this chapter is subject
27 to disciplinary proceedings by the employer of the public employee
28 and must be referred for action in accordance to the applicable
29 provisions governing the employment of the public employee.

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

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

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



1 **Sec. 46.** NRS 281A.500 is hereby amended to read as follows:
2 281A.500 1. *On or before the date on which a public officer*

3 *swears or affirms the oath of office, the public officer must be*
4 *informed of the statutory ethical standards and the duty to file an*
5 *acknowledgment of the statutory ethical standards in accordance*
6 *with this section by:*

7 (a) *For an appointed public officer, the appointing authority of*
8 *the public officer; and*

9 (b) *For an elected public officer of:*

10 (1) *The county and other political subdivisions within the*
11 *county except cities, the county clerk;*

12 (2) *The city, the city clerk;*

13 (3) *The Legislative Department of the State Government,*
14 *the Director of the Legislative Counsel Bureau; and*

15 (4) *The Executive Department of the State Government, the*
16 *Director of the Department of Administration, or his or her*
17 *designee.*

18 2. *Within 30 days after a public employee begins*
19 *employment:*

20 (a) *The Director of the Department of Administration, or his*
21 *or her designee, shall provide each new public employee of a state*
22 *agency with the information prepared by the Commission*
23 *concerning the statutory ethical standards; and*

24 (b) *The manager of each local agency, or his or her designee,*
25 *shall provide each new public employee of the local agency with*
26 *the information prepared by the Commission concerning the*
27 *statutory ethical standards.*

28 3. Each public officer shall acknowledge that the public
29 officer:

30 (a) Has received, read and understands the statutory ethical
31 standards; and

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

35 ~~12-1~~ 4. The acknowledgment must be executed on a form
36 prescribed by the Commission and must be filed with the
37 Commission:

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

41 (b) If the public officer is elected to office at an election other
42 than the general election or is appointed to office, on or before the
43 30th day following the date on which the public officer ~~takes~~
44 *swears or affirms the oath of* office.



1 ~~13-1~~ 5. Except as otherwise provided in this subsection, a public
2 officer shall execute and file the acknowledgment once for each
3 term of office. If the public officer serves at the pleasure of the
4 appointing authority and does not have a definite term of office,
5 the public officer, in addition to executing and filing the
6 acknowledgment after the public officer ~~14-1~~ *swears or affirms*
7 *the oath of* office in accordance with subsection ~~12-1~~ 4, shall execute
8 and file the acknowledgment on or before January 15 of each even-
9 numbered year while the public officer holds that office.

10 ~~14-1~~ 6. For the purposes of this section, the acknowledgment is
11 timely filed if, on or before the last day for filing, the
12 acknowledgment is filed in one of the following ways:

13 (a) Delivered in person to the principal office of the
14 Commission in Carson City.

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

19 (c) Dispatched to a third-party commercial carrier for delivery to
20 the Commission within 3 calendar days. Filing by third-party
21 commercial carrier is complete upon timely depositing the
22 acknowledgment with the third-party commercial carrier.

23 ~~15-1~~ (d) *Transmitted to the Commission by facsimile machine*
24 *or other electronic means authorized by the Commission. Filing by*
25 *facsimile machine or other electronic means is complete upon*
26 *receipt of the transmission by the Commission.*

27 7. The form for making the acknowledgment must contain:

28 (a) The address of the Internet website of the Commission where
29 a public officer may view the statutory ethical standards and print a
30 ~~14-1~~ copy ~~13-1~~ *of the standards*; and

31 (b) The telephone number and mailing address of the
32 Commission where a public officer may make a request to obtain a
33 ~~14-1~~ *printed* copy of the statutory ethical standards from the
34 Commission.

35 ~~16-1~~ 8. Whenever the Commission, or any public
36 officer or employee as part of the public officer's or employee's
37 official duties, provides a public officer with a ~~14-1~~ *printed* copy
38 of the form for making the acknowledgment, a ~~14-1~~ *printed*
39 copy of the statutory ethical standards must be included with the
40 form.

41 ~~17-1~~ 9. The Commission shall retain each acknowledgment filed
42 pursuant to this section for 6 years after the date on which the
43 acknowledgment was filed.

44 ~~18-1~~ 10. Willful refusal to execute and file the acknowledgment
45 required by this section shall be deemed to be:



1 (a) A willful violation of this chapter for the purposes of NRS
2 281A.480; and

3 (b) Nonfeasance in office for the purposes of NRS 283.440 and,
4 if the public officer is removable from office pursuant
5 to NRS 283.440, the Commission may file a complaint
6 in the appropriate court for removal of the public officer pursuant to
7 that section. This paragraph grants an exclusive right to the
8 Commission, and no other person may file a complaint against the
9 public officer pursuant to NRS 283.440 based on any violation of
10 this section.

11 ~~9-1~~ **11.** As used in this section, “general election” has the
12 meaning ascribed to it in NRS 293.060.

13 **Sec. 47.** (Deleted by amendment.)

14 **Sec. 48.** (Deleted by amendment.)

15 **Sec. 49.** (Deleted by amendment.)

16 **Sec. 50.** (Deleted by amendment.)

17 **Sec. 51.** (Deleted by amendment.)

18 **Sec. 52.** (Deleted by amendment.)

19 **Sec. 53.** (Deleted by amendment.)

20 **Sec. 54.** (Deleted by amendment.)

21 **Sec. 55.** (Deleted by amendment.)

22 **Sec. 56.** (Deleted by amendment.)

23 **Sec. 56.5.** (Deleted by amendment.)

24 **Sec. 57.** NRS 245.075 is hereby amended to read as follows:

25 245.075 1. Except as otherwise provided in NRS 281.230,
26 281A.430 ~~1-281A.5301~~ and 332.800, it is unlawful for any county
27 officer, *directly or indirectly*, to be interested in any contract made
28 by the county officer or *to* be a purchaser or ~~1-be1~~ interested in any
29 purchase of a sale made by the county officer in the discharge of his
30 or her official duties.

31 2. Any contract made in violation of ~~1-subsection 11~~ *this section*
32 may be declared void at the instance of the county interested or of
33 any other person interested in the contract except the officer
34 prohibited from making or being interested in the contract.

35 3. Any person ~~1-violating1~~ *who violates* this section ~~1-directly or~~
36 ~~1-indirectly.1~~ is guilty of a gross misdemeanor and shall forfeit his or
37 her office.

38 **Sec. 58.** NRS 268.384 is hereby amended to read as follows:

39 268.384 1. Except as otherwise provided in NRS 281.230,
40 281A.430 ~~1-281A.5301~~ and 332.800, it is unlawful for any city
41 officer, *directly or indirectly*, to be interested in any contract made
42 by the city officer ~~1-1~~ or to be a purchaser or interested ~~1-directly or~~
43 ~~1-indirectly.1~~ in any purchase of a sale made by the city officer in the
44 discharge of *his or her* official duties.



1 2. Any person ~~violating~~ *who violates* this section is guilty of
2 a gross misdemeanor and shall forfeit his or her office.

3 **Sec. 59.** NRS 269.071 is hereby amended to read as follows:

4 269.071 1. ~~##~~ *Except as otherwise provided in NRS*
5 *281.230, 281A.430 and 332.800, it* is unlawful for any member of a
6 town board or board of county commissioners acting for any town to
7 become a contractor under any contract or order for supplies or any
8 other kind of contract authorized by or for the board of which he or
9 she is a member, or to be interested, directly or indirectly, as
10 principal ~~in~~ in any kind of contract so authorized.

11 2. Any person ~~violating subsection 1~~ *who violates this*
12 *section* is guilty of a gross misdemeanor and shall forfeit his or her
13 office.

14 **Sec. 60.** NRS 269.072 is hereby amended to read as follows:

15 269.072 1. ~~##~~ *Except as otherwise provided in NRS*
16 *281.230, 281A.430 and 332.800, it* is unlawful for any town officer,
17 directly or indirectly, to be interested in any contract made by the
18 town officer ~~in~~ or *to* be a purchaser or ~~be~~ interested in any
19 purchase under a sale made by the town officer in the discharge of
20 *his or her* official duties.

21 2. Any person ~~violating subsection 1~~ *who violates this*
22 *section* is guilty of a gross misdemeanor and shall forfeit his or her
23 office.

24 **Sec. 61.** NRS 332.800 is hereby amended to read as follows:

25 332.800 1. Except as otherwise provided in NRS 281.230 ~~##~~
26 *and* 281A.430 , ~~and 281A.530,~~ a member of the governing body
27 may not be interested, directly or indirectly, in any contract entered
28 into by the governing body, but the governing body may purchase
29 supplies, not to exceed \$1,500 in the aggregate in any 1 calendar
30 month , from a member of such governing body ~~in~~ when not to do
31 so would be of great inconvenience due to a lack of any other local
32 source.

33 2. An evaluator may not be interested, directly or indirectly, in
34 any contract awarded by such governing body or its authorized
35 representative.

36 3. A member of a governing body who furnishes supplies in
37 the manner permitted by subsection 1 may not vote on the allowance
38 of the claim for such supplies.

39 4. A ~~violation of~~ *person who violates* this section is *guilty of*
40 a misdemeanor and, in the case of a member of a governing body, *a*
41 *violation is* cause for removal from office.

42 **Sec. 62.** NRS 281A.530 is hereby repealed.

43 **Sec. 63.** 1. Except as otherwise provided in subsection 2, this
44 act becomes effective upon passage and approval.



1 2. Sections 16.3, 16.5, 24.5, 32.3, 40.5, 42.5 and 57 to 62,
2 inclusive, of this act become effective on January 1, 2014.

TEXT OF REPEALED SECTION

281A.530 Purchase of goods or services by local government from member of governing body not unlawful or unethical; conditions. The purchase of goods or services by a local government upon a two-thirds vote of its governing body from a member of the governing body who is the sole source of supply within the area served by the governing body is not unlawful or unethical if the public notice of the meeting specifically mentioned that such a purchase would be discussed.

⑩

