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March 4, 2003

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TO: Senator Ann O'Connell

FROM: Stacy M. Jennings, MPA *SJ*  
 Executive Director

RE: Proposed Amendment to Senate Bill 147

Based on the concerns by members of the Senate Government Affairs Committee at the February 24, 2003 bill hearing on SB 147, the Commission would propose amending the bill in three key areas. First, to add statutory timeframes for investigations of ethics complaints back into statute. The proposed amendment would provide that all ethics complaints submitted to the Commission would have to go to a panel within 60 days of the complaint being filed, and be heard by the full Commission (if necessary) within 90 days of the complaint being filed unless the public officer or employee waived the timeframe. Second, to provide that the failure of a public officer or employee to cooperate in Commission investigations shall be deemed a waiver by the public officer of the statutory timeframes for investigations of ethics complaints. And finally, to be more specific regarding the unconstitutionally vague language of 'any other person' presently in NRS 281.481(2), by drawing from the definition of a 'commitment in a private capacity to the interests of others,' which is defined in NRS 281.501 in terms of disclosures, abstentions, and voting.

We appreciate your consideration of these amendments, and would be happy to discuss them with you in person or with the full Committee at work session.

Section 5, page 4, line 16, insert: *"Failure of the public officer or public employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or public employee of the time set forth in subsections 3 and 4 of NRS 281.511."*

Section 6, page 5, lines 15 – 20, amend to read: *"2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, or advantages for himself, [~~any member of his household,~~] any business entity in which he has a significant pecuniary interest, or any [~~other~~] person to whom he has a commitment in a private capacity to their interests, as defined in subsection 7 of NRS 281.501"*

EXHIBIT C Senate Committee on Gov't Affairs

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Section 8, page 10, lines 6 - 12, amend to read: "The Executive Director shall complete an investigation and present his recommendation relating to just and sufficient cause to the panel within ~~[15]~~ 45 days after the receipt of or the motion of the Commission for the request, unless the ~~[panel extends the time for a period not to exceed 30 days upon the request of the Executive Director for good cause shown or the request of the]~~ public officer or public employee *waives the time set forth in this section.*"

Section 8, page 10, lines 21 - 27, amend to read: "Within 15 days after the Executive Director has provided his recommendation in the matter to the panel, the panel shall make a final determination regarding whether just and sufficient cause exists for the Commission to render an opinion in the matter, unless the ~~[Commission extends the time for a period not to exceed 30 days upon the request of the panel for good cause shown or the request of the]~~ public officer or public employee *waives the time set forth in this section.*"

Section 8, page 10, lines 36 - 41, amend to read: "If the panel determines that just and sufficient cause exists for the Commission to render an opinion requested pursuant to this section, the Commission shall hold a hearing and render an opinion in the matter within 30 days after the determination of just and sufficient cause by the panel, unless the ~~[Commission extends the time for a period not to exceed 30 days for good cause shown or upon the request of the]~~ public officer or public employee *waives the time set forth in this section.*"