

Assembly Bill No. 539—Committee on
Government Affairs

CHAPTER.....

AN ACT relating to governmental purchasing; clarifying the types of contracts into which a member of certain governing bodies may enter with the governing body; increasing the maximum dollar amount of supplies that a governing body may purchase each month from a member of the body in certain circumstances; and providing other matters properly relating thereto.

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

Section 1. NRS 332.155 is hereby amended to read as follows:

332.155 1. ~~[No]~~ *Except as otherwise provided in NRS 281.230, 281.505 and 281.555, a* member of the governing body may *not* be interested, directly or indirectly, in any contract entered into by the governing body, but the governing body may purchase supplies, not to exceed ~~[\$300]~~ *\$1,500* in the aggregate in any 1 calendar month from a member of such governing body, when not to do so would be of great inconvenience due to a lack of any other local source.

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

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

4. A violation of this section is a misdemeanor and, in the case of a member of a governing body, cause for removal from office.

Sec. 2. NRS 245.075 is hereby amended to read as follows:

245.075 1. Except as otherwise provided in NRS *281.230, 281.505, 281.555* ~~[]~~ *and 332.155*, it is unlawful for any county officer to be interested in any contract made by him or be a purchaser or be interested in any purchase of a sale made by him in the discharge of his official duties.

2. Any contract made in violation of subsection 1 may be declared void at the instance of the county interested or of any other person interested in the contract except the officer prohibited from making or being interested in the contract.

3. Any person violating this section, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

Sec. 3. NRS 268.384 is hereby amended to read as follows:

268.384 1. Except as otherwise provided in NRS *281.230, 281.505, 281.555* ~~[]~~ *and 332.155*, it is unlawful for any city officer

to be interested in any contract made by him, or to be a purchaser or interested, directly or indirectly, in any purchase of a sale made by him in the discharge of his official duties.

2. Any person violating this section is guilty of a gross misdemeanor and shall forfeit his office.

Sec. 4. NRS 281.230 is hereby amended to read as follows:

281.230 1. Except as otherwise provided in this section and NRS 218.605, *281.555 and 332.155*, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way directly interested or affected:

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

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

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

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

3. A full- or part-time faculty member or employee of the University and Community College System of Nevada may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental 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. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he has not taken part in developing the contract plans or specifications and he 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 a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281.501, shall disclose his interest in the contract and shall not vote on or advocate the approval of the contract.*

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

(a) Where the commission, personal profit or compensation is \$250 or more, for a category D felony as provided in NRS 193.130.

(b) Where the commission, personal profit or compensation is less than \$250, for a misdemeanor.

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

Sec. 5. NRS 281.505 is hereby amended to read as follows:

281.505 1. Except as otherwise provided in this section ~~and~~ **and NRS 281.555 and 332.155**, a public officer or employee shall not bid on or enter into a contract between a governmental agency and any private business in which he 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 or commission, may, in the ordinary course of his business, bid on or enter into a contract with any governmental agency, except the board, commission or body of which he is a member, if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the University and Community College System of Nevada may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental 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. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he has not taken part in developing the contract plans or specifications and he 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 a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281.501, shall disclose his interest in the contract and shall not vote on or advocate the approval of the contract.***

Sec. 6. This act becomes effective upon passage and approval.