

SENATE BILL NO. 147—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE COMMISSION ON ETHICS)

FEBRUARY 18, 2003

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to Commission on Ethics and statements of financial disclosure. (BDR 23-500)

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

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

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AN ACT relating to ethics in government; requiring certain public officers to submit electronically to the Commission on Ethics and the Secretary of State a list of public officers and candidates for public office; revising the prohibition against a public officer or employee using his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for certain persons; removing a duplicative provision relating to the disclosure of certain conflicts of interest; revising certain deadlines related to investigations and determinations concerning ethics violations; eliminating the authority of the Commission to impose a civil penalty against a person who submits to the Commission a false accusation or information in bad faith or with a vexatious purpose; revising the provisions governing the filing of statements of financial disclosure; repealing the provision prohibiting a person from making, using, publishing or disseminating a false, deceptive or misleading statement to induce the Commission to render an opinion or take action relating thereto; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from



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willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and providing other matters properly relating thereto..

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

1       **Section 1.** Chapter 281 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 1.3 and 1.7 of this act.

3       **Sec. 1.3. 1.** *A list of each public officer who is required to*  
4 *file a statement of financial disclosure pursuant to NRS 281.561*  
5 *or section 1.7 of this act must be submitted electronically to the*  
6 *Commission and to the Secretary of State, in a form prescribed by*  
7 *the Commission, on or before December 1 of each year by:*

8       *(a) Each county clerk for all public officers of the county and*  
9 *other local governments within the county other than cities;*

10       *(b) Each city clerk for all public officers of the city;*

11       *(c) The Director of the Legislative Counsel Bureau for all*  
12 *public officers of the Legislative Branch; and*

13       *(d) The Chief of the Budget Division of the Department of*  
14 *Administration for all public officers of the Executive Branch.*

15       **2.** *The Secretary of State, each county clerk, or the registrar*  
16 *of voters of the county if one was appointed pursuant to NRS*  
17 *244.164, and each city clerk shall submit electronically to the*  
18 *Commission, and each county clerk, or the registrar of voters of*  
19 *the county if one was appointed pursuant to NRS 244.164, and*  
20 *each city clerk shall submit electronically to the Secretary of State,*  
21 *in a form prescribed by the Commission, a list of each candidate*  
22 *for public office who filed a declaration of candidacy or*  
23 *acceptance of candidacy with that officer within 10 days after the*  
24 *last day to qualify as a candidate for the applicable office.*

25       **Sec. 1.7. 1.** *Except as otherwise provided in subsection 2 or*  
26 *3, each public officer who was appointed to the office for which he*  
27 *is serving and who is entitled to receive annual compensation of*  
28 *\$6,000 or more for serving in that office shall file with the*  
29 *Commission, and with the officer with whom declarations of*  
30 *candidacy for the office are filed, a statement of financial*  
31 *disclosure, as follows:*

32       *(a) A public officer appointed to fill the unexpired term of an*  
33 *elected public officer shall file a statement of financial disclosure*  
34 *within 30 days after his appointment.*

35       *(b) Each public officer appointed to fill an office shall file a*  
36 *statement of financial disclosure on or before March 31 of each*  
37 *year of the term, including the year the term expires.*



- 1       (c) *A public officer who leaves office on a date other than the*  
2 *expiration of his term or anniversary of his appointment shall file*  
3 *a statement of financial disclosure within 60 days after leaving*  
4 *office.*
- 5       2. *A statement filed pursuant to one of the paragraphs of*  
6 *subsection 1 may be used to satisfy the requirements of another*  
7 *paragraph of subsection 1 if the initial statement was filed not*  
8 *more than 3 months before the other statement is required to be*  
9 *filed.*
- 10       3. *If a person is serving in a public office for which he is*  
11 *required to file a statement pursuant to subsection 1, he may use*  
12 *the statement he files for that initial office to satisfy the*  
13 *requirements of subsection 1 for every other public office in which*  
14 *he is also serving.*
- 15       4. *A person may satisfy the requirements of subsection 1 by*  
16 *filing with the Commission a copy of a statement of financial*  
17 *disclosure that was filed pursuant to the requirements of a*  
18 *specialized or local ethics committee if the form of the statement*  
19 *has been approved by the Commission.*
- 20       5. *A candidate for judicial office or a judicial officer shall file*  
21 *a statement of financial disclosure pursuant to the requirements of*  
22 *Canon 4I of the Nevada Code of Judicial Conduct. Such a*  
23 *statement of financial disclosure must include, without limitation,*  
24 *all information required to be included in a statement of financial*  
25 *disclosure pursuant to NRS 281.571.*
- 26       **Sec. 2.** NRS 281.431 is hereby amended to read as follows:  
27       281.431 As used in NRS 281.411 to 281.581, inclusive, *and*  
28 *sections 1.3 and 1.7 of this act*, unless the context otherwise  
29 requires, the words and terms defined in NRS 281.432 to 281.4375,  
30 inclusive, have the meanings ascribed to them in those sections.
- 31       **Sec. 2.5.** NRS 281.461 is hereby amended to read as follows:  
32       281.461 1. The Commission shall:  
33       (a) At its first meeting and annually thereafter elect a Chairman  
34 and Vice Chairman from among its members.  
35       (b) Meet regularly at least once in each calendar quarter, unless  
36 there are no requests made for an opinion pursuant to NRS 281.511,  
37 ~~294A.345 or 294A.346,~~ and at other times upon the call of the  
38 Chairman.
- 39       2. Members of the Commission are entitled to receive a salary  
40 of not more than \$80 per day, as fixed by the Commission, while  
41 engaged in the business of the Commission.
- 42       3. While engaged in the business of the Commission, each  
43 member and employee of the Commission is entitled to receive the  
44 per diem allowance and travel expenses provided for state officers  
45 and employees generally.



1 4. The Commission may, within the limits of legislative  
2 appropriation, maintain such facilities as are required to carry out its  
3 functions.

4 **Sec. 3.** NRS 281.4635 is hereby amended to read as follows:

5 281.4635 1. In addition to any other duties imposed upon  
6 him, the Executive Director shall:

7 (a) Maintain complete and accurate records of all transactions  
8 and proceedings of the Commission.

9 (b) Receive requests for opinions pursuant to NRS 281.511 . ~~↳~~  
10 ~~294A.345 or 294A.346.]~~

11 (c) Gather information and conduct investigations regarding  
12 requests for opinions received by the Commission and submit  
13 recommendations to the panel appointed pursuant to NRS 281.462  
14 regarding whether there is just and sufficient cause to render an  
15 opinion in response to a particular request.

16 (d) Recommend to the Commission any regulations or  
17 legislation that he considers desirable or necessary to improve the  
18 operation of the Commission and maintain high standards of ethical  
19 conduct in government.

20 (e) Upon the request of any public officer or the employer of a  
21 public employee, conduct training on the requirements of this  
22 chapter, the rules and regulations adopted by the Commission and  
23 previous opinions of the Commission. In any such training, the  
24 Executive Director shall emphasize that he is not a member of the  
25 Commission and that only the Commission may issue opinions  
26 concerning the application of the statutory ethical standards to any  
27 given set of facts and circumstances. The Commission ~~[shall]~~ *may*  
28 charge a reasonable fee to cover the costs of training provided by  
29 the Executive Director pursuant to this subsection.

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

32 2. The Executive Director shall, within the limits of legislative  
33 appropriation, employ such persons as are necessary to carry out any  
34 of his duties relating to:

35 (a) The administration of the affairs of the Commission;

36 (b) The review of statements of financial disclosure; and

37 (c) The investigation of matters under the jurisdiction of the  
38 Commission.

39 **Sec. 3.3.** NRS 281.465 is hereby amended to read as follows:

40 281.465 1. The Commission has jurisdiction to investigate  
41 and take appropriate action regarding an alleged violation of ~~↳~~

42 ~~—(a) This]~~ *this* chapter by a public officer or employee or former  
43 public officer or employee in any proceeding commenced by:

44 ~~[(1)]~~ (a) The filing of a request for an opinion with the  
45 Commission; or



1 ~~[(2)]~~ (b) The Commission on its own motion.  
2 ~~[(b) NRS 294A.345 or 294A.346 in any proceeding commenced~~  
3 ~~by the filing of a request for an opinion pursuant thereto.]~~

4 2. The provisions of ~~[(paragraph (a) of]~~ subsection 1 apply to a  
5 public officer or employee who:

6 (a) Currently holds public office or is publicly employed at the  
7 commencement of proceedings against him.

8 (b) Resigns or otherwise leaves his public office or employment:

9 (1) After the commencement of proceedings against him; or

10 (2) Within 1 year after the alleged violation or reasonable  
11 discovery of the alleged violation.

12 **Sec. 3.7.** NRS 281.471 is hereby amended to read as follows:

13 281.471 The Commission shall:

14 1. Adopt procedural regulations:

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

16 (b) For the filing of a request for an opinion with the  
17 Commission;

18 (c) For the withdrawal of a request for an opinion by the person  
19 who filed the request; and

20 (d) To facilitate the prompt rendition of opinions by the  
21 Commission.

22 2. *Prescribe, by regulation, forms for the submission of*  
23 *statements of financial disclosure filed by candidates and elected*  
24 *and appointed public officers pursuant to NRS 281.561 and*  
25 *section 1.7 of this act and statements of acknowledgment filed by*  
26 *public officers pursuant to NRS 281.552.*

27 3. Prescribe, by regulation, ~~[(forms and)]~~ procedures for the  
28 submission of statements of financial disclosure *filed by appointed*  
29 *public officers pursuant to section 1.7 of this act* and statements of  
30 acknowledgment filed by public officers pursuant to NRS 281.552,  
31 maintain files of such statements and make the statements available  
32 for public inspection.

33 ~~[(3)]~~ 4. Cause the making of such investigations as are  
34 reasonable and necessary for the rendition of its opinions pursuant  
35 to this chapter.

36 ~~[(4)]~~ 5. Inform the Attorney General or district attorney of all  
37 cases of noncompliance with the requirements of this chapter.

38 ~~[(5)]~~ 6. Recommend to the Legislature such further legislation  
39 as the Commission considers desirable or necessary to promote and  
40 maintain high standards of ethical conduct in government.

41 ~~[(6)]~~ 7. Publish a manual for the use of public officers and  
42 employees that contains:

43 (a) Hypothetical opinions which are abstracted from opinions  
44 rendered pursuant to subsection 1 of NRS 281.511, for the future



1 guidance of all persons concerned with ethical standards in  
2 government;

3 (b) Abstracts of selected opinions rendered pursuant to  
4 subsection 2 of NRS 281.511; and

5 (c) An abstract of the requirements of this chapter.

6 The Legislative Counsel shall prepare annotations to this chapter for  
7 inclusion in the Nevada Revised Statutes based on the abstracts and  
8 published opinions of the Commission.

9 **Sec. 4.** NRS 281.475 is hereby amended to read as follows:

10 281.475 1. The Chairman and Vice Chairman of the  
11 Commission may administer oaths.

12 2. The Commission, upon majority vote, may issue a subpoena  
13 to compel the attendance of a witness and the production of books  
14 and papers. Upon the request of the Executive Director or the public  
15 officer or public employee who is the subject of a request for an  
16 opinion, the Chairman or, in his absence, the Vice Chairman, may  
17 issue a subpoena to compel the attendance of a witness and the  
18 production of books and papers.

19 3. Before issuing a subpoena to a public officer or public  
20 employee who is the subject of a request for an opinion, the  
21 Executive Director shall submit a written request to the public  
22 officer or public employee requesting:

23 (a) His appearance as a witness; or

24 (b) His production of any books and papers relating to the  
25 request for an opinion.

26 4. Each written request submitted by the Executive Director  
27 pursuant to subsection 3 must specify the time and place for the  
28 attendance of the public officer or public employee or the  
29 production of any books and papers, and designate with certainty  
30 the books and papers requested, if any. If the public officer or public  
31 employee fails or refuses to attend at the time and place specified or  
32 produce the books and papers requested by the Executive Director  
33 within 5 business days after receipt of the request, the Chairman  
34 may issue the subpoena. Failure of the public officer or public  
35 employee to comply with the written request of the Executive  
36 Director ~~[constitutes good cause for extension]~~ *shall be deemed a*  
37 *waiver by the public officer or public employee* of the time set forth  
38 in subsections 3 and 4 of NRS 281.511.

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

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



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

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

8 6. ~~Except as otherwise provided in this subsection, upon~~  
9 *Upon* such a petition, the court shall enter an order directing the  
10 witness to appear before the court at a time and place to be fixed by  
11 the court in its order, the time to be not more than 10 days after the  
12 date of the order, and then and there show cause why he has not  
13 attended, testified or produced the books or papers before the  
14 Commission. ~~If the witness has been subpoenaed by the~~  
15 ~~Commission in response to a request for an opinion filed pursuant to~~  
16 ~~NRS 294A.345 or 294A.346, the court shall direct the witness to~~  
17 ~~appear before the court as expeditiously as possible to allow the~~  
18 ~~Commission to render its opinion within the time required by NRS~~  
19 ~~281.477.]~~ A certified copy of the order must be served upon the  
20 witness.

21 7. If it appears to the court that the subpoena was regularly  
22 issued by the Commission, the court shall enter an order that the  
23 witness appear before the Commission, at the time and place fixed  
24 in the order, and testify or produce the required books and papers.  
25 Upon failure to obey the order, the witness must be dealt with as for  
26 contempt of court.

27 **Sec. 5.** NRS 281.481 is hereby amended to read as follows:  
28 281.481 A code of ethical standards is hereby established to  
29 govern the conduct of public officers and employees:

30 1. A public officer or employee shall not seek or accept any  
31 gift, service, favor, employment, engagement, emolument or  
32 economic opportunity which would tend improperly to influence a  
33 reasonable person in his position to depart from the faithful and  
34 impartial discharge of his public duties.

35 2. A public officer or employee shall not use his position in  
36 government to secure or grant unwarranted privileges, preferences,  
37 exemptions or advantages for himself, ~~any member of his~~  
38 ~~household,]~~ any business entity in which he has a significant  
39 pecuniary interest, or any ~~other person.]~~ *person to whom he has a*  
40 *commitment in a private capacity to the interests of that person.* As  
41 used in this subsection ~~["unwarranted"]~~ :

42 (a) *“Commitment in a private capacity to the interests of that*  
43 *person” has the meaning ascribed to “commitment in a private*  
44 *capacity to the interests of others” in subsection 7 of NRS 281.501.*





- 1       **(b) “Unwarranted”** means without justification or adequate  
2 reason.
- 3       3. A public officer or employee shall not participate as an agent  
4 of government in the negotiation or execution of a contract between  
5 the government and any private business in which he has a  
6 significant pecuniary interest.
- 7       4. A public officer or employee shall not accept any salary,  
8 retainer, augmentation, expense allowance or other compensation  
9 from any private source for the performance of his duties as a public  
10 officer or employee.
- 11       5. If a public officer or employee acquires, through his public  
12 duties or relationships, any information which by law or practice is  
13 not at the time available to people generally, he shall not use the  
14 information to further the pecuniary interests of himself or any other  
15 person or business entity.
- 16       6. A public officer or employee shall not suppress any  
17 governmental report or other document because it might tend to  
18 affect unfavorably his pecuniary interests.
- 19       7. A public officer or employee, other than a member of the  
20 Legislature, shall not use governmental time, property, equipment or  
21 other facility to benefit his personal or financial interest. This  
22 subsection does not prohibit:
- 23       (a) A limited use of governmental property, equipment or other  
24 facility for personal purposes if:
- 25           (1) The public officer who is responsible for and has  
26 authority to authorize the use of such property, equipment or other  
27 facility has established a policy allowing the use or the use is  
28 necessary as a result of emergency circumstances;
- 29           (2) The use does not interfere with the performance of his  
30 public duties;
- 31           (3) The cost or value related to the use is nominal; and  
32           (4) The use does not create the appearance of impropriety;
- 33       (b) The use of mailing lists, computer data or other information  
34 lawfully obtained from a governmental agency which is available to  
35 members of the general public for nongovernmental purposes; or  
36       (c) The use of telephones or other means of communication if  
37 there is not a special charge for that use.
- 38 If a governmental agency incurs a cost as a result of a use that is  
39 authorized pursuant to this subsection or would ordinarily charge a  
40 member of the general public for the use, the public officer or  
41 employee shall promptly reimburse the cost or pay the charge to the  
42 governmental agency.
- 43       8. A member of the Legislature shall not:





- 1 (a) Use governmental time, property, equipment or other facility
- 2 for a nongovernmental purpose or for the private benefit of himself
- 3 or any other person. This paragraph does not prohibit:
- 4 (1) A limited use of state property and resources for personal
- 5 purposes if:
- 6 (I) The use does not interfere with the performance of his
- 7 public duties;
- 8 (II) The cost or value related to the use is nominal; and
- 9 (III) The use does not create the appearance of
- 10 impropriety;
- 11 (2) The use of mailing lists, computer data or other
- 12 information lawfully obtained from a governmental agency which is
- 13 available to members of the general public for nongovernmental
- 14 purposes; or
- 15 (3) The use of telephones or other means of communication
- 16 if there is not a special charge for that use.
- 17 (b) Require or authorize a legislative employee, while on duty,
- 18 to perform personal services or assist in a private activity, except:
- 19 (1) In unusual and infrequent situations where the
- 20 employee's service is reasonably necessary to permit the Legislator
- 21 or legislative employee to perform his official duties; or
- 22 (2) Where such service has otherwise been established as
- 23 legislative policy.
- 24 9. A public officer or employee shall not attempt to benefit his
- 25 personal or financial interest through the influence of a subordinate.
- 26 10. A public officer or employee shall not seek other
- 27 employment or contracts through the use of his official position.
- 28 **Sec. 6.** NRS 281.501 is hereby amended to read as follows:
- 29 281.501 1. Except as otherwise provided in subsection 2 or 3,
- 30 a public officer may vote upon a matter if the benefit or detriment
- 31 accruing to him as a result of the decision either individually or in a
- 32 representative capacity as a member of a general business,
- 33 profession, occupation or group is not greater than that accruing to
- 34 any other member of the general business, profession, occupation or
- 35 group.
- 36 2. In addition to the requirements of the code of ethical
- 37 standards, a public officer shall not vote upon or advocate the
- 38 passage or failure of, but may otherwise participate in the
- 39 consideration of a matter with respect to which the independence of
- 40 judgment of a reasonable person in his situation would be materially
- 41 affected by:
- 42 (a) His acceptance of a gift or loan;
- 43 (b) His pecuniary interest; or
- 44 (c) His commitment in a private capacity to the interests of
- 45 others.



1 It must be presumed that the independence of judgment of a  
2 reasonable person would not be materially affected by his pecuniary  
3 interest or his commitment in a private capacity to the interests of  
4 others where the resulting benefit or detriment accruing to him or to  
5 the other persons whose interests to which the member is committed  
6 in a private capacity is not greater than that accruing to any other  
7 member of the general business, profession, occupation or group.  
8 The presumption set forth in this subsection does not affect the  
9 applicability of the requirements set forth in subsection 3 relating to  
10 the disclosure of the pecuniary interest or commitment in a private  
11 capacity to the interests of others.

12 3. A public officer or employee shall not approve, disapprove,  
13 vote, abstain from voting or otherwise act upon any matter:

14 (a) Regarding which he has accepted a gift or loan;

15 (b) Which would reasonably be affected by his commitment in a  
16 private capacity to the interest of others; or

17 (c) In which he has a pecuniary interest,  
18 without disclosing sufficient information concerning the gift, loan,  
19 commitment or interest to inform the public of the potential effect of  
20 the action or abstention upon the person who provided the gift or  
21 loan, upon the person to whom he has a commitment, or upon his  
22 interest. Except as otherwise provided in subsection ~~6.~~ 5, such a  
23 disclosure must be made at the time the matter is considered. If the  
24 officer or employee is a member of a body which makes decisions,  
25 he shall make the disclosure in public to the Chairman and other  
26 members of the body. If the officer or employee is not a member of  
27 such a body and holds an appointive office, he shall make the  
28 disclosure to the supervisory head of his organization or, if he holds  
29 an elective office, to the general public in the area from which he is  
30 elected. This subsection does not require a public officer to disclose  
31 any campaign contributions that the public officer reported pursuant  
32 to NRS 294A.120 or 294A.125 in a timely manner.

33 4. If a public officer declares to the body or committee in  
34 which the vote is to be taken that he will abstain from voting  
35 because of the requirements of this section, the necessary quorum to  
36 act upon and the number of votes necessary to act upon the matter,  
37 as fixed by any statute, ordinance or rule, is reduced as though the  
38 member abstaining were not a member of the body or committee.

39 5. ~~If a public officer is voting on a matter which affects public~~  
40 ~~employees, he shall make a full public disclosure of any personal~~  
41 ~~pecuniary interest which he may have in the matter.~~

42 ~~6.]~~ After a member of the Legislature makes a disclosure  
43 pursuant to subsection 3, he may file with the Director of the  
44 Legislative Counsel Bureau a written statement of his disclosure.  
45 The written statement must designate the matter to which the



1 disclosure applies. After a Legislator files a written statement  
2 pursuant to this subsection, he is not required to disclose orally his  
3 interest when the matter is further considered by the Legislature or  
4 any committee thereof. A written statement of disclosure is a public  
5 record and must be made available for inspection by the public  
6 during the regular office hours of the Legislative Counsel Bureau.

7 ~~[7.]~~ 6. The provisions of this section do not, under any  
8 circumstances:

9 (a) Prohibit a member of the legislative branch from requesting  
10 or introducing a legislative measure; or

11 (b) Require a member of the legislative branch to take any  
12 particular action before or while requesting or introducing a  
13 legislative measure.

14 ~~[8.]~~ 7. As used in this section, "commitment in a private  
15 capacity to the interests of others" means a commitment to a person:

16 (a) Who is a member of his household;

17 (b) Who is related to him by blood, adoption or marriage within  
18 the third degree of consanguinity or affinity;

19 (c) Who employs him or a member of his household;

20 (d) With whom he has a substantial and continuing business  
21 relationship; or

22 (e) Any other commitment or relationship that is substantially  
23 similar to a commitment or relationship described in this subsection.

24 **Sec. 7.** NRS 281.511 is hereby amended to read as follows:

25 281.511 1. The Commission shall render an opinion  
26 interpreting the statutory ethical standards and apply the standards to  
27 a given set of facts and circumstances upon request , *on a form*  
28 *prescribed by the Commission*, from a public officer or employee  
29 who is seeking guidance on questions which directly relate to the  
30 propriety of his own past, present or future conduct as an officer or  
31 employee. He may also request the Commission to hold a public  
32 hearing regarding the requested opinion. If a requested opinion  
33 relates to the propriety of his own present or future conduct, the  
34 opinion of the Commission is:

35 (a) Binding upon the requester as to his future conduct; and

36 (b) Final and subject to judicial review pursuant to NRS  
37 233B.130, except that a proceeding regarding this review must be  
38 held in closed court without admittance of persons other than those  
39 necessary to the proceeding, unless this right to confidential  
40 proceedings is waived by the requester.

41 2. The Commission may render an opinion interpreting the  
42 statutory ethical standards and apply the standards to a given set of  
43 facts and circumstances:

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



1 (b) Except as otherwise provided in this subsection, upon  
2 request from a person, if the requester ~~[-~~

3 ~~(1) Submits all] submits:~~

4 ~~(1) The request on a form prescribed by the Commission;~~  
5 ~~and~~

6 ~~(2) All~~ related evidence deemed necessary by the Executive  
7 Director and the panel to make a determination of whether there is  
8 just and sufficient cause to render an opinion in the matter . ~~[- and~~

9 ~~(2) Signs a statement on a form prescribed by the~~  
10 ~~Commission in which he affirms that:~~

11 ~~(I) The accusation or information contained in the request~~  
12 ~~is true;~~

13 ~~(II) He did not submit the request in bad faith or with a~~  
14 ~~vexatious purpose; and~~

15 ~~(III) He understands that the Commission may impose~~  
16 ~~penalties upon him pursuant to NRS 281.551 if the Commission~~  
17 ~~determines that the accusation or information is false and was~~  
18 ~~submitted in bad faith or with a vexatious purpose.]~~

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

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

27 3. Upon receipt of a request for an opinion by the Commission  
28 or upon the motion of the Commission pursuant to subsection 2, the  
29 Executive Director shall investigate the facts and circumstances  
30 relating to the request to determine whether there is just and  
31 sufficient cause for the Commission to render an opinion in the  
32 matter. The public officer or employee that is the subject of the  
33 request may submit to the Executive Director any information  
34 relevant to the request. The Executive Director shall complete an  
35 investigation and present his recommendation relating to just and  
36 sufficient cause to the panel within ~~[15]~~ 45 days after the receipt of  
37 or the motion of the Commission for the request, unless the ~~[panel~~  
38 ~~extends the time for a period not to exceed 30 days upon the request~~  
39 ~~of the Executive Director for good cause shown or the request of~~  
40 ~~the] public officer or employee [-] waives this time limit. If the~~  
41 Executive Director determines after an investigation that just and  
42 sufficient cause exists for the Commission to render an opinion in  
43 the matter, he shall state such a recommendation in writing,  
44 including, without limitation, the specific evidence that supports his  
45 recommendation. If, after an investigation, the Executive Director



1 does not determine that just and sufficient cause exists for the  
2 Commission to render an opinion in the matter, he shall state such a  
3 recommendation in writing, including, without limitation, the  
4 specific reasons for his recommendation. Within 15 days after the  
5 Executive Director has provided his recommendation in the matter  
6 to the panel, the panel shall make a final determination regarding  
7 whether just and sufficient cause exists for the Commission to  
8 render an opinion in the matter, unless the ~~Commission extends the~~  
9 ~~time for a period not to exceed 30 days upon the request of the panel~~  
10 ~~for good cause shown or the request of the~~ public officer or  
11 employee ~~waives this time limit.~~ The panel shall not determine  
12 that there is just and sufficient cause for the Commission to render  
13 an opinion unless the panel has provided the public officer or  
14 employee an opportunity to respond to the allegations against him.  
15 The panel shall cause a record of its proceedings in each matter to  
16 be kept , and such a record must remain confidential until the panel  
17 determines whether there is just and sufficient cause for the  
18 Commission to render an opinion in the matter.

19 4. If the panel determines that just and sufficient cause exists  
20 for the Commission to render an opinion requested pursuant to this  
21 section, the Commission shall hold a hearing and render an opinion  
22 in the matter within 30 days after the determination of just and  
23 sufficient cause by the panel, unless the ~~Commission extends the~~  
24 ~~time for a period not to exceed 30 days for good cause shown or~~  
25 ~~upon the request of the~~ public officer or employee ~~waives this~~  
26 ~~time limit.~~

27 5. Each request for an opinion that a public officer or employee  
28 submits to the Commission pursuant to subsection 1, each opinion  
29 rendered by the Commission in response to such a request and any  
30 motion, determination, evidence or record of a hearing relating to  
31 such a request are confidential unless the public officer or employee  
32 who requested the opinion:

33 (a) Acts in contravention of the opinion, in which case the  
34 Commission may disclose the request for the opinion, the contents  
35 of the opinion and any motion, evidence or record of a hearing  
36 related thereto;

37 (b) Discloses the request for the opinion, the contents of the  
38 opinion , or any motion, evidence or record of a hearing related  
39 thereto; or

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

43 6. Except as otherwise provided in this subsection, each  
44 document in the possession of the Commission or its staff that is  
45 related to a request for an opinion regarding a public officer or



1 employee submitted to or initiated by the Commission pursuant to  
2 subsection 2, including, without limitation, the Commission's copy  
3 of the request and all materials and information gathered in an  
4 investigation of the request, is confidential until the panel  
5 determines whether there is just and sufficient cause to render an  
6 opinion in the matter. The public officer or employee who is the  
7 subject of a request for an opinion submitted or initiated pursuant to  
8 subsection 2 may in writing authorize the Commission to make its  
9 files, material and information which are related to the request  
10 publicly available.

11 7. Except as otherwise provided in paragraphs (a) and (b), the  
12 proceedings of a panel are confidential until the panel determines  
13 whether there is just and sufficient cause to render an opinion. A  
14 person who:

15 (a) Requests an opinion from the Commission pursuant to  
16 paragraph (b) of subsection 2 may:

17 (1) At any time, reveal to a third party the alleged conduct of  
18 a public officer or employee underlying the request that he filed  
19 with the Commission or the substance of testimony, if any, that he  
20 gave before the Commission.

21 (2) After the panel determines whether there is just and  
22 sufficient cause to render an opinion in the matter, reveal to a third  
23 party the fact that he requested an opinion from the Commission.

24 (b) Gives testimony before the Commission may:

25 (1) At any time, reveal to a third party the substance of  
26 testimony that he gave before the Commission.

27 (2) After the panel determines whether there is just and  
28 sufficient cause to render an opinion in the matter, reveal to a third  
29 party the fact that he gave testimony before the Commission.

30 8. Whenever the Commission holds a hearing pursuant to this  
31 section, the Commission shall:

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

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

35 (c) Allow the person to hear the evidence presented to the  
36 Commission and to respond and present evidence on his own  
37 behalf.

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

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



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

4 10. If a person who requests an opinion pursuant to subsection  
5 1 or 2 does not:

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

7 (b) Declare by oath or affirmation that he will testify  
8 truthfully,

9 the Commission may decline to render an opinion.

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

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

16 13. A meeting or hearing that the Commission or the panel  
17 holds to receive information or evidence concerning the propriety of  
18 the conduct of a public officer or employee pursuant to this section  
19 and the deliberations of the Commission and the panel on such  
20 information or evidence are not subject to the provisions of chapter  
21 241 of NRS.

22 **Sec. 7.5.** NRS 281.521 is hereby amended to read as follows:

23 281.521 1. The Commission's opinions may include  
24 guidance to a public officer or employee on questions whether:

25 (a) A conflict exists between his personal interest and his  
26 official duty.

27 (b) His official duties involve the use of discretionary judgment  
28 whose exercise in the particular matter would have a significant  
29 effect upon the disposition of the matter.

30 (c) The conflict would materially affect the independence of the  
31 judgment of a reasonable person in his situation.

32 (d) He possesses special knowledge which is an indispensable  
33 asset of his public agency and is needed by it to reach a sound  
34 decision.

35 (e) It would be appropriate for him to withdraw or abstain from  
36 participation, disclose the nature of his conflicting personal interest  
37 or pursue some other designated course of action in the matter.

38 2. ~~Except as otherwise provided in NRS 281.477, 294A.345~~  
39 ~~and 294A.346, the~~ **The** Commission's opinions may not include  
40 guidance to a public officer or employee on questions regarding the  
41 provisions of chapter 294A of NRS.

42 **Sec. 8.** NRS 281.551 is hereby amended to read as follows:

43 281.551 1. In addition to any other penalty provided by law,  
44 the Commission may impose on a public officer or employee or  
45 former public officer or employee civil penalties:





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

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

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

7 2. In addition to other penalties provided by law, the  
8 Commission may impose a civil penalty not to exceed \$5,000 and  
9 assess an amount equal to the amount of attorney's fees and costs  
10 actually and reasonably incurred by the person about whom an  
11 opinion was requested pursuant to NRS 281.511, against a person  
12 who ~~is~~:

13 ~~—(a) Submits to the Commission, in bad faith or with a vexatious~~  
14 ~~purpose, an accusation or information that is false; or~~

15 ~~—(b) Prevents,] prevents,~~ interferes with or attempts to prevent or  
16 interfere with the discovery or investigation of a violation of this  
17 chapter.

18 3. If the Commission finds that a violation of a provision of  
19 this chapter by a public officer or employee or former public officer  
20 or employee has resulted in the realization by another person of a  
21 financial benefit, the Commission may, in addition to other penalties  
22 provided by law, require the current or former public officer or  
23 employee to pay a civil penalty of not more than twice the amount  
24 so realized.

25 4. ~~In addition to any other penalty provided by law, by an~~  
26 ~~affirmative vote of two thirds of the Commission, the Commission~~  
27 ~~may impose on any person who violates any provision of NRS~~  
28 ~~294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The~~  
29 ~~Commission shall not impose a civil penalty for a violation of NRS~~  
30 ~~294A.345 unless the Commission has made the specific findings~~  
31 ~~required pursuant to subsection 7 of NRS 281.477.~~

32 ~~—5.]~~ If the Commission finds that:

33 (a) A willful violation of this chapter has been committed by a  
34 public officer removable from office by impeachment only, ~~it] the~~  
35 **Commission** shall file a report with the appropriate person  
36 responsible for commencing impeachment proceedings as to its  
37 finding. The report must contain a statement of the facts alleged to  
38 constitute the violation.

39 (b) A willful violation of this chapter has been committed by a  
40 public officer removable from office pursuant to NRS 283.440, the  
41 Commission may file a proceeding in the appropriate court for  
42 removal of the officer.

43 (c) Three or more willful violations have been committed by a  
44 public officer removable from office pursuant to NRS 283.440, the



1 Commission shall file a proceeding in the appropriate court for  
2 removal of the officer.

3 ~~{6.}~~ 5. An action taken by a public officer or employee or  
4 former public officer or employee relating to NRS 281.481,  
5 281.491, 281.501 or 281.505 is not a willful violation of a provision  
6 of those sections if the public officer or employee:

7 (a) Relied in good faith upon the advice of the legal counsel  
8 retained by the public body which the public officer represents or by  
9 the employer of the public employee or upon the manual published  
10 by the Commission pursuant to NRS 281.471;

11 (b) Was unable, through no fault of his own, to obtain an  
12 opinion from the Commission before the action was taken; and

13 (c) Took action that was not contrary to a prior published  
14 opinion issued by the Commission.

15 ~~{7.}~~ 6. In addition to other penalties provided by law, a public  
16 employee who willfully violates a provision of NRS 281.481,  
17 281.491, 281.501 or 281.505 is subject to disciplinary proceedings  
18 by his employer and must be referred for action in accordance to the  
19 applicable provisions governing his employment.

20 ~~{8.}~~ 7. NRS 281.481 to 281.541, inclusive, do not abrogate or  
21 decrease the effect of the provisions of the Nevada Revised Statutes  
22 which define crimes or prescribe punishments with respect to the  
23 conduct of public officers or employees. If the Commission finds  
24 that a public officer or employee has committed a willful violation  
25 of this chapter which it believes may also constitute a criminal  
26 offense, the Commission shall refer the matter to the Attorney  
27 General or the district attorney, as appropriate, for a determination  
28 of whether a crime has been committed that warrants prosecution.

29 ~~{9.}~~ 8. The imposition of a civil penalty pursuant to  
30 ~~{subsections 1 to 4, inclusive,}~~ *subsection 1, 2 or 3* is a final  
31 decision for the purposes of judicial review.

32 ~~{10. — In determining for the purposes of this section whether a  
33 person submitted an accusation or information in bad faith or with a  
34 vexatious purpose, the Commission may consider various factors,  
35 including, without limitation:~~

36 ~~—(a) When the accusation or information was filed with or  
37 provided to the Commission;~~

38 ~~—(b) Whether and, if applicable, in what manner the person who  
39 submitted the accusation or information publicly disseminated the  
40 accusation or information before the Commission determined  
41 whether there was just and sufficient cause to render an opinion in  
42 the matter;~~

43 ~~—(c) Whether the accusation or information sets forth alleged  
44 facts or details that are misleading or deceptive; and~~



1 ~~—(d) Whether the accusation or information or the conduct of the~~  
2 ~~person who submitted the accusation or information:~~

3 ~~—(1) Would be perceived as annoying or harassing by a~~  
4 ~~reasonable person; or~~

5 ~~—(2) Demonstrates conscious disregard for the process and~~  
6 ~~procedures established by the Commission.~~

7 ~~—11.]~~ 9. A finding by the Commission that a public officer or  
8 employee has violated any provision of this chapter must be  
9 supported by a preponderance of the evidence unless a greater  
10 burden is otherwise prescribed by law.

11 **Sec. 8.3.** NRS 281.552 is hereby amended to read as follows:

12 281.552 1. Every public officer shall acknowledge that he  
13 has received, read and understands the statutory ethical standards.  
14 The acknowledgment must be on a form prescribed by the  
15 Commission and must accompany the first statement of financial  
16 disclosure that the public officer is required to file with the  
17 Commission pursuant to *section 1.7 of this act or with the*  
18 *Secretary of State pursuant to* NRS 281.561.

19 2. The Commission *and the Secretary of State* shall retain an  
20 acknowledgment filed pursuant to this section for 6 years after the  
21 date on which the acknowledgment was filed.

22 3. Willful refusal to execute and file the acknowledgment  
23 required by this section constitutes nonfeasance in office and is a  
24 ground for removal pursuant to NRS 283.440.

25 **Sec. 8.7.** NRS 281.561 is hereby amended to read as follows:

26 281.561 1. Except as otherwise provided in subsection 2 or 3,  
27 ~~[if a]~~ *each* candidate for public office ~~[or a public officer is]~~ *who*  
28 *will be* entitled to receive *annual* compensation of \$6,000 or more  
29 for serving in the office ~~[in question, he]~~ *that he is seeking and*  
30 *each public officer who was elected to the office for which he is*  
31 *serving* shall file with the ~~[Commission,]~~ *Secretary of State*, and  
32 with the officer with whom declarations of candidacy for the office  
33 ~~[in question]~~ are filed, a statement of financial disclosure, as  
34 follows:

35 (a) A candidate for nomination, election or reelection to public  
36 office shall file a statement of financial disclosure no later than the  
37 10th day after the last day to qualify as a candidate for the office.

38 (b) ~~[A public officer appointed to fill the unexpired term of an~~  
39 ~~elected public officer shall file a statement of financial disclosure~~  
40 ~~within 30 days after his appointment.~~

41 ~~—(c) Every public officer, whether appointed or elected,]~~ *Each*  
42 *public officer* shall file a statement of financial disclosure on or  
43 before March 31 of each year of the term, including the year the  
44 term expires.



1 ~~[(d)]~~ (c) A public officer who leaves office on a date other than  
2 the expiration of his term or anniversary of his ~~[appointment or~~  
3 ~~election.]~~ *election* shall file a statement of financial disclosure  
4 within 60 days after leaving office.

5 2. A statement filed pursuant to one of the paragraphs of  
6 subsection 1 may be used to satisfy the requirements of another  
7 paragraph of subsection 1 if the initial statement was filed not more  
8 than 3 months before the other statement is required to be filed.

9 3. If a person is serving in a public office for which he is  
10 required to file a statement pursuant to subsection 1, he may use the  
11 statement he files for that initial office to satisfy the requirements of  
12 subsection 1 for every other public office in which he is also  
13 serving.

14 4. A person may satisfy the requirements of subsection 1 by  
15 filing with the ~~[Commission]~~ *Secretary of State* a copy of a  
16 statement of financial disclosure that was filed pursuant to the  
17 requirements of a specialized or local ethics committee if the form  
18 of the statement has been approved by the Commission.

19 5. A candidate for judicial office or a judicial officer shall file a  
20 statement of financial disclosure pursuant to the requirements of  
21 Canon 4I of the Nevada Code of Judicial Conduct. Such a statement  
22 of financial disclosure must include, without limitation, all  
23 information required to be included in a statement of financial  
24 disclosure pursuant to NRS 281.571.

25 *6. The Secretary of State shall prescribe, by regulation,*  
26 *procedures for the submission of statements of financial*  
27 *disclosure filed by candidates or public officers pursuant to this*  
28 *section, maintain files of such statements and make the statements*  
29 *available for public inspection.*

30 **Sec. 9.** NRS 281.573 is hereby amended to read as follows:

31 281.573 1. Except as otherwise provided in subsection 2,  
32 statements of financial disclosure required by the provisions of NRS  
33 281.561 and 281.571 *and section 1.7 of this act* must be retained by  
34 the Commission, Secretary of State, county clerk, *or registrar of*  
35 *voters of the county if one was appointed pursuant to NRS*  
36 *244.164*, and city clerk for 6 years after the date of filing.

37 2. For public officers who serve more than one term in either  
38 the same public office or more than one public office, the period  
39 prescribed in subsection 1 begins on the date of the filing of the last  
40 statement of financial disclosure for the last public office held.

41 **Sec. 10.** NRS 281.575 is hereby amended to read as follows:

42 281.575 The Secretary of State and each county *clerk, or the*  
43 *registrar of voters of the county if one was appointed pursuant to*  
44 *NRS 244.164*, or city clerk who receives from a candidate for public  
45 office a declaration of candidacy, acceptance of candidacy or



1 certificate of candidacy shall give to the candidate the form  
2 prescribed by the Commission for the making of a statement of  
3 financial disclosure, accompanied by instructions on how to  
4 complete the form, where it must be filed and the time by which it  
5 must be filed.

6 **Sec. 11.** NRS 281.581 is hereby amended to read as follows:

7 281.581 1. A candidate for public office or public officer  
8 who *willfully* fails to file his statement of financial disclosure *or*  
9 *willfully fails to file his statement of financial disclosure* in a  
10 timely manner pursuant to NRS 281.561 *or section 1.7 of this act* is  
11 subject to a civil penalty and payment of court costs and attorney's  
12 fees. Except as otherwise provided in subsection 3, the amount of  
13 the civil penalty is:

14 (a) If the statement is filed not more than ~~[7 days late, \$25 for~~  
15 ~~each day the statement is late.]~~ *10 days after the applicable*  
16 *deadline set forth in subsection 1 of NRS 281.561 or subsection 1*  
17 *of section 1.7 of this act, \$25.*

18 (b) If the statement is filed more than ~~[7 days late]~~ *10 days* but  
19 not more than ~~[15 days late, \$175 for the first 7 days, plus \$50 for~~  
20 ~~each additional day the statement is late.]~~ *20 days after the*  
21 *applicable deadline set forth in subsection 1 of NRS 281.561 or*  
22 *subsection 1 of section 1.7 of this act, \$50.*

23 (c) If the statement is filed more than ~~[15 days late, \$575 for the~~  
24 ~~first 15 days, plus \$100 for each additional day the statement is~~  
25 ~~late.]~~ *20 days but not more than 30 days after the applicable*  
26 *deadline set forth in subsection 1 of NRS 281.561 or subsection 1*  
27 *of section 1.7 of this act, \$100.*

28 (d) *If the statement is filed more than 30 days but not more*  
29 *than 45 days after the applicable deadline set forth in subsection 1*  
30 *of NRS 281.561 or subsection 1 of section 1.7 of this act, \$250.*

31 (e) *If the statement is not filed or is filed more than 45 days*  
32 *after the applicable deadline set forth in subsection 1 of NRS*  
33 *281.561 or subsection 1 of section 1.7 of this act, \$2,000.*

34 2. The Commission may, for good cause shown, waive ~~for~~  
35 ~~reduce~~ the civil penalty.

36 3. The civil penalty imposed for a violation of this section must  
37 not exceed the annual compensation for the office for which the  
38 statement was filed.

39 4. The civil penalty must be recovered in a civil action brought  
40 in the name of the State of Nevada by the Commission in a court of  
41 competent jurisdiction and deposited by the Commission in the  
42 account for credit to the State General Fund in the bank designated  
43 by the State Treasurer.

44 5. If the Commission waives a civil penalty pursuant to  
45 subsection 2, the Commission shall:



1 (a) Create a record which sets forth that the civil penalty has  
2 been waived and describes the circumstances that constitute the  
3 good cause shown; and

4 (b) Ensure that the record created pursuant to paragraph (a) is  
5 available for review by the general public.

6 *6. As used in this section, "willfully" means deliberately,*  
7 *intentionally and knowingly.*

8 **Sec. 11.5.** NRS 294A.410 is hereby amended to read as  
9 follows:

10 294A.410 1. ~~Except as otherwise provided in NRS~~  
11 ~~294A.345 and 294A.346, if~~ *If* it appears that the provisions of this  
12 chapter have been violated, the Secretary of State may:

13 (a) Conduct an investigation concerning the alleged violation  
14 and cause the appropriate proceedings to be instituted and  
15 prosecuted in the First Judicial District Court; or

16 (b) Refer the alleged violation to the Attorney General. The  
17 Attorney General shall investigate the alleged violation and institute  
18 and prosecute the appropriate proceedings in the First Judicial  
19 District Court without delay.

20 2. A person who believes that any provision of this chapter has  
21 been violated may notify the Secretary of State, in writing, of the  
22 alleged violation. The notice must be signed by the person alleging  
23 the violation and include any information in support of the alleged  
24 violation.

25 **Sec. 12.** NRS 281.437, 281.477, 281.525, 294A.345 and  
26 294A.346 are hereby repealed.”.

27 **Sec. 12.5.** The amendatory provisions of this act do not apply  
28 to conduct that occurred before the effective date of this act, or to  
29 the jurisdiction, duties, powers or proceedings of the Commission  
30 on Ethics relating to such conduct.

31 **Sec. 13.** This act becomes effective upon passage and  
32 approval.

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**LEADLINES OF REPEALED SECTIONS**

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**281.437 “Vexatious” defined.**

**281.477 Public hearing on request for opinion as to whether  
person committed act to impede success of political campaign:  
Request; notice; response; continuance; actions of Commission;  
judicial review of final opinion.**

**281.525 Use of false or misleading statement regarding  
opinion of Commission; penalty.**



**294A.345 Impeding success of campaign of candidate by causing publication of certain false statements of fact concerning candidate prohibited; civil penalty imposed by Commission on Ethics.**

**294A.346 Impeding success or inducing another to impede success of campaign of candidate or for ballot question prohibited; civil penalty imposed by Commission on Ethics.**

