
ASSEMBLY BILL NO. 64—ASSEMBLYMEN CARPENTER, GOICOECHEA,
MARVEL, GRADY, HETRICK, CLABORN AND SHERER

FEBRUARY 16, 2005

JOINT SPONSORS: SENATORS RHOADS AND MCGINNESS

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Revises provisions relating to ethics in government.
(BDR 23-1079)

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

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

AN ACT relating to ethics in government; authorizing the Commission on Ethics to use legal counsel other than the Commission Counsel under certain circumstances; exempting a person elected as a supervisor of a conservation district from the requirement of filing a statement of financial disclosure with the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires each appointed public officer whose annual compensation
2 is \$6,000 or more, each candidate for public office whose annual compensation will
3 be \$6,000 or more and each elected public officer, regardless of the amount of his
4 annual compensations to file a financial disclosure statement. (NRS 281.559,
5 281.561) Existing law requires that a conservation district be governed by five
6 supervisors who are elected and one or two supervisors who are appointed by the
7 governing bodies in the district. (NRS 548.280) A person who serves as a
8 supervisor is not compensated for his services. (NRS 548.310)
9 This bill exempts any elected supervisor of a conservation district from the
10 requirement to file a financial disclosure statement with the Secretary of State, and
11 provides that such a supervisor must not be fined or assessed a civil penalty for
12 failing to file such a statement. This bill does not address appointed supervisors of a
13 conservation district because, since they do not receive any compensation, they are
14 already exempt from the requirement of filing a financial disclosure statement



15 pursuant to NRS 281.559. The exemption of an elected supervisor of a conservation
16 district from the requirement to file a financial disclosure statement with the
17 Secretary of State applies retroactively to January 1, 2004, and any civil penalty
18 against an elected supervisor of a conservation district pending on the effective date
19 of the bill is declared void.

20 Existing law provides that if the Commission Counsel of the Commission on
21 Ethics is prohibited from acting on a particular matter pursuant to NRS 281.501, the
22 Commission Counsel is required to disclose the reasons for the prohibition to the
23 Chairman of the Commission, and the Attorney General is required to appoint a
24 deputy to act in the place of the Commission Counsel for that particular matter.
25 (NRS 281.4645)

26 This bill deletes the reference to NRS 281.501 and provides instead that if the
27 Commission Counsel is prohibited from acting on a particular matter or is
28 otherwise unable to act on a particular matter, the Commission on Ethics may: (1)
29 request that the Attorney General appoint a deputy to act in the place of the
30 Commission Counsel; or (2) employ outside legal counsel.

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

1 **Section 1.** NRS 281.4645 is hereby amended to read as
2 follows:

3 281.4645 1. The Commission Counsel is the legal adviser to
4 the Commission. For each opinion of the Commission, the
5 Commission Counsel shall prepare, at the direction of the
6 Commission, the appropriate findings of fact and conclusions as to
7 relevant standards and the propriety of particular conduct within the
8 time set forth in subsection 4 of NRS 281.511. The Commission
9 Counsel shall not issue written opinions concerning the applicability
10 of the statutory ethical standards to a given set of facts and
11 circumstances except as directed by the Commission.

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

14 3. If the Commission Counsel is prohibited from acting on a
15 particular matter ~~[pursuant to NRS 281.501, he shall disclose the~~
16 ~~reasons therefor to the Chairman and]~~ *or is otherwise unable to act*
17 *on a particular matter, the Commission may:*

18 (a) *Request that* the Attorney General ~~[shall]~~ appoint a deputy
19 to act in the place of the Commission Counsel ~~[for that particular~~
20 ~~matter.]~~; *or*

21 (b) *Employ outside legal counsel.*

22 **Sec. 2.** NRS 281.561 is hereby amended to read as follows:

23 281.561 1. Each candidate for public office who will be
24 entitled to receive annual compensation of \$6,000 or more for
25 serving in the office that he is seeking and *, except as otherwise*
26 *provided in subsection 2,* each public officer who was elected to the



1 office for which he is serving shall file with the Secretary of State a
2 statement of financial disclosure, as follows:

3 (a) A candidate for nomination, election or reelection to public
4 office shall file a statement of financial disclosure no later than the
5 10th day after the last day to qualify as a candidate for the office;
6 and

7 (b) Each public officer shall file a statement of financial
8 disclosure on or before January 15 of each year of the term,
9 including the year the term expires.

10 2. *A person elected pursuant to NRS 548.285 to the office of*
11 *supervisor of a conservation district is not required to file a*
12 *statement of financial disclosure relative to that office pursuant to*
13 *subsection 1.*

14 3. A candidate for judicial office or a judicial officer shall file a
15 statement of financial disclosure pursuant to the requirements of
16 Canon 4I of the Nevada Code of Judicial Conduct. Such a statement
17 of financial disclosure must include, without limitation, all
18 information required to be included in a statement of financial
19 disclosure pursuant to NRS 281.571.

20 ~~3.4~~ 4. A statement of financial disclosure shall be deemed to
21 be filed with the Secretary of State:

22 (a) On the date that it was mailed if it was sent by certified mail;
23 or

24 (b) On the date that it was received by the Secretary of State if
25 the statement was sent by regular mail, transmitted by facsimile
26 machine or electronic means, or delivered personally.

27 ~~4.4~~ 5. The statement of financial disclosure filed pursuant to
28 this section must be filed on the form prescribed by the Commission
29 pursuant to NRS 281.471.

30 ~~5.4~~ 6. The Secretary of State shall prescribe, by regulation,
31 procedures for the submission of statements of financial disclosure
32 filed pursuant to this section, maintain files of such statements and
33 make the statements available for public inspection.

34 **Sec. 3.** Any civil penalty or fine pending on the effective date
35 of this act which was imposed pursuant to NRS 281.581 or any
36 other provision of law against an elected supervisor of a
37 conservation district for failing to file a statement of financial
38 disclosure pursuant to NRS 281.561 is hereby declared void and
39 must not be collected.

40 **Sec. 4.** This act becomes effective upon passage and approval
41 and the amendatory provisions of subsection 2 of section 2 of this
42 act apply retroactively to January 1, 2004.



