

Amendment No. 120

Assembly Amendment to Assembly Bill No. 64	(BDR 23-1079)
Proposed by: Committee on Elections, Procedures, Ethics, and Constitutional Amendments	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

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

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

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

SP/MSM

Date: 4/4/2005

A.B. No. 64—Exempts elected supervisor of conservation district from requirement to file statement of financial disclosure.



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

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

(b) **Employ outside legal counsel.”.**

Amend section 1, page 2, line 3, by deleting:

“annual compensation of \$6,000 or more” and inserting:

“~~[annual compensation of \$6,000 or more]~~ **compensation other than travel and per diem expenses”.**

Amend sec. 3, page 3, by deleting line 8 and inserting:

“and the amendatory provisions of subsection 2 of section 2 of this act apply retroactively to January 1, 2004.”.

Amend the title of the bill, first line, after “government;” by inserting:

“authorizing the Commission on Ethics to use legal counsel other than the Commission Counsel under certain circumstances; providing that candidates for public office must file a statement of financial disclosure with the Secretary of State if they will be entitled to receive any amount of compensation, other than travel and per diem expenses, for serving in the office sought;”.

Amend the summary of the bill to read as follows:

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

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law requires each appointed public officer whose annual compensation is \$6,000 or more, each candidate for public office whose annual compensation will be \$6,000 or more and each elected public officer, regardless of the amount of his annual compensations to file a financial disclosure statement. (NRS 281.559, 281.561) Existing law requires that a conservation district be governed by five supervisors who are elected and one or two supervisors who are appointed by the governing bodies in the district. (NRS 548.280) A person who serves as a supervisor is not compensated for his services. (NRS 548.310)

This bill exempts any elected supervisor of a conservation district from the requirement to file a financial disclosure statement with the Secretary of State, and provides that such a supervisor must not be fined or assessed a civil penalty for failing to file such a statement. This bill does not address appointed supervisors of a conservation district because, since they do not receive any compensation, they are already exempt from the requirement of filing a financial disclosure statement pursuant to NRS 281.559. The exemption of an elected supervisor of a conservation district from the requirement to file a financial disclosure statement with the Secretary of State applies retroactively to January 1, 2004, and any civil penalty against an elected supervisor of a conservation district pending on the effective date of the bill is declared void.

This bill also removes the compensation threshold of \$6,000 at which a candidate for public office is required to file a financial disclosure statement with the Secretary of State, the effect of

which is to require a candidate for public office to file such a statement if the candidate will be entitled to receive any compensation, not including travel and per diem expenses, for serving in the office that he is seeking. This alteration of the compensation threshold does not affect the exemption created for elected supervisors of a conservation district.

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

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