

Amendment No. CA7

Conference Committee Amendment to (BDR 23-445)
Senate Bill No. 228 Second Reprint

Proposed by: Conference Committee

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

KCP



Date: 6/2/2013

S.B. No. 228—Revises provisions relating to public servants. (BDR 23-445)



SENATE BILL NO. 228—SENATOR PARKS (BY REQUEST)

MARCH 11, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to public servants. (BDR 23-445)

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

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

AN ACT relating to public servants; revising provisions relating to public officers and employees; revising provisions relating to ethics in government and the enforcement of such provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes to provisions relating to public officers and employees and the administration of the Nevada Ethics in Government Law by the Commission on Ethics. (Chapter 281A of NRS)

Sections 18-24, ~~19-20 and 31~~ **and 30-32.5** of this bill enact and revise various definitions in the Ethics Law. **Section 19** revises and makes applicable throughout the Ethics Law the existing definition of “commitment in a private capacity to the interests of others” in NRS 281A.420.

Section 23 defines “pecuniary interest” for the Ethics Law, and **sections 40.3**, ~~and 41 and 42.5~~ of this bill require proof of a significant personal or pecuniary interest in defining various types of ethical conflicts, so that a de minimis or insignificant personal or pecuniary interest does not create a conflict of interest, require disqualification or abstention, or provide just or sufficient cause for an ethics investigation or violation. (NRS 281A.400, 281A.420, ~~41~~, **281A.430**)

Sections 24.5 and 32.3 of this bill establish that a president of a state university, college or community college, a superintendent of a county school district, and a county manager or city manager are designated as public officers for the purposes of the Ethics Law. (NRS 281A.160)

Section 25 of this bill enacts provisions for computing periods of time prescribed or allowed under the Ethics Law. **Section 27** of this bill authorizes the Commission to apply for and accept grants, contributions, services and money for the purposes of carrying out the Ethics Law.

Section 27.3 of this bill requires the Commission, when disposing of a request for an opinion by stipulation, agreed settlement or consent order, to treat comparable situations in a comparable manner and ensure that the disposition of a request for an opinion bears a reasonable relationship to the severity of the violation or alleged violation of the Ethics Law. **Section 27.5** of this bill requires the Commission to consider various aggravating and mitigating factors when determining **whether a violation of the Ethics Law is a willful violation and, if so**, the amount of any civil penalty **to be** imposed for **such** a willful violation of the Ethics Law. **Section 27.5 also requires the Commission, when applying these**

30 factors, to treat comparable situations in a comparable manner and to ensure that the
31 disposition of the matter bears a reasonable relationship to the severity of the violation.

32 Sections 33-37 of this bill make various changes concerning the operation of the
33 Commission and the duties of the Executive Director of the Commission and the Commission
34 Counsel. Those changes include: (1) adjusting the eligibility requirements for certain members
35 of the Commission; (2) requiring the Chair of the Commission to designate a qualified person
36 to perform the duties of the Executive Director if the Executive Director is disqualified or
37 unable to act on a particular matter; ~~and~~ (3) revising the administration of the assessments
38 paid by cities and counties in semiannual installments to the Commission ~~+~~ ; and (4)
39 authorizing the Commission to adopt procedural regulations that are necessary and
40 proper to carry out the Ethics Law. (NRS 281A.200, 281A.240, 281A.260, 281A.270,
41 281A.290)

42 Section 38 of this bill directs public officers and employees who request the issuance of a
43 subpoena on their behalf in ethics proceedings to serve the subpoena in the manner provided
44 in the Nevada Rules of Civil Procedure and to pay the costs of such service. (NRS 281A.300)

45 Sections 40.3-44 of this bill make various changes to provisions in the Ethics Law,
46 including provisions relating to conflicts of interests for public officers and employees,
47 disclosures and abstentions, the rendering of opinions and conduct of investigations by the
48 Commission and the duties of specialized and local ethics committees. (NRS 281A.400,
49 281A.410, 281A.420, 281A.430, 281A.440, 281A.470)

50 Section 40.5 prohibits a member of a local legislative body from representing or
51 counseling a private person for compensation before another local agency whose
52 territorial jurisdiction includes any part of the same county in which the member serves.
53 However, section 40.5 allows the Commission to provide the member with relief from
54 strict application of the prohibition if certain conditions are met. (NRS 281A.410)

55 With certain exceptions, the Ethics Law prohibits a public officer or employee from
56 bidding on or entering into a contract between a governmental agency and any business
57 entity in which the public officer or employee has a significant pecuniary interest.
58 Section 42.5 allows the Commission to provide a public officer or employee with relief
59 from strict application of the prohibition if certain conditions are met. (NRS 281A.430)

60 Sections 42.5 and 62 of this bill move, revise and remove certain provisions of the
61 Ethics Law that regulate when a member of a local legislative body may sell goods or
62 services to his or her local agency as the sole source of supply within the area served by
63 the local agency. (NRS 281A.430, 281A.530) Section 42.5 prohibits such a member from
64 selling goods or services to his or her local agency unless certain conditions are met, but
65 section 42.5 also allows the Commission to provide the member with relief from strict
66 application of the prohibition. Section 62 repeals an existing provision of the Ethics Law
67 regulating such “sole source” transactions because under this bill, “sole source”
68 transactions are regulated by section 42.5.

69 Sections 16.3, 16.5 and 57-61 of this bill make conforming changes to other
70 provisions of existing law that restrict various public officers and employees from being
71 personally interested in or benefiting from a contract with a governmental agency. (NRS
72 245.075, 268.384, 269.071, 269.072, 281.221, 281.230, 332.800)

73 Section 45 of this bill revises the “safe harbor” provision of the Ethics Law to provide
74 that a public officer or employee does not commit a willful violation if : (1) the public officer
75 or employee ~~+~~ (~~+~~) relied in good faith upon the advice of the legal counsel retained by his or
76 her public body, agency or employer; and (2) his or her ~~action~~ act or failure to act was not
77 contrary to a prior published opinion issued by the Commission. (NRS 281A.480)

78 Section 46 of this bill provides new requirements relating to informing, educating and
79 instructing public officers and employees concerning the statutory ethical standards and the
80 duties of public officers and employees under the Ethics Law. (NRS 281A.500)

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** (Deleted by amendment.)

8 **Sec. 8.** (Deleted by amendment.)

9 **Sec. 9.** (Deleted by amendment.)

10 **Sec. 10.** (Deleted by amendment.)

11 **Sec. 11.** (Deleted by amendment.)

12 **Sec. 12.** (Deleted by amendment.)

13 **Sec. 13.** (Deleted by amendment.)

14 **Sec. 14.** (Deleted by amendment.)

15 **Sec. 15.** (Deleted by amendment.)

16 **Sec. 16.** (Deleted by amendment.)

17 **Sec. 16.3.** NRS 281.221 is hereby amended to read as follows:

18 281.221 1. Except as otherwise provided in this section ~~+~~ and NRS
19 281A.430, it is unlawful for ~~any~~ a state officer, who is not a member of the
20 Legislature subject to the restrictions set forth in NRS 218A.970, to:

21 (a) Become a contractor under any contract or order for supplies or other kind
22 of contract authorized by or for the State or any of its departments, or the
23 Legislature or either of its houses, or to be interested, directly or indirectly, as
24 principal, in any kind of contract so authorized.

25 (b) Be interested in any contract made by the officer or to be a purchaser or
26 interested in any purchase under a sale made by the officer in the discharge of the
27 officer's official duties.

28 2. ~~Any~~ A member of any board, commission or similar body who is engaged
29 in the profession, occupation or business regulated by the board, commission or
30 body may supply or contract to supply, in the ordinary course of ~~the member's~~ his
31 or her business, goods, materials or services to any state or local agency, except the
32 board, ~~for~~ commission or body of which he or she is a member, if the member has
33 not taken part in developing the contract plans or specifications and the member
34 will not be personally involved in opening, considering or accepting offers.

35 3. A full- or part-time faculty member in the Nevada System of Higher
36 Education may bid on or enter into a contract with a governmental agency, or may
37 benefit financially or otherwise from a contract between a governmental agency
38 and a private entity, if the contract complies with the policies established by the
39 Board of Regents of the University of Nevada pursuant to NRS 396.255.

40 4. A state officer, other than an officer described in subsection 2 or 3, may bid
41 on or enter into a contract with a governmental agency if the contracting process is
42 controlled by rules of open competitive bidding, the sources of supply are limited,
43 the officer has not taken part in developing the contract plans or specifications and
44 the officer will not be personally involved in opening, considering or accepting
45 offers.

46 5. Any contract made in violation of this section may be declared void at the
47 instance of the State or of any other person interested in the contract except an
48 officer prohibited from making or being interested in the contract.

1 6. ~~Any~~ 4 person ~~violating~~ who violates this section is guilty of a gross
2 misdemeanor and shall forfeit his or her office.

3 **Sec. 16.5. NRS 281.230 is hereby amended to read as follows:**

4 281.230 1. Except as otherwise provided in this section and NRS 218A.970,
5 ~~281A.530~~ 281A.430 and 332.800, the following persons shall not, in any manner,
6 directly or indirectly, receive any commission, personal profit or compensation of
7 any kind resulting from any contract or other significant transaction in which the
8 employing state, county, municipality, township, district or quasi-municipal
9 corporation is in any way directly interested or affected:

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

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

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

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

22 3. A full- or part-time faculty member or employee of the Nevada System of
23 Higher Education may bid on or enter into a contract with a governmental agency,
24 or may benefit financially or otherwise from a contract between a governmental
25 agency and a private entity, if the contract complies with the policies established by
26 the Board of Regents of the University of Nevada pursuant to NRS 396.255.

27 4. A public officer or employee, other than an officer or employee described
28 in subsection 2 or 3, may bid on or enter into a contract with a governmental
29 agency if the contracting process is controlled by rules of open competitive bidding,
30 the sources of supply are limited, the public officer or employee has not taken part
31 in developing the contract plans or specifications and the public officer or employee
32 will not be personally involved in opening, considering or accepting offers. If a
33 public officer who is authorized to bid on or enter into a contract with a
34 governmental agency pursuant to this subsection is a member of the governing
35 body of the agency, the public officer, pursuant to the requirements of NRS
36 281A.420, shall disclose his or her interest in the contract and shall not vote on or
37 advocate the approval of the contract.

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

40 (a) Where the commission, personal profit or compensation is \$650 or more,
41 for a category D felony as provided in NRS 193.130.

42 (b) Where the commission, personal profit or compensation is less than \$650,
43 for a misdemeanor.

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

48 **Sec. 17.** Chapter 281A of NRS is hereby amended by adding thereto the
49 provisions set forth as sections 18 to 27.5, inclusive, of this act.

50 **Sec. 18.** “Agency” means any state agency or local agency.

1 **Sec. 19.** *“Commitment in a private capacity,” with respect to the interests*
2 *of another person, means a commitment, interest or relationship of a public*
3 *officer or employee to a person:*

4 1. *Who is the spouse or domestic partner of the public officer or employee;*
5 2. *Who is a member of the household of the public officer or employee;*
6 3. *Who is related to the public officer or employee, or to the spouse or*
7 *domestic partner of the public officer or employee, by blood, adoption, marriage*
8 *or domestic partnership within the third degree of consanguinity or affinity;*

9 4. *Who employs the public officer or employee, the spouse or domestic*
10 *partner of the public officer or employee or a member of the household of the*
11 *public officer or employee;*

12 5. *With whom the public officer or employee has a substantial and*
13 *continuing business relationship; or*

14 6. *With whom the public officer or employee has any other commitment,*
15 *interest or relationship that is substantially similar to a commitment, interest or*
16 *relationship described in subsections 1 to 5, inclusive.*

17 **Sec. 20.** *“Domestic partner” means a person in a domestic partnership.*

18 **Sec. 21.** *“Domestic partnership” means:*

19 1. *A domestic partnership as defined in NRS 122A.040; or*

20 2. *A domestic partnership which was validly formed in another jurisdiction*
21 *and which is substantially equivalent to a domestic partnership as defined in NRS*
22 *122A.040, regardless of whether it bears the name of a domestic partnership or is*
23 *registered in this State.*

24 **Sec. 22.** *“Local agency” means any local legislative body, agency, bureau,*
25 *board, commission, department, division, office or other unit of any county, city*
26 *or other political subdivision.*

27 **Sec. 23.** *“Pecuniary interest” means any beneficial or detrimental interest*
28 *in a matter that consists of or is measured in money or is otherwise related to*
29 *money, including, without limitation:*

30 1. *Anything of economic value; and*

31 2. *Payments or other money which a person is owed or otherwise entitled to*
32 *by virtue of any statute, regulation, code, ordinance or contract or other*
33 *agreement.*

34 **Sec. 24.** *“State agency” means any agency, bureau, board, commission,*
35 *department, division, office or other unit of the Executive Department of the State*
36 *Government.*

37 **Sec. 24.5.** 1. *Any person who serves in one of the following positions is*
38 *designated as a public officer for the purposes of this chapter:*

39 (a) *A president of a university, state college or community college within the*
40 *Nevada System of Higher Education.*

41 (b) *A superintendent of a county school district.*

42 (c) *A county manager or a city manager.*

43 2. *This section applies to such a person regardless of whether the person*
44 *serves in the position:*

45 (a) *By appointment, contract or employment;*

46 (b) *With or without compensation; or*

47 (c) *On a temporary, interim or acting basis.*

48 **Sec. 25.** *In computing any period prescribed or allowed by this chapter:*

49 1. *If the period begins to run on the occurrence of an act or event, the day*
50 *on which the act or event begins is excluded from the computation.*

51 2. *The last day of the period is included in the computation, except that if*
52 *the last day falls on a Saturday, Sunday, legal holiday or holiday proclaimed by*

1 *the Governor or on a day on which the office of the Commission is not open for*
2 *the conduct of business, the period is extended to the close of business on the next*
3 *business day.*

4 Sec. 26. (Deleted by amendment.)

5 Sec. 27. *The Commission may apply for and accept grants, contributions,*
6 *services or money for the purposes of carrying out the provisions of this chapter*
7 *only if the action is approved by a majority vote in an open public meeting of the*
8 *Commission and the Commission complies with the provisions of the State*
9 *Budget Act.*

10 Sec. 27.3. *In any matter in which the Commission disposes of a request for*
11 *an opinion by stipulation, agreed settlement or consent order, the Commission*
12 *shall treat comparable situations in a comparable manner and shall ensure that*
13 *the disposition of the ~~request for an opinion~~ matter bears a reasonable*
14 *relationship to the severity of the violation or alleged violation.*

15 Sec. 27.5. 1. In determining whether a violation of this chapter is a
16 willful violation and, if so, the amount of any civil penalty to be imposed on a
17 public officer or employee or former public officer or employee pursuant to NRS
18 281A.480, the Commission shall consider:

19 ~~1.1~~ (u) *The seriousness of the violation, including, without limitation, the*
20 *nature, circumstances, extent and gravity of the violation;*

21 ~~1.2~~ (v) *The number and history of previous warnings issued to or violations*
22 *of the provisions of this chapter by the public officer or employee;*

23 ~~1.3~~ (w) *The cost to the Commission to conduct the investigation and any*
24 *hearing relating to the violation;*

25 ~~1.4~~ (x) *Any mitigating factors, including, without limitation, any self-*
26 *reporting, prompt correction of the violation, any attempts to rectify the violation*
27 *before any complaint is filed and any cooperation by the public officer or*
28 *employee ~~for former public officer or employee~~ in resolving the complaint;*

29 ~~1.5~~ (y) *Any restitution or reimbursement paid to parties affected by the*
30 *violation;*

31 ~~1.6~~ (z) *The extent of any financial gain resulting from the violation; and*

32 ~~1.7~~ (aa) *Any other matter justice may require.*

33 2. In applying the factors set forth in this section, the Commission shall
34 treat comparable situations in a comparable manner and shall ensure that the
35 disposition of the matter bears a reasonable relationship to the severity of the
36 violation.

37 Sec. 28. (Deleted by amendment.)

38 Sec. 29. NRS 281A.030 is hereby amended to read as follows:

39 281A.030 As used in this chapter, unless the context otherwise requires, the
40 words and terms defined in NRS 281A.040 to 281A.170, inclusive, *and sections 18*
41 *to 24, inclusive, of this act* have the meanings ascribed to them in those sections.

42 Sec. 30. NRS 281A.100 is hereby amended to read as follows:

43 281A.100 "Household" means an association of persons who live in the same
44 home or dwelling ~~and sharing its expenses,~~ and who are related by blood, adoption,
45 ~~or~~ marriage *or domestic partnership.*

46 Sec. 31. NRS 281A.125 is hereby amended to read as follows:

47 281A.125 "Member of a local legislative body" means a member of a board
48 of county commissioners, a governing body of a city or a governing body of any
49 other political subdivision who performs any function that involves introducing,
50 voting upon or otherwise acting upon any matter of a permanent or general
51 character which may reflect public policy. ~~and which is not typically restricted to~~
52 ~~identifiable persons or groups.~~

1 **Sec. 32.** (Deleted by amendment.)

2 **Sec. 32.3.** NRS 281A.160 is hereby amended to read as follows:

3 281A.160 1. “Public officer” means a person ~~selected~~ who is:

4 (a) Elected or appointed to a position which:

5 ~~(a)~~ (1) Is established by the Constitution of the State of Nevada, a statute of
6 this State or a charter or ordinance of any county, city or other political subdivision;
7 and

8 ~~(b)~~ (2) Involves the exercise of a public power, trust or duty. ~~†~~ †; or

9 (b) Designated as a public officer for the purposes of this chapter pursuant to
10 section 24.5 of this act.

11 2. As used in this section, “the exercise of a public power, trust or duty”
12 means:

13 ~~(1)~~ (a) Actions taken in an official capacity which involve a substantial
14 and material exercise of administrative discretion in the formulation of public
15 policy;

16 ~~(2)~~ (b) The expenditure of public money; and

17 ~~(3)~~ (c) The administration of laws and rules of the State or any county,
18 city or other political subdivision.

19 ~~†~~ 3. “Public officer” does not include:

20 (a) Any justice, judge or other officer of the court system;

21 (b) Any member of a board, commission or other body whose function is
22 advisory;

23 (c) Any member of a special district whose official duties do not include the
24 formulation of a budget for the district or the authorization of the expenditure of the
25 district’s money; or

26 (d) A county health officer appointed pursuant to NRS 439.290.

27 ~~†~~ 4. “Public officer” does not include an office held by:

28 (a) Any justice, judge or other officer of the court system;

29 (b) Any member of a board, commission or other body whose function is
30 advisory;

31 (c) Any member of a special district whose official duties do not include the
32 formulation of a budget for the district or the authorization of the expenditure of the
33 district’s money; or

34 (d) A county health officer appointed pursuant to NRS 439.290.

35 **Sec. 32.5.** NRS 281A.170 is hereby amended to read as follows:

36 281A.170 “Willful violation” means a violation where ~~that~~ ;

37 1. The public officer or employee:

38 ~~†~~ (a) Acted intentionally and knowingly; or

39 ~~†~~ (b) Was in a situation where this chapter imposed a duty to act and the
40 public officer or employee intentionally and knowingly failed to act in the manner
41 required by this chapter. ~~†~~ †; and

42 2. The Commission determines, after applying the factors set forth in
43 section 27.5 of this act, that the public officer’s or employee’s act or failure to act
44 resulted in a sanctionable violation of this chapter.

45 **Sec. 33.** NRS 281A.200 is hereby amended to read as follows:

46 281A.200 1. The Commission on Ethics, consisting of eight members, is
47 hereby created.

48 2. The Legislative Commission shall appoint to the Commission four
49 residents of the State, at least two of whom ~~are~~ must be former public officers ~~†~~
50 or employees, and at least one of whom must be an attorney licensed to practice law
51 in this State.

1 3. The Governor shall appoint to the Commission four residents of the State,
2 at least two of whom must be former public officers or ~~public~~ employees, and at
3 least one of whom must be an attorney licensed to practice law in this State.

4 4. Not more than four members of the Commission may be members of the
5 same political party. Not more than four members *of the Commission* may be
6 residents of the same county.

7 5. None of the members of the Commission may, while the member is serving
8 on the Commission:

9 (a) Hold another public office;

10 (b) Be actively involved in the work of any political party or political
11 campaign; or

12 (c) Communicate directly with a State Legislator or a member of a local
13 legislative body on behalf of someone other than himself or herself or the
14 Commission, for compensation, to influence:

15 (1) The State Legislator with regard to introducing or voting upon any
16 matter or taking other legislative action; or

17 (2) The member of the local legislative body with regard to introducing or
18 voting upon any ordinance or resolution, taking other legislative action or voting
19 upon:

20 (I) The appropriation of public money;

21 (II) The issuance of a license or permit; or

22 (III) Any proposed subdivision of land or special exception or variance
23 from zoning regulations.

24 6. After the initial terms, the terms of the members are 4 years. Any vacancy
25 in the membership must be filled by the appropriate appointing authority for the
26 unexpired term. Each member may serve no more than two consecutive full terms.

27 **Sec. 34.** NRS 281A.240 is hereby amended to read as follows:

28 281A.240 1. In addition to any other duties imposed upon the Executive
29 Director, the Executive Director shall:

30 (a) Maintain complete and accurate records of all transactions and proceedings
31 of the Commission.

32 (b) Receive requests for opinions pursuant to NRS 281A.440.

33 (c) Gather information and conduct investigations regarding requests for
34 opinions received by the Commission and submit recommendations to the
35 investigatory panel appointed pursuant to NRS 281A.220 regarding whether there
36 is just and sufficient cause to render an opinion in response to a particular request.

37 (d) Recommend to the Commission any regulations or legislation that the
38 Executive Director considers desirable or necessary to improve the operation of the
39 Commission and maintain high standards of ethical conduct in government.

40 (e) Upon the request of any public officer or the employer of a public
41 employee, conduct training on the requirements of this chapter, the rules and
42 regulations adopted by the Commission and previous opinions of the Commission.
43 In any such training, the Executive Director shall emphasize that the Executive
44 Director is not a member of the Commission and that only the Commission may
45 issue opinions concerning the application of the statutory ethical standards to any
46 given set of facts and circumstances. The Commission may charge a reasonable fee
47 to cover the costs of training provided by the Executive Director pursuant to this
48 subsection.

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

1 2. The Executive Director shall, within the limits of legislative appropriation,
2 employ such persons as are necessary to carry out any of the Executive Director's
3 duties relating to:

- 4 (a) The administration of the affairs of the Commission; and
5 (b) The investigation of matters under the jurisdiction of the Commission.

6 ***3. If the Executive Director is prohibited from acting on a particular matter
7 or is otherwise unable to act on a particular matter, the Chair of the Commission
8 shall designate a qualified person to perform the duties of the Executive Director
9 with regard to that particular matter.***

10 **Sec. 35.** NRS 281A.260 is hereby amended to read as follows:

11 281A.260 1. The Commission Counsel is the legal adviser to the
12 Commission. For each opinion of the Commission, the Commission Counsel shall
13 prepare, at the direction of the Commission, the appropriate findings of fact and
14 conclusions as to relevant standards and the propriety of particular conduct. ~~within~~
15 ~~the time set forth in subsection 6 of NRS 281A.440.]~~ The Commission Counsel
16 shall not issue written opinions concerning the applicability of the statutory ethical
17 standards to a given set of facts and circumstances except as directed by the
18 Commission.

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

21 3. If the Commission Counsel is prohibited from acting on a particular matter
22 or is otherwise unable to act on a particular matter, the Commission may:

- 23 (a) Request that the Attorney General appoint a deputy to act in the place of the
24 Commission Counsel; or
25 (b) Employ outside legal counsel.

26 **Sec. 36.** NRS 281A.270 is hereby amended to read as follows:

27 281A.270 1. Each county whose population is 10,000 or more and each city
28 whose population is 15,000 or more and that is located within such a county shall
29 pay an assessment for the costs incurred by the Commission each biennium in
30 carrying out its functions pursuant to this chapter. The total amount of money to be
31 derived from assessments paid pursuant to this subsection for a biennium must be
32 determined by the Legislature in the legislatively approved budget of the
33 Commission for that biennium. The assessments must be apportioned among each
34 such city and county based on the proportion that the total population of the city or
35 the total population of the unincorporated area of the county bears to the total
36 population of all such cities and the unincorporated areas of all such counties in this
37 State.

38 2. On or before July 1 of each odd-numbered year, the Executive Director
39 shall, in consultation with the Budget Division of the Department of Administration
40 and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for
41 the next ensuing biennium the amount of the assessments due for each city and
42 county that is required to pay an assessment pursuant to subsection 1. The
43 assessments must be paid to the Commission in semiannual installments that are
44 due on or before August 1 and February 1 of each year of the biennium. The
45 Executive Director shall send out a billing statement to each such city or county
46 which states the amount of the semiannual installment payment due from the city or
47 county.

48 3. Any money that the Commission receives pursuant to subsection 2:

- 49 (a) Must be deposited in the State Treasury, accounted for separately in the
50 State General Fund and credited to the budget account for the Commission;
51 (b) May only be used to carry out the provisions of this chapter and only to the
52 extent authorized for expenditure by the Legislature; ~~and~~

1 (c) Does not revert to the State General Fund at the end of any fiscal year ~~H~~ ;
2 *and*

3 (d) *Does not revert to a city or county if:*

4 (1) *The actual expenditures by the Commission are less than the amount*
5 *of the assessments approved by the Legislature pursuant to subsection 1 and the*
6 *city or county has already remitted its semiannual installment to the Commission*
7 *for the billing period; or*

8 (2) *The budget of the Commission is modified after the amount of the*
9 *assessments has been approved by the Legislature pursuant to subsection 1 and*
10 *the city or county has already remitted its semiannual installment to the*
11 *Commission for the billing period.*

12 4. If any installment payment is not paid on or before the date on which it is
13 due, the Executive Director shall make reasonable efforts to collect the delinquent
14 payment. If the Executive Director is not able to collect the arrearage, the Executive
15 Director shall submit a claim for the amount of the unpaid installment payment to
16 the Department of Taxation. If the Department of Taxation receives such a claim,
17 the Department shall deduct the amount of the claim from money that would
18 otherwise be allocated from the Local Government Tax Distribution Account to the
19 city or county that owes the installment payment and shall transfer that amount to
20 the Commission.

21 5. As used in this section, "population" means the current population estimate
22 for that city or county as determined and published by the Department of Taxation
23 and the demographer employed pursuant to NRS 360.283.

24 **Sec. 37.** NRS 281A.290 is hereby amended to read as follows:

25 281A.290 The Commission shall:

26 1. Adopt procedural regulations ~~H~~ *that are necessary and proper to carry*
27 *out the provisions of this chapter, including, without limitation:*

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

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

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

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

33 2. Prescribe, by regulation, forms and procedures for the submission of
34 statements of acknowledgment filed by public officers pursuant to NRS 281A.500,
35 maintain files of such statements and make the statements available for public
36 inspection.

37 3. Cause the making of such investigations as are reasonable and necessary
38 for the rendition of its opinions pursuant to this chapter.

39 4. Inform the Attorney General or district attorney of all cases of
40 noncompliance with the requirements of this chapter.

41 5. Recommend to the Legislature such further legislation as the Commission
42 considers desirable or necessary to promote and maintain high standards of ethical
43 conduct in government.

44 6. Publish a manual for the use of public officers and employees that
45 ~~contains:~~

46 ~~—(a) Hypothetical opinions which are abstracted from opinions rendered~~
47 ~~pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons~~
48 ~~concerned with ethical standards in government;~~

49 ~~—(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS~~
50 ~~281A.440; and~~

51 ~~—(c) An abstract of~~ *explains* the requirements of this chapter.

1 ↳ The Legislative Counsel shall prepare annotations to this chapter for inclusion in
2 the Nevada Revised Statutes based on the ~~abstracts and~~ published opinions of the
3 Commission.

4 **Sec. 38.** NRS 281A.300 is hereby amended to read as follows:

5 281A.300 1. The Chair and Vice Chair of the Commission may administer
6 oaths.

7 2. The Commission, upon majority vote, may issue a subpoena to compel the
8 attendance of a witness and the production of books and papers. Upon the request
9 of the Executive Director or the public officer or ~~public~~ employee who is the
10 subject of a request for an opinion, the Chair or, in the Chair's absence, the Vice
11 Chair, may issue a subpoena to compel the attendance of a witness and the
12 production of books and papers. *A public officer or employee who requests the
13 issuance of a subpoena pursuant to this subsection must serve the subpoena in
14 the manner provided in the Nevada Rules of Civil Procedure for service of
15 subpoenas in a civil action and must pay the costs of such service.*

16 3. Before issuing a subpoena to a public officer or ~~public~~ employee who is
17 the subject of a request for an opinion ~~to compel his or her attendance as a~~
18 *witness or his or her production of books or papers*, the Executive Director shall
19 submit a written request to the public officer or ~~public~~ employee requesting:

20 (a) The appearance of the public officer or ~~public~~ employee as a witness; or

21 (b) The production by the public officer or ~~public~~ employee of any books and
22 papers relating to the request for an opinion.

23 4. Each written request submitted by the Executive Director pursuant to
24 subsection 3 must specify the time and place for the attendance of the public officer
25 or ~~public~~ employee or the production of any books and papers, and designate with
26 certainty the books and papers requested, if any. If the public officer or ~~public~~
27 employee fails or refuses to attend at the time and place specified or produce the
28 books and papers requested by the Executive Director within 5 business days after
29 receipt of the request, the Chair may issue the subpoena. Failure of the public
30 officer or ~~public~~ employee to comply with the written request of the Executive
31 Director shall be deemed a waiver by the public officer or ~~public~~ employee of the
32 time set forth in subsections 4, 5 and 6 of NRS 281A.440.

33 5. If any witness refuses to attend, testify or produce any books and papers as
34 required by the subpoena, the Chair of the Commission may report to the district
35 court by petition, setting forth that:

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

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

40 (c) The witness has failed or refused to attend or produce the books and papers
41 required by the subpoena before the Commission, or has refused to answer
42 questions propounded to the witness, and asking for an order of the court
43 compelling the witness to attend and testify or produce the books and papers before
44 the Commission.

45 6. Upon such a petition, the court shall enter an order directing the witness to
46 appear before the court at a time and place to be fixed by the court in its order, the
47 time to be not more than 10 days after the date of the order, and then and there
48 show cause why the witness has not attended, testified or produced the books or
49 papers before the Commission. A certified copy of the order must be served upon
50 the witness.

51 7. If it appears to the court that the subpoena was regularly issued by the
52 Commission, the court shall enter an order that the witness appear before the

1 Commission, at the time and place fixed in the order, and testify or produce the
2 required books and papers. Upon failure to obey the order, the witness must be
3 dealt with as for contempt of court.

4 **Sec. 39.** (Deleted by amendment.)

5 **Sec. 40.** (Deleted by amendment.)

6 **Sec. 40.3.** NRS 281A.400 is hereby amended to read as follows:

7 281A.400 A code of ethical standards is hereby established to govern the
8 conduct of public officers and employees:

9 1. A public officer or employee shall not seek or accept any gift, service,
10 favor, employment, engagement, emolument or economic opportunity which would
11 tend improperly to influence a reasonable person in the public officer's or
12 employee's position to depart from the faithful and impartial discharge of the public
13 officer's or employee's public duties.

14 2. A public officer or employee shall not use the public officer's or
15 employee's position in government to secure or grant unwarranted privileges,
16 preferences, exemptions or advantages for the public officer or employee, any
17 business entity in which the public officer or employee has a significant pecuniary
18 interest, or any person to whom the public officer or employee has a commitment in
19 a private capacity to the interests of that person. As used in this subsection ~~+~~

20 ~~—(a) “Commitment in a private capacity to the interests of that person” has the~~
21 ~~meaning ascribed to “commitment in a private capacity to the interests of others” in~~
22 ~~subsection 8 of NRS 281A.420.~~

23 ~~—(b) “Unwarranted”, “unwarranted” means without justification or adequate~~
24 ~~reason.~~

25 3. A public officer or employee shall not participate as an agent of
26 government in the negotiation or execution of a contract between the government
27 and any business entity in which the public officer or employee has a significant
28 pecuniary interest.

29 4. A public officer or employee shall not accept any salary, retainer,
30 augmentation, expense allowance or other compensation from any private source
31 for the performance of the public officer's or employee's duties as a public officer
32 or employee.

33 5. If a public officer or employee acquires, through the public officer's or
34 employee's public duties or relationships, any information which by law or practice
35 is not at the time available to people generally, the public officer or employee shall
36 not use the information to further ~~the~~ *a significant* pecuniary ~~interests~~ *interest*
37 of the public officer or employee or any other person or business entity.

38 6. A public officer or employee shall not suppress any governmental report or
39 other *official* document because it might tend to affect unfavorably ~~the public~~
40 ~~officer's or employee's~~ *a significant* pecuniary ~~interests~~ *interest of the public*
41 *officer or employee.*

42 7. Except for State Legislators who are subject to the restrictions set forth in
43 subsection 8, a public officer or employee shall not use governmental time,
44 property, equipment or other facility to benefit ~~the public officer's or employee's~~
45 *a significant* personal or ~~financial~~ *pecuniary* interest ~~of the public officer or~~
46 *employee.* This subsection does not prohibit:

47 (a) A limited use of governmental property, equipment or other facility for
48 personal purposes if:

49 (1) The public officer *or employee* who is responsible for and has authority
50 to authorize the use of such property, equipment or other facility has established a
51 policy allowing the use or the use is necessary as a result of emergency
52 circumstances;

1 (2) The use does not interfere with the performance of the public officer's
2 or employee's public duties;

3 (3) The cost or value related to the use is nominal; and

4 (4) The use does not create the appearance of impropriety;

5 (b) The use of mailing lists, computer data or other information lawfully
6 obtained from a governmental agency which is available to members of the general
7 public for nongovernmental purposes; or

8 (c) The use of telephones or other means of communication if there is not a
9 special charge for that use.

10 ↪ If a governmental agency incurs a cost as a result of a use that is authorized
11 pursuant to this subsection or would ordinarily charge a member of the general
12 public for the use, the public officer or employee shall promptly reimburse the cost
13 or pay the charge to the governmental agency.

14 8. A State Legislator shall not:

15 (a) Use governmental time, property, equipment or other facility for a
16 nongovernmental purpose or for the private benefit of the State Legislator or any
17 other person. This paragraph does not prohibit:

18 (1) A limited use of state property and resources for personal purposes if:

19 (I) The use does not interfere with the performance of the State
20 Legislator's public duties;

21 (II) The cost or value related to the use is nominal; and

22 (III) The use does not create the appearance of impropriety;

23 (2) The use of mailing lists, computer data or other information lawfully
24 obtained from a governmental agency which is available to members of the general
25 public for nongovernmental purposes; or

26 (3) The use of telephones or other means of communication if there is not a
27 special charge for that use.

28 (b) Require or authorize a legislative employee, while on duty, to perform
29 personal services or assist in a private activity, except:

30 (1) In unusual and infrequent situations where the employee's service is
31 reasonably necessary to permit the State Legislator or legislative employee to
32 perform that person's official duties; or

33 (2) Where such service has otherwise been established as legislative
34 policy.

35 9. A public officer or employee shall not attempt to benefit ~~the public~~
36 ~~officer's or employee's~~ *a significant* personal or ~~financial~~ *pecuniary* interest *of*
37 *the public officer or employee* through the influence of a subordinate.

38 10. A public officer or employee shall not seek other employment or contracts
39 through the use of the public officer's or employee's official position.

40 **Sec. 40.5.** NRS 281A.410 is hereby amended to read as follows:

41 281A.410 In addition to the requirements of the code of ethical standards, ~~it~~
42 *and the other provisions of this chapter:*

43 1. If a public officer or employee serves in a state agency of the Executive
44 Department or an agency of any county, city or other political subdivision, the
45 public officer or employee:

46 (a) Shall not accept compensation from any private person to represent or
47 counsel the private person on any issue pending before the agency in which that
48 public officer or employee serves, if the agency makes decisions; and

49 (b) If the public officer or employee leaves the service of the agency, shall not,
50 for 1 year after leaving the service of the agency, represent or counsel for
51 compensation a private person upon any issue which was under consideration by
52 the agency during the public officer's or employee's service. As used in this

1 paragraph, “issue” includes a case, proceeding, application, contract or
2 determination, but does not include the proposal or consideration of legislative
3 measures or administrative regulations.

4 ~~2.~~ 2. ~~Any other~~ Except as otherwise provided in subsection 3, a State Legislator or a
5 member of a local legislative body, or a public officer or employee whose public
6 service requires less than half of his or her time, may represent or counsel a private
7 person before an agency in which he or she does not serve. ~~Any other~~

8 3. A member of a local legislative body shall not represent or counsel a
9 private person for compensation before another local agency if the territorial
10 jurisdiction of the other local agency includes any part of the county in which the
11 member serves. The Commission may relieve the member from the strict
12 application of the provisions of this subsection if:

13 (a) The member requests an opinion from the Commission pursuant to
14 subsection 1 of NRS 281A.440; and

15 (b) The Commission determines that such relief is not contrary to:

16 (1) The best interests of the public;

17 (2) The continued ethical integrity of each local agency affected by the
18 matter; and

19 (3) The provisions of this chapter.

20 4. Unless permitted by this section, a public officer or employee shall not
21 represent or counsel a private person for compensation before any state agency of
22 the Executive or Legislative Department.

23 ~~5.~~ 5. Not later than January 15 of each year, if any State Legislator ,
24 member of a local legislative body or other public officer ~~who~~ permitted by this
25 section has, within the preceding year, represented or counseled a private person for
26 compensation before a state agency of the Executive Department , he or she shall
27 disclose for each such representation or counseling during the previous calendar
28 year:

29 (a) The name of the client;

30 (b) The nature of the representation; and

31 (c) The name of the state agency.

32 ~~6.~~ 6. The disclosure required by subsection ~~5~~ 5 must be made in writing
33 and filed with the Commission on a form prescribed by the Commission. For the
34 purposes of this subsection, the disclosure is timely filed if, on or before the last
35 day for filing, the disclosure is filed in one of the following ways:

36 (a) Delivered in person to the principal office of the Commission in Carson
37 City.

38 (b) Mailed to the Commission by first-class mail, or other class of mail that is
39 at least as expeditious, postage prepaid. Filing by mail is complete upon timely
40 depositing the disclosure with the United States Postal Service.

41 (c) Dispatched to a third-party commercial carrier for delivery to the
42 Commission within 3 calendar days. Filing by third-party commercial carrier is
43 complete upon timely depositing the disclosure with the third-party commercial
44 carrier.

45 (d) Transmitted to the Commission by facsimile machine or other electronic
46 means authorized by the Commission. Filing by facsimile machine or other
47 electronic means is complete upon receipt of the transmission by the Commission.

48 ~~7.~~ 7. The Commission shall retain a disclosure filed pursuant to
49 ~~subsections 3 and 4~~ this section for 6 years after the date on which the disclosure
50 was filed.

1 **Sec. 41.** NRS 281A.420 is hereby amended to read as follows:

2 281A.420 1. Except as otherwise provided in this section, a public officer or
3 employee shall not approve, disapprove, vote, abstain from voting or otherwise act
4 upon a matter:

5 (a) Regarding which the public officer or employee has accepted a gift or loan;

6 (b) In which the public officer or employee has a *significant* pecuniary
7 interest; or

8 (c) Which would reasonably be affected by the public officer's or employee's
9 commitment in a private capacity to the ~~interest of others;~~ *interests of another*
10 *person,*

11 ↳ without disclosing ~~sufficient~~ information concerning the gift ~~or~~ loan,
12 *significant pecuniary* interest or commitment *in a private capacity to the interests*
13 *of the person that is sufficient* to inform the public of the potential effect of the
14 action or abstention upon the person who provided the gift or loan, upon the public
15 officer's or employee's *significant* pecuniary interest, or upon the ~~persons;~~ *person*
16 to whom the public officer or employee has a commitment in a private capacity.
17 Such a disclosure must be made at the time the matter is considered. If the public
18 officer or employee is a member of a body which makes decisions, the public
19 officer or employee shall make the disclosure in public to the chair and other
20 members of the body. If the public officer or employee is not a member of such a
21 body and holds an appointive office, the public officer or employee shall make the
22 disclosure to the supervisory head of the public officer's or employee's
23 organization or, if the public officer holds an elective office, to the general public in
24 the area from which the public officer is elected.

25 2. The provisions of subsection 1 do not require a public officer to disclose:

26 (a) Any campaign contributions that the public officer reported in a timely
27 manner pursuant to NRS 294A.120 or 294A.125; or

28 (b) Any contributions to a legal defense fund that the public officer reported in
29 a timely manner pursuant to NRS 294A.286.

30 3. Except as otherwise provided in this section, in addition to the
31 requirements of subsection 1, a public officer shall not vote upon or advocate the
32 passage or failure of, but may otherwise participate in the consideration of, a matter
33 with respect to which the independence of judgment of a reasonable person in the
34 public officer's situation would be materially affected by:

35 (a) The public officer's acceptance of a gift or loan;

36 (b) The public officer's *significant* pecuniary interest; or

37 (c) The public officer's commitment in a private capacity to the interests of
38 ~~others;~~ *another person.*

39 4. In interpreting and applying the provisions of subsection 3:

40 (a) It must be presumed that the independence of judgment of a reasonable
41 person in the public officer's situation would not be materially affected by the
42 public officer's *acceptance of a gift or loan, significant* pecuniary interest or ~~the~~
43 ~~public officer's~~ commitment in a private capacity to the interests of ~~others~~
44 *another person* where the resulting benefit or detriment accruing to the public
45 officer, or if the public officer has a commitment in a private capacity to the
46 interests of ~~others;~~ *another person*, accruing to the other ~~persons;~~ *person*, is not
47 greater than that accruing to any other member of ~~the~~ *any* general business,
48 profession, occupation or group that is affected by the matter. The presumption set
49 forth in this paragraph does not affect the applicability of the requirements set forth
50 in subsection 1 relating to the disclosure of the *acceptance of a gift or loan,*
51 *significant* pecuniary interest or commitment in a private capacity to the interests of
52 ~~others;~~ *another person.*

1 (b) The Commission must give appropriate weight and proper deference to the
2 public policy of this State which favors the right of a public officer to perform the
3 duties for which the public officer was elected or appointed and to vote or
4 otherwise act upon a matter, provided the public officer has properly disclosed the
5 public officer's acceptance of a gift or loan, ~~the public officer's~~ **significant**
6 pecuniary interest or ~~the public officer's~~ commitment in a private capacity to the
7 interests of ~~others~~ **another person** in the manner required by subsection 1.
8 Because abstention by a public officer disrupts the normal course of representative
9 government and deprives the public and the public officer's constituents of a voice
10 in governmental affairs, the provisions of this section are intended to require
11 abstention only in clear cases where the independence of judgment of a reasonable
12 person in the public officer's situation would be materially affected by the public
13 officer's acceptance of a gift or loan, ~~the public officer's~~ **significant** pecuniary
14 interest or ~~the public officer's~~ commitment in a private capacity to the interests of
15 ~~others~~ **another person**.

16 5. Except as otherwise provided in NRS 241.0355, if a public officer declares
17 to the body or committee in which the vote is to be taken that the public officer will
18 abstain from voting because of the requirements of this section, the necessary
19 quorum to act upon and the number of votes necessary to act upon the matter, as
20 fixed by any statute, ordinance or rule, is reduced as though the member abstaining
21 were not a member of the body or committee.

22 6. The provisions of this section do not, under any circumstances:

23 (a) Prohibit a member of a local legislative body from requesting or
24 introducing a legislative measure; or

25 (b) Require a member of a local legislative body to take any particular action
26 before or while requesting or introducing a legislative measure.

27 7. The provisions of this section do not, under any circumstances, apply to
28 State Legislators or allow the Commission to exercise jurisdiction or authority over
29 State Legislators. The responsibility of a State Legislator to make disclosures
30 concerning gifts, loans, interests or commitments and the responsibility of a State
31 Legislator to abstain from voting upon or advocating the passage or failure of a
32 matter are governed by the Standing Rules of the Legislative Department of State
33 Government which are adopted, administered and enforced exclusively by the
34 appropriate bodies of the Legislative Department of State Government pursuant to
35 Section 6 of Article 4 of the Nevada Constitution.

36 8. As used in this section ~~the~~

37 ~~(a) "Commitment in a private capacity to the interests of others" means a~~
38 ~~commitment to a person:~~

39 ~~(1) Who is a member of the public officer's or employee's household;~~

40 ~~(2) Who is related to the public officer or employee by blood, adoption or~~
41 ~~marriage within the third degree of consanguinity or affinity;~~

42 ~~(3) Who employs the public officer or employee or a member of the public~~
43 ~~officer's or employee's household;~~

44 ~~(4) With whom the public officer or employee has a substantial and~~
45 ~~continuing business relationship; or~~

46 ~~(5) Any other commitment or relationship that is substantially similar to a~~
47 ~~commitment or relationship described in subparagraphs (1) to (4), inclusive, of this~~
48 ~~paragraph.~~

49 ~~(b) "Public", "public officer" and "public employee" do not include a State~~
50 ~~Legislator.~~

51 Sec. 42. (Deleted by amendment.)

52 Sec. 42.5. **NRS 281A.430 is hereby amended to read as follows:**

1 281A.430 1. Except as otherwise provided in this section and NRS
2 ~~281A.530~~ 218A.970 and 332.800, a public officer or employee shall not bid on or
3 enter into a contract between ~~the governmental~~ an agency and any business entity in
4 which the public officer or employee has a significant pecuniary interest.

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

12 3. A full- or part-time faculty member or employee of the Nevada System of
13 Higher Education may bid on or enter into a contract with ~~the governmental~~ an
14 agency, or may benefit financially or otherwise from a contract between ~~the~~
15 ~~governmental~~ an agency and a private entity, if the contract complies with the
16 policies established by the Board of Regents of the University of Nevada pursuant
17 to NRS 396.255.

18 4. ~~+~~ Except as otherwise provided in subsection 2, 3 or 5, a public officer
19 or employee ~~+~~ other than a public officer or employee described in subsection 2 or
20 ~~3~~ + may bid on or enter into a contract with ~~the governmental~~ an agency if:

21 (a) The contracting process is controlled by the rules of open competitive
22 bidding or the rules of open competitive bidding are not employed as a result of the
23 applicability of NRS 332.112 or 332.148;

24 (b) The sources of supply are limited;

25 (c) The public officer or employee has not taken part in developing the contract
26 plans or specifications; and

27 (d) The public officer or employee will not be personally involved in opening,
28 considering or accepting offers.

29 ~~+~~ If a public officer who is authorized to bid on or enter into a contract with ~~the~~
30 ~~governmental~~ an agency pursuant to this subsection is a member of the governing
31 body of the agency, the public officer, pursuant to the requirements of NRS
32 281A.420, shall disclose the public officer's interest in the contract and shall not
33 vote on or advocate the approval of the contract.

34 5. A member of a local legislative body shall not, either individually or
35 through any business entity in which the member has a significant pecuniary
36 interest, sell goods or services to the local agency governed by his or her local
37 legislative body unless:

38 (a) The member, or the business entity in which the member has a
39 significant pecuniary interest, offers the sole source of supply of the goods or
40 services within the territorial jurisdiction of the local agency governed by his or
41 her local legislative body;

42 (b) The local legislative body includes in the public notice and agenda for the
43 meeting at which it will consider the purchase of such goods or services a clear
44 and conspicuous statement that it is considering purchasing such goods or
45 services from one of its members, or from a business entity in which the member
46 has a significant pecuniary interest;

47 (c) At the meeting, the member discloses his or her significant pecuniary
48 interest in the purchase of such goods or services and does not vote upon or
49 advocate the approval of the matter pursuant to the requirements of NRS
50 281A.420; and

51 (d) The local legislative body approves the purchase of such goods or
52 services in accordance with all other applicable provisions of law.

1 6. The Commission may relieve a public officer or employee from the strict
2 application of the provisions of this section if:

3 (a) The public officer or employee requests an opinion from the Commission
4 pursuant to subsection 1 of NRS 281A.440; and

5 (b) The Commission determines that such relief is not contrary to:

6 (1) The best interests of the public;

7 (2) The continued ethical integrity of each agency affected by the matter;
8 and

9 (3) The provisions of this chapter.

10 **Sec. 43.** NRS 281A.440 is hereby amended to read as follows:

11 281A.440 1. The Commission shall render an opinion interpreting the
12 statutory ethical standards and apply the standards to a given set of facts and
13 circumstances within 45 days after receiving a request, on a form prescribed by the
14 Commission, from a public officer or employee who is seeking guidance on
15 questions which directly relate to the propriety of the requester's own past, present
16 or future conduct as ~~an~~ a public officer or employee, unless the public officer or
17 employee waives the time limit. The public officer or employee may also request
18 the Commission to hold a public hearing regarding the requested opinion. If a
19 requested opinion relates to the propriety of the requester's own present or future
20 conduct, the opinion of the Commission is:

21 (a) Binding upon the requester as to the requester's future conduct; and

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

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

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

29 (b) Except as otherwise provided in this subsection, upon request from a
30 person, if the requester submits:

31 (1) The request on a form prescribed by the Commission; and

32 (2) All related evidence deemed necessary by the Executive Director and
33 the investigatory panel to make a determination of whether there is just and
34 sufficient cause to render an opinion in the matter.

35 (c) Upon the Commission's own motion regarding the propriety of conduct by
36 a public officer or employee. The Commission shall not initiate proceedings
37 pursuant to this paragraph based solely upon an anonymous complaint.

38 ↪ The Commission shall not render an opinion interpreting the statutory ethical
39 standards or apply those standards to a given set of facts and circumstances if the
40 request is submitted by a person who is incarcerated in a correctional facility in this
41 State.

42 3. Upon receipt of a request for an opinion by the Commission or upon the
43 motion of the Commission pursuant to subsection 2, the Executive Director shall
44 investigate the facts and circumstances relating to the request to determine whether
45 there is just and sufficient cause for the Commission to render an opinion in the
46 matter. The Executive Director shall notify the public officer or employee who is
47 the subject of the request and provide the public officer or employee an opportunity
48 to submit to the Executive Director a response to the allegations against the public
49 officer or employee within 30 days after the date on which the public officer or
50 employee received the notice of the request. The purpose of the response is to
51 provide the Executive Director with any information relevant to the request which
52 the public officer or employee believes may assist the Executive Director and the

1 investigatory panel in conducting the investigation. The public officer or employee
2 is not required in the response or in any proceeding before the investigatory panel
3 to assert, claim or raise any objection or defense, in law or fact, to the allegations
4 against the public officer or employee and no objection or defense, in law or fact, is
5 waived, abandoned or barred by the failure to assert, claim or raise it in the
6 response or in any proceeding before the investigatory panel.

7 4. The Executive Director shall complete the investigation and present a
8 *written* recommendation relating to just and sufficient cause , *including, without*
9 *limitation, the specific evidence or reasons that support the recommendation,* to
10 the investigatory panel within 70 days after the receipt of or the motion of the
11 Commission for the request, unless the public officer or employee waives this time
12 limit. ~~If, after the investigation, the Executive Director determines that there is just~~
13 ~~and sufficient cause for the Commission to render an opinion in the matter, the~~
14 ~~Executive Director shall state such a recommendation in writing, including, without~~
15 ~~limitation, the specific evidence that supports the Executive Director's~~
16 ~~recommendation. If, after the investigation, the Executive Director determines that~~
17 ~~there is not just and sufficient cause for the Commission to render an opinion in the~~
18 ~~matter, the Executive Director shall state such a recommendation in writing,~~
19 ~~including, without limitation, the specific reasons for the Executive Director's~~
20 ~~recommendation.~~

21 5. Within 15 days after the Executive Director has provided the ~~Executive~~
22 ~~Director's~~ *written* recommendation in the matter to the investigatory panel ~~†~~
23 *pursuant to subsection 4,* the investigatory panel shall *conclude the investigation*
24 *and* make a final determination regarding whether there is just and sufficient cause
25 for the Commission to render an opinion in the matter, unless the public officer or
26 employee waives this time limit. The investigatory panel shall not determine that
27 there is just and sufficient cause for the Commission to render an opinion in the
28 matter unless the Executive Director has provided the public officer or employee an
29 opportunity to respond to the allegations against the public officer or employee as
30 required by subsection 3. The investigatory panel shall cause a record of its
31 proceedings in each matter to be kept . ~~†, and such a record must remain~~
32 ~~confidential until the investigatory panel determines whether there is just and~~
33 ~~sufficient cause for the Commission to render an opinion in the matter.~~

34 6. If the investigatory panel determines that there is just and sufficient cause
35 for the Commission to render an opinion in the matter, the Commission shall hold a
36 hearing and render an opinion in the matter within 60 days after the determination
37 of just and sufficient cause by the investigatory panel, unless the public officer or
38 employee waives this time limit.

39 7. Each request for an opinion that a public officer or employee submits to the
40 Commission pursuant to subsection 1, each opinion rendered by the Commission in
41 response to such a request and any motion, determination, evidence or record of a
42 hearing relating to such a request are confidential unless the public officer or
43 employee who requested the opinion:

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

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

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

1 8. Except as otherwise provided in ~~this~~ subsection ~~each document~~ **9, all**
2 **information, communications, records, documents or other material** in the
3 possession of the Commission or its staff that is related to a request for an opinion
4 regarding a public officer or employee submitted to or initiated by the Commission
5 pursuant to subsection 2, including, without limitation, ~~the Commission's copy of~~
6 ~~the request and all materials and information gathered in an investigation of the~~
7 ~~request, is~~ **the record of the proceedings of the investigatory panel made**
8 **pursuant to subsection 5, are confidential and not public records pursuant to**
9 **chapter 239 of NRS until ~~the~~:**

10 (a) **The** investigatory panel determines whether there is just and sufficient
11 cause to render an opinion in the matter ~~The~~ **and serves written notice of such a**
12 **determination on the public officer or employee who is the subject of the request**
13 **for an opinion submitted or initiated pursuant to subsection 2; or**

14 (b) **The** public officer or employee who is the subject of a request for an
15 opinion submitted or initiated pursuant to subsection 2 ~~may in writing authorize~~
16 **authorizes** the Commission **in writing** to make its ~~files, material and~~ **information,**
17 **communications, records, documents or other material** which are related to the
18 request publicly available **;**
19 **whichever occurs first.**

20 9. Except as otherwise provided in ~~paragraphs (a) and (b), the proceedings of~~
21 ~~the investigatory panel are~~ **this section, the investigative file of the Commission is**
22 **confidential . ~~until~~ At any time after being served with written notice of the**
23 **determination of the investigatory panel ~~determines whether there is~~ regarding**
24 **the existence of just and sufficient cause for the Commission** to render an opinion
25 in the matter ~~A person who:~~

26 ~~(a) Requests an opinion from the Commission pursuant to paragraph (b) of~~
27 ~~subsection 2 may:~~

28 ~~(1) At any time, reveal to a third party the alleged conduct of a public~~
29 ~~officer or employee underlying the request that the person filed with the~~
30 ~~Commission or the substance of testimony, if any, that the person gave before the~~
31 ~~Commission.~~

32 ~~(2) After the investigatory panel determines whether there is just and~~
33 ~~sufficient cause to render an opinion in the matter, reveal to a third party the fact~~
34 ~~that the person requested an opinion from the Commission.~~

35 ~~(b) Gives testimony before the Commission may:~~

36 ~~(1) At any time, reveal to a third party the substance of testimony that the~~
37 ~~person gave before the Commission.~~

38 ~~(2) After the investigatory panel determines whether there is just and~~
39 ~~sufficient cause to render an opinion in the matter, reveal to a third party the fact~~
40 ~~that the person gave testimony before the Commission.~~

41 **the public officer or employee who is the subject of the request for an opinion may submit a written**
42 **discovery request to the Commission for a copy of any portion of the investigative**
43 **file that the Commission intends to present for consideration as evidence in**
44 **rendering an opinion in the matter and a list of proposed witnesses. Any portion**
45 **of the investigative file which the Commission presents as evidence in rendering**
46 **an opinion in the matter becomes a public record as provided in chapter 239 of**
47 **NRS.**

48 10. Whenever the Commission holds a hearing pursuant to this section, the
49 Commission shall:

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

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

1 (c) Allow the person to hear the evidence presented to the Commission and to
2 respond and present evidence on the person's own behalf.

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

5 11. If a person who is not a party to a hearing before the Commission,
6 including, without limitation, a person who has requested an opinion pursuant to
7 paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the
8 hearing, the person must submit the question to the Executive Director in writing.
9 The Executive Director may submit the question to the Commission if the
10 Executive Director deems the question relevant and appropriate. This subsection
11 does not require the Commission to ask any question submitted by a person who is
12 not a party to the proceeding.

13 12. If a person who requests an opinion pursuant to subsection 1 or 2 does
14 not:

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

16 (b) Declare by oath or affirmation that the person will testify truthfully,

17 ↪ the Commission may decline to render an opinion.

18 13. For good cause shown, the Commission may take testimony from a
19 person by telephone or video conference.

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

24 15. A meeting or hearing that the Commission or the investigatory panel
25 holds to receive information or evidence concerning the propriety of the conduct of
26 a public officer or employee pursuant to this section and the deliberations of the
27 Commission and the investigatory panel on such information or evidence are not
28 subject to the provisions of chapter 241 of NRS.

29 ***16. For the purposes of this section, the investigative file of the Commission
30 which relates to a request for an opinion regarding a public officer or employee
31 includes, without limitation, any information obtained by the Commission
32 through any form of communication during the course of an investigation and
33 any records, documents or other material created or maintained during the
34 course of an investigation which relate to the public officer or employee who is
35 the subject of the request for an opinion, regardless of whether such information,
36 records, documents or other material are obtained by a subpoena.***

37 **Sec. 44.** NRS 281A.470 is hereby amended to read as follows:

38 281A.470 1. Any ~~{department, board, commission or other}~~ **state** agency ~~{of~~
39 ~~the State}~~ or the governing body of a county or an incorporated city may establish a
40 specialized or local ethics committee to complement the functions of the
41 Commission. A specialized or local ethics committee may:

42 (a) Establish a code of ethical standards suitable for the particular ethical
43 problems encountered in its sphere of activity. The standards may not be less
44 restrictive than the statutory ethical standards.

45 (b) Render an opinion upon the request of any public officer or employee of its
46 own organization or level seeking an interpretation of its ethical standards on
47 questions directly related to the propriety of the public officer's or employee's own
48 future official conduct or refer the request to the Commission. Any public officer or
49 employee subject to the jurisdiction of the committee shall direct the public
50 officer's or employee's inquiry to that committee instead of the Commission.

51 (c) Require the filing of statements of financial disclosure by public officers on
52 forms prescribed by the committee or the city clerk if the form has been:

1 (1) Submitted, at least 60 days before its anticipated distribution, to the
2 Secretary of State for review; and

3 (2) Upon review, approved by the Secretary of State. *The Secretary of*
4 *State shall not approve the form unless the form contains all the information*
5 *required to be included in a statement of financial disclosure pursuant to NRS*
6 *281.571.*

7 2. *The Secretary of State is not responsible for the costs of producing or*
8 *distributing a form for filing a statement of financial disclosure pursuant to the*
9 *provisions of subsection 1.*

10 3. A specialized or local ethics committee shall not attempt to interpret or
11 render an opinion regarding the statutory ethical standards.

12 ~~3.~~ 4. Each request for an opinion submitted to a specialized or local ethics
13 committee, each hearing held to obtain information on which to base an opinion, all
14 deliberations relating to an opinion, each opinion rendered by a committee and any
15 motion relating to the opinion are confidential unless:

16 (a) The public officer or employee acts in contravention of the opinion; or

17 (b) The requester discloses the content of the opinion.

18 **Sec. 45.** NRS 281A.480 is hereby amended to read as follows:

19 281A.480 1. In addition to any other penalties provided by law ~~H~~ *and in*
20 *accordance with the provisions of section 27.5 of this act*, the Commission may
21 impose on a public officer or employee or former public officer or employee civil
22 penalties:

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

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

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

28 2. In addition to any other penalties provided by law, the Commission may ,
29 *upon its own motion or upon the motion of the person about whom an opinion*
30 *was requested pursuant to NRS 281A.440*, impose a civil penalty not to exceed
31 \$5,000 and assess an amount equal to the amount of attorney's fees and costs
32 actually and reasonably incurred by the person about whom an opinion was
33 requested pursuant to NRS 281A.440 against a person who prevents, interferes with
34 or attempts to prevent or interfere with the discovery or investigation of a violation
35 of this chapter.

36 3. If the Commission finds that a violation of a provision of this chapter by a
37 public officer or employee or former public officer or employee has resulted in the
38 realization of a financial benefit by the current or former public officer or employee
39 or another person, the Commission may, in addition to any other penalties provided
40 by law, require the current or former public officer or employee to pay a civil
41 penalty of not more than twice the amount so realized.

42 4. In addition to any other penalties provided by law, if a proceeding results in
43 an opinion that:

44 (a) One or more willful violations of this chapter have been committed by a
45 State Legislator removable from office only through expulsion by the State
46 Legislator's own House pursuant to Section 6 of Article 4 of the Nevada
47 Constitution, the Commission shall:

48 (1) If the State Legislator is a member of the Senate, submit the opinion to
49 the Majority Leader of the Senate or, if the Majority Leader of the Senate is the
50 subject of the opinion or the person who requested the opinion, to the President Pro
51 Tempore of the Senate; or

1 (2) If the State Legislator is a member of the Assembly, submit the opinion
2 to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of
3 the opinion or the person who requested the opinion, to the Speaker Pro Tempore of
4 the Assembly.

5 (b) One or more willful violations of this chapter have been committed by a
6 state officer removable from office only through impeachment pursuant to Article 7
7 of the Nevada Constitution, the Commission shall submit the opinion to the
8 Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of
9 the Assembly or the Majority Leader of the Senate is the person who requested the
10 opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore
11 of the Senate, as appropriate.

12 (c) One or more willful violations of this chapter have been committed by a
13 public officer other than a public officer described in paragraphs (a) and (b), the
14 willful violations shall be deemed to be malfeasance in office for the purposes of
15 NRS 283.440 and the Commission:

16 (1) May file a complaint in the appropriate court for removal of the public
17 officer pursuant to NRS 283.440 when the public officer is found in the opinion to
18 have committed fewer than three willful violations of this chapter.

19 (2) Shall file a complaint in the appropriate court for removal of the public
20 officer pursuant to NRS 283.440 when the public officer is found in the opinion to
21 have committed three or more willful violations of this chapter.

22 ➤ This paragraph grants an exclusive right to the Commission, and no other person
23 may file a complaint against the public officer pursuant to NRS 283.440 based on
24 any violation found in the opinion.

25 5. ~~{An action taken}~~ Notwithstanding any other provision of this chapter,
26 any act or failure to act by a public officer or employee or former public officer or
27 employee relating to this chapter is not a willful violation of ~~{a provision of}~~ ~~{these~~
28 ~~sections}~~ this chapter if the public officer or employee establishes by sufficient
29 evidence that ~~;~~ ~~{the public officer or employee satisfied all of the following~~
30 ~~requirements}~~

31 (a) The public officer or employee relied in good faith upon the advice of the
32 legal counsel retained by ~~{the}~~ his or her public body ~~{which the public officer~~
33 ~~represents or by the}~~ , agency or employer ; ~~{of the public employee or upon the~~
34 ~~manual published by the Commission pursuant to NRS 281A.290;~~

35 ~~—(b) The public officer or employee was unable, through no fault of the public~~
36 ~~officer or employee, to obtain an opinion from the Commission before the action~~
37 ~~was taken;} and~~

38 ~~{(e)}~~ (b) The act or failure to act by the public officer or employee ~~{took~~
39 ~~action that}~~ was not contrary to a prior published opinion issued by the
40 Commission.

41 6. In addition to any other penalties provided by law, a public employee who
42 commits a willful violation of this chapter is subject to disciplinary proceedings by
43 the employer of the public employee and must be referred for action in accordance
44 to the applicable provisions governing the employment of the public employee.

45 7. The provisions of this chapter do not abrogate or decrease the effect of the
46 provisions of the Nevada Revised Statutes which define crimes or prescribe
47 punishments with respect to the conduct of public officers or employees. If the
48 Commission finds that a public officer or employee has committed a willful
49 violation of this chapter which it believes may also constitute a criminal offense,
50 the Commission shall refer the matter to the Attorney General or the district
51 attorney, as appropriate, for a determination of whether a crime has been committed
52 that warrants prosecution.

1 8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final
2 decision for the purposes of judicial review pursuant to NRS 233B.130.

3 9. A finding by the Commission that a public officer or employee has violated
4 any provision of this chapter must be supported by a preponderance of the evidence
5 unless a greater burden is otherwise prescribed by law.

6 **Sec. 46.** NRS 281A.500 is hereby amended to read as follows:

7 281A.500 1. *On or before the date on which a public officer swears or*
8 *affirms the oath of office, the public officer must be informed of the statutory*
9 *ethical standards and the duty to file an acknowledgment of the statutory ethical*
10 *standards in accordance with this section by:*

11 (a) *For an appointed public officer, the appointing authority of the public*
12 *officer; and*

13 (b) *For an elected public officer of:*

14 (1) *The county and other political subdivisions within the county except*
15 *cities, the county clerk;*

16 (2) *The city, the city clerk;*

17 (3) *The Legislative Department of the State Government, the Director of*
18 *the Legislative Counsel Bureau; and*

19 (4) *The Executive Department of the State Government, the Director of*
20 *the Department of Administration, or his or her designee.*

21 2. *Within 30 days after a public employee begins employment:*

22 (a) *The Director of the Department of Administration, or his or her designee,*
23 *shall provide each new public employee of a state agency with the information*
24 *prepared by the Commission concerning the statutory ethical standards; and*

25 (b) *The manager of each local agency, or his or her designee, shall provide*
26 *each new public employee of the local agency with the information prepared by*
27 *the Commission concerning the statutory ethical standards.*

28 3. Each public officer shall acknowledge that the public officer:

29 (a) Has received, read and understands the statutory ethical standards; and

30 (b) Has a responsibility to inform himself or herself of any amendments to the
31 statutory ethical standards as soon as reasonably practicable after each session of
32 the Legislature.

33 ~~2-~~ 4. The acknowledgment must be executed on a form prescribed by the
34 Commission and must be filed with the Commission:

35 (a) If the public officer is elected to office at the general election, on or before
36 January 15 of the year following the public officer's election.

37 (b) If the public officer is elected to office at an election other than the general
38 election or is appointed to office, on or before the 30th day following the date on
39 which the public officer ~~takes~~ *swears or affirms the oath of* office.

40 ~~3-~~ 5. Except as otherwise provided in this subsection, a public officer shall
41 execute and file the acknowledgment once for each term of office. If the public
42 officer serves at the pleasure of the appointing authority and does not have a
43 definite term of office, the public officer, in addition to executing and filing the
44 acknowledgment after the public officer ~~takes~~ *swears or affirms the oath of*
45 office in accordance with subsection ~~2-~~ 4, shall execute and file the
46 acknowledgment on or before January 15 of each even-numbered year while the
47 public officer holds that office.

48 ~~4-~~ 6. For the purposes of this section, the acknowledgment is timely filed if,
49 on or before the last day for filing, the acknowledgment is filed in one of the
50 following ways:

51 (a) Delivered in person to the principal office of the Commission in Carson
52 City.

1 (b) Mailed to the Commission by first-class mail, or other class of mail that is
2 at least as expeditious, postage prepaid. Filing by mail is complete upon timely
3 depositing the acknowledgment with the United States Postal Service.

4 (c) Dispatched to a third-party commercial carrier for delivery to the
5 Commission within 3 calendar days. Filing by third-party commercial carrier is
6 complete upon timely depositing the acknowledgment with the third-party
7 commercial carrier.

8 ~~5-~~ (d) *Transmitted to the Commission by facsimile machine or other*
9 *electronic means authorized by the Commission. Filing by facsimile machine or*
10 *other electronic means is complete upon receipt of the transmission by the*
11 *Commission.*

12 7. The form for making the acknowledgment must contain:

13 (a) The address of the Internet website of the Commission where a public
14 officer may view the statutory ethical standards and print a ~~hard~~ copy ~~of~~ *of the*
15 *standards*; and

16 (b) The telephone number and mailing address of the Commission where a
17 public officer may make a request to obtain a ~~hard~~ *printed* copy of the statutory
18 ethical standards from the Commission.

19 ~~6-~~ 8. Whenever the Commission, or any public officer or employee as part
20 of the public officer's or employee's official duties, provides a public officer with a
21 ~~hard~~ *printed* copy of the form for making the acknowledgment, a ~~hard~~ *printed*
22 copy of the statutory ethical standards must be included with the form.

23 ~~7-~~ 9. The Commission shall retain each acknowledgment filed pursuant to
24 this section for 6 years after the date on which the acknowledgment was filed.

25 ~~8-~~ 10. Willful refusal to execute and file the acknowledgment required by
26 this section shall be deemed to be:

27 (a) A willful violation of this chapter for the purposes of NRS 281A.480; and

28 (b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public
29 officer is removable from office pursuant to NRS 283.440, the Commission may
30 file a complaint in the appropriate court for removal of the public officer pursuant
31 to that section. This paragraph grants an exclusive right to the Commission, and no
32 other person may file a complaint against the public officer pursuant to NRS
33 283.440 based on any violation of this section.

34 ~~9-~~ 11. As used in this section, "general election" has the meaning ascribed to
35 it in NRS 293.060.

36 Sec. 47. (Deleted by amendment.)

37 Sec. 48. (Deleted by amendment.)

38 Sec. 49. (Deleted by amendment.)

39 Sec. 50. (Deleted by amendment.)

40 Sec. 51. (Deleted by amendment.)

41 Sec. 52. (Deleted by amendment.)

42 Sec. 53. (Deleted by amendment.)

43 Sec. 54. (Deleted by amendment.)

44 Sec. 55. (Deleted by amendment.)

45 Sec. 56. (Deleted by amendment.)

46 Sec. 56.5. (Deleted by amendment.)

47 Sec. 57. **NRS 245.075 is hereby amended to read as follows:**

48 245.075 1. Except as otherwise provided in NRS 281.230, 281A.430, ~~281A.520~~
49 ~~281A.520~~ and 332.800, it is unlawful for any county officer, *directly or indirectly,*
50 to be interested in any contract made by the county officer or *to* be a purchaser or
51 ~~be~~ interested in any purchase of a sale made by the county officer in the discharge
52 of his or her official duties.

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

5 3. Any person ~~violating~~ who violates this section ~~, directly or indirectly,~~
6 is guilty of a gross misdemeanor and shall forfeit his or her office.

7 **Sec. 58. NRS 268.384 is hereby amended to read as follows:**

8 268.384 1. Except as otherwise provided in NRS 281.230, 281A.430 ~~,
9 281A.530,~~ and 332.800, it is unlawful for any city officer , directly or indirectly,
10 to be interested in any contract made by the city officer ~~, or~~ to be a purchaser or
11 interested ~~, directly or indirectly,~~ in any purchase of a sale made by the city
12 officer in the discharge of his or her official duties.

13 2. Any person ~~violating~~ who violates this section is guilty of a gross
14 misdemeanor and shall forfeit his or her office.

15 **Sec. 59. NRS 269.071 is hereby amended to read as follows:**

16 269.071 1. ~~1.1~~ Except as otherwise provided in NRS 281.230, 281A.430
17 and 332.800, it is unlawful for any member of a town board or board of county
18 commissioners acting for any town to become a contractor under any contract or
19 order for supplies or any other kind of contract authorized by or for the board of
20 which he or she is a member, or to be interested, directly or indirectly, as principal
21 ~~in~~ in any kind of contract so authorized.

22 2. Any person ~~violating subsection 1~~ who violates this section is guilty of a
23 gross misdemeanor and shall forfeit his or her office.

24 **Sec. 60. NRS 269.072 is hereby amended to read as follows:**

25 269.072 1. ~~1.1~~ Except as otherwise provided in NRS 281.230, 281A.430
26 and 332.800, it is unlawful for any town officer, directly or indirectly, to be
27 interested in any contract made by the town officer ~~, or~~ to be a purchaser or ~~to~~
28 interested in any purchase under a sale made by the town officer in the discharge of
29 his or her official duties.

30 2. Any person ~~violating subsection 1~~ who violates this section is guilty of a
31 gross misdemeanor and shall forfeit his or her office.

32 **Sec. 61. NRS 332.800 is hereby amended to read as follows:**

33 332.800 1. Except as otherwise provided in NRS 281.230 ~~, and~~ 281A.430
34 ~~, and 281A.530,~~ a member of the governing body may not be interested, directly
35 or indirectly, in any contract entered into by the governing body, but the governing
36 body may purchase supplies, not to exceed \$1,500 in the aggregate in any 1
37 calendar month ~~, from a member of such governing body,~~ when not to do so
38 would be of great inconvenience due to a lack of any other local source.

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

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

44 4. A ~~violation of~~ person who violates this section is guilty of a
45 misdemeanor and, in the case of a member of a governing body, a violation is
46 cause for removal from office.

47 **Sec. 62. NRS 281A.530 is hereby repealed.**

48 ~~Sec. 57.~~ **Sec. 63. ~~This~~**

49 **1. Except as otherwise provided in subsection 2, this** act becomes effective
50 upon passage and approval.

51 **2. Sections 16.3, 16.5, 24.5, 32.3, 40.5, 42.5 and 57 to 62, inclusive, of this**
52 **act become effective on January 1, 2014.**

TEXT OF REPEALED SECTION

281A.530 Purchase of goods or services by local government from member of governing body not unlawful or unethical; conditions. The purchase of goods or services by a local government upon a two-thirds vote of its governing body from a member of the governing body who is the sole source of supply within the area served by the governing body is not unlawful or unethical if the public notice of the meeting specifically mentioned that such a purchase would be discussed.