

SENATE BILL NO. 129—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED FEBRUARY 1, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to ethics in government. (BDR 23-191)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 13, 46)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to ethics in government; making various changes relating to the provisions governing ethics in government; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, the Nevada Ethics in Government Law (Ethics Law)
2 governs the conduct of public officers and employees and, in certain situations,
3 former public officers and employees after the end of their period of public service
4 or employment. The Ethics Law is carried out and enforced by the Commission on
5 Ethics, which is authorized to issue opinions interpreting the statutory ethical
6 standards established by the Ethics Law and applying those standards to a given set
7 of facts and circumstances. The Ethics Law also authorizes any state agency or the
8 governing body of a county or city to establish a specialized or local ethics
9 committee to complement the functions of the Commission. (Chapter 281A of
10 NRS)

11 Under the Ethics Law, the Commission is authorized to issue advisory opinions
12 requested by current and former public officers and employees who are: (1) seeking
13 guidance on matters which directly relate to the propriety of their own past, present
14 or future conduct under the statutory ethical standards; or (2) requesting relief from
15 certain provisions of the Ethics Law that allow the Commission to grant such relief.
16 (NRS 281A.670-281A.690) The Commission is also authorized to issue opinions in
17 response to ethics complaints filed with or initiated by the Commission regarding
18 the propriety of the conduct of current and former public officers and employees
19 under the statutory ethical standards. (NRS 281A.700-281A.790)



20 This bill amends the Ethics Law by clarifying, revising and adding to existing
21 provisions which govern: (1) the operation, powers, functions and duties of the
22 Commission, its members and staff and any specialized or local ethics committees;
23 (2) the statutory ethical standards that apply to the conduct of current and former
24 public officers and employees; and (3) the proceedings concerning requests for
25 advisory opinions and ethics complaints and the issuance of opinions and the
26 imposition of remedies and penalties by the Commission.

27 **Sections 2, 7-9, 23-27 and 29-31** of this bill make various changes to existing
28 provisions of the Ethics Law which govern the operation, powers, functions and
29 duties of the Commission, its members and staff and any specialized or local ethics
30 committees. (NRS 281A.200-281A.350) Under the Ethics Law, the Commission
31 must annually elect a Chair and Vice Chair who are assigned certain powers,
32 functions and duties. (NRS 281A.210, 281A.220, 281A.240, 281A.300) **Sections 2**
33 **and 23** of this bill provide for the Chair's powers, functions and duties to be
34 assigned for a particular matter to the Vice Chair or another member of the
35 Commission under certain circumstances. **Section 30** of this bill provides for a
36 member of the Commission to administer oaths when appointed by the Chair to
37 preside over any meetings, hearings or proceedings.

38 The Ethics Law requires the Chair to appoint review panels, consisting of three
39 members of the Commission, to review ethics complaints during the investigatory
40 stage of the proceedings, and if a review panel determines that there is just and
41 sufficient cause for the Commission to render an opinion in a matter, the members
42 of the review panel generally cannot participate in any further proceedings of the
43 Commission relating to that matter. (NRS 281A.220) However, the Ethics Law
44 permits the members of the review panel to authorize the development of and
45 approve a deferral agreement in the proceedings. (NRS 281A.730) **Section 24** of
46 this bill permits one or more members of the review panel, with the consent of the
47 parties, to participate as mediators or facilitators in any settlement negotiations
48 between the parties that are conducted in the proceedings before the Commission
49 holds an adjudicatory hearing in the matter.

50 The Ethics Law requires the Commission to appoint and prescribe the duties of
51 the Executive Director who must have experience in administration, investigations
52 and law. (NRS 281A.230) **Section 25** of this bill adds to these qualifications by
53 requiring the Executive Director to be an attorney who is licensed to practice law in
54 Nevada.

55 Under the Ethics Law, the Commission may conduct investigations and
56 proceedings and secure the participation and attendance of witnesses and the
57 production of any books and papers. (NRS 281A.290, 281A.300) **Section 7** of this
58 bill requires public officers and employees to cooperate with the Commission in its
59 investigations and proceedings and to furnish information and reasonable assistance
60 to the Commission, except to the extent that they are entitled to the protection of
61 certain privileges or immunities or any confidentiality or other protection
62 recognized by law. **Section 8** of this bill requires, upon the request of the
63 Commission, specified law enforcement officers to serve process on behalf of and
64 execute lawful orders of the Commission. **Sections 7 and 8** are modeled, in part, on
65 similar provisions governing the Commission on Judicial Discipline. (NRS 1.460)

66 The Ethics Law requires the Commission on Ethics to appoint and prescribe the
67 duties of the Commission Counsel who is the legal adviser to the Commission and
68 who, in most cases, is directed by the Commission to act as legal counsel in any
69 litigation in which the Commission or its members or staff are parties in an official
70 capacity. (NRS 281A.250, 281A.260) Under Nevada's Open Meeting Law, the
71 Commission may receive information regarding any litigation from its legal
72 counsel and deliberate toward a decision regarding the litigation without holding a
73 public meeting that complies with the Open Meeting Law. (NRS 241.015)
74 However, the Commission cannot take action regarding the litigation, such as



75 authorizing an appeal in the litigation, unless the Commission takes the action in a
76 public meeting that complies with the Open Meeting Law. (*Comm'n on Ethics v.*
77 *Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 142-43 (2018))

78 **Section 9** of this bill allows the Commission to delegate authority to the Chair
79 or the Executive Director, or both, to make decisions regarding any litigation in
80 which the Commission or its members or staff are parties in an official capacity.
81 **Sections 9 and 64** of this bill also provide that during any period in which
82 proceedings concerning a request for an advisory opinion or an ethics complaint are
83 confidential under the Ethics Law, the Open Meeting Law does not apply to any
84 meetings, hearings, deliberations or actions of the Commission involving: (1) any
85 decisions in litigation concerning any judicial action or proceeding related to the
86 request for an advisory opinion or the ethics complaint; and (2) any delegation of
87 authority to make such decisions in the litigation to the Chair or the Executive
88 Director, or both. **Section 27** of this bill specifies the powers and duties of the
89 Commission Counsel regarding any litigation in which the Commission or its
90 members or staff are parties in an official capacity. **Section 27** also authorizes the
91 Commission Counsel to file an appeal or seek other appellate relief in the litigation
92 with the consent or ratification of: (1) the Commission; or (2) the Chair or the
93 Executive Director, or both, when the Commission has delegated authority under
94 **section 9** to provide such consent or ratification.

95 Under the Ethics Law, a specialized or local ethics committee may: (1)
96 establish its own code of ethical standards suitable for the particular ethical
97 problems encountered in its sphere of activity; and (2) render opinions upon the
98 request of public officers and employees subject to its jurisdiction seeking an
99 interpretation of its own code of ethical standards on certain questions. However, a
100 specialized or local ethics committee may not attempt to interpret or render an
101 opinion regarding the statutory ethical standards subject to the jurisdiction of the
102 Commission, but it may refer such questions to the Commission. (NRS 281A.350)

103 **Section 31** of this bill clarifies the circumstances when such questions may be
104 referred to the Commission as a request for an advisory opinion. **Section 31** also
105 makes conforming changes to ensure consistency with the other revisions that this
106 bill makes to the Ethics Law.

107 The Ethics Law establishes statutory ethical standards that are intended to
108 enhance the people's faith in the integrity and impartiality of public officers and
109 employees by requiring appropriate separation between the roles of persons who
110 are both public servants and private citizens in order to avoid conflicts between
111 their private interests and the interests of the general public whom they serve. (NRS
112 281A.020, 281A.400-281A.550) **Sections 5, 6, 10-12, 18 and 32-38** of this bill
113 make various changes to the statutory ethical standards.

114 **Sections 5 and 6** of this bill restate more clearly the existing scope of the
115 statutory ethical standards and their applicability to the conduct of current and
116 former public officers and employees. **Section 6** also codifies the existing rule of
117 construction that the standards are cumulative and supplement each other and all
118 such standards are enforceable to the extent that they apply to the given set of facts
119 and circumstances.

120 The Ethics Law prohibits public officers and employees from engaging in
121 certain unethical conduct that benefits themselves, any business entities in which
122 they have a significant pecuniary interest or any persons to whom they have a
123 commitment in a private capacity. (NRS 281A.400, 281A.420) The Ethics Law
124 defines the persons to whom public officers and employees have a "commitment in
125 a private capacity" to include: (1) the spouse or domestic partner of the public
126 officer or employee, any member of his or her household or any relative within the
127 third degree of consanguinity or affinity; (2) any person who employs the public
128 officer or employee, his or her spouse or domestic partner or any member of his or
129 her household; (3) any person with whom the public officer or employee has a



130 substantial and continuing business relationship; or (4) any person with whom the
131 public officer or employee has any other commitment, interest or relationship that
132 is substantially similar to the foregoing commitments, interests or relationships.
133 (NRS 281A.065) **Section 18** of this bill amends this definition to provide that
134 public officers and employees also have a “commitment in a private capacity” to
135 any person for whom they serve in a private capacity: (1) as an officer or a member
136 of the board of directors or in a similar fiduciary capacity; (2) as a volunteer for a
137 substantial amount of their personal time; or (3) as a volunteer on a regular or
138 recurring basis, regardless of the amount of their personal time devoted to such
139 service.

140 The Ethics Law prohibits public officers and employees from using their
141 position in government to secure or grant any unwarranted privileges, preferences,
142 exemptions or advantages for themselves, any business entities in which they have
143 a significant pecuniary interest or any persons to whom they have a commitment in
144 a private capacity. (NRS 281A.400) **Section 10** of this bill adds to the statutory
145 ethical standards by providing that when public officers and employees approve,
146 disapprove, vote or otherwise act upon a matter, they are prohibited for a 1-year
147 period afterwards, regardless of whether their public service or employment ends
148 during that period, from securing or granting any unwarranted privileges,
149 preferences, exemptions or advantages reasonably related to the matter for the
150 private benefit of themselves, any business entities in which they have a significant
151 pecuniary interest or any persons to whom they have a commitment in a private
152 capacity, including, without limitation, securing or granting any gift, service, favor,
153 employment, engagement, emolument or economic opportunity reasonably related
154 to the matter. However, the prohibition in **section 10** does not apply if the resulting
155 benefit accruing from the action is not greater than that accruing to any other
156 member of any general business, profession, occupation or group that is affected by
157 the matter. **Section 10** also authorizes the Commission to grant relief from the strict
158 application of this prohibition in specified circumstances.

159 **Section 11** of this bill adds to the statutory ethical standards by prohibiting
160 public officers and employees from using their position or power in government to
161 take any actions or compel a subordinate to take any actions that a reasonable
162 person would find, based on the given set of facts and circumstances, to be a gross
163 or unconscionable abuse of official position or power that undermines the people’s
164 faith in the integrity or impartiality of public officers and employees. However, the
165 prohibition in **section 11** does not apply to any allegations claiming only bias, error
166 or abuse of discretion in any actions taken by public officers and employees within
167 the normal course and scope of their position or power in government.

168 The Ethics Law contains a general provision that prohibits public officers and
169 employees from using governmental time, property, equipment or other facility to
170 benefit a significant personal or pecuniary interest of the public officers and
171 employees or any persons to whom they have a commitment in a private capacity.
172 By contrast, the Ethics Law also contains a specific provision that prohibits State
173 Legislators from using governmental time, property, equipment or other facility for
174 a nongovernmental purpose or for the private benefit of the Legislators or any other
175 persons. Both of these prohibitions contain separate limited-use exceptions that
176 allow a limited use of governmental property, equipment or other facility for
177 personal purposes if the limited use meets certain requirements. (NRS 281A.400)
178 **Section 32** of this bill revises these prohibitions and limited-use exceptions in
179 several ways.

180 First, with regard to the prohibitions, **section 32** of this bill changes the term “a
181 significant personal or pecuniary interest” to “a significant pecuniary interest or a
182 nonpecuniary personal interest,” and **section 32** also aligns the prohibitions so they
183 employ the same prohibitive language for Legislators and other public officers and
184 employees. As a result, subject to the limited-use exceptions, **section 32** prohibits



185 all public officers and employees from using governmental time, property,
186 equipment or other facility to benefit a significant pecuniary interest or a
187 nonpecuniary personal interest of the public officers and employees or any persons
188 to whom they have a commitment in a private capacity.

189 Second, with regard to the limited-use exceptions that apply to public officers
190 and employees other than Legislators, one of the existing requirements for the
191 exceptions is that the public officer or employee who is responsible for and has
192 authority to authorize the limited use for personal purposes must have established a
193 policy allowing the limited use. **Section 32** of this bill clarifies the exception by
194 providing that the limited use must be authorized by a written policy which was
195 adopted before the limited use occurs.

196 Finally, with regard to the limited-use exceptions that apply to Legislators and
197 other public officers and employees, one of the existing requirements for the
198 exceptions is that the limited use for personal purposes must not create the
199 appearance of impropriety. **Section 32** of this bill defines the term "appearance of
200 impropriety" as a perception by a reasonable person that, based on the given set of
201 facts and circumstances, the limited use for personal purposes is inappropriate,
202 disproportionate, excessive or unreasonable under that given set of facts and
203 circumstances.

204 The Ethics Law prohibits public officers and employees from attempting,
205 through the influence of a subordinate, to benefit a significant personal or pecuniary
206 interest of the public officers and employees or any persons to whom they have a
207 commitment in a private capacity. (NRS 281A.400) **Section 32** of this bill changes
208 the term "a significant personal or pecuniary interest" to "a significant pecuniary
209 interest or a nonpecuniary personal interest" for the purposes of this prohibition.

210 With certain exceptions, the Ethics Law prohibits public officers and
211 employees from acting upon a matter in which their personal or private interests
212 may create potential conflicts of interests unless, at the time the matter is
213 considered, they make a disclosure that is sufficient to inform the public of their
214 potential conflicts of interests. (NRS 281A.420) **Section 34** of this bill provides
215 that, when public officers and employees make such a public disclosure, they are
216 not required to disclose any information which is confidential as a result of a bona
217 fide relationship that protects the confidentiality of the information under the terms
218 of a contract or as a matter of law, such as the attorney-client relationship, if they:
219 (1) disclose all nonconfidential information and describe the general nature of the
220 protected relationship; and (2) abstain from acting upon the matter.

221 The Ethics Law allows certain public officers to represent or counsel private
222 persons for compensation before state or local agencies in which they do not serve.
223 In addition, although the Ethics Law requires public officers to disclose such
224 private representation or counseling when it may create potential conflicts of
225 interests with their public duties, they are not required to abstain from acting on a
226 matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420)
227 **Section 34** of this bill requires public officers to abstain from acting on a matter
228 under certain circumstances when such private representation or counseling results
229 in conflicts of interests with their public duties.

230 With certain exceptions, the Ethics Law prohibits public officers and
231 employees from bidding on or entering into government contracts between any
232 business entities in which they have a significant pecuniary interest and any state or
233 local agencies. The Ethics Law contains several exceptions to the contracting
234 prohibition, including an exception for certain contracts that are awarded by
235 competitive selection. The Ethics Law also allows the Commission to grant relief
236 from the strict application of the contracting prohibition in specified circumstances.
237 (NRS 281A.430) **Section 35** of this bill revises the contracting prohibition to
238 provide that, with certain exceptions, public officers and employees cannot, directly
239 or through a third party, negotiate, bid on, enter into, perform, modify or renew any



240 government contracts between: (1) the public officers and employees or any
241 business entities in which they have a significant pecuniary interest; and (2) an
242 agency in which they serve or an agency that has any connection, relation or
243 affiliation with an agency in which they serve. **Section 35** also makes conforming
244 changes to the existing exceptions and adds a new exception for certain contracts
245 that, by their nature, are not adapted to be awarded by competitive selection.

246 With certain exceptions, the Ethics Law prohibits public officers and
247 employees from accepting or receiving an honorarium to make a speech or
248 appearance in their official capacity but allows: (1) the payment of costs incurred
249 by a public officer or employee, his or her aide or his or her spouse for
250 transportation, lodging and meals while away from the public officer's or
251 employee's residence to make such a speech or appearance; and (2) the receipt of
252 an honorarium by a spouse when it is related to the spouse's profession or
253 occupation. (NRS 281A.510) **Section 37** of this bill clarifies that the exceptions
254 which apply to a spouse also apply to a domestic partner.

255 The Ethics Law prohibits certain former public officers and employees, for a 1-
256 year "cooling-off" period after the termination of their public service or
257 employment, from soliciting or accepting private employment from any entities
258 regulated or awarded certain contracts by the agencies that employed the former
259 public officers and employees. However, the Ethics Law also allows the
260 Commission to grant relief from the strict application of the prohibition in specified
261 circumstances. (NRS 281A.550) **Section 38** of this bill clarifies that certain current
262 public officers and employees are subject to a similar "cooling-off" period during
263 their public service or employment and cannot solicit or accept private employment
264 from such entities under similar circumstances. **Section 38** also provides that the
265 "cooling-off" period applies when current and former public officers and
266 employees are or were involved in the implementation, management or
267 administration of certain contracts awarded by their employing agencies.

268 The Ethics Law requires public officers to execute and timely file with the
269 Commission written acknowledgments that they have received, read and
270 understand the statutory ethical standards and that they have a responsibility to
271 become familiar with any amendments to those standards. (NRS 281A.500)
272 **Sections 12 and 36** of this bill allow the Commission to seek and recover civil
273 penalties when public officers fail to file the acknowledgments or fail to file them
274 in a timely manner. However, under **section 66** of this bill, the Commission cannot
275 seek and recover civil penalties for any overdue or late-filed acknowledgments if
276 the last day for timely filing the acknowledgments with the Commission occurs
277 before January 1, 2020. The civil penalties authorized by **sections 12 and 36** are
278 modeled on the civil penalties that the Secretary of State may recover from public
279 officers when they fail to file financial disclosure statements or fail to file them in a
280 timely manner. (NRS 281.581)

281 The Ethics Law contains existing provisions which govern the proceedings
282 concerning requests for advisory opinions and ethics complaints and the issuance of
283 opinions and the imposition of remedies and penalties by the Commission. (NRS
284 281A.665-281A.790) **Sections 3, 4, 13, 14, 16, 17, 19-22, 28 and 39-62** of this bill
285 make various changes to these existing provisions.

286 Under the Ethics Law, the Commission issues opinions interpreting the
287 statutory ethical standards and applying those standards to a given set of facts and
288 circumstances. (NRS 281A.680, 281A.710) The Ethics Law also directs the
289 Legislative Counsel to prepare annotations of the Commission's published opinions
290 for inclusion in NRS. (NRS 281A.290) Under existing legal principles governing
291 administrative procedure, the published opinions of an administrative agency
292 constitute administrative precedents with persuasive value. (*Sears, Roebuck & Co.*
293 *v. All States Life Ins. Co.*, 246 F.2d 161, 169 (5th Cir. 1957); E. H. Schopler,
294 Annotation, *Applicability of Stare Decisis Doctrine to Decisions of Administrative*



295 Agencies, 79 A.L.R.2d 1126 §§ 4-7 (1961 & Westlaw 2019); 2 Am. Jur. 2d
296 *Administrative Law* § 360 (Westlaw 2019))

297 **Section 4** of this bill defines “published opinion” as an opinion issued by the
298 Commission that is publicly available on the Internet website of the Commission.
299 **Section 39** of this bill codifies existing legal principles by stating that the
300 Commission’s published opinions constitute administrative precedents with
301 persuasive value. **Sections 29 and 39** of this bill move and recodify within the
302 Ethics Law the existing provision that directs the Legislative Counsel to prepare
303 annotations of the Commission’s published opinions for inclusion in NRS.

304 Under existing law, the Attorney General is the legal adviser on all matters
305 arising in the state agencies of the Executive Department, unless a specific statute
306 authorizes the state agencies to employ or retain legal counsel other than the
307 Attorney General. (NRS 228.110) With certain exceptions, the Ethics Law requires
308 the Attorney General to provide legal representation for current and former state
309 officers and employees of the Executive Department who are subject to ethics
310 complaints. (NRS 281A.163, 281A.705) Existing law also authorizes the Attorney
311 General to provide legal representation for current state officers and employees of
312 the Executive Department who file requests for advisory opinions involving state
313 matters. (NRS 228.110) In proceedings under the Ethics Law, existing law also
314 authorizes the Legislative Counsel to provide legal representation for current and
315 former Legislators and other legislative officers and employees in their official
316 capacity under certain circumstances. (NRS 218F.720; *Comm’n on Ethics v.*
317 *Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 143 n.4 (2018)) Finally, under
318 existing legal principles governing counties, cities and other political subdivisions,
319 local agencies are authorized to provide legal representation for current and former
320 local officers and employees in their official capacity under certain circumstances,
321 unless a specific statute provides otherwise. (56 Am. Jur. 2d *Municipal*
322 *Corporations, Counties, and Other Political Subdivisions* §§ 187 & 194-197
323 (Westlaw 2019); Eugene McQuillin, *Law of Municipal Corporations* §§ 12:84 &
324 29:16-29:19 (3d ed. Westlaw 2019))

325 **Sections 13 and 46** of this bill provide that, with certain exceptions, the official
326 attorney of a state executive branch agency or local agency, as applicable, must
327 provide legal representation for: (1) current public officers and employees who file
328 requests for advisory opinions; and (2) current and former public officers and
329 employees who are subject to ethics complaints. For the purposes of **sections 13**
330 **and 46**, the term “official attorney” is defined as: (1) the Attorney General for any
331 state executive branch agency that is represented by the Attorney General; (2) the
332 chief legal officer or other authorized legal representative for any state executive
333 branch agency that is authorized to employ or retain legal counsel other than the
334 Attorney General; and (3) the chief legal officer or other authorized legal
335 representative for any local agency.

336 The Ethics Law authorizes public officers and employees to file with the
337 Commission requests for advisory opinions to: (1) seek guidance relating to the
338 propriety of their own past, present or future conduct under the statutory ethical
339 standards; or (2) request relief from the strict application of certain provisions of
340 the Ethics Law. (NRS 281A.675) **Section 41** of this bill authorizes the supervisory
341 head or the legal counsel of a public body, agency or employer to file with the
342 Commission a request for an advisory opinion to seek guidance relating to the
343 application of the statutory ethical standards to a hypothetical or general set of facts
344 and circumstances involving one or more particular positions with the public body,
345 agency or employer. **Section 41** also allows the Commission to request additional
346 information relating to a request for an advisory opinion from the requester and
347 certain other specified persons.

348 If the requester properly files a request for an advisory opinion, the Ethics Law
349 requires the Commission to render an advisory opinion in the matter within a



350 certain time limit after receiving the request, unless the requester waives the time
351 limit. (NRS 281A.680) **Sections 28 and 42** of this bill revise the Commission's
352 jurisdiction and procedures regarding a request for an advisory opinion. Under the
353 Ethics Law, the Commission generally has jurisdiction over ethics complaints filed
354 or initiated within 2 years after the alleged violation or reasonable discovery of the
355 alleged violation. (NRS 281A.280) **Section 28** of this bill similarly provides that
356 the Commission's jurisdiction over a request for an advisory opinion extends only
357 to past conduct occurring within 2 years of the date on which the request is filed.
358 **Section 42** allows the Commission to stay or dismiss the proceedings concerning
359 the request for an advisory opinion under certain circumstances when an ethics
360 complaint is also filed or pending that involves some or all of the same issues or
361 facts and circumstances as the request for an advisory opinion. **Section 42** also
362 requires the Commission to render a decision regarding the request for an advisory
363 opinion within the existing time limit, subject to certain exceptions. However,
364 **section 42** provides the Commission with more time to prepare the written advisory
365 opinion in the matter by requiring the Commission to issue the written advisory
366 opinion within a specified time limit after the decision is rendered.

367 Under the Ethics Law, certain materials relating to a request for an advisory
368 opinion are confidential and not public records unless the requester: (1) authorizes
369 the Commission to disclose the materials; or (2) voluntarily discloses the materials
370 to persons other than those specified in the statute. (NRS 281A.685) **Section 43** of
371 this bill clarifies that any authorization given by the requester is limited to the
372 specific materials that the requester authorizes the Commission to disclose. **Section**
373 **43** also revises the specified persons to whom the requester may voluntarily
374 disclose the materials without waiving the confidentiality of the materials.

375 With certain exceptions, the Commission is subject to the Open Meeting Law,
376 which generally requires most meetings of public bodies to be open to the public.
377 (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting Law does
378 not apply to meetings, hearings, deliberations and actions of the Commission
379 relating to requests for advisory opinions, although the requester of the advisory
380 opinion may file a request with the Commission to hold a public meeting or hearing
381 regarding the matter. (NRS 281A.690) **Section 44** of this bill provides that if the
382 Commission grants such a request for a public meeting or hearing regarding the
383 matter, the Commission must provide public notice of the meeting or hearing and
384 the meeting or hearing must be open to the public and conducted in accordance
385 with the regulations of the Commission, but the meeting or hearing is not subject to
386 specific requirements of the Open Meeting Law.

387 In addition to rendering advisory opinions, the Commission is also authorized
388 by the Ethics Law to render opinions regarding the propriety of the conduct of
389 public officers and employees under the statutory ethical standards in response to
390 ethics complaints: (1) filed with the Commission by a specialized or local ethics
391 committee or any person other than an incarcerated person; or (2) initiated by the
392 Commission on its own motion but such a motion cannot be based solely on an
393 anonymous complaint. (NRS 281A.710) **Section 47** of this bill authorizes the
394 Commission to initiate an ethics complaint on its own motion based on an
395 anonymous complaint if the information in the anonymous complaint is publicly
396 available information or is independently verified by the Commission or its staff as
397 accurate and reliable information.

398 Within 45 days after receiving an ethics complaint, the Ethics Law requires the
399 Commission to determine initially whether it has jurisdiction over the ethics
400 complaint and whether an investigation is warranted in the matter, unless the
401 subject of the ethics complaint waives the time limit. (NRS 281A.715) **Section 48**
402 of this bill authorizes the Executive Director, during this initial period, to conduct a
403 preliminary investigation to obtain additional information concerning the
404 allegations in the ethics complaint to assist the Commission in making its initial



405 determination. In addition, **section 48**: (1) allows the Commission to extend the
406 time limit for good cause; and (2) eliminates, as unnecessary, the provision
407 authorizing the subject to waive the time limit because the subject does not receive
408 notice of the matter during this initial period, but only receives notice of the matter
409 if the Commission determines that it has jurisdiction and an investigation is
410 warranted. **Section 48** also allows the Commission to dismiss an ethics complaint
411 initiated on its own motion if it determines that the evidence is not sufficient to
412 warrant an investigation in the matter but requires the Commission to issue a letter
413 of caution or instruction in those circumstances.

414 Under the Ethics Law, if the Commission determines that it has jurisdiction
415 over an ethics complaint and an investigation is warranted, the subject of the ethics
416 complaint is served with a notice of the investigation and provided with an
417 opportunity to submit a response to that notice. (NRS 281A.720) As part of the
418 investigation, the Ethics Law permits the Executive Director to secure the subject's
419 participation, attendance as a witness or production of books and papers under
420 existing procedures. (NRS 281A.300) **Section 49** of this bill clarifies that,
421 regardless of whether the subject submits a response to the investigation, the
422 Executive Director retains the authority during the course of the investigation to
423 secure the subject's participation, attendance as a witness or production of books
424 and papers under those existing procedures.

425 Within 70 days after the Commission directs the Executive Director to
426 investigate an ethics complaint, the Ethics Law requires the Executive Director to
427 present a written recommendation to the review panel regarding the sufficiency of
428 the evidence concerning the ethics complaint, unless the subject waives the time
429 limit. (NRS 281A.725) **Section 50** of this bill allows the presiding officer of the
430 review panel to grant the Executive Director extensions of the time limit for good
431 cause.

432 Within 15 days after the Executive Director presents the written
433 recommendation to the review panel, the Ethics Law requires the review panel to
434 determine whether there is just and sufficient cause for the Commission to render
435 an opinion regarding the ethics complaint, unless the subject waives the time limit.
436 If the review panel determines that there is not just and sufficient cause, the Ethics
437 Law requires the review panel to dismiss the matter, but the review panel may issue
438 a confidential letter of caution or instruction to the subject as part of the dismissal.
439 If the review panel determines that there is just and sufficient cause but reasonably
440 believes that the conduct at issue may be appropriately addressed through
441 additional training or other corrective action, the Ethics Law authorizes the review
442 panel to approve a deferral agreement between the Executive Director and the
443 subject to defer further proceedings in the matter under the terms and conditions of
444 the deferral agreement. If the subject complies with the terms and conditions of the
445 deferral agreement, the matter must be dismissed. However, if the subject fails to
446 comply with the terms and conditions of the deferral agreement, the deferral
447 agreement may be vacated and further proceedings conducted in the matter before
448 the Commission. If the review panel does not believe that a deferral agreement is
449 appropriate or if the subject declines to enter into such a deferral agreement, the
450 Ethics Law requires the review panel to refer the matter to the Commission for
451 further proceedings. (NRS 281A.730, 281A.740)

452 **Section 51** of this bill provides that after the review panel makes its
453 determination in the matter, it must serve written notice of its determination on the
454 subject. **Sections 51 and 52** of this bill further provide that if the review panel
455 authorizes the development of a deferral agreement, the review panel must specify
456 in its written notice a time limit within which the deferral agreement must be
457 developed, but the review panel may grant extensions of the time limit for good
458 cause. Finally, **section 51** provides that if the deferral agreement is not developed



459 within the time limit, or any extension thereof, the review panel must refer the
460 matter to the Commission for further proceedings.

461 The Ethics Law establishes various requirements regarding the adjudication of
462 ethics complaints referred to the Commission for further proceedings. (NRS
463 281A.745-281A.760) **Sections 3 and 53** of this bill clarify that the parties to the
464 proceedings are: (1) the Executive Director or his or her designee who present
465 the case to the Commission at the adjudicatory hearing in the matter; and (2) the
466 subject of the ethics complaint who has the right to written notice of the hearing, to
467 be represented by legal counsel and to hear the evidence presented to the
468 Commission and to present his or her own case. **Section 53** also requires the
469 Commission to provide the parties with a written schedule for discovery in order to
470 prepare for the hearing.

471 The Ethics Law requires the Commission to hold the hearing and render an
472 opinion in the matter within a certain time limit, unless waived by the subject, and
473 the Ethics Law requires the opinion to include findings of fact and conclusions of
474 law. (NRS 281A.745, 281A.765) **Section 53** of this bill requires the Commission to
475 render a decision in the matter within the existing time limit, unless waived by the
476 subject, but **section 53** provides the Commission with more time to prepare the
477 written opinion in the matter by requiring the Commission to issue the written
478 opinion within a specified time limit after the decision is rendered. **Sections 53 and**
479 **57** of this bill also clarify that, in addition to including findings of fact and
480 conclusions of law, the written opinion must otherwise comply with the
481 requirements for a final decision under Nevada's Administrative Procedure Act.
482 (NRS 233B.125)

483 With certain exceptions, the Ethics Law requires, or in some cases allows, the
484 Commission to keep the identity of certain persons who file ethics complaints
485 confidential in order to protect those persons from potential harm. (NRS 281A.750)
486 **Section 54** of this bill clarifies that such confidentiality extends to all materials that,
487 if disclosed, would reveal the identity of the confidential requester. **Section 54** also
488 clarifies that the identity of the confidential requester remains protected if the
489 Executive Director does not intend to present the testimony of the confidential
490 requester as evidence in the matter. However, if the Executive Director intends to
491 present the testimony of the confidential requester as evidence in the matter,
492 **section 54** provides that the Executive Director must disclose the name of the
493 confidential requester only as a proposed witness in accordance with the schedule
494 for discovery in the matter.

495 Under the Ethics Law, the subject of an ethics complaint may submit a written
496 discovery request for a list of proposed witnesses and a copy of any materials in the
497 investigative file that the Executive Director intends to present as evidence in the
498 matter. The Ethics Law also provides that the materials in the investigative file are
499 confidential, except that any materials which the Executive Director presents as
500 evidence in the matter become public records. (NRS 281A.755) **Section 55** of this
501 bill requires any written discovery request to be submitted in accordance with the
502 schedule for discovery in the matter. **Section 55** also provides that any materials
503 which the Executive Director presents as evidence in the matter become public
504 records after the Commission takes final action concerning the ethics complaint in a
505 public meeting or hearing held under **section 56** of this bill.

506 In proceedings concerning an ethics complaint, the Ethics Law exempts from
507 the Open Meeting Law: (1) any meeting or hearing held by the Commission to
508 receive information or evidence concerning the ethics complaint; and (2) any
509 deliberations of the Commission on such information or evidence. However, the
510 Ethics Law does not exempt the Commission's actions concerning the ethics
511 complaint from the Open Meeting Law. (NRS 281A.760) **Section 56** of this bill
512 generally exempts the Commission's actions concerning the ethics complaint from
513 the Open Meeting Law. However, **section 56** requires the Commission to take final



514 action concerning the ethics complaint in a public meeting or hearing for which the
515 Commission provides public notice and which is open to the public and conducted
516 in accordance with the regulations of the Commission, but the meeting or hearing is
517 not subject to specific requirements of the Open Meeting Law.

518 The Ethics Law establishes various requirements regarding the disposition of
519 ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-
520 281A.790) Under the Ethics Law, there are two types of violations: (1) willful
521 violations that require proof of specific mental elements showing that the subject of
522 an ethics complaint committed the violations intentionally and knowingly; and (2)
523 other violations that do not require proof of those specific mental elements. (NRS
524 281A.170) To determine whether violations are willful, the Ethics Law requires the
525 Commission to: (1) consider a nonexclusive list of aggravating and mitigating
526 factors, as well as any other reasonably related factors; and (2) ensure when it
527 applies those factors that the disposition of the matter bears a reasonable
528 relationship to the severity of the violations. (NRS 281A.775) For any violations,
529 whether or not willful, the Ethics Law authorizes the Commission to impose certain
530 remedies, such as training, a remedial course of action or public admonishment.
531 (NRS 281A.785) However, for willful violations, the Ethics Law also authorizes
532 more severe remedies and penalties, such as substantial civil penalties and public
533 reprimand or censure. In some cases involving willful violations, the Ethics Law
534 further requires the Commission to seek removal of certain public officers through
535 court proceedings or to submit the matter to the appropriate House of the
536 Legislature for consideration of additional remedies and penalties against certain
537 public officers, including removal through impeachment or expulsion. (NRS
538 281A.785, 281A.790)

539 **Sections 22, 59, 61 and 62** of this bill eliminate the category of willful
540 violations and revise and clarify some of the existing remedies and penalties under
541 the Ethics Law. First, **section 22** of this bill defines the term "violation" to provide
542 that all violations of the Ethics Law require proof of specific mental elements
543 showing that the subject of an ethics complaint committed the violations
544 intentionally and knowingly. If the Commission determines that such violations
545 have been proven, **sections 59, 61 and 62** of this bill require the Commission to
546 determine which of the less or more severe remedies and penalties to impose
547 against the subject for those violations by: (1) considering the existing nonexclusive
548 list of aggravating and mitigating factors, as well as any other reasonably related
549 factors; and (2) ensuring when it applies those factors that the disposition of the
550 matter bears a reasonable relationship to the severity of the violations. **Section 62**
551 of this bill also clarifies that in determining whether the subject has committed one
552 or more violations, each separate act or event that constitutes a violation must be
553 treated as a separate violation that is cumulative to all other violations, whenever
554 committed, without regard to the sequence of the violations or whether the
555 violations are established in the same or separate proceedings. **Section 62**
556 additionally revises the types of violations that authorize or require the Commission
557 to pursue judicial removal proceedings or to refer the matter to the appropriate
558 House of the Legislature or the appropriate public employer for possible
559 disciplinary action. Finally, as part of the existing remedies and penalties, the
560 Commission may express its official disapproval, reproof or condemnation of
561 violations by using public admonishment, reprimand or censure depending on the
562 degree of willfulness or severity of the violations. (NRS 281A.785) **Section 61** of
563 this bill eliminates public admonishment and censure as potential sanctions but
564 retains public reprimand as the Commission's means for officially rebuking
565 violations.

566 The Ethics Law prohibits any person from preventing, interfering with or
567 attempting to prevent or interfere with investigations or proceedings or the
568 discovery of violations under the Ethics Law and authorizes the Commission to



569 impose civil penalties and, under certain circumstances, assess against such a
570 person certain attorney's fees and costs incurred by others as a result of the act.
571 (NRS 281A.790) **Sections 28 and 62** of this bill: (1) deem the person's act to be a
572 violation of the Ethics Law; (2) specify that the Commission has jurisdiction to
573 investigate and take appropriate action regarding the violation in any proceeding
574 commenced within 2 years after the violation or reasonable discovery thereof; and
575 (3) require the Commission, before taking appropriate action, to provide the person
576 with a written notice of the charges and an opportunity for a hearing in accordance
577 with the regulations of the Commission. **Section 62** also authorizes the
578 Commission, under certain circumstances, to assess against the person certain
579 attorney's fees and costs incurred by the Commission as a result of the violation.

580 Under the Nevada Constitution, each House of the Legislature has certain
581 plenary and exclusive constitutional powers, including powers to discipline
582 members for certain unethical legislative conduct, which may be exercised only by
583 that House and which cannot be usurped, infringed or impaired by the other House
584 or by any other branch of Nevada's State Government. (Nev. Const. Art. 3, § 1,
585 Art. 4, § 6; *Heller v. Legislature*, 120 Nev. 456 (2004); *Comm'n on Ethics v.*
586 *Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 560-
587 564 (2010)) Furthermore, under the constitutional doctrines of separation of powers
588 and legislative privilege and immunity, Legislators have the constitutional right to
589 be protected from having to defend themselves, from being held liable and from
590 being questioned or sanctioned by the other branches in administrative or judicial
591 proceedings for speech, debate, deliberation and other actions performed within the
592 sphere of legitimate legislative activity. (Nev. Const. Art. 3, § 1, Art. 4, § 6; NRS
593 41.071; *Bogan v. Scott-Harris*, 523 U.S. 44, 54 (1998) ("Absolute legislative
594 immunity attaches to all actions taken 'in the sphere of legitimate legislative
595 activity.' " (quoting *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951))); *Guinn v.*
596 *Legislature (Guinn II)*, 119 Nev. 460, 472 (2003) ("Under the separation of powers
597 doctrine, individual legislators cannot, nor should they, be subject to fines or other
598 penalties for voting in a particular way."); *Steiner v. Superior Court*, 58 Cal. Rptr.
599 2d 668, 678 n.20 (Cal. Ct. App. 1996) ("The California separation of powers
600 provision, however, provides a sufficient ground to protect legislators from punitive
601 action that unduly impinges on their function."); Luther S. Cushing, *Elements of the*
602 *Law & Practice of Legislative Assemblies* §§ 601-603 (1856); 1 Joseph Story,
603 *Commentaries on the Constitution of the United States* § 866 (5th ed. 1905);
604 Thomas M. Cooley, *A Treatise on Constitutional Limitations* 929 (8th ed. 1927))
605 As a result, under the Ethics Law, the Commission cannot exercise jurisdiction
606 or authority over or inquire into, intrude upon or interfere with the functions
607 of a Legislator that are protected by legislative privilege and immunity.
608 (NRS 281A.020)

609 **Section 14** of this bill provides that if the Commission determines at any time
610 during proceedings concerning an ethics complaint against a Legislator that any
611 allegations in the ethics complaint are within the jurisdiction or authority of the
612 Legislator's House, and not within the Commission's jurisdiction or authority,
613 the Commission may authorize the Executive Director to file a complaint with the
614 Legislator's House alleging a breach of legislative ethical standards under the
615 House's standing rules. **Sections 14 and 63** of this bill also acknowledge that such
616 a complaint filed with the Legislator's House and all materials related to the
617 allegations in the complaint are confidential and are not public records, unless those
618 materials become publicly available in a manner authorized by the House's
619 standing rules.



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

1 **Section 1.** Chapter 281A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 14, inclusive,
3 of this act.

4 **Sec. 2. "Chair" means:**

5 1. *The Chair of the Commission; or*

6 2. *The Vice Chair or another member of the Commission*
7 *servng in the capacity of the Chair pursuant to NRS 281A.210.*

8 **Sec. 3. "Party" means, for the purposes of the adjudication**
9 *and disposition of proceedings concerning an ethics complaint*
10 *pursuant to this chapter:*

11 1. *The Executive Director or his or her designee; and*

12 2. *The public officer or employee who is the subject of the*
13 *ethics complaint.*

14 **Sec. 4. "Published opinion" means an opinion issued by the**
15 *Commission that is publicly available on the Internet website of*
16 *the Commission.*

17 **Sec. 5. "Statutory ethical standards" means the statutory**
18 *ethical standards set forth in the provisions of this chapter.*

19 **Sec. 6. 1. The provisions of this chapter establish statutory**
20 *ethical standards to govern the conduct of:*

21 (a) *Public officers and employees; and*

22 (b) *Former public officers and employees in situations where*
23 *the statutory ethical standards apply to the conduct of former*
24 *public officers and employees after the end of any period of public*
25 *service or employment.*

26 2. *The statutory ethical standards are cumulative and*
27 *supplement each other, and the application of any one of the*
28 *statutory ethical standards to a given set of facts and*
29 *circumstances does not bar the application of any other of the*
30 *statutory ethical standards that also apply to the given set of facts*
31 *and circumstances.*

32 **Sec. 7. 1. Every public officer or employee of the State or**
33 *one of its political subdivisions, regardless of whether he or she is*
34 *otherwise subject to the provisions of this chapter, shall cooperate*
35 *with the Commission in any lawful investigations or proceedings*
36 *of the Commission and furnish information and reasonable*
37 *assistance to the Commission or its authorized representative,*
38 *except to the extent that the public officer or employee is entitled*
39 *to:*

40 (a) *Any privilege or immunity, other than any common-law*
41 *privilege or immunity abrogated pursuant to NRS 281A.185; or*

42 (b) *Any confidentiality or other protection recognized by law.*



1 2. *If a public officer or employee is entitled to any protection*
2 *pursuant to paragraph (a) or (b) of subsection 1, that protection*
3 *extends only to matters within the scope of the protection, and the*
4 *public officer or employee shall comply with the provisions of*
5 *subsection 1 to the fullest extent possible regarding all matters*
6 *outside of the scope of the protection.*

7 **Sec. 8.** *Every sheriff, marshal, police officer or constable*
8 *shall, upon request of the Commission or its authorized*
9 *representative, serve process on behalf of and execute all lawful*
10 *orders of the Commission.*

11 **Sec. 9. 1.** *In carrying out the provisions of this chapter, the*
12 *Commission may delegate authority to the Chair or the Executive*
13 *Director, or both, to make any decisions in litigation concerning*
14 *any judicial action or proceeding in which the Commission or any*
15 *member or employee of the Commission is a party in an official*
16 *capacity or participates or intervenes in an official capacity.*

17 2. *During any period in which proceedings concerning a*
18 *request for an advisory opinion or an ethics complaint are*
19 *confidential pursuant to this chapter, the provisions of chapter 241*
20 *of NRS do not apply to any meeting or hearing held by the*
21 *Commission or any deliberations or actions of the Commission*
22 *involving:*

23 (a) *Any decisions in litigation concerning any judicial action*
24 *or proceeding related to the request for an advisory opinion or the*
25 *ethics complaint; or*

26 (b) *Any delegation of authority to make such decisions in the*
27 *litigation to the Chair or the Executive Director, or both, pursuant*
28 *to subsection 1.*

29 **Sec. 10. 1.** *Except as otherwise provided in this section, if a*
30 *public officer or employee has approved, disapproved, voted or*
31 *otherwise acted upon a matter, the public officer or employee shall*
32 *not, for a period of 1 year after the date of such official action*
33 *upon the matter regardless of whether his or her public service or*
34 *employment ends during that period, secure or grant any*
35 *unwarranted privileges, preferences, exemptions or advantages*
36 *reasonably related to the matter for the private benefit of the*
37 *public officer or employee, any business entity in which the public*
38 *officer or employee has a significant pecuniary interest or any*
39 *person to whom the public officer or employee has a commitment*
40 *in a private capacity, including, without limitation, securing or*
41 *granting any gift, service, favor, employment, engagement,*
42 *emolument or economic opportunity reasonably related to the*
43 *matter. As used in this subsection, "unwarranted" means without*
44 *justification or adequate reason.*



1 2. *The provisions of subsection 1 do not apply where the*
2 *public officer or employee takes official action upon a matter as*
3 *set forth in subsection 1 and the resulting benefit accruing to the*
4 *public officer or employee, any business entity in which the public*
5 *officer or employee has a significant pecuniary interest or any*
6 *person to whom the public officer or employee has a commitment*
7 *in a private capacity is not greater than that accruing to any other*
8 *member of any general business, profession, occupation or group*
9 *that is affected by the matter.*

10 3. *The Commission may relieve a current or former public*
11 *officer or employee from the strict application of the provisions of*
12 *subsection 1 if:*

13 (a) *The public officer or employee files a request for an*
14 *advisory opinion from the Commission pursuant to NRS*
15 *281A.675; and*

16 (b) *The Commission determines that such relief is not contrary*
17 *to:*

18 (1) *The best interests of the public;*

19 (2) *The continued ethical integrity of the State Government*
20 *or political subdivision, as applicable; and*

21 (3) *The provisions of this chapter.*

22 4. *For the purposes of subsection 3, the request for an*
23 *advisory opinion, the decision rendered, the advisory opinion and*
24 *all meetings, hearings and proceedings of the Commission in such*
25 *a matter are governed by the provisions of NRS 281A.670 to*
26 *281A.690, inclusive, and section 13 of this act.*

27 **Sec. 11.** *1. A public officer or employee shall not use the*
28 *public officer's or employee's position or power in government to*
29 *take any actions or compel a subordinate to take any actions that a*
30 *reasonable person would find, based on the given set of facts and*
31 *circumstances, to be a gross or unconscionable abuse of official*
32 *position or power that undermines the people's faith in the*
33 *integrity or impartiality of public officers and employees.*

34 2. *The provisions of this section must not be interpreted to*
35 *apply to any allegations claiming only bias, error or abuse of*
36 *discretion in any findings, decisions, policy-making or other*
37 *actions taken by a public officer or employee within the normal*
38 *course and scope of his or her position or power in government.*

39 **Sec. 12.** *1. In addition to any other penalties provided by*
40 *law, if a public officer fails to file an acknowledgment of the*
41 *statutory ethical standards or fails to file an acknowledgment of*
42 *the statutory ethical standards in a timely manner pursuant to*
43 *NRS 281A.500, the Commission may, after giving notice to the*
44 *public officer, cause the appropriate proceedings to be instituted in*
45 *the First Judicial District Court.*



1 2. *Except as otherwise provided in this section, a public*
2 *officer who fails to file an acknowledgment of the statutory ethical*
3 *standards or fails to file an acknowledgment of the statutory*
4 *ethical standards in a timely manner pursuant to NRS 281A.500 is*
5 *subject to a civil penalty and payment of court costs and attorney's*
6 *fees. The civil penalty must be recovered in a civil action brought*
7 *in the name of the State of Nevada by the Commission in the First*
8 *Judicial District Court and deposited by the Commission for credit*
9 *to the State General Fund in the bank designated by the State*
10 *Treasurer.*

11 3. *The amount of the civil penalty is:*

12 (a) *If the acknowledgment is filed not more than 10 days after*
13 *the applicable deadline set forth in NRS 281A.500, \$25.*

14 (b) *If the acknowledgment is filed more than 10 days but not*
15 *more than 20 days after the applicable deadline set forth in NRS*
16 *281A.500, \$50.*

17 (c) *If the acknowledgment is filed more than 20 days but not*
18 *more than 30 days after the applicable deadline set forth in NRS*
19 *281A.500, \$100.*

20 (d) *If the acknowledgment is filed more than 30 days but not*
21 *more than 45 days after the applicable deadline set forth in NRS*
22 *281A.500, \$250.*

23 (e) *If the acknowledgment is not filed or is filed more than 45*
24 *days after the applicable deadline set forth in NRS 281A.500,*
25 *\$2,000.*

26 4. *For good cause shown, the Commission may waive a civil*
27 *penalty that would otherwise be imposed pursuant to this section.*
28 *If the Commission waives a civil penalty pursuant to this*
29 *subsection, the Commission shall create a public record which sets*
30 *forth that the civil penalty has been waived and describes the*
31 *circumstances that constitute the good cause shown.*

32 **Sec. 13.** 1. *Except as otherwise provided in this section, if a*
33 *current public officer or employee of a state or local agency*
34 *intends to file a request for an advisory opinion, the official*
35 *attorney of the state or local agency, as applicable, shall represent*
36 *the public officer or employee in proceedings concerning the*
37 *request for an advisory opinion if:*

38 (a) *Within a reasonable period before filing the request for an*
39 *advisory opinion, as determined by the official attorney, the public*
40 *officer or employee submits a written request for legal*
41 *representation to the official attorney; and*

42 (b) *Based on the given set of facts and circumstances that the*
43 *public officer or employee intends to submit with the request for*
44 *an advisory opinion, the official attorney determines that the past,*



1 *present or future conduct on which the request for an advisory*
2 *opinion will be based:*

3 *(1) Appears to be within the course and scope of the public*
4 *duties or employment of the public officer or employee; and*

5 *(2) Appears to have been or will be performed or omitted in*
6 *good faith.*

7 *2. The official attorney shall create a written record setting*
8 *forth the basis for the official attorney's determination of whether*
9 *to represent the public officer or employee pursuant to paragraph*
10 *(b) of subsection 1. The written record is not admissible in*
11 *evidence at trial or in any other judicial or administrative*
12 *proceedings in which the public officer or employee is a party,*
13 *except in connection with an application to withdraw as the*
14 *attorney of record.*

15 *3. The official attorney is not required to represent the public*
16 *officer or employee pursuant to this section if:*

17 *(a) The public officer or employee employs or retains his or*
18 *her own legal counsel or represents himself or herself in the*
19 *matter;*

20 *(b) The official attorney employs or retains special counsel to*
21 *represent the public officer or employee in the matter; or*

22 *(c) The official attorney tenders the representation of the*
23 *public officer or employee to an insurer who, pursuant to a*
24 *contract of insurance, is authorized to represent the public officer*
25 *or employee in the matter.*

26 *4. As used in this section, "official attorney" means:*

27 *(a) The Attorney General, if the proceedings involve a public*
28 *officer or employee of a state agency that is represented by the*
29 *Attorney General.*

30 *(b) The chief legal officer or other authorized legal*
31 *representative of a state agency that is authorized by a specific*
32 *statute to employ or retain legal counsel other than the Attorney*
33 *General, if the proceedings involve a public officer or employee of*
34 *that state agency.*

35 *(c) The chief legal officer or other authorized legal*
36 *representative of a local agency, if the proceedings involve a*
37 *public officer or employee of that local agency.*

38 **Sec. 14.** *Notwithstanding any other provisions of NRS*
39 *281A.700 to 281A.790, inclusive:*

40 *1. If a State Legislator is the subject of an ethics complaint*
41 *and the Commission determines, at any time during the*
42 *proceedings concerning the ethics complaint, that any allegations*
43 *in the ethics complaint involve actions of the Legislator that are*
44 *not within the jurisdiction or authority of the Commission*
45 *pursuant to paragraph (d) of subsection 2 of NRS 281A.020 but*



1 *are within the jurisdiction or authority of the Legislator's own*
2 *House pursuant to Section 6 of Article 4 of the Nevada*
3 *Constitution, the Commission may authorize the Executive*
4 *Director to file a complaint with the House alleging a breach of*
5 *legislative ethical standards pursuant to the applicable Standing*
6 *Rules of the Legislative Department of the State Government.*

7 *2. If the Executive Director files a complaint with the*
8 *Legislator's own House pursuant to this section:*

9 *(a) The Executive Director shall submit to the House all*
10 *information, communications, records, documents or other*
11 *materials in the possession of the Commission or its staff that are*
12 *related to the allegations in the complaint filed with the House;*
13 *and*

14 *(b) The complaint filed with the House and all information,*
15 *communications, records, documents or other materials that are*
16 *related to the allegations in the complaint filed with the House are*
17 *confidential and are not public records pursuant to chapter 239 of*
18 *NRS, unless those materials become publicly available in a*
19 *manner authorized by the applicable Standing Rules of the*
20 *Legislative Department of the State Government.*

21 **Sec. 15.** NRS 281A.030 is hereby amended to read as follows:

22 281A.030 As used in this chapter, unless the context otherwise
23 requires, the words and terms defined in NRS 281A.032 to
24 281A.170, inclusive, *and sections 2 to 5, inclusive, of this act* have
25 the meanings ascribed to them in those sections.

26 **Sec. 16.** NRS 281A.032 is hereby amended to read as follows:

27 281A.032 "Adjudicatory hearing" means a hearing held by the
28 Commission pursuant to NRS 281A.745 to receive evidence *and*
29 *render a decision* concerning an ethics complaint . ~~and render an~~
30 ~~opinion in the matter.]~~

31 **Sec. 17.** NRS 281A.033 is hereby amended to read as follows:

32 281A.033 "Advisory opinion" means an advisory opinion
33 ~~rendered~~ *issued* by the Commission pursuant to NRS 281A.670 to
34 281A.690, inclusive ~~and~~ , *and section 13 of this act.*

35 **Sec. 18.** NRS 281A.065 is hereby amended to read as follows:

36 281A.065 "Commitment in a private capacity," with respect to
37 the interests of another person, means a commitment, interest or
38 relationship of a public officer or employee to a person:

39 1. Who is the spouse or domestic partner of the public officer
40 or employee;

41 2. Who is a member of the household of the public officer or
42 employee;

43 3. Who is related to the public officer or employee, or to the
44 spouse or domestic partner of the public officer or employee, by



1 blood, adoption, marriage or domestic partnership within the third
2 degree of consanguinity or affinity;

3 4. Who employs the public officer or employee, the spouse or
4 domestic partner of the public officer or employee or a member of
5 the household of the public officer or employee;

6 5. With whom the public officer or employee has a substantial
7 and continuing business relationship; ~~{or}~~

8 6. *For whom the public officer or employee serves in a*
9 *private capacity as an officer or as a member of the board of*
10 *directors or in a similar fiduciary capacity;*

11 7. *For whom the public officer or employee serves in a*
12 *private capacity as a volunteer:*

13 (a) *For a substantial amount of his or her personal time; or*

14 (b) *On a regular or recurring basis, regardless of the amount*
15 *of his or her personal time that is devoted to such service; or*

16 8. With whom the public officer or employee has any other
17 commitment, interest or relationship that is substantially similar to a
18 commitment, interest or relationship described in subsections 1 to
19 ~~{S.} 7~~, inclusive.

20 **Sec. 19.** NRS 281A.088 is hereby amended to read as follows:

21 281A.088 “Ethics complaint” means ~~{a request for an opinion}~~
22 *an ethics complaint* which is filed with the Commission or initiated
23 by the Commission on its own motion pursuant to NRS 281A.710
24 regarding the propriety of the conduct of a public officer or
25 employee under the statutory ethical standards . ~~{set forth in this~~
26 ~~chapter.}~~

27 **Sec. 20.** NRS 281A.135 is hereby amended to read as follows:

28 281A.135 1. “Opinion” means an opinion ~~{rendered}~~ *issued*
29 by the Commission in accordance with the provisions of this
30 chapter.

31 2. The term includes, without limitation, the disposition of an
32 ethics complaint by stipulation, agreed settlement, consent order or
33 default as authorized by NRS 233B.121.

34 **Sec. 21.** NRS 281A.161 is hereby amended to read as follows:

35 281A.161 “Request for an advisory opinion” means a request
36 for an advisory opinion which is filed with the Commission
37 pursuant to NRS 281A.675 . ~~{by a public officer or employee who~~
38 ~~is:~~

39 ~~— 1. Seeking guidance on matters which directly relate to the~~
40 ~~propriety of his or her own past, present or future conduct as a~~
41 ~~public officer or employee under the statutory ethical standards set~~
42 ~~forth in this chapter; or~~

43 ~~— 2. Requesting relief pursuant to NRS 281A.410, 281A.430 or~~
44 ~~281A.550.]~~



1 **Sec. 22.** NRS 281A.170 is hereby amended to read as follows:
2 281A.170 ~~["Willful violation"]~~ **"Violation"** means a violation
3 where the public officer or employee:

- 4 1. Acted intentionally and knowingly; or
- 5 2. Was in a situation where this chapter imposed a duty to act
6 and the public officer or employee intentionally and knowingly
7 failed to act in the manner required by this chapter. ~~;~~

8 ~~↪ unless the Commission determines, after applying the factors set
9 forth in NRS 281A.775, that the public officer's or employee's act
10 or failure to act has not resulted in a sanctionable violation of this
11 chapter.]~~

12 **Sec. 23.** NRS 281A.210 is hereby amended to read as follows:
13 281A.210 1. The Commission shall ~~;~~

14 ~~—(a) At~~ , at its first meeting and annually thereafter , elect a
15 Chair and Vice Chair from among its members.

16 ~~[(b) Meet]~~

17 2. *If the Chair is prohibited from acting on a particular
18 matter or is otherwise unable to act on a particular matter, the
19 Vice Chair shall exercise the powers and functions and perform
20 the duties of the Chair concerning that particular matter. If the
21 Chair and Vice Chair are prohibited from acting on a particular
22 matter or are otherwise unable to act on a particular matter,
23 another member of the Commission who is designated in
24 accordance with the regulations of the Commission shall exercise
25 the powers and functions and perform the duties of the Chair
26 concerning that particular matter.*

27 3. *The Commission shall meet* regularly at least once in each
28 calendar quarter, unless there are no ethics complaints or requests
29 for advisory opinions pursuant to this chapter, and at other times
30 upon the call of the Chair.

31 ~~[2.]~~ 4. Members of the Commission are entitled to receive a
32 salary of not more than \$80 per day, as fixed by the Commission,
33 while engaged in the business of the Commission.

34 ~~[3.]~~ 5. While engaged in the business of the Commission, each
35 member and employee of the Commission is entitled to receive the
36 per diem allowance and travel expenses provided for state officers
37 and employees generally.

38 ~~[4.]~~ 6. The Commission may, within the limits of legislative
39 appropriation, maintain such facilities as are required to carry out its
40 functions.

41 **Sec. 24.** NRS 281A.220 is hereby amended to read as follows:
42 281A.220 1. The Chair shall appoint one or more review
43 panels of three members of the Commission on a rotating basis to
44 perform the functions assigned to such review panels pursuant to
45 this chapter.



1 2. The Chair and Vice Chair of the Commission may not serve
2 together on a review panel.

3 3. Not more than two members of a review panel may be
4 members of the same political party.

5 4. If a review panel determines that there is just and sufficient
6 cause for the Commission to render *a decision and issue* an opinion
7 in a matter, the members of the review panel shall not participate in
8 any further proceedings of the Commission relating to that matter ~~+~~
9 , *except that:*

10 (a) *One or more members of the review panel may, with the*
11 *consent of the parties, participate as mediators or facilitators in*
12 *any settlement negotiations between the parties that are conducted*
13 *before an adjudicatory hearing in the matter.*

14 (b) *The members of the review panel may authorize the*
15 *development of or approve a deferral agreement pursuant to*
16 *NRS 281A.730.*

17 **Sec. 25.** NRS 281A.230 is hereby amended to read as follows:

18 281A.230 1. The Commission shall appoint, within the limits
19 of legislative appropriation, an Executive Director who shall
20 perform the duties set forth in this chapter and such other duties as
21 may be prescribed by the Commission.

22 2. The Executive Director must *be an attorney who is licensed*
23 *to practice law in this State and must* have experience in
24 administration, investigations and law.

25 3. The Executive Director is in the unclassified service of the
26 State.

27 4. The Executive Director shall devote the Executive Director's
28 entire time and attention to the business of the Commission and
29 shall not pursue any other business or occupation or hold any other
30 office of profit that detracts from the full and timely performance of
31 the Executive Director's duties.

32 5. The Executive Director may not:

33 (a) Be actively involved in the work of any political party or
34 political campaign; or

35 (b) Except in pursuit of the business of the Commission,
36 communicate directly or indirectly with a State Legislator or a
37 member of a local legislative body on behalf of someone other than
38 the Executive Director to influence:

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

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

44 (I) The appropriation of public money;

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



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

3 **Sec. 26.** NRS 281A.240 is hereby amended to read as follows:

4 281A.240 1. In addition to any other duties imposed upon the
5 Executive Director, the Executive Director shall:

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

8 (b) Receive ethics complaints and requests for advisory opinions
9 pursuant to this chapter.

10 (c) Gather information and conduct investigations regarding
11 ethics complaints and requests for advisory opinions pursuant to this
12 chapter.

13 (d) ~~[Submit]~~ *Present* recommendations to the review panel
14 regarding whether there is just and sufficient cause for the
15 Commission to render *a decision and issue* an opinion in a matter.

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

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

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

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

36 (a) The administration of the affairs of the Commission; and

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

39 3. If the Executive Director is prohibited from acting on a
40 particular matter or is otherwise unable to act on a particular matter,
41 the Chair ~~[of the Commission]~~ shall designate a qualified person to
42 perform the duties of the Executive Director with regard to that
43 particular matter.



1 **Sec. 27.** NRS 281A.260 is hereby amended to read as follows:
2 281A.260 1. The Commission Counsel is the legal adviser to
3 the Commission. For each *written* opinion of the Commission,
4 the Commission Counsel shall prepare, at the direction of the
5 Commission ~~§~~ *or as required pursuant to this chapter*, the
6 appropriate findings of fact and conclusions as to *the* relevant
7 *statutory ethical* standards and the propriety of particular conduct.
8 The Commission Counsel shall not issue written opinions
9 concerning the applicability of the statutory ethical standards to a
10 given set of facts and circumstances except as directed by the
11 Commission.

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

14 3. *Except as otherwise provided in this section or directed by*
15 *the Commission, in litigation concerning any judicial action or*
16 *proceeding in which the Commission or any member or employee*
17 *of the Commission is a party in an official capacity or participates*
18 *or intervenes in an official capacity, the Commission Counsel:*

19 (a) *Shall represent and act as legal counsel to the Commission*
20 *or any member or employee of the Commission in the action or*
21 *proceeding;*

22 (b) *May commence, prosecute, defend, participate or intervene*
23 *in the action or proceeding on behalf of the Commission or any*
24 *member or employee of the Commission; and*

25 (c) *May file an appeal or petition for or seek any writ or other*
26 *appellate relief in the action or proceeding on behalf of the*
27 *Commission or any member or employee of the Commission with*
28 *the consent or ratification of:*

29 (1) *The Commission; or*

30 (2) *The Chair or the Executive Director, or both, if the*
31 *authority to provide such consent or ratification is delegated*
32 *pursuant to section 9 of this act.*

33 4. *The provisions of subsection 3 do not apply to litigation*
34 *concerning any judicial action or proceeding in which the*
35 *Commission:*

36 (a) *Requests that the Attorney General appoint a deputy to act*
37 *in the place of the Commission Counsel; or*

38 (b) *Employs outside legal counsel.*

39 5. If the Commission Counsel is prohibited from acting on a
40 particular matter or is otherwise unable to act on a particular matter,
41 the Commission may:

42 (a) Request that the Attorney General appoint a deputy to act in
43 the place of the Commission Counsel; or

44 (b) Employ outside legal counsel.



1 **Sec. 28.** NRS 281A.280 is hereby amended to read as follows:

2 281A.280 1. Except as otherwise provided in this section, the
3 Commission has jurisdiction to ~~investigate~~ :

4 (a) *Gather information and issue an advisory opinion in any*
5 *proceeding commenced by a request for an advisory opinion that*
6 *is filed with the Commission, except that the Commission does not*
7 *have jurisdiction to issue an advisory opinion on matters which*
8 *directly relate to the propriety of past conduct occurring more than*
9 *2 years before the date on which the request for an advisory*
10 *opinion is filed with the Commission.*

11 (b) *Investigate* and take appropriate action regarding an alleged
12 violation of this chapter by a ~~public officer or employee~~ *current* or
13 former public officer or employee in any proceeding commenced by
14 an ethics complaint, which is filed with the Commission or initiated
15 by the Commission on its own motion, within 2 years after the
16 alleged violation or reasonable discovery of the alleged violation.

17 (c) *Investigate and take appropriate action regarding an*
18 *alleged violation of subsection 3 of NRS 281A.790 by a current or*
19 *former public officer or employee or any other person in any*
20 *proceeding commenced by a written notice of the charges, which*
21 *is initiated by the Commission on its own motion, within 2 years*
22 *after the alleged violation or reasonable discovery of the alleged*
23 *violation.*

24 2. The Commission does not have jurisdiction regarding
25 alleged conduct by a ~~public officer or employee~~ *current* or former
26 public officer or employee for which:

27 (a) A complaint may be filed or, if the applicable limitations
28 period has expired, could have been filed with the United States
29 Equal Employment Opportunity Commission or the Nevada Equal
30 Rights Commission; or

31 (b) A complaint or employment-related grievance may be filed
32 or, if the applicable limitations period has expired, could have been
33 filed with another appropriate agency with jurisdiction to redress
34 alleged discrimination or harassment, including, without limitation,
35 a state or local employee-management relations board or similar
36 state or local agency,

37 ↳ but any bar on the Commission's jurisdiction imposed by this
38 subsection applies only to the extent that it pertains to the alleged
39 discrimination or harassment, and this subsection does not deprive
40 the Commission of jurisdiction regarding the alleged conduct if such
41 conduct is sanctionable separately or concurrently under the
42 provisions of this chapter, irrespective of the alleged discrimination
43 or harassment.

44 3. For the purposes of this section, a proceeding is commenced
45 ~~by~~ *by an ethics complaint:*



1 (a) On the date on which ~~[an]~~ *the* ethics complaint is filed in the
2 proper form with the Commission in accordance with the
3 regulations of the Commission; or

4 (b) If the ethics complaint is initiated by the Commission on its
5 own motion, on the date on which the Commission serves the
6 ~~[public officer or employee]~~ *current* or former public officer or
7 employee with *a written* notice of the *investigation of the* ethics
8 complaint in accordance with the regulations of the Commission.

9 **Sec. 29.** NRS 281A.290 is hereby amended to read as follows:
10 281A.290 The Commission shall:

11 1. Adopt procedural regulations that are necessary and proper
12 to carry out the provisions of this chapter, including, without
13 limitation:

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

15 (b) For the filing of an ethics complaint or a request for an
16 advisory opinion with the Commission;

17 (c) For the withdrawal of an ethics complaint or a request for an
18 advisory opinion by the person who filed the ethics complaint or
19 request;

20 (d) To facilitate the prompt rendition *of decisions and the*
21 *issuance* of opinions by the Commission; and

22 (e) For proceedings concerning an ethics complaint, to facilitate
23 written discovery requests submitted pursuant to NRS 281A.750
24 and 281A.755 and the disclosure of evidence in the manner required
25 by those sections, including, without limitation, the disclosure of
26 evidence obtained by or on behalf of the Executive Director during
27 the course of the investigation that affirmatively and substantively
28 disproves any alleged violation of this chapter that is related to the
29 ethics complaint and has been referred to the Commission for an
30 adjudicatory hearing.

31 2. Prescribe, by regulation, forms and procedures for the
32 submission of ~~[statements of acknowledgment]~~ *acknowledgments*
33 *of the statutory ethical standards* filed by public officers pursuant
34 to NRS 281A.500, maintain files of such ~~[statements]~~
35 *acknowledgments* and make the ~~[statements]~~ *acknowledgments*
36 available for public inspection.

37 3. Cause the making of such investigations as are reasonable
38 and necessary for the rendition *of decisions and the issuance* of
39 ~~[its]~~ opinions pursuant to this chapter.

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

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



6. Publish a manual for the use of public officers and employees that explains the requirements of this chapter.

~~{→ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the published opinions of the Commission.}~~

Sec. 30. NRS 281A.300 is hereby amended to read as follows:
281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the Commission *appointed by the Chair to preside over any meetings, hearings and proceedings* may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission.

3. Upon the request of the Executive Director, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ may issue a subpoena to compel the participation of a potential witness and the production of any books and papers during the course of any investigation.

4. Upon the request of the Executive Director or the public officer or employee who is the subject of an ethics complaint, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ may issue a subpoena to compel the attendance of a witness and the production of any books and papers for any hearing before the Commission. A public officer or employee who requests the issuance of a subpoena pursuant to this subsection must serve the subpoena in the manner provided in the Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must pay the costs of such service.

5. Before ~~{issuing}~~ *the Chair issues* a subpoena *directed* to ~~{a}~~ *the* public officer or employee who is the subject of an ethics complaint to compel his or her participation in any investigation, his or her attendance as a witness or his or her production of any books and papers, the Executive Director shall submit a written request to the public officer or employee requesting:

(a) The voluntary participation of the public officer or employee in the investigation;

(b) The voluntary attendance of the public officer or employee as a witness; or

(c) The voluntary production by the public officer or employee of any books and papers relating to the ethics complaint.

6. Each written request submitted by the Executive Director pursuant to subsection 5 must specify the time and place for the voluntary participation of the public officer or employee in the investigation, attendance of the public officer or employee as a witness or production of any books and papers, and designate with certainty the books and papers requested, if any.

7. If the public officer or employee fails or refuses to respond to the Executive Director's written request pursuant to subsection 5



1 to voluntarily participate or attend at the time and place specified or
2 produce the books and papers requested by the Executive Director
3 within 5 business days after receipt of the written request, the Chair
4 ~~for, in the Chair's absence, the Vice Chair,~~ may issue the subpoena.
5 Failure of the public officer or employee to comply with the written
6 request of the Executive Director shall be deemed a waiver by the
7 public officer or employee of the time limits set forth in NRS
8 281A.700 to 281A.790, inclusive, *and section 14 of this act* that
9 apply to proceedings concerning the ethics complaint.

10 8. If any witness fails or refuses to participate, attend, testify or
11 produce any books and papers as required by the subpoena, the
12 Chair ~~for, in the Chair's absence, the Vice Chair,~~ may report to the
13 district court by petition, setting forth that:

14 (a) Due notice has been given of the time and place of the
15 participation or attendance of the witness or the production of the
16 books and papers;

17 (b) The witness has been subpoenaed pursuant to this section;
18 and

19 (c) The witness has failed or refused to participate, attend,
20 testify or produce the books and papers as required by the subpoena,
21 or has failed or refused to answer questions propounded to the
22 witness,

23 ➔ and asking for an order of the court compelling the witness to
24 participate, attend, testify or produce the books and papers as
25 required by the subpoena.

26 9. Upon such a petition, the court shall enter an order directing
27 the witness to appear before the court at a time and place to be fixed
28 by the court in its order, the time to be not more than 10 days after
29 the date of the order, and then and there show cause why the witness
30 has not participated, attended, testified or produced the books or
31 papers as required by the subpoena. A certified copy of the order
32 must be served upon the witness.

33 10. If ~~it appears to~~, *at the hearing to show cause*, the court
34 *finds* that the subpoena was regularly issued pursuant to this section
35 ~~it~~ *and that the witness has not proven a reason recognized by law*
36 *for the failure to comply with its provisions*, the court shall enter an
37 order that the witness comply with the subpoena, at the time and
38 place fixed in the order, and participate, attend, testify or produce
39 the required books and papers. Upon failure to obey the order, the
40 witness must be dealt with as for contempt of court.

41 **Sec. 31.** NRS 281A.350 is hereby amended to read as follows:

42 281A.350 1. Any state agency or the governing body of a
43 county or an incorporated city may establish a specialized or local
44 ethics committee to complement the functions of the Commission.
45 A specialized or local ethics committee may:



1 (a) Establish a code of ethical standards suitable for the
2 particular ethical problems encountered in its sphere of activity. The
3 standards may not be less restrictive than the statutory ethical
4 standards.

5 (b) Render *a decision and issue* an opinion upon the request of
6 any public officer or employee of its own organization or level
7 seeking an interpretation of its *code of* ethical standards on
8 questions directly related to the propriety of the public officer's or
9 employee's own future official conduct ~~{or}~~, *but the committee*
10 *may* refer the request to the Commission ~~{}~~ *if the response to the*
11 *request requires the Commission to interpret the statutory ethical*
12 *standards and apply those standards to the given set of facts and*
13 *circumstances. If the request is referred to the Commission, it*
14 *shall be deemed to be a request for an advisory opinion filed by the*
15 *public officer or employee with the Commission pursuant to NRS*
16 *281A.675. Any public officer or employee subject to the jurisdiction*
17 *of the committee shall direct the public officer's or employee's*
18 ~~{inquiry}~~ *request* to that committee *first* instead of the Commission.

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

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

24 (2) Upon review, approved by the Secretary of State. The
25 Secretary of State shall not approve the form unless the form
26 contains all the information required to be included in a financial
27 disclosure statement pursuant to NRS 281.571.

28 2. The Secretary of State is not responsible for the costs of
29 producing or distributing a form for filing a financial disclosure
30 statement pursuant to the provisions of subsection 1.

31 3. A specialized or local ethics committee shall not attempt to
32 interpret *the statutory ethical standards* or render *a decision and*
33 *issue* an opinion regarding the statutory ethical standards.

34 4. Each request for an opinion submitted *by a public officer or*
35 *employee* to a specialized or local ethics committee, each hearing
36 held *by the committee* to obtain information on which to ~~{base}~~
37 *render a decision and issue* an opinion, all deliberations *by the*
38 *committee* relating to ~~{an}~~ *the decision and* opinion, each ~~{opinion}~~
39 *decision* rendered *and opinion issued* by ~~{a}~~ *the* committee and any
40 motion relating to the *decision and* opinion are confidential unless:

41 (a) The ~~{public officer or employee}~~ *requester* acts in
42 contravention of the *decision or* opinion; or

43 (b) The requester discloses the ~~{content}~~ *contents* of the
44 *decision or* opinion.



1 **Sec. 32.** NRS 281A.400 is hereby amended to read as follows:

2 281A.400 ~~[A code of ethical standards is hereby established to~~
3 ~~govern the conduct of public officers and employees:]~~

4 1. A public officer or employee shall not seek or accept any
5 gift, service, favor, employment, engagement, emolument or
6 economic opportunity, for the public officer or employee or any
7 person to whom the public officer or employee has a commitment in
8 a private capacity, which would tend improperly to influence a
9 reasonable person in the public officer's or employee's position to
10 depart from the faithful and impartial discharge of the public
11 officer's or employee's public duties.

12 2. A public officer or employee shall not use the public
13 officer's or employee's position in government to secure or grant
14 **any** unwarranted privileges, preferences, exemptions or advantages
15 for the public officer or employee, any business entity in which the
16 public officer or employee has a significant pecuniary interest or
17 any person to whom the public officer or employee has a
18 commitment in a private capacity. As used in this subsection,
19 "unwarranted" means without justification or adequate reason.

20 3. A public officer or employee shall not participate as an agent
21 of government in the negotiation or execution of a contract between
22 the government and the public officer or employee, any business
23 entity in which the public officer or employee has a significant
24 pecuniary interest or any person to whom the public officer or
25 employee has a commitment in a private capacity.

26 4. A public officer or employee shall not accept any salary,
27 retainer, augmentation, expense allowance or other compensation
28 from any private source, for the public officer or employee or any
29 person to whom the public officer or employee has a commitment in
30 a private capacity, for the performance of the public officer's or
31 employee's duties as a public officer or employee.

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

38 6. A public officer or employee shall not suppress any
39 governmental report or other official document because it might
40 tend to affect unfavorably a significant pecuniary interest of the
41 public officer or employee or any person to whom the public officer
42 or employee has a commitment in a private capacity.

43 7. Except for State Legislators who are subject to the
44 restrictions set forth in subsection 8, a public officer or employee
45 shall not use governmental time, property, equipment or other



1 facility to benefit a significant ~~personal or~~ pecuniary interest *or a*
2 *nonpecuniary personal interest* of the public officer or employee or
3 any person to whom the public officer or employee has a
4 commitment in a private capacity. This subsection does not prohibit:

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

7 (1) ~~The~~ *At the time that the use occurs, the use is:*

8 (I) *Authorized by a written policy which was adopted*
9 *before the use occurs by the* public officer or employee who is
10 responsible for and has authority to authorize the use of such
11 property, equipment or other facility ~~has established a policy~~
12 ~~allowing the use or the use is necessary~~; *or*

13 (II) *Necessary* as a result of emergency circumstances ~~;~~
14 *, whether or not the use is authorized by such a written policy;*

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

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

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

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

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

24 ➤ If a governmental agency incurs a cost as a result of a use that is
25 authorized pursuant to this subsection or would ordinarily charge a
26 member of the general public for the use, the public officer or
27 employee shall promptly reimburse the cost or pay the charge to the
28 governmental agency.

29 8. A State Legislator shall not:

30 (a) Use governmental time, property, equipment or other facility
31 ~~for a nongovernmental purpose or for the private~~ *to benefit a*
32 *significant pecuniary interest or a nonpecuniary personal interest*
33 of the State Legislator or any ~~other~~ person ~~;~~ *to whom the State*
34 *Legislator has a commitment in a private capacity.* This paragraph
35 does not prohibit:

36 (1) A limited use of ~~state~~ *governmental* property ~~and~~
37 ~~resources~~, *equipment or other facility* for personal purposes if:

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

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

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

43 (2) The use of mailing lists, computer data or other
44 information lawfully obtained from a governmental agency which is



1 available to members of the general public for nongovernmental
2 purposes; or

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

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

7 (1) In unusual and infrequent situations where the *legislative*
8 employee's service is reasonably necessary to permit the State
9 Legislator or legislative employee to perform that person's official
10 duties; or

11 (2) Where such service has otherwise been established as
12 legislative policy.

13 9. A public officer or employee shall not attempt to benefit a
14 significant ~~[personal or]~~ pecuniary interest *or a nonpecuniary*
15 *personal interest* of the public officer or employee or any person to
16 whom the public officer or employee has a commitment in a private
17 capacity through the influence of a subordinate.

18 10. A public officer or employee shall not seek other
19 employment or contracts for the public officer or employee or any
20 person to whom the public officer or employee has a commitment in
21 a private capacity through the use of the public officer's or
22 employee's official position.

23 *11. As used in this section, "appearance of impropriety"*
24 *means a perception by a reasonable person that, based on the*
25 *given set of facts and circumstances, a public officer's or*
26 *employee's limited use of governmental property, equipment or*
27 *other facility for personal purposes is inappropriate,*
28 *disproportionate, excessive or unreasonable under that given set*
29 *of facts and circumstances.*

30 **Sec. 33.** NRS 281A.410 is hereby amended to read as follows:

31 281A.410 ~~[In addition to the requirements of the code of~~
32 ~~ethical standards and the other provisions of this chapter:]~~

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

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

40 (b) If the public officer or employee leaves the service of the
41 agency, shall not, for 1 year after leaving the service of the agency,
42 represent or counsel for compensation a private person upon any
43 issue which was under consideration by the agency during the
44 public officer's or employee's service. As used in this paragraph,
45 "issue" includes a case, proceeding, application, contract or



1 determination, but does not include the proposal or consideration of
2 legislative measures or administrative regulations.

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

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

14 (a) The member files a request for an advisory opinion from the
15 Commission pursuant to NRS 281A.675; and

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

18 (1) The best interests of the public;

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

21 (3) The provisions of this chapter.

22 4. For the purposes of subsection 3, the request for an advisory
23 opinion, *the decision rendered*, the advisory opinion and all
24 meetings, hearings and proceedings of the Commission in such a
25 matter are governed by the provisions of NRS 281A.670 to
26 281A.690, inclusive ~~§~~, *and section 13 of this act.*

27 5. Unless permitted by this section, a public officer or
28 employee shall not represent or counsel a private person for
29 compensation before any state agency of the Executive or
30 Legislative Department.

31 **Sec. 34.** NRS 281A.420 is hereby amended to read as follows:

32 281A.420 1. Except as otherwise provided in this section, a
33 public officer or employee shall not approve, disapprove, vote,
34 abstain from voting or otherwise act upon a matter:

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

37 (b) In which the public officer or employee has a significant
38 pecuniary interest;

39 (c) Which would reasonably be affected by the public officer's
40 or employee's commitment in a private capacity to the interests of
41 another person; or

42 (d) Which would reasonably be related to the nature of any
43 representation or counseling that the public officer or employee
44 provided to a private person for compensation before another



1 agency within the immediately preceding year, provided such
2 representation or counseling is permitted by NRS 281A.410,
3 without disclosing information concerning the gift or loan, the
4 significant pecuniary interest, the commitment in a private capacity
5 to the interests of the other person or the nature of the representation
6 or counseling of the private person that is sufficient to inform the
7 public of the potential effect of the action or abstention upon the
8 person who provided the gift or loan, upon the public officer's or
9 employee's significant pecuniary interest, upon the person to whom
10 the public officer or employee has a commitment in a private
11 capacity or upon the private person who was represented or
12 counseled by the public officer or employee. Such a disclosure must
13 be made at the time the matter is considered. If the public officer or
14 employee is a member of a body which makes decisions, the public
15 officer or employee shall make the disclosure in public to the chair
16 and other members of the body. If the public officer or employee is
17 not a member of such a body and holds an appointive office, the
18 public officer or employee shall make the disclosure to the
19 supervisory head of the public officer's or employee's organization
20 or, if the public officer holds an elective office, to the general public
21 in the area from which the public officer is elected.

22 2. The provisions of subsection 1 do not require ~~(a)~~:

23 (a) A public officer to disclose:

24 ~~(a)~~ (1) Any campaign contributions that the public officer
25 reported in a timely manner pursuant to NRS 294A.120 or
26 294A.125; or

27 ~~(b)~~ (2) Any contributions to a legal defense fund that the
28 public officer reported in a timely manner pursuant to
29 NRS 294A.286.

30 (b) *A public officer or employee to disclose any information
31 which is confidential as a result of a bona fide relationship that
32 protects the confidentiality of the information under the terms of a
33 contract or as a matter of law, including, without limitation, the
34 attorney-client relationship, if the public officer or employee:*

35 (1) *In the disclosure made pursuant to subsection 1,
36 discloses all nonconfidential information that is required to be
37 disclosed and describes the general nature of the relationship that
38 protects the confidential information from being disclosed; and*

39 (2) *Abstains from advocating the passage or failure of and
40 from approving, disapproving, voting or otherwise acting upon the
41 matter, regardless of whether the public officer or employee would
42 be required to abstain pursuant to subsection 3.*

43 3. Except as otherwise provided in this section, in addition to
44 the requirements of subsection 1, a public officer shall not vote upon
45 or advocate the passage or failure of, but may otherwise participate



1 in the consideration of, a matter with respect to which the
2 independence of judgment of a reasonable person in the public
3 officer's situation would be materially affected by:

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

5 (b) The public officer's significant pecuniary interest; ~~(or)~~

6 (c) The public officer's commitment in a private capacity to the
7 interests of another person ~~(or)~~; *or*

8 *(d) The public officer's representation or counseling of a*
9 *private person for compensation before another agency within the*
10 *immediately preceding year, provided such representation or*
11 *counseling is permitted by NRS 281A.410.*

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

13 (a) It must be presumed that the independence of judgment of a
14 reasonable person in the public officer's situation would not be
15 materially affected by the public officer's acceptance of a gift or
16 loan, significant pecuniary interest, ~~(or)~~ commitment in a private
17 capacity to the interests of another person *or representation or*
18 *counseling of a private person for compensation as permitted by*
19 *NRS 281A.410* where the resulting benefit or detriment accruing to
20 the public officer, or if the public officer has a commitment in a
21 private capacity to the interests of another person ~~(or)~~ *or has*
22 *represented or counseled a private person for compensation as*
23 *permitted by NRS 281A.410*, accruing to the other person, is not
24 greater than that accruing to any other member of any general
25 business, profession, occupation or group that is affected by the
26 matter. The presumption set forth in this paragraph does not affect
27 the applicability of the requirements set forth in subsection 1
28 relating to the duty of the public officer to make a proper disclosure
29 at the time the matter is considered and in the manner required by
30 subsection 1.

31 (b) The Commission must give appropriate weight and proper
32 deference to the public policy of this State which favors the right of
33 a public officer to perform the duties for which the public officer
34 was elected or appointed and to vote or otherwise act upon a matter,
35 provided the public officer makes a proper disclosure at the time the
36 matter is considered and in the manner required by subsection 1.
37 Because abstention by a public officer disrupts the normal course of
38 representative government and deprives the public and the public
39 officer's constituents of a voice in governmental affairs, the
40 provisions of this section are intended to require abstention only in
41 clear cases where the independence of judgment of a reasonable
42 person in the public officer's situation would be materially affected
43 by the public officer's acceptance of a gift or loan, significant
44 pecuniary interest, ~~(or)~~ commitment in a private capacity to the



1 interests of another person ~~[]~~ *or representation or counseling of a*
2 *private person for compensation as permitted by NRS 281A.410.*

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

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

12 (a) Prohibit a member of a local legislative body from
13 requesting or introducing a legislative measure; or

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

17 7. The provisions of this section do not, under any
18 circumstances, apply to State Legislators or allow the Commission
19 to exercise jurisdiction or authority over State Legislators. The
20 responsibility of a State Legislator to make disclosures concerning
21 ~~[gifts, loans, interests or commitments]~~ *a matter* and the
22 responsibility of a State Legislator to abstain from voting upon or
23 advocating the passage or failure of a matter are governed by the
24 Standing Rules of the Legislative Department of *the* State
25 Government which are adopted, administered and enforced
26 exclusively by the appropriate bodies of the Legislative Department
27 of *the* State Government pursuant to Section 6 of Article 4 of the
28 Nevada Constitution.

29 8. As used in this section, "public officer" and "public
30 employee" do not include a State Legislator.

31 **Sec. 35.** NRS 281A.430 is hereby amended to read as follows:

32 281A.430 1. ~~[Except]~~ *Notwithstanding the provisions of*
33 *NRS 281.221 and 281.230, and except* as otherwise provided in this
34 section and NRS 218A.970 and 332.800, a public officer or
35 employee shall not, *directly or through a third party, perform any*
36 *existing contract, negotiate*, bid on or enter into ~~[a]~~ *any contract or*
37 *modify or renew any contract if:*

38 (a) *The contract is* between an agency ~~[and any]~~ *in which the*
39 *public officer or employee serves and:*

40 (1) *The public officer or employee; or*

41 (2) *Any* business entity in which the public officer or
42 employee has a significant pecuniary interest ~~[]~~; *or*

43 (b) *The contract is between an agency that has any*
44 *connection, relation or affiliation with an agency in which the*
45 *public officer or employee serves and:*



1 (1) *The public officer or employee; or*

2 (2) *Any business entity in which the public officer or*
3 *employee has a significant pecuniary interest.*

4 2. ~~[A member of any board, commission or similar body who~~
5 ~~is engaged in the profession, occupation or business regulated by~~
6 ~~such board, commission or body may, in the ordinary course of his~~
7 ~~or her business, bid on or enter into a contract with an agency,~~
8 ~~except the board, commission or body on which he or she is a~~
9 ~~member, if the member has not taken part in developing the contract~~
10 ~~plans or specifications and the member will not be personally~~
11 ~~involved in opening, considering or accepting offers.]~~ *Except as*
12 *otherwise provided in subsections 3 to 6, inclusive, a public officer*
13 *or employee may perform an existing contract, negotiate, bid on or*
14 *enter into a contract or modify or renew a contract with an agency*
15 *in which the public officer or employee serves, or a related agency*
16 *as described in paragraph (b) of subsection 1, if:*

17 (a) *The contract is subject to competitive selection and, at the*
18 *time the contract is negotiated, bid on, entered into, modified or*
19 *renewed:*

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

24 (2) *The sources of supply are limited or no other person*
25 *expresses an interest in the contract;*

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

28 (4) *The public officer or employee is not personally*
29 *involved in opening, considering or accepting offers.*

30 (b) *The contract, by its nature, is not adapted to be awarded by*
31 *competitive selection and, at the time the contract is negotiated,*
32 *bid on, entered into, modified or renewed:*

33 (1) *The public officer or employee has not taken part in*
34 *developing the contract plans or specifications and is not*
35 *personally involved in opening, considering or accepting offers;*
36 *and*

37 (2) *The contract is not exclusive to the public officer or*
38 *employee and is the type of contract that is available to all persons*
39 *with the requisite qualifications.*

40 3. A full- or part-time faculty member or employee of the
41 Nevada System of Higher Education may *perform an existing*
42 *contract, negotiate,* bid on or enter into a contract *or modify or*
43 *renew a contract* with an agency, or may benefit financially or
44 otherwise from a contract between an agency and a private entity, if



1 the contract complies with the policies established by the Board of
2 Regents of the University of Nevada pursuant to NRS 396.255.

3 4. ~~Except as otherwise provided in subsection 2, 3 or 5, a~~
4 ~~public officer or employee may bid on or enter into a contract with~~
5 ~~an agency if:~~

6 ~~— (a) The contracting process is controlled by the rules of open~~
7 ~~competitive bidding or the rules of open competitive bidding are not~~
8 ~~employed as a result of the applicability of NRS 332.112 or~~
9 ~~332.148;~~

10 ~~— (b) The sources of supply are limited;~~

11 ~~— (c) The public officer or employee has not taken part in~~
12 ~~developing the contract plans or specifications; and~~

13 ~~— (d) The public officer or employee will not be personally~~
14 ~~involved in opening, considering or accepting offers.~~

15 ➔] If a public officer who is authorized to *perform an existing*
16 *contract, negotiate*, bid on or enter into a contract *or modify or*
17 *renew a contract* with an agency pursuant to this ~~[subsection]~~
18 *section* is a member of the governing body of the agency, the public
19 officer, pursuant to the requirements of NRS 281A.420, shall
20 disclose the public officer's interest in the contract and shall not
21 vote on or advocate the approval of the contract.

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

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

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

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

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

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



1 (a) The public officer or employee files a request for an advisory
2 opinion from the Commission pursuant to NRS 281A.675; and

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

5 (1) The best interests of the public;

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

8 (3) The provisions of this chapter.

9 7. For the purposes of subsection 6, the request for an advisory
10 opinion, *the decision rendered*, the advisory opinion and all
11 meetings, hearings and proceedings of the Commission in such a
12 matter are governed by the provisions of NRS 281A.670 to
13 281A.690, inclusive ~~§~~, *and section 13 of this act.*

14 **Sec. 36.** NRS 281A.500 is hereby amended to read as follows:

15 281A.500 1. On or before the date on which a public officer
16 swears or affirms the oath of office, the public officer must be
17 informed of the statutory ethical standards and the duty to file an
18 acknowledgment of the statutory ethical standards in accordance
19 with this section by:

20 (a) For an appointed public officer, the appointing authority of
21 the public officer; and

22 (b) For an elected public officer of:

23 (1) The county and other political subdivisions within the
24 county except cities, the county clerk;

25 (2) The city, the city clerk;

26 (3) The Legislative Department of the State Government, the
27 Director of the Legislative Counsel Bureau; and

28 (4) The Executive Department of the State Government, the
29 Director of the Department of Administration, or his or her
30 designee.

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

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

36 (b) The manager of each local agency, or his or her designee,
37 shall provide each new public employee of the local agency with the
38 information prepared by the Commission concerning the statutory
39 ethical standards.

40 3. Each public officer shall acknowledge that the public
41 officer:

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



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

4 4. The acknowledgment must be executed on a form prescribed
5 by the Commission and must be filed with the Commission:

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

9 (b) If the public officer is elected to office at an election other
10 than the general election or is appointed to office, on or before the
11 30th day following the date on which the public officer swears or
12 affirms the oath of office.

13 5. Except as otherwise provided in this subsection, a public
14 officer shall execute and file the acknowledgment once for each
15 term of office. If the public officer serves at the pleasure of the
16 appointing authority and does not have a definite term of office,
17 the public officer, in addition to executing and filing the
18 acknowledgment after the public officer swears or affirms the oath
19 of office in accordance with subsection 4, shall execute and file the
20 acknowledgment on or before January 15 of each even-numbered
21 year while the public officer holds that office.

22 6. For the purposes of this section, the acknowledgment is
23 timely filed if, on or before the last day for filing, the
24 acknowledgment is filed in one of the following ways:

25 (a) Delivered in person to the principal office of the
26 Commission in Carson City.

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

31 (c) Dispatched to a third-party commercial carrier for delivery to
32 the Commission within 3 calendar days. Filing by third-party
33 commercial carrier is complete upon timely depositing the
34 acknowledgment with the third-party commercial carrier.

35 (d) Transmitted to the Commission by facsimile machine or
36 other electronic means authorized by the Commission. Filing by
37 facsimile machine or other electronic means is complete upon
38 receipt of the transmission by the Commission.

39 7. If a public officer is serving in a public office and executes
40 and files the acknowledgment for that office as required by the
41 applicable provisions of this section, the public officer shall be
42 deemed to have satisfied the requirements of this section for any
43 other office held concurrently by him or her.

44 8. The form for making the acknowledgment must contain:



1 (a) The address of the Internet website of the Commission where
2 a public officer may view the statutory ethical standards and print a
3 copy of the standards; and

4 (b) The telephone number and mailing address of the
5 Commission where a public officer may make a request to obtain a
6 printed copy of the statutory ethical standards from the Commission.

7 9. Whenever the Commission, or any public officer or
8 employee as part of the public officer's or employee's official
9 duties, provides a public officer with a printed copy of the form for
10 making the acknowledgment, a printed copy of the statutory ethical
11 standards must be included with the form.

12 10. The Commission shall retain each acknowledgment filed
13 pursuant to this section for 6 years after the date on which the
14 acknowledgment was filed.

15 11. ~~[Willful refusal]~~ *A public officer who fails* to execute and
16 file the acknowledgment required by this section ~~[shall be deemed~~
17 ~~to be:~~

18 ~~—(a) A willful violation of this chapter for the purposes of NRS~~
19 ~~281A.785 and 281A.790; and~~

20 ~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and,~~
21 ~~if the public officer is removable from office pursuant to NRS~~
22 ~~283.440, the Commission may file a complaint in the appropriate~~
23 ~~court for removal of the public officer pursuant to that section. This~~
24 ~~paragraph grants an exclusive right to the Commission, and no other~~
25 ~~person may file a complaint against the public officer pursuant to~~
26 ~~NRS 283.440 based on any violation of this section.]~~ *or who fails to*
27 *file the acknowledgment in a timely manner is subject to a civil*
28 *penalty pursuant to section 12 of this act.*

29 12. As used in this section, "general election" has the meaning
30 ascribed to it in NRS 293.060.

31 **Sec. 37.** NRS 281A.510 is hereby amended to read as follows:

32 281A.510 1. ~~[A]~~ *Except as otherwise provided in this*
33 *section, a* public officer or ~~[public]~~ employee shall not accept or
34 receive an honorarium.

35 2. An honorarium paid on behalf of a public officer or ~~[public]~~
36 employee to a charitable organization from which the *public* officer
37 or employee does not derive any financial benefit is deemed not to
38 be accepted or received by the *public* officer or employee for the
39 purposes of this section.

40 3. This section does not prohibit:

41 (a) The receipt of *any* payment *by a public officer or employee*
42 for work performed outside the normal course of ~~[a person's]~~ *his or*
43 *her* public office or employment if the performance of that work is
44 consistent with the applicable policies of ~~[the person's]~~ *his or her*



1 public *body, agency or* employer regarding supplemental
2 employment.

3 (b) The receipt of an honorarium by the spouse *or domestic*
4 *partner* of a public officer or ~~[public]~~ employee if it is related to the
5 ~~[spouse's]~~ profession or occupation ~~[]~~ *of the spouse or domestic*
6 *partner.*

7 4. As used in this section, "honorarium" means the payment of
8 money or anything of value for an appearance or speech by the
9 public officer or ~~[public]~~ employee in ~~[the officer's or employee's]~~
10 *his or her* capacity as a public officer or ~~[public]~~ employee. The
11 term does not include the payment of:

12 (a) The actual and necessary costs incurred by the public officer
13 or ~~[public]~~ employee, the ~~[officer's or employee's]~~ spouse or ~~[the~~
14 ~~officer's or employee's aid]~~ *domestic partner of the public officer*
15 *or employee or any assistant of the public officer or employee* for
16 transportation and for lodging and meals while the public officer or
17 ~~[public]~~ employee is away from ~~[the officer's or employee's]~~ *his or*
18 *her* residence.

19 (b) Compensation which would otherwise have been earned by
20 the public officer or ~~[public]~~ employee in the normal course of ~~[the~~
21 ~~officer's or employee's]~~ *his or her* public office or employment.

22 (c) A fee for a speech related to the *public* officer's or
23 employee's profession or occupation outside of ~~[the officer's or~~
24 ~~employee's]~~ *his or her* public office or employment if:

25 (1) Other members of the profession or occupation are
26 ordinarily compensated for such a speech; and

27 (2) The fee paid to the public officer or ~~[public]~~ employee is
28 approximately the same as the fee that would be paid to a member
29 of the private sector whose qualifications are similar to those of the
30 *public* officer or employee for a comparable speech.

31 (d) A fee for a speech delivered to an organization of
32 legislatures, legislators or other elected officers.

33 5. In addition to any other penalties provided by law, a public
34 officer or ~~[public]~~ employee who violates the provisions of this
35 section shall forfeit the amount of the honorarium.

36 **Sec. 38.** NRS 281A.550 is hereby amended to read as follows:

37 281A.550 1. A former member of the Public Utilities
38 Commission of Nevada shall not:

39 (a) Be employed by a public utility or parent organization or
40 subsidiary of a public utility; or

41 (b) Appear before the Public Utilities Commission of Nevada to
42 testify on behalf of a public utility or parent organization or
43 subsidiary of a public utility,

44 ➤ for 1 year after the termination of the member's service on the
45 Public Utilities Commission of Nevada.



1 2. A former member of the Nevada Gaming Control Board or
2 the Nevada Gaming Commission shall not:

3 (a) Appear before the Nevada Gaming Control Board or the
4 Nevada Gaming Commission on behalf of a person who holds a
5 license issued pursuant to chapter 463 or 464 of NRS or who is
6 required to register with the Nevada Gaming Commission pursuant
7 to chapter 463 of NRS; or

8 (b) Be employed by such a person,
9 ↪ for 1 year after the termination of the member's service on the
10 Nevada Gaming Control Board or the Nevada Gaming Commission.

11 3. In addition to the prohibitions set forth in subsections 1 and
12 2, and except as otherwise provided in subsections 4 and 6, a
13 *current or* former public officer or employee of a board,
14 commission, department, division or other agency of the Executive
15 Department of *the* State Government, except a clerical employee,
16 shall not solicit or accept employment from a business or industry
17 whose activities are governed by regulations adopted *or*
18 *administered* by the board, commission, department, division or
19 other agency, *as applicable, during the public officer's or*
20 *employee's period of public service or employment or* for 1 year
21 after the termination of ~~the former public officer's or employee's~~
22 *his or her period of public* service or ~~period of~~ employment, if:

23 (a) The ~~former~~ public officer's or employee's principal duties
24 *include or* included the formulation of policy contained in the
25 regulations governing the business or industry;

26 (b) ~~During~~ *Within* the immediately preceding year ~~the~~
27 ~~former~~ *during the public officer's or employee's period of public*
28 *service or employment or within the year immediately preceding*
29 *the termination of the public officer's or employee's period of*
30 *public service or employment, the* public officer or employee
31 directly performed activities, or controlled or influenced an audit,
32 decision, investigation or other action, which significantly affected
33 the business or industry; ~~which might, but for this section, employ~~
34 ~~the former public officer or employee;~~ or

35 (c) As a result of the ~~former~~ public officer's or employee's
36 governmental service or employment, the ~~former~~ public officer or
37 employee possesses knowledge of the trade secrets of a direct
38 business competitor.

39 4. The provisions of subsection 3 do not apply to a *current or*
40 former ~~public officer who was a~~ member of a board, commission
41 or similar body of the State if:

42 (a) The ~~former public officer~~ *member* is engaged in the
43 profession, occupation or business regulated by the board,
44 commission or similar body;



1 (b) The ~~former public officer~~ *member* holds a license issued
2 by the board, commission or similar body; and

3 (c) Holding a license issued by the board, commission or similar
4 body is a requirement for membership on the board, commission or
5 similar body.

6 5. Except as otherwise provided in subsection 6, a *current or*
7 former public officer or employee of the State or a political
8 subdivision, except a clerical employee, shall not solicit or accept
9 employment from a person to whom a contract for supplies,
10 materials, equipment or services was awarded by the State or
11 political subdivision, as applicable, *or was implemented, managed*
12 *or administered by the State or political subdivision, as applicable,*
13 *during the public officer's or employee's period of public service*
14 *or employment or* for 1 year after the termination of ~~the officer's or~~
15 ~~employee's~~ *his or her period of public* service or ~~period of~~
16 employment, if:

17 (a) The amount of the contract exceeded \$25,000;

18 (b) The contract was awarded *or was implemented, managed or*
19 *administered by the State or political subdivision, as applicable,*
20 *within the immediately preceding year during the public officer's*
21 *or employee's period of public service or employment or* within the
22 ~~12-month period~~ *year* immediately preceding the termination of
23 the *public* officer's or employee's *period of public* service or
24 ~~period of~~ employment; and

25 (c) The position held by the ~~former~~ public officer or employee
26 at the time the contract was awarded *or while it was implemented,*
27 *managed or administered by the State or political subdivision, as*
28 *applicable,* allowed the ~~former~~ public officer or employee to affect
29 or influence the awarding of the contract ~~or~~ *or its implementation,*
30 *management or administration.*

31 6. A current or former public officer or employee may file a
32 request for an advisory opinion pursuant to NRS 281A.675
33 concerning the application of the relevant facts in that person's case
34 to the provisions of subsection 3 or 5, as applicable, and *the*
35 *Commission may* determine whether relief from the strict
36 application of those provisions is proper. *For the purposes of*
37 *submitting all necessary information for the Commission to render*
38 *a decision and issue an advisory opinion in the matter, a current*
39 *or former public officer or employee may request information*
40 *concerning potential employment from any business, industry or*
41 *other person without violating the provisions of subsection 3 or 5,*
42 *as applicable.* If the Commission determines that relief from the
43 strict application of the provisions of subsection 3 or 5, as
44 applicable, is not contrary to:



- 1 (a) The best interests of the public;
- 2 (b) The continued ethical integrity of the State Government or
- 3 political subdivision, as applicable; and
- 4 (c) The provisions of this chapter,
- 5 ➔ it may issue an advisory opinion to that effect and grant such
- 6 relief.

7 7. For the purposes of subsection 6, the request for an advisory
8 opinion, *the decision rendered*, the advisory opinion and all
9 meetings, hearings and proceedings of the Commission in such a
10 matter are governed by the provisions of NRS 281A.670 to
11 281A.690, inclusive ~~§~~, *and section 13 of this act.*

12 8. The advisory opinion does not relieve the current or former
13 public officer or employee from the strict application of any
14 provision of NRS 281A.410.

15 9. ~~For~~ *Except as otherwise provided in subsection 6, for* the
16 purposes of this section:

17 (a) A former member of the Public Utilities Commission of
18 Nevada, the Nevada Gaming Control Board or the Nevada Gaming
19 Commission; or

20 (b) Any other *current or* former public officer or employee
21 governed by this section,

22 ➔ is employed by or is soliciting or accepting employment from a
23 business, industry or other person described in this section if any
24 oral or written agreement is sought, negotiated or exists during the
25 restricted period pursuant to which the personal services of
26 the public officer or employee are provided or will be provided to
27 the business, industry or other person, even if such an agreement
28 does not or will not become effective until after the restricted
29 period.

30 10. As used in this section, "regulation" has the meaning
31 ascribed to it in NRS 233B.038 and also includes regulations
32 adopted *or administered* by a board, commission, department,
33 division or other agency of the Executive Department of *the* State
34 Government that is exempted from the requirements of chapter
35 233B of NRS.

36 **Sec. 39.** NRS 281A.665 is hereby amended to read as follows:

37 281A.665 *1. The published opinions of the Commission*
38 *constitute administrative precedents with persuasive value that the*
39 *Commission may consider and follow in the adjudication and*
40 *disposition of any request for an advisory opinion or ethics*
41 *complaint.*

42 *2. The Legislative Counsel shall prepare annotations to this*
43 *chapter for inclusion in the Nevada Revised Statutes based on the*
44 *published opinions of the Commission.*



1 3. The ~~[Commission's]~~ opinions *of the Commission* may
2 include guidance to a public officer or employee on questions
3 whether:

4 ~~[1.]~~ (a) A conflict exists between the public officer's or
5 employee's personal interest and the public officer's or employee's
6 official ~~[duty.~~
7 ~~—2.]~~ *duties.*

8 (b) The public officer's or employee's official duties involve the
9 use of discretionary judgment whose exercise in the particular
10 matter would have a significant effect upon the disposition of the
11 matter.

12 ~~[3.]~~ (c) The conflict would materially affect the independence
13 of the judgment of a reasonable person in the public officer's or
14 employee's situation.

15 ~~[4.]~~ (d) The public officer or employee possesses special
16 knowledge which is an indispensable asset of ~~[the public officer's or~~
17 ~~employee's public]~~ *his or her public body, agency or employer* and
18 is needed by it to reach a sound decision.

19 ~~[5.]~~ (e) It would be appropriate for the public officer or
20 employee to withdraw or abstain from participation, disclose the
21 nature of the public officer's or employee's conflicting personal
22 interest or pursue some other designated course of action in the
23 matter.

24 **Sec. 40.** NRS 281A.670 is hereby amended to read as follows:

25 281A.670 The provisions of NRS 281A.670 to 281A.690,
26 inclusive, *and section 13 of this act* apply to proceedings
27 concerning a request for an advisory opinion.

28 **Sec. 41.** NRS 281A.675 is hereby amended to read as follows:

29 281A.675 1. ~~[A]~~ *Except as otherwise provided in this*
30 *section and NRS 281A.280:*

31 (a) A public officer or employee may file with the Commission
32 a request for an advisory opinion to:

33 ~~[(a)]~~ (1) Seek guidance on matters which directly relate to the
34 propriety of his or her own past, present or future conduct as a
35 public officer or employee under the statutory ethical standards ;
36 ~~[set forth in this chapter:]~~ or

37 ~~[(b)]~~ (2) Request relief pursuant to NRS 281A.410, 281A.430 or
38 281A.550 ~~[.]~~ *or section 10 of this act.*

39 (b) *The supervisory head or the legal counsel of a public body,*
40 *agency or employer may file with the Commission a request for an*
41 *advisory opinion to seek guidance on the application of the*
42 *statutory ethical standards to a hypothetical or general set of facts*
43 *and circumstances involving one or more particular positions with*
44 *the public body, agency or employer, but such a request must not*
45 *involve any actual or specific facts and circumstances of any*



1 *public officers or employees who are or will be serving or who*
2 *have served in those particular positions.*

3 2. The request for an advisory opinion must be:

4 (a) Filed on a form prescribed by the Commission; and

5 (b) Submitted with all necessary information for the
6 Commission to render *a decision and issue* an advisory opinion in
7 the matter.

8 3. *At any time after a request for an advisory opinion is filed*
9 *with the Commission, the Commission may request additional*
10 *information relating to the request for an advisory opinion from*
11 *the following persons:*

12 (a) *The requester and his or her legal counsel.*

13 (b) *If the requester filed the request for an advisory opinion*
14 *pursuant to paragraph (a) of subsection 1 and is not represented*
15 *by the legal counsel of his or her public body, agency or employer,*
16 *the supervisory head or the legal counsel of that public body,*
17 *agency or employer, but the Commission shall not disclose the*
18 *name or position of the requester or the subject matter of the*
19 *request for an advisory opinion in making such a request for*
20 *additional information.*

21 4. The Commission may decline to render *a decision and issue*
22 an advisory opinion if the ~~public officer or employee~~ requester
23 does not:

24 (a) Submit all necessary information for the Commission to
25 render *a decision and issue* an advisory opinion in the matter; or

26 (b) Declare by oath or affirmation that he or she will testify
27 truthfully regarding the matter.

28 **Sec. 42.** NRS 281A.680 is hereby amended to read as follows:

29 281A.680 1. ~~If a public officer or employee~~ *Except as*
30 *otherwise provided in this section, if a requester* properly files a
31 request for an advisory opinion, the Commission shall render *a*
32 *decision and issue* an advisory opinion that interprets the statutory
33 ethical standards and applies those standards to the given set of facts
34 and circumstances.

35 2. The Commission shall render *a decision concerning* the
36 *request for an* advisory opinion within 45 days after receiving the
37 request, unless ~~the~~ :

38 (a) *The requester waives this time limit* ~~[-~~
39 ~~2.]; or~~

40 (b) *The Commission stays or dismisses the proceedings*
41 *concerning the request for an advisory opinion because:*

42 (1) *An ethics complaint is filed or pending that involves*
43 *some or all of the same issues or facts and circumstances that are*
44 *involved in the request for an advisory opinion; and*



1 (2) *The Commission determines that staying or dismissing*
2 *the proceedings concerning the request for an advisory opinion is*
3 *necessary for the just adjudication and disposition of the*
4 *proceedings concerning the ethics complaint.*

5 3. *If the Commission renders a decision concerning the*
6 *request for an advisory opinion pursuant to this section, the*
7 *Commission shall issue a written advisory opinion within 90 days*
8 *after the date on which the decision is rendered, unless the*
9 *Commission determines that there is good cause to extend this*
10 *time limit.*

11 4. If the *Commission issues a written* advisory opinion
12 ~~rendered by the Commission~~ *to a requester who filed the request*
13 *for an advisory opinion pursuant to paragraph (a) of subsection 1*
14 *of NRS 281A.675 and the advisory opinion* relates to the propriety
15 of the present or future conduct of the requester, the advisory
16 opinion is:

17 (a) Binding upon the requester with regard to the future conduct
18 of the requester; and

19 (b) A final decision that is subject to judicial review pursuant to
20 NRS 233B.130.

21 ~~3.~~ If the requester seeks judicial review pursuant to NRS
22 233B.130, any proceedings concerning such judicial review must be
23 confidential and held in closed court without admittance of persons
24 other than those necessary to the proceedings, unless the requester
25 waives this right to confidential proceedings.

26 5. *If the Commission issues a written advisory opinion to a*
27 *requester who filed the request for an advisory opinion pursuant*
28 *to paragraph (b) of subsection 1 of NRS 281A.675, the advisory*
29 *opinion is not a final decision that is subject to judicial review*
30 *pursuant to NRS 233B.130.*

31 **Sec. 43.** NRS 281A.685 is hereby amended to read as follows:

32 281A.685 1. Except as otherwise provided in this section, the
33 following materials are confidential and are not public records
34 pursuant to chapter 239 of NRS:

35 (a) A request for an advisory opinion;

36 (b) The *decision rendered and the* advisory opinion ~~rendered~~
37 *issued* by the Commission in response to the request;

38 (c) Any information, communications, records, documents or
39 other materials in the possession of the Commission or its staff that
40 are related to the request; and

41 (d) Any information, communications, records, documents or
42 other materials in the possession of the requester of the advisory
43 opinion that are related to the request and, if disclosed by the
44 requester, would reveal the existence, nature or content of the
45 request, *the decision rendered* or the advisory opinion.



1 2. The provisions of subsection 1 do not create or impose any
2 duty on the Commission or its staff to protect or defend against the
3 disclosure of any materials not in the possession of the Commission
4 or its staff, regardless of whether the materials are related to the
5 request.

6 3. The provisions of subsection 1 do not apply to any materials
7 in the possession of the Commission or its staff that are related to
8 the request if the requester of the advisory opinion:

9 (a) Acts in contravention of *the decision rendered* or the
10 advisory opinion, in which case the Commission may disclose the
11 request, *the decision rendered*, the advisory opinion and any
12 information, communications, records, documents or other materials
13 in the possession of the Commission or its staff that are related to
14 the request;

15 (b) Authorizes the Commission, in writing, to make the request,
16 *the decision rendered*, the advisory opinion or any information,
17 communications, records, documents or other materials in the
18 possession of the Commission or its staff that are related to the
19 request publicly available ~~{;}~~, *except that any disclosure of*
20 *materials pursuant to this paragraph is limited to the specific*
21 *materials that the requester authorizes the Commission, in writing,*
22 *to make publicly available; or*

23 (c) Voluntarily discloses, in any manner, the request, *the*
24 *decision rendered*, the advisory opinion or any information,
25 communications, records, documents or other materials in the
26 possession of the Commission or its staff that are related to the
27 request, except to:

28 (1) The ~~{public body,}~~ *supervisory head or the legal counsel*
29 *of his or her public body*, agency or employer ~~{of the requester or~~
30 ~~{the}~~ *or to any other public officer or employee of that public body,*
31 *agency or employer to whom the supervisory head or the legal*
32 *counsel authorizes such a disclosure;*

33 (2) *The legal counsel of the requester* ~~{;~~
34 ~~—(2)}~~ *to facilitate legal representation when the requester is*
35 *not represented by the legal counsel of his or her public body,*
36 *agency or employer;*

37 (3) Any *other* person to whom the Commission authorizes
38 the requester to make such a disclosure; or

39 ~~{(3)}~~ (4) Any *other* person to whom the requester makes such
40 a disclosure for the purposes of judicial review pursuant to
41 *subsection 4* of NRS 281A.680.

42 **Sec. 44.** NRS 281A.690 is hereby amended to read as follows:

43 281A.690 1. ~~{Except as otherwise provided in this section,~~
44 ~~{the}~~ *The* provisions of chapter 241 of NRS do not apply to:



1 (a) Any meeting or hearing held by the Commission to receive
2 information or evidence concerning a request for an advisory
3 opinion; and

4 (b) Any deliberations or actions of the Commission on such
5 information or evidence.

6 2. The ~~[public officer or employee]~~ *requester* who files the
7 request for an advisory opinion may also file a request with
8 the Commission to hold a public meeting or hearing regarding the
9 request for an advisory opinion. *If the Commission grants the*
10 *request to hold a public meeting or hearing, the Commission shall*
11 *provide public notice of the meeting or hearing, and the meeting*
12 *or hearing must be open to the public and conducted in*
13 *accordance with the regulations of the Commission, but the*
14 *meeting or hearing is not subject to the provisions of chapter 241*
15 *of NRS.*

16 **Sec. 45.** NRS 281A.700 is hereby amended to read as follows:
17 281A.700 The provisions of NRS 281A.700 to 281A.790,
18 inclusive, *and section 14 of this act* apply to proceedings
19 concerning an ethics complaint.

20 **Sec. 46.** NRS 281A.705 is hereby amended to read as follows:
21 281A.705 1. ~~[[[~~ *Except as otherwise provided in this*
22 *section, if* an ethics complaint is filed with or initiated by the
23 Commission concerning a ~~[present]~~ *current* or former ~~[state]~~ *public*
24 *officer or employee* ~~[, unless the state officer or employee retains his~~
25 ~~or her legal counsel or the Attorney General tenders the defense of~~
26 ~~the state officer or employee to an insurer who, pursuant to a~~
27 ~~contract of insurance, is authorized to defend the state officer or~~
28 ~~employee, the Attorney General]~~ *of a state or local agency, the*
29 *official attorney of the state or local agency, as applicable,* shall
30 defend the ~~[state]~~ *public* officer or employee ~~[or employ special~~
31 ~~counsel to defend the state officer or employee in any proceeding~~
32 ~~relating to]~~ *in proceedings concerning* the ethics complaint if:

33 (a) The ~~[state]~~ *public* officer or employee submits a written
34 request for defense ~~[in the manner provided in NRS 41.0339:]~~ *to the*
35 *official attorney;* and

36 (b) Based on the facts and allegations known to the ~~[Attorney~~
37 ~~General, the Attorney General]~~ *official attorney relating to the*
38 *ethics complaint, the official attorney* determines that the act or
39 omission on which the alleged violation is based:

40 (1) Appears to be within the course and scope of *the* public
41 ~~[duty]~~ *duties* or employment of the ~~[state]~~ *public* officer or
42 employee; and

43 (2) Appears to have been performed or omitted in good faith.

44 2. The ~~[Attorney General]~~ *official attorney* shall create a
45 written record setting forth the basis for the ~~[Attorney General's]~~



1 *official attorney's* determination of whether to defend the ~~[state]~~
2 *public* officer or employee pursuant to paragraph (b) of subsection
3 1. The written record is not admissible in evidence at trial or in any
4 other judicial or administrative ~~[proceeding]~~ *proceedings* in which
5 the ~~[state]~~ *public* officer or employee is a party, except in
6 connection with an application to withdraw as the attorney of
7 record.

8 3. *If the facts and allegations relating to the ethics complaint*
9 *concern any alleged violations that occurred after the end of the*
10 *public officer's or employee's period of public service or*
11 *employment with the agency, the official attorney is not required*
12 *to defend the public officer or employee with regard to those*
13 *alleged violations, unless the official attorney provided legal*
14 *advice to the public officer or employee relating to the subject*
15 *matter of those alleged violations before the end of the public*
16 *officer's or employee's period of public service or employment*
17 *with the agency.*

18 4. *The official attorney is not required to defend the public*
19 *officer or employee pursuant to this section if:*

20 (a) *The public officer or employee employs or retains his or*
21 *her own legal counsel or represents himself or herself in the*
22 *matter;*

23 (b) *The official attorney employs or retains special counsel to*
24 *defend the public officer or employee in the matter; or*

25 (c) *The official attorney tenders the defense of the public*
26 *officer or employee to an insurer who, pursuant to a contract of*
27 *insurance, is authorized to defend the public officer or employee*
28 *in the matter.*

29 5. *As used in this section, "official attorney" means:*

30 (a) *The Attorney General, if the proceedings involve a public*
31 *officer or employee of a state agency that is represented by the*
32 *Attorney General.*

33 (b) *The chief legal officer or other authorized legal*
34 *representative of a state agency that is authorized by a specific*
35 *statute to employ or retain legal counsel other than the Attorney*
36 *General, if the proceedings involve a public officer or employee of*
37 *that state agency.*

38 (c) *The chief legal officer or other authorized legal*
39 *representative of a local agency, if the proceedings involve a*
40 *public officer or employee of that local agency.*

41 **Sec. 47.** NRS 281A.710 is hereby amended to read as follows:

42 281A.710 1. Except as otherwise provided in this section and
43 NRS 281A.280, the Commission may render *a decision and issue*
44 an opinion that interprets the statutory ethical standards and applies
45 those standards to a given set of facts and circumstances regarding



1 the propriety of the conduct of a public officer or employee if an
2 ethics complaint is:

3 (a) Filed by a specialized or local ethics committee established
4 pursuant to NRS 281A.350.

5 (b) Filed by any person, except a person who is incarcerated in a
6 correctional facility in this State or any other jurisdiction.

7 (c) Initiated by the Commission on its own motion, except the
8 Commission shall not initiate such an ethics complaint based solely
9 upon an anonymous complaint ~~and~~ *unless, after a preliminary*
10 *investigation of the information set forth in the anonymous*
11 *complaint, the Commission determines that the information:*

12 (1) *Is publicly available information that could have been*
13 *readily discovered by the Commission or its staff without the*
14 *anonymous complaint; or*

15 (2) *Is not publicly available information that could have*
16 *been readily discovered by the Commission or its staff without the*
17 *anonymous complaint but the information has been independently*
18 *verified by the Commission or its staff as accurate and reliable*
19 *information.*

20 2. An ethics complaint filed by a *specialized or local ethics*
21 *committee or person pursuant to paragraph (a) or (b) of subsection*
22 *1* must be:

23 (a) Verified under oath and filed on a form prescribed by the
24 Commission; and

25 (b) Submitted with sufficient evidence to support the allegations
26 in order for the Commission to make a determination of whether it
27 has jurisdiction in the matter and whether an investigation is
28 warranted in the matter pursuant to NRS 281A.715 and 281A.720.

29 3. The Commission may decline to render *a decision and issue*
30 an opinion if the *specialized or local ethics committee or* person
31 ~~[who files]~~ *filing* the ethics complaint *pursuant to paragraph (a) or*
32 *(b) of subsection 1* does not submit all necessary evidence in the
33 matter.

34 **Sec. 48.** NRS 281A.715 is hereby amended to read as follows:

35 281A.715 1. Based on the evidence submitted with an ethics
36 complaint filed with the Commission *by a specialized or local*
37 *ethics committee or person* pursuant to *paragraph (a) or (b) of*
38 *subsection 1 of NRS 281A.710* ~~and~~ *any additional evidence*
39 *obtained by the Executive Director pursuant to subsection 2,* the
40 Commission shall determine whether it has jurisdiction in the matter
41 and whether an investigation is warranted in the matter. The
42 Commission shall make its determination within 45 days after
43 receiving the ethics complaint, unless the ~~[public officer or~~
44 ~~employee who is the subject of the ethics complaint waives this time~~
45 ~~limit.~~



1 ~~—2.] Commission determines that there is good cause to extend~~
2 ~~this time limit.~~

3 2. To assist the Commission in making its determination
4 pursuant to subsection 1 whether it has jurisdiction in the matter
5 and whether an investigation is warranted in the matter, the
6 Executive Director may conduct a preliminary investigation to
7 obtain additional evidence concerning the allegations in the ethics
8 complaint.

9 3. If the Commission determines pursuant to subsection 1 that
10 it does not have jurisdiction in the matter, the Commission shall
11 dismiss the matter.

12 ~~[3.]~~ 4. If the Commission determines pursuant to subsection 1
13 that it has jurisdiction in the matter but the evidence ~~[submitted with~~
14 ~~the ethics complaint]~~ is not sufficient to warrant an investigation in
15 the matter, the Commission shall dismiss the matter, with or without
16 issuing a letter of caution or instruction to the public officer or
17 employee pursuant to NRS 281A.780.

18 ~~[4.]~~ 5. If the Commission determines pursuant to subsection 1
19 that it has jurisdiction in the matter and the evidence ~~[submitted with~~
20 ~~the ethics complaint]~~ is sufficient to warrant an investigation in the
21 matter, the Commission may direct the Executive Director to
22 investigate the ethics complaint pursuant to NRS 281A.720.

23 6. If the Commission initiates an ethics complaint on its own
24 motion pursuant to paragraph (c) of subsection 1 of NRS
25 281A.710 and the Commission determines that the evidence:

26 (a) Is not sufficient to warrant an investigation in the matter,
27 the Commission may dismiss the matter, with or without prejudice.
28 If the Commission dismisses the matter, it shall issue a letter of
29 caution or instruction to the public officer or employee pursuant
30 to NRS 281A.780.

31 (b) Is sufficient to warrant an investigation in the matter, the
32 Commission may direct the Executive Director to investigate the
33 ethics complaint pursuant to NRS 281A.720.

34 **Sec. 49.** NRS 281A.720 is hereby amended to read as follows:

35 281A.720 1. If the Commission directs the Executive
36 Director to investigate an ethics complaint pursuant to NRS
37 281A.715, ~~[or if the Commission initiates an ethics complaint on its~~
38 ~~own motion pursuant to NRS 281A.710,]~~ the Executive Director
39 shall investigate the facts and circumstances relating to the ethics
40 complaint to determine whether the Executive Director believes that
41 there is just and sufficient cause for the Commission to render *a*
42 *decision and issue* an opinion in the matter in order to present a
43 written recommendation to the review panel pursuant to
44 NRS 281A.725.



1 2. The Executive Director shall ~~[provide]~~ *prepare and serve a*
2 *written* notice of the investigation *of the ethics complaint* pursuant
3 to this section ~~[to]~~ *on* the public officer or employee who is the
4 subject of the ethics complaint and provide the public officer or
5 employee an opportunity to submit to the Executive Director a
6 response to the ~~[allegations against the public officer or employee in~~
7 ~~the ethics complaint.]~~ *written notice of the investigation.* The
8 response must be submitted within 30 days after the date on which
9 the public officer or employee ~~[receives]~~ *is served with* the *written*
10 notice of the investigation pursuant to this section, unless the *public*
11 *officer or employee waives the time limit set forth in subsection 1*
12 *of NRS 281A.725 and the* Executive Director grants ~~[an extension.]~~
13 *one or more extensions for good cause shown.*

14 3. The purpose of the response submitted pursuant to this
15 section is to provide the Executive Director and the review panel
16 with any information relevant to the ethics complaint which the
17 public officer or employee believes may assist:

18 (a) The Executive Director in performing his or her investigation
19 and other functions pursuant to this section and NRS 281A.725; and

20 (b) The review panel in performing its review and other
21 functions pursuant to NRS 281A.730.

22 4. The public officer or employee is not required in the
23 response submitted pursuant to this section or in any proceedings
24 before the review panel to assert, claim or raise any objection or
25 defense, in law or fact, to the allegations against the public officer or
26 employee, and no objection or defense, in law or fact, is waived,
27 abandoned or barred by the failure to assert, claim or raise it in the
28 response or in any proceedings before the review panel.

29 5. *Whether or not the public officer or employee submits a*
30 *response pursuant to this section, the Executive Director may take*
31 *action, in the manner authorized by NRS 281A.300, to secure the*
32 *public officer's or employee's participation, attendance as a*
33 *witness and production of any books and papers during the course*
34 *of the investigation.*

35 **Sec. 50.** NRS 281A.725 is hereby amended to read as follows:

36 281A.725 1. ~~[Except as otherwise provided in this~~
37 ~~subsection, the]~~ *The* Executive Director shall complete the
38 investigation required by NRS 281A.720 and present a written
39 recommendation to the review panel within 70 days after the
40 Commission directs the Executive Director to investigate the ethics
41 complaint ~~[or after the Commission initiates the ethics complaint on~~
42 ~~its own motion, as applicable.],~~ *except that:*

43 (a) The public officer or employee who is the subject of the
44 ethics complaint may waive this time limit ~~[;]~~ *; or*



1 (b) Upon the request of the Executive Director, the presiding
2 officer of the review panel may grant one or more extensions of
3 this time limit for good cause shown.

4 2. The written recommendation that the Executive Director
5 presents to the review panel must:

6 (a) Set forth the factual and legal basis for the recommendation;

7 (b) State whether the Executive Director believes that there is
8 just and sufficient cause for the Commission to render a decision
9 and issue an opinion in the matter; and

10 (c) If the Executive Director believes that a disposition of the
11 matter without an adjudicatory hearing is appropriate under the facts
12 and circumstances, state any suggested disposition that is consistent
13 with the provisions of this chapter, including, without limitation,
14 whether the Executive Director believes that the conduct at issue
15 may be appropriately addressed through additional training or other
16 corrective action under the terms and conditions of a deferral
17 agreement.

18 **Sec. 51.** NRS 281A.730 is hereby amended to read as follows:

19 281A.730 1. Except as otherwise provided in this section, the
20 review panel shall determine whether there is just and sufficient
21 cause for the Commission to render a decision and issue an opinion
22 in the matter within 15 days after the Executive Director ~~[provides]~~
23 *presents* to the review panel ~~[with]~~ the recommendation required by
24 NRS 281A.725. The public officer or employee who is the subject
25 of the ethics complaint may waive this time limit. *The review panel*
26 *shall serve on the public officer or employee who is the subject of*
27 *the ethics complaint a written notice of its determination.*

28 2. The review panel shall cause a record of its proceedings to
29 be kept.

30 3. The review panel shall not determine that there is just and
31 sufficient cause for the Commission to render a decision and issue
32 an opinion in the matter unless the Executive Director has provided
33 the public officer or employee an opportunity to respond ~~[to the~~
34 ~~allegations]~~ as required by NRS 281A.720.

35 4. If the review panel determines that there is not just and
36 sufficient cause for the Commission to render a decision and issue
37 an opinion in the matter, it shall dismiss the matter, with or without
38 prejudice, and with or without issuing a letter of caution or
39 instruction to the public officer or employee pursuant to
40 NRS 281A.780.

41 5. If the review panel determines that there is just and
42 sufficient cause for the Commission to render a decision and issue
43 an opinion in the matter but reasonably believes that the conduct at
44 issue may be appropriately addressed through additional training or



1 other corrective action under the terms and conditions of a deferral
2 agreement, the review panel may:

3 (a) Approve a deferral agreement proposed by the Executive
4 Director and the public officer or employee instead of referring the
5 ethics complaint to the Commission for further proceedings in the
6 matter; or

7 (b) Authorize the Executive Director and the public officer or
8 employee to develop such a deferral agreement and may thereafter
9 approve such a deferral agreement instead of referring the ethics
10 complaint to the Commission for further proceedings in the matter.

11 6. *If the review panel authorizes the development of a*
12 *deferral agreement pursuant to subsection 5, the review panel*
13 *shall specify a time limit for its development in the written notice*
14 *of its determination that is served pursuant to subsection 1, and*
15 *the deferral agreement must be developed within the time limit,*
16 *unless the review panel grants one or more extensions for good*
17 *cause shown. If the deferral agreement is not developed within the*
18 *time limit, or any extension thereof, the review panel shall refer*
19 *the ethics complaint to the Commission for further proceedings in*
20 *the matter.*

21 7. If the review panel does not approve a deferral agreement
22 pursuant to subsection 5 or if the public officer or employee declines
23 to enter into such a deferral agreement, the review panel shall refer
24 the ethics complaint to the Commission for further proceedings in
25 the matter.

26 ~~7.7~~ 8. If the review panel determines that there is just and
27 sufficient cause for the Commission to render *a decision and issue*
28 an opinion in the matter and reasonably believes that the conduct at
29 issue may not be appropriately addressed through additional training
30 or other corrective action under the terms and conditions of a
31 deferral agreement, the review panel shall refer the ethics complaint
32 to the Commission for further proceedings in the matter.

33 **Sec. 52.** NRS 281A.740 is hereby amended to read as follows:

34 281A.740 1. In proceedings concerning an ethics complaint,
35 the Executive Director and the public officer or employee who is the
36 subject of the ethics complaint may develop a deferral agreement to
37 defer further proceedings in the matter under the terms and
38 conditions of the deferral agreement. *A deferral agreement must be*
39 *developed within any time limit specified by the review panel, or*
40 *any extension thereof, pursuant to NRS 281A.730.*

41 2. A deferral agreement does not become effective unless
42 approved by the review panel pursuant to NRS 281A.730. If the
43 review panel approves a deferral agreement, the Commission shall
44 enforce the terms and conditions of the deferral agreement.

45 3. A deferral agreement must:



1 (a) Specify the training or other corrective action to be
2 completed by or imposed upon the public officer or employee;

3 (b) Specify any other terms and conditions, consistent with the
4 provisions of this chapter, to be imposed upon the public officer or
5 employee; and

6 (c) Provide that the Commission may vacate the deferral
7 agreement and conduct further proceedings in the matter if the
8 Commission finds that the public officer or employee has failed to
9 comply with any terms and conditions of the deferral agreement.

10 4. The imposition of training or other corrective action and the
11 imposition of any other terms and conditions in a deferral agreement
12 is without prejudice to any other disposition of the matter, consistent
13 with this chapter, that may be ordered by the Commission if it
14 vacates the deferral agreement and conducts further proceedings in
15 the matter and finds that the public officer or employee has violated
16 any provision of this chapter.

17 5. The Executive Director shall monitor the compliance of the
18 public officer or employee who is the subject of a deferral
19 agreement and may require the public officer or employee to
20 document his or her compliance with the deferral agreement.

21 6. The Executive Director shall:

22 (a) Inform the Commission of any alleged failure of the public
23 officer or employee to comply with the deferral agreement;

24 (b) Give the public officer or employee written notice of any
25 alleged failure to comply with the deferral agreement; and

26 (c) Allow the public officer or employee not less than 15 days to
27 respond to such a notice.

28 7. Within 60 days after the date on which the public officer or
29 employee responds or was entitled to respond to the written notice
30 of any alleged failure to comply with the deferral agreement, the
31 Commission shall determine whether the public officer or employee
32 failed to comply with the deferral agreement, unless the public
33 officer or employee waives this time limit.

34 8. If the Commission determines that the public officer or
35 employee failed to comply with the deferral agreement, the
36 Commission may take any action it deems appropriate, consistent
37 with the terms and conditions of the deferral agreement and the
38 provisions of this chapter, including, without limitation, vacating the
39 deferral agreement and conducting further proceedings in the matter.

40 9. If the public officer or employee who is the subject of the
41 deferral agreement complies in a satisfactory manner with the
42 deferral agreement, the Commission shall dismiss the matter.

43 **Sec. 53.** NRS 281A.745 is hereby amended to read as follows:

44 281A.745 1. If the review panel refers an ethics complaint to
45 the Commission for further proceedings in the matter pursuant to



1 NRS 281A.730 or if the Commission vacates a deferral agreement
2 and conducts further proceedings in the matter pursuant to NRS
3 281A.740, the Commission shall hold an adjudicatory hearing and
4 render ~~an opinion in the matter~~ *a decision concerning the ethics*
5 *complaint* within 60 days after the date on which the review panel
6 refers the ethics complaint to the Commission or the Commission
7 vacates the deferral agreement, as appropriate, unless the public
8 officer or employee who is the subject of the ethics complaint
9 waives this time limit.

10 2. ~~It~~ *Before* the Commission holds an adjudicatory hearing
11 ~~to receive evidence~~ concerning an ethics complaint, the
12 Commission shall:

13 (a) ~~Notify~~ *Provide* the public officer or employee who is the
14 subject of the ethics complaint *with a written notice* of the date,
15 time and place of the hearing; *and*

16 (b) *Provide the parties with a written schedule for discovery*
17 *relating to the hearing.*

18 3. *At the adjudicatory hearing:*

19 (a) *The Executive Director or his or her designee shall present*
20 *the case to the Commission; and*

21 (b) *The Commission shall:*

22 (1) Allow the public officer or employee to be represented by
23 legal counsel; and

24 ~~(e)~~ (2) Allow the public officer or employee to hear the
25 ~~evidence~~ case presented to the Commission *by the Executive*
26 *Director or his or her designee* and to ~~respond and~~ present
27 ~~evidence on~~ his or her own ~~behalf.~~
28 ~~3.~~ *case to the Commission.*

29 4. Unless the public officer or employee agrees to a shorter
30 time, an adjudicatory hearing may not be held less than 10 days after
31 the date on which the *written* notice of the hearing is ~~given~~
32 *provided* to the public officer or employee.

33 ~~4.~~ 5. For good cause shown, the Commission may take
34 testimony from a person by telephone or video conference at an
35 adjudicatory hearing or at any other proceedings concerning the
36 ethics complaint.

37 6. *After the Commission renders a decision concerning the*
38 *ethics complaint, the Commission shall issue a written opinion:*

39 (a) *Within 90 days after the date on which the decision is*
40 *rendered; or*

41 (b) *On the date of the next meeting of the Commission that is*
42 *held after the date on which the decision is rendered,*

43 *whichever is later, unless the Commission determines that there*
44 *is good cause to extend this time limit.*



1 *7. The written opinion issued by the Commission must*
2 *include findings of fact and conclusions of law and otherwise*
3 *comply with the requirements for a final decision set forth in*
4 *NRS 233B.125.*

5 **Sec. 54.** NRS 281A.750 is hereby amended to read as follows:
6 281A.750 1. Except as otherwise provided in this section and
7 NRS 281A.755, all information, communications, records,
8 documents or other materials in the possession of the Commission,
9 the review panel or their staff that are related to an ethics complaint
10 are confidential and are not public records pursuant to chapter 239
11 of NRS until:

12 (a) The review panel determines whether there is just and
13 sufficient cause for the Commission to render *a decision and issue*
14 an opinion in the matter and serves *the* written notice of its
15 determination on the public officer or employee who is the subject
16 of the ethics complaint ~~(3)~~ *pursuant to NRS 281A.730; or*

17 (b) The public officer or employee who is the subject of the
18 ethics complaint authorizes the Commission, in writing, to make the
19 information, communications, records, documents or other materials
20 that are related to the ethics complaint publicly available,

21 ↪ whichever occurs first.

22 2. Except as otherwise provided in subsection ~~(3)~~ 5, if a person
23 who files an ethics complaint asks that his or her identity as the
24 requester be kept confidential, the Commission:

25 (a) Shall keep the identity of the requester confidential if he or
26 she is a public officer or employee who works for the same public
27 body, agency or employer as the public officer or employee who is
28 the subject of the ethics complaint.

29 (b) May keep the identity of the requester confidential if he or
30 she offers sufficient facts and circumstances showing a reasonable
31 likelihood that disclosure of his or her identity will subject the
32 requester or a member of his or her household to a bona fide threat
33 of physical force or violence.

34 3. *If the Commission keeps the identity of the requester of an*
35 *ethics complaint confidential pursuant to this section, the*
36 *following materials are confidential and are not public records*
37 *pursuant to chapter 239 of NRS:*

38 (a) *All information, communications, records, documents or*
39 *other materials in the possession of the Commission that, if*
40 *disclosed by the Commission, would reveal that the requester filed*
41 *the ethics complaint. Notwithstanding the provisions of chapter*
42 *239 of NRS, in denying a request for public records based on the*
43 *confidentiality provided by this paragraph, the Commission is not*
44 *required to provide any information that, if disclosed by the*



1 *Commission in denying the request for public records, would*
2 *reveal that the requester filed the ethics complaint.*

3 *(b) All information, communications, records, documents or*
4 *other materials in the possession of the requester of the ethics*
5 *complaint or his or her public body, agency or employer that, if*
6 *disclosed by either of them, would reveal that the requester filed*
7 *the ethics complaint. Notwithstanding the provisions of chapter*
8 *239 of NRS, in denying a request for public records based on the*
9 *confidentiality provided by this paragraph, the requester of the*
10 *ethics complaint or his or her public body, agency or employer is*
11 *not required to provide any information that, if disclosed by either*
12 *of them in denying the request for public records, would reveal*
13 *that the requester filed the ethics complaint.*

14 4. If the Commission keeps the identity of the requester of an
15 *ethics complaint confidential [] pursuant to this section and the*
16 *Executive Director does not intend to present the testimony of*
17 *the requester as evidence for consideration by the Commission at*
18 *the adjudicatory hearing or in rendering a decision and issuing an*
19 *opinion in the matter, the Commission shall not render a decision*
20 *and issue an opinion in the matter unless there is sufficient evidence*
21 *without the testimony of the requester to consider the propriety of*
22 *the conduct of the public officer or employee who is the subject of*
23 *the ethics complaint. The provisions of this subsection do not*
24 *abrogate or otherwise alter or affect the confidentiality of the*
25 *identity of the requester of the ethics complaint.*

26 5. If the Commission keeps the identity of the requester of an
27 *ethics complaint confidential pursuant to this section and the*
28 *Executive Director intends to present the testimony of the requester*
29 *as evidence for consideration by the Commission at the adjudicatory*
30 *hearing or in rendering a decision and issuing an opinion in the*
31 *matter and the public officer or employee who is the subject of*
32 *the ethics complaint submits a written discovery request to the*
33 *Commission pursuant to NRS 281A.755, the [Commission]*
34 *Executive Director shall disclose the name of the requester only as a*
35 *proposed witness ~~[within a reasonable time before the adjudicatory~~*
36 *~~hearing on the matter.] in accordance with the schedule for~~*
37 *discovery provided to the parties pursuant to NRS 281A.745.*

38 **Sec. 55.** NRS 281A.755 is hereby amended to read as follows:

39 281A.755 1. Except as otherwise provided in this section, the
40 investigative file related to an ethics complaint is confidential and is
41 not a public record pursuant to chapter 239 of NRS.

42 2. ~~[At any time after being served with written notice of the~~
43 ~~determination of the review panel regarding the existence of just and~~
44 ~~sufficient cause for the Commission to render an opinion in the~~
45 ~~matter.] In accordance with the schedule for discovery provided to~~



1 *the parties pursuant to NRS 281A.745*, the public officer or
2 employee who is the subject of the ethics complaint may submit a
3 written discovery request to the Commission for a list of proposed
4 witnesses and a copy of any portion of the investigative file that the
5 Executive Director intends to present as evidence for consideration
6 by the Commission at the adjudicatory hearing or in rendering *a*
7 *decision and issuing* an opinion in the matter.

8 3. Any portion of the investigative file which the Executive
9 Director presents as evidence for consideration by the Commission
10 at the adjudicatory hearing or in rendering *a decision and issuing* an
11 opinion in the matter becomes a public record and must be open for
12 inspection pursuant to chapter 239 of NRS ~~[H]~~ *after the Commission*
13 *takes final action concerning the ethics complaint in a public*
14 *meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

15 4. For the purposes of this section:

16 (a) The investigative file includes, without limitation:

17 (1) Any response concerning the ethics complaint prepared
18 by the public officer or employee pursuant to NRS 281A.720 and
19 submitted to the Executive Director and the review panel during the
20 course of the investigation and any proceedings before the review
21 panel;

22 (2) Any recommendation concerning the ethics complaint
23 prepared by the Executive Director pursuant to NRS 281A.725 and
24 ~~[submitted]~~ *presented* to the review panel during the course of the
25 investigation and any proceedings before the review panel; and

26 (3) Any other information provided to or obtained by or on
27 behalf of the Executive Director through any form of
28 communication during the course of the investigation and any
29 proceedings before the review panel and any records, documents or
30 other materials created or maintained during the course of the
31 investigation and any proceedings before the review panel which
32 relate to the public officer or employee who is the subject of the
33 ethics complaint, including, without limitation, a transcript,
34 regardless of whether such information, records, documents or other
35 materials are obtained pursuant to a subpoena.

36 (b) The investigative file does not include any deferral
37 agreement.

38 **Sec. 56.** NRS 281A.760 is hereby amended to read as follows:

39 281A.760 *1.* The provisions of chapter 241 of NRS do not
40 apply to:

41 ~~[H]~~ *(a)* Any meeting or hearing held by the Commission to
42 receive information or evidence concerning an ethics complaint; and

43 ~~[2]~~ *(b)* Any deliberations *or actions* of the Commission on
44 such information or evidence.



1 **2. The Commission shall take final action concerning an**
2 **ethics complaint in a public meeting or hearing. The Commission**
3 **shall provide public notice of the meeting or hearing, and the**
4 **meeting or hearing must be open to the public and conducted in**
5 **accordance with the regulations of the Commission, but the**
6 **meeting or hearing is not subject to the provisions of chapter 241**
7 **of NRS.**

8 **Sec. 57.** NRS 281A.765 is hereby amended to read as follows:

9 281A.765 ~~[1. If the Commission renders an opinion in~~
10 ~~proceedings concerning an ethics complaint, the opinion must~~
11 ~~include findings of fact and conclusions of law.~~

12 ~~—2. If, in]~~ **In** proceedings concerning an ethics complaint, **if** the
13 Commission determines that a violation of this chapter:

14 ~~[(a)]~~ **1.** Has not been proven, the Commission shall dismiss the
15 matter, with or without prejudice, and with or without issuing a
16 letter of caution or instruction to the public officer or employee
17 pursuant to NRS 281A.780.

18 ~~[(b)]~~ **2.** Has been proven, the Commission may take any action
19 authorized by this chapter.

20 **Sec. 58.** NRS 281A.770 is hereby amended to read as follows:

21 281A.770 In any matter in which the Commission disposes of
22 an ethics complaint by stipulation, agreed settlement or consent
23 order or in which the review panel approves a deferral agreement,
24 the Commission or the review panel, as appropriate, shall :

25 **1. To the extent practicable based on the given set of facts**
26 **and circumstances,** treat comparable situations in a comparable
27 manner ; and ~~[shall ensure]~~

28 **2. Ensure** that the disposition of the matter bears a reasonable
29 relationship to the severity of the violation or alleged violation.

30 **Sec. 59.** NRS 281A.775 is hereby amended to read as follows:

31 281A.775 1. The Commission, in determining ~~[whether a~~
32 ~~violation of this chapter is a willful violation and, if so,]~~ the penalty
33 to be imposed on a ~~[public officer or employee]~~ **current** or former
34 public officer or employee pursuant to NRS 281A.785 or 281A.790,
35 or the review panel, in determining whether to approve a deferral
36 agreement regarding an alleged violation, shall consider, without
37 limitation:

38 (a) The seriousness of the violation or alleged violation,
39 including, without limitation, the nature, circumstances, extent and
40 gravity of the violation or alleged violation;

41 (b) The number and history of previous warnings, letters of
42 caution or instruction, deferral agreements or violations or alleged
43 violations of the provisions of this chapter relating to the public
44 officer or employee;



1 (c) The cost to conduct the investigation and any meetings,
2 hearings or other proceedings relating to the violation or alleged
3 violation;

4 (d) Any mitigating factors, including, without limitation, any
5 self-reporting, prompt correction of the violation or alleged
6 violation, any attempts to rectify the violation or alleged violation
7 before any ethics complaint is filed and any cooperation by the
8 public officer or employee in resolving the ethics complaint;

9 (e) Any restitution or reimbursement paid to parties affected by
10 the violation or alleged violation;

11 (f) The extent of any financial gain resulting from the violation
12 or alleged violation; and

13 (g) Any other matter justice may require.

14 2. The factors set forth in this section are not exclusive or
15 exhaustive, and the Commission or the review panel, as appropriate,
16 may consider other factors in the disposition of the matter if they
17 bear a reasonable relationship to the determination of the severity of
18 the violation or alleged violation.

19 3. In applying the factors set forth in this section, the
20 Commission or the review panel, as appropriate, shall :

21 (a) *To the extent practicable based on the given set of facts and*
22 *circumstances*, treat comparable situations in a comparable manner
23 ; and ~~[shall ensure]~~

24 (b) *Ensure* that the disposition of the matter bears a reasonable
25 relationship to the severity of the violation or alleged violation.

26 **Sec. 60.** NRS 281A.780 is hereby amended to read as follows:

27 281A.780 1. In proceedings concerning an ethics complaint,
28 the Commission or the review panel, as appropriate, may issue a
29 letter of caution or instruction to the public officer or employee who
30 is the subject of the ethics complaint to caution or instruct the public
31 officer or employee regarding the propriety of his or her conduct
32 under the statutory ethical standards. ~~[set forth in this chapter.]~~

33 2. If the Commission or the review panel issues a letter of
34 caution or instruction to the public officer or employee, the letter:

35 (a) Is confidential and is not a public record pursuant to chapter
36 239 of NRS.

37 (b) May be considered in deciding the appropriate action to be
38 taken on any subsequent ethics complaint involving the public
39 officer or employee, unless the letter is not relevant to the issues
40 presented by the subsequent ethics complaint.

41 **Sec. 61.** NRS 281A.785 is hereby amended to read as follows:

42 281A.785 1. ~~[Except as otherwise provided in this section,~~
43 ~~in]~~ *In* proceedings concerning an ethics complaint, the Commission,
44 based on a finding that a violation of this chapter has been proven,
45 or the review panel, as part of the terms and conditions of a deferral



1 agreement, may, in addition to any other ~~[penalty]~~ *penalties*
2 provided by law and in accordance with the provisions of
3 NRS 281A.775:

4 (a) Require the public officer or employee who is the subject of
5 the ethics complaint to:

6 (1) Comply in all respects with the provisions of this chapter
7 for a specified period without being the subject of another ethics
8 complaint arising from an alleged violation of this chapter by the
9 public officer or employee which occurs during the specified period
10 and for which the review panel determines that there is just and
11 sufficient cause for the Commission to render *a decision and issue*
12 an opinion in the matter.

13 (2) Attend and complete training.

14 (3) Follow a remedial course of action.

15 (4) Issue a public apology.

16 (5) Comply with conditions or limitations on future conduct.

17 (b) Publicly ~~[admonish,]~~ reprimand ~~[or—censure]~~ the public
18 officer or employee.

19 (c) Take any combination of such actions or any other
20 reasonable action that the Commission or the review panel, as
21 appropriate, determines will remedy the violation or alleged
22 violation or deter similar violations or conduct.

23 2. ~~[In carrying out the provisions of subsection 1, the~~
24 ~~Commission, based on a finding that a violation of this chapter has~~
25 ~~been proven, or the review panel, as part of the terms and conditions~~
26 ~~of a deferral agreement, may publicly:~~

27 ~~—(a) Admonish a public officer or employee if it is determined~~
28 ~~that the public officer or employee has violated any provision of this~~
29 ~~chapter, but the violation is not willful, or if such an admonishment~~
30 ~~is imposed as part of the terms and conditions of a deferral~~
31 ~~agreement. An admonishment is a written expression of disapproval~~
32 ~~of the conduct of the public officer or employee.~~

33 ~~—(b) Reprimand a public officer or employee if it is determined~~
34 ~~that the public officer or employee has willfully violated any~~
35 ~~provision of this chapter, but there is no evidence that the willful~~
36 ~~violation involved bad faith, malicious intent or knowing or reckless~~
37 ~~disregard of the law, or if such a reprimand is imposed as part of the~~
38 ~~terms and conditions of a deferral agreement. A reprimand is a~~
39 ~~severe written reproof for the conduct of the public officer or~~
40 ~~employee.~~

41 ~~—(c) Censure a public officer or employee if it is determined that~~
42 ~~the public officer or employee has willfully violated any provision~~
43 ~~of this chapter and there is evidence that the willful violation~~
44 ~~involved bad faith, malicious intent or knowing or reckless~~
45 ~~disregard of the law or there are no substantial mitigating factors~~



1 ~~pursuant to NRS 281A.775 for the willful violation, or if such a~~
2 ~~censure is imposed as part of the terms and conditions of a deferral~~
3 ~~agreement. A censure is a formal written condemnation of the~~
4 ~~conduct of the public officer or employee.~~

5 ~~—3.]~~ Any action taken by the Commission pursuant to this
6 section is a final decision for the purposes of judicial review
7 pursuant to NRS 233B.130. Any action taken by the review panel
8 pursuant to this chapter, including, without limitation, any action
9 relating to a deferral agreement, is not a final decision for the
10 purposes of judicial review pursuant to NRS 233B.130.

11 **Sec. 62.** NRS 281A.790 is hereby amended to read as follows:

12 281A.790 1. In addition to any other penalties provided by
13 law and in accordance with the provisions of NRS 281A.775, the
14 Commission may impose on a ~~[public officer or employee]~~ *current*
15 or former public officer or employee civil penalties:

16 (a) Not to exceed \$5,000 for a first ~~[willful]~~ violation of this
17 chapter;

18 (b) Not to exceed \$10,000 for a separate act or event that
19 constitutes a second ~~[willful]~~ violation of this chapter; and

20 (c) Not to exceed \$25,000 for a separate act or event that
21 constitutes a third ~~[willful]~~ violation *or any additional violation* of
22 this chapter.

23 2. ~~[It]~~ *For the purposes of this section, in determining*
24 *whether a current or former public officer or employee has*
25 *committed one or more violations of this chapter, each separate*
26 *act or event that constitutes a violation of this chapter must be*
27 *treated as a separate violation that is cumulative to all other*
28 *violations by that person, whenever committed, without regard to*
29 *the sequence of the violations or whether the violations are*
30 *established in the same proceedings concerning the same ethics*
31 *complaint or in separate proceedings concerning separate ethics*
32 *complaints.*

33 3. *Except as otherwise provided in NRS 281A.280, in addition*
34 *to any other penalties provided by law, if a current or former*
35 *public officer or employee or any other person prevents, interferes*
36 *with or attempts to prevent or interfere with any investigation or*
37 *proceedings pursuant to this chapter or the discovery of a violation*
38 *of this chapter, such an act shall be deemed to be a violation of this*
39 *chapter, and the Commission may, ~~[upon its own motion or upon~~*
40 *~~the motion of the current or former public officer or employee who~~*
41 *~~is the subject of the investigation or proceedings:] after providing~~*
42 *the person committing such an act with a written notice of the*
43 *charges and an opportunity for a hearing in accordance with the*
44 *regulations of the Commission:*



1 (a) Impose on the person committing such an act a civil penalty
2 not to exceed \$5,000 ~~{;}~~ , *unless a greater civil penalty is*
3 *authorized by subsection 1;* and

4 (b) If appropriate under the facts and circumstances, assess
5 against the person committing such an act an amount equal to the
6 amount of attorney's fees and costs actually and reasonably incurred
7 *as a result of the act* by the *Commission or any* current or former
8 public officer or employee ~~{as a result of}~~ *who is a subject of the*
9 *investigation or proceedings and who is harmed or prejudiced by*
10 the act.

11 ~~{3.}~~ 4. If the Commission finds that a violation of ~~{a provision~~
12 ~~of}~~ this chapter by a ~~{public officer or employee}~~ *current* or former
13 public officer or employee has resulted in the realization of a
14 financial benefit by the ~~{current or former}~~ public officer or
15 employee or another person, the Commission may, in addition to
16 any other penalties provided by law, require the ~~{current or former}~~
17 public officer or employee to pay a civil penalty of not more than
18 twice the amount so realized.

19 ~~{4.}~~ 5. In addition to any other penalties provided by law, if ~~{a~~
20 ~~proceeding results in}~~ *the Commission issues* an opinion *in which it*
21 *finds* that:

22 (a) ~~{One or more willful violations of this chapter have been~~
23 ~~committed by a}~~ A State Legislator removable from office only
24 through expulsion by the State Legislator's own House pursuant to
25 Section 6 of Article 4 of the Nevada Constitution ~~{}~~ *has committed*
26 *one or more violations of this chapter and the Commission has*
27 *imposed civil penalties of \$5,000 or more for at least one of those*
28 *violations*, the Commission shall:

29 (1) If the State Legislator is a member of the Senate, submit
30 the opinion to the Majority Leader of the Senate or, if the Majority
31 Leader of the Senate is the subject of the opinion or the person who
32 requested the opinion, to the President Pro Tempore of the Senate;
33 or

34 (2) If the State Legislator is a member of the Assembly,
35 submit the opinion to the Speaker of the Assembly or, if the Speaker
36 of the Assembly is the subject of the opinion or the person who
37 requested the opinion, to the Speaker Pro Tempore of the Assembly.

38 (b) ~~{One or more willful violations of this chapter have been~~
39 ~~committed by a}~~ A state officer removable from office only through
40 impeachment pursuant to Article 7 of the Nevada Constitution ~~{}~~
41 *has committed one or more violations of this chapter and the*
42 *Commission has imposed civil penalties of \$5,000 or more for at*
43 *least one of those violations*, the Commission shall submit the
44 opinion to the Speaker of the Assembly and the Majority Leader of
45 the Senate or, if the Speaker of the Assembly or the Majority Leader



1 of the Senate is the person who requested the opinion, to the
2 Speaker Pro Tempore of the Assembly or the President Pro
3 Tempore of the Senate, as appropriate.

4 (c) ~~One or more willful violations of this chapter have been~~
5 ~~committed by a~~ A public officer , other than a public officer
6 described in paragraphs (a) and (b), *has committed one or more*
7 *violations of this chapter*, the ~~willful~~ violations shall be deemed to
8 be malfeasance in office for the purposes of NRS 283.440 and the
9 Commission:

10 (1) ~~May~~ *Except as otherwise provided in subparagraph*
11 *(2), may* file a complaint in the appropriate court for removal of the
12 public officer pursuant to NRS 283.440 when the public officer is
13 found in the opinion to have committed ~~fewer than three willful~~
14 ~~violations~~ *one or more violations* of this chapter ~~and the~~
15 *Commission has imposed civil penalties of \$5,000 or more for at*
16 *least one of those violations.*

17 (2) Shall file a complaint in the appropriate court for removal
18 of the public officer pursuant to NRS 283.440 when the public
19 officer is found in the opinion to have committed ~~three~~ *two* or
20 more ~~willful~~ violations of this chapter ~~and the Commission has~~
21 *imposed civil penalties of \$10,000 or more for at least one of those*
22 *violations.*

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

27 ~~5.6.~~ Notwithstanding any other provision of this chapter, any
28 act or failure to act by a ~~public officer or employee~~ *current* or
29 former public officer or employee relating to this chapter is not a
30 ~~willful~~ violation of this chapter if the public officer or employee
31 establishes by sufficient evidence that:

32 (a) The public officer or employee relied in good faith upon the
33 advice of the legal counsel *employed or* retained by his or her public
34 body, agency or employer; and

35 (b) The advice of the legal counsel was:

36 (1) Provided to the public officer or employee before the
37 public officer or employee acted or failed to act; and

38 (2) Based on a reasonable legal determination by the legal
39 counsel under the circumstances when the advice was given that the
40 act or failure to act by the public officer or employee would not be
41 contrary to the provisions of this chapter as interpreted ~~by~~ *in the*
42 *published opinions* of the Commission.

43 ~~6.7.~~ In addition to any other penalties provided by law, if a
44 public employee commits a ~~willful~~ violation of this chapter or fails
45 to complete a period of compliance imposed by the Commission



1 pursuant to NRS 281A.785 or by the review panel as part of the
2 terms and conditions of a deferral agreement ~~[, the public employee~~
3 ~~is subject to disciplinary proceedings by]~~ ;

4 (a) *The Commission shall provide that information to* the
5 *public body, agency or* employer of the public employee ; and
6 ~~[must be referred for]~~

7 (b) *The public body, agency or employer may pursue or take*
8 *appropriate disciplinary* action *against the public employee* in
9 accordance ~~[to]~~ with the applicable provisions governing ~~[the]~~ *his or*
10 *her public* employment. ~~[of the public employee.~~

11 ~~—7.]~~ 8. The provisions of this chapter do not abrogate or
12 decrease the effect of the provisions of the Nevada Revised Statutes
13 which define crimes or prescribe punishments with respect to the
14 conduct of public officers or employees. If the Commission finds
15 that a *current or former* public officer or employee has committed a
16 ~~[willful]~~ violation of this chapter which it believes may also
17 constitute a criminal offense, the Commission shall refer the matter
18 to the Attorney General or the district attorney, as appropriate, for a
19 determination of whether a crime has been committed that warrants
20 prosecution.

21 ~~[8.]~~ 9. The imposition of a civil penalty pursuant to ~~[subsection~~
22 ~~1, 2 or 3]~~ *any provision of subsections 1 to 4, inclusive*, is a final
23 decision for the purposes of judicial review pursuant to
24 NRS 233B.130.

25 ~~[9.]~~ 10. A finding by the Commission that a *current or former*
26 public officer or employee *or any other person* has violated any
27 provision of this chapter must be supported by a preponderance of
28 the evidence unless a greater burden is otherwise prescribed by law.

29 **Sec. 63.** NRS 239.010 is hereby amended to read as follows:

30 239.010 1. Except as otherwise provided in this section and
31 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
32 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
33 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
34 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
35 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
36 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
37 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
38 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
39 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
40 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,
41 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625,
42 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
43 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
44 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,
45 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,



1 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
2 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450,
3 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105,
4 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
5 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
6 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
7 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
8 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685,
9 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438,
10 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
11 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510,
12 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
13 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
14 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
15 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
16 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495,
17 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
18 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035,
19 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
20 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698,
21 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535,
22 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
23 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
24 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
25 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
26 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
27 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
28 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
29 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
30 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
31 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
32 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
33 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
34 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
35 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
36 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
37 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
38 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
39 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
40 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
41 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
42 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
43 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
44 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
45 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,



1 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
2 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
3 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
4 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
5 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
6 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
7 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
8 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
9 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
10 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
11 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
12 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
13 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 14 of*
14 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
15 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
16 unless otherwise declared by law to be confidential, all public books
17 and public records of a governmental entity must be open at all
18 times during office hours to inspection by any person, and may be
19 fully copied or an abstract or memorandum may be prepared from
20 those public books and public records. Any such copies, abstracts or
21 memoranda may be used to supply the general public with copies,
22 abstracts or memoranda of the records or may be used in any other
23 way to the advantage of the governmental entity or of the general
24 public. This section does not supersede or in any manner affect the
25 federal laws governing copyrights or enlarge, diminish or affect in
26 any other manner the rights of a person in any written book or
27 record which is copyrighted pursuant to federal law.

28 2. A governmental entity may not reject a book or record
29 which is copyrighted solely because it is copyrighted.

30 3. A governmental entity that has legal custody or control of a
31 public book or record shall not deny a request made pursuant to
32 subsection 1 to inspect or copy or receive a copy of a public book or
33 record on the basis that the requested public book or record contains
34 information that is confidential if the governmental entity can
35 redact, delete, conceal or separate the confidential information from
36 the information included in the public book or record that is not
37 otherwise confidential.

38 4. A person may request a copy of a public record in any
39 medium in which the public record is readily available. An officer,
40 employee or agent of a governmental entity who has legal custody
41 or control of a public record:

42 (a) Shall not refuse to provide a copy of that public record in a
43 readily available medium because the officer, employee or agent has
44 already prepared or would prefer to provide the copy in a different
45 medium.



1 (b) Except as otherwise provided in NRS 239.030, shall, upon
2 request, prepare the copy of the public record and shall not require
3 the person who has requested the copy to prepare the copy himself
4 or herself.

5 **Sec. 64.** NRS 241.016 is hereby amended to read as follows:

6 241.016 1. The meetings of a public body that are quasi-
7 judicial in nature are subject to the provisions of this chapter.

8 2. The following are exempt from the requirements of this
9 chapter:

10 (a) The Legislature of the State of Nevada.

11 (b) Judicial proceedings, including, without limitation,
12 proceedings before the Commission on Judicial Selection and,
13 except as otherwise provided in NRS 1.4687, the Commission on
14 Judicial Discipline.

15 (c) Meetings of the State Board of Parole Commissioners when
16 acting to grant, deny, continue or revoke the parole of a prisoner or
17 to establish or modify the terms of the parole of a prisoner.

18 3. Any provision of law, including, without limitation, NRS
19 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690,
20 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345,
21 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495,
22 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699,
23 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311,
24 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
25 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

26 (a) Provides that any meeting, hearing or other proceeding is not
27 subject to the provisions of this chapter; or

28 (b) Otherwise authorizes or requires a closed meeting, hearing
29 or proceeding,

30 ➔ prevails over the general provisions of this chapter.

31 4. The exceptions provided to this chapter, and electronic
32 communication, must not be used to circumvent the spirit or letter of
33 this chapter to deliberate or act, outside of an open and public
34 meeting, upon a matter over which the public body has supervision,
35 control, jurisdiction or advisory powers.

36 **Sec. 65.** The provisions of NRS 354.599 do not apply to any
37 additional expenses of a local government that are related to the
38 provisions of this act.

39 **Sec. 66.** 1. Except as otherwise provided in this section, the
40 Commission on Ethics:

41 (a) Shall apply the amendatory provisions of this act which
42 govern the procedures applicable to administrative proceedings
43 arising under chapter 281A of NRS to any such proceedings that are
44 within the jurisdiction of the Commission and are commenced on or



1 after July 1, 2019, whether or not the conduct at issue in such
2 proceedings occurred before July 1, 2019.

3 (b) May apply the amendatory provisions of this act which
4 govern the procedures applicable to administrative proceedings
5 arising under chapter 281A of NRS to any such proceedings that
6 were commenced before July 1, 2019, and are still within the
7 jurisdiction of the Commission and pending before the Commission
8 on July 1, 2019, unless the Commission determines that such an
9 application would be impracticable, unreasonable or
10 unconstitutional under the circumstances, in which case the
11 Commission shall apply the procedures in effect before July 1,
12 2019.

13 2. The amendatory provisions of sections 10, 11, 18, 32 to 35,
14 inclusive, 37 and 38 of this act do not apply to any conduct
15 occurring before July 1, 2019.

16 3. Notwithstanding the amendatory provisions of sections 12
17 and 36 of this act, the Commission shall not apply those amendatory
18 provisions to any acknowledgment of the statutory ethical standards
19 that a public officer was required to file with the Commission
20 pursuant to NRS 281A.500 if the last day for timely filing the
21 acknowledgment with the Commission occurs before January 1,
22 2020.

23 **Sec. 67.** This act becomes effective on July 1, 2019.

