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FIRST REPRINT

A.B. 65

ASSEMBLY BILL NO. 65—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to ethics in government.
(BDR 23-257)

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

CONTAINS UNFUNDED MANDATE (§ 11)
(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; enacting the Nevada Legislative Ethics Law; 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 (Ethics Commission), which is authorized to issue opinions interpreting the
6 statutory ethical standards established by the Ethics Law and applying those
7 standards to a given set of facts and circumstances. The Ethics Law also authorizes
8 any state agency or the governing body of a county or city to establish a specialized
9 or local ethics committee to complement the functions of the Ethics Commission.
10 (Chapter 281A of NRS)

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



18 filed with or initiated by the Ethics Commission regarding the propriety of the
19 conduct of current and former public officers and employees under the statutory
20 ethical standards. (NRS 281A.700-281A.790)

21 **Sections 2-54** of this bill amend the Ethics Law by clarifying, revising and
22 adding to existing provisions which govern: (1) the operation, powers, functions
23 and duties of the Ethics Commission, its members and staff and any specialized or
24 local ethics committees; (2) the statutory ethical standards that apply to the conduct
25 of current and former public officers and employees; and (3) the proceedings
26 concerning requests for advisory opinions and ethics complaints and the issuance of
27 opinions and the imposition of remedies and penalties by the Ethics Commission.

28 **Sections 3, 8, 9, 12, 20-24 and 26-28** of this bill make various changes to
29 existing provisions of the Ethics Law which govern the operation, powers,
30 functions and duties of the Ethics Commission, its members and staff and any
31 specialized or local ethics committees. (NRS 281A.200-281A.350) Under the
32 Ethics Law, the Ethics Commission is required to annually elect a Chair and Vice
33 Chair who are assigned certain powers, functions and duties. (NRS 281A.210,
34 281A.220, 281A.240, 281A.300) **Sections 3 and 20** of this bill provide for the
35 Chair's powers, functions and duties to be assigned for a particular matter to the
36 Vice Chair or another member of the Ethics Commission under certain
37 circumstances. **Section 27** of this bill additionally authorizes the administration of
38 oaths by a member of the Ethics Commission when appointed by the Chair to
39 preside over any meetings, hearings or proceedings and by a certified court
40 reporter. **Section 27** also specifically authorizes the Chair to issue a subpoena
41 during the course of an investigation for information, records and documentation
42 regarding confidential personnel records maintained by a state or local
43 governmental agency that relate to issues under consideration in an ethics
44 complaint. Under **section 47** of this bill, these records are made part of the
45 investigative file. **Section 27** further provides that any court proceeding
46 commenced relating to a subpoena is deemed good cause for the Ethics
47 Commission to grant an extension of the time limits that apply to proceedings
48 concerning ethics complaints.

49 The Ethics Law requires the Chair to appoint review panels, consisting of three
50 members of the Ethics Commission, to review ethics complaints during the
51 investigatory stage of the proceedings, and if a review panel determines that there is
52 just and sufficient cause for the Ethics Commission to render an opinion in a
53 matter, the members of the review panel generally cannot participate in any further
54 proceedings of the Ethics Commission relating to that matter. (NRS 281A.220)
55 However, the Ethics Law allows the members of the review panel to authorize the
56 development of and approve a deferral agreement in the proceedings. (NRS
57 281A.730) **Section 21** of this bill allows one or more members of the review panel,
58 with the consent of the parties, to participate as mediators or facilitators in any
59 settlement negotiations between the parties that are conducted in the proceedings
60 before the Ethics Commission holds an adjudicatory hearing in the matter.

61 Under the Ethics Law, the Ethics Commission may conduct investigations and
62 proceedings and secure the participation and attendance of witnesses and the
63 production of any books and papers. (NRS 281A.290, 281A.300) **Section 8**
64 requires public officers and employees to cooperate with the Ethics Commission in
65 its investigations and proceedings and to furnish information and reasonable
66 assistance to the Ethics Commission, except to the extent that they are entitled to
67 the protection of certain rights, privileges or immunities or any confidentiality or
68 other protection recognized by law. **Section 8** is modeled, in part, on similar
69 provisions governing the Commission on Judicial Discipline. (NRS 1.460)

70 **Section 12** authorizes the Ethics Commission to cooperate in investigations of
71 other state and local governmental agencies to make appropriate referrals of ethics
72 complaints.



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73 The Ethics Law requires the Ethics Commission to appoint and prescribe the
74 duties of the Commission Counsel who is the legal adviser to the Ethics
75 Commission and who, in most cases, is directed by the Ethics Commission to act as
76 legal counsel in any litigation in which the Ethics Commission or its members or
77 staff are parties in an official capacity. (NRS 281A.250, 281A.260) Under
78 Nevada's Open Meeting Law, the Ethics Commission may receive information
79 regarding any litigation from its legal counsel and deliberate toward a decision
80 regarding the litigation without holding a public meeting that complies with the
81 Open Meeting Law. (NRS 241.015) Existing law authorizes a public body to
82 delegate authority to the chair or the executive director of a public body, or an
83 equivalent position, to make any decision regarding litigation concerning any action
84 or proceeding in which the public body or any member or employee of the public
85 body is a party in an official capacity or participates or intervenes in an official
86 capacity. (NRS 241.0357)

87 **Section 9** provides that during any period in which proceedings concerning a
88 request for an advisory opinion or an ethics complaint are confidential under the
89 Ethics Law, the Open Meeting Law does not apply to any meetings, hearings,
90 deliberations or actions of the Ethics Commission involving: (1) any decisions in
91 litigation concerning any judicial action or proceeding related to the request for an
92 advisory opinion or the ethics complaint; and (2) any delegation of authority to
93 make such decisions in the litigation to the Chair or the Executive Director, or both.
94 **Section 114** of this bill makes a conforming change to the Open Meeting Law.

95 **Section 24** of this bill specifies the powers and duties of the Commission
96 Counsel regarding any litigation in which the Ethics Commission or its members or
97 staff are parties in an official capacity. **Section 24** clarifies that the Commission
98 Counsel does not represent the interests of the Executive Director in a judicial
99 action or proceeding in which the Executive Director is named as a party based on
100 the conduct of the Executive Director in his or her official capacity as a party to an
101 adjudicative proceeding.

102 Under the Ethics Law, the Ethics Commission is required to adopt procedural
103 rules to carry out the functions of the Ethics Commission, accept acknowledgments
104 of statutory ethical standards, conduct necessary investigations, recommend
105 legislation to promote ethics in government and publish a manual explaining the
106 Ethics Law. (NRS 281A.290) The Executive Director is required to conduct
107 training on the requirements of the Ethics Law for public officers and employees.
108 (NRS 281A.240) **Section 26** of this bill replaces the requirement to publish a
109 manual with a requirement to publish materials to educate public officers and
110 employees on the requirements of the Ethics Law.

111 Under the Ethics Law, a specialized or local ethics committee may: (1)
112 establish its own code of ethical standards suitable for the particular ethical
113 problems encountered in its sphere of activity; and (2) render opinions upon the
114 request of public officers and employees subject to its jurisdiction seeking an
115 interpretation of its own ethical standards on certain questions. However, a
116 specialized or local ethics committee may not attempt to interpret or render an
117 opinion regarding the statutory ethical standards subject to the jurisdiction of the
118 Ethics Commission, but it may refer such questions to the Ethics Commission.
119 (NRS 281A.350) **Section 28** of this bill clarifies the circumstances when such
120 questions may be referred to the Ethics Commission as a request for an advisory
121 opinion. **Section 28** also makes conforming changes to ensure consistency with the
122 other revisions that this bill makes to the Ethics Law. **Section 28** of this bill also
123 removes the authority of a specialized or local ethics committee in existing law to
124 require the filing of financial disclosure statements if the form has been approved
125 by the Secretary of State. **Section 1** of this bill makes a conforming change related
126 to the removal of this authority.



127 The Ethics Law establishes statutory ethical standards that are intended to
128 enhance the people's faith in the integrity and impartiality of public officers and
129 employees by requiring appropriate separation between the roles of persons who
130 are both public servants and private citizens in order to avoid conflicts between
131 their private interests and the interests of the general public whom they serve. (NRS
132 281A.020, 281A.400-281A.550) **Sections 6, 7, 10, 16 and 29-33** of this bill make
133 various changes to the statutory ethical standards.

134 **Sections 6 and 7** restate more clearly the existing scope of the statutory ethical
135 standards and their applicability to the conduct of current and former public officers
136 and employees. **Section 7** also codifies the existing rule of construction that the
137 standards are cumulative and supplement each other and all such standards are
138 enforceable to the extent that they apply to the given set of facts and circumstances.

139 The Ethics Law prohibits public officers and employees from engaging in
140 certain unethical conduct that benefits themselves, any business entities in which
141 they have a significant pecuniary interest or any persons to whom they have a
142 commitment in a private capacity. (NRS 281A.400, 281A.420) The Ethics Law
143 defines the persons to whom public officers and employees have a "commitment in
144 a private capacity" to include: (1) the spouse or domestic partner of the public
145 officer or employee, any member of his or her household or any relative within the
146 third degree of consanguinity or affinity; (2) any person who employs the public
147 officer or employee, his or her spouse or domestic partner or any member of his or
148 her household; (3) any person with whom the public officer or employee has a
149 substantial and continuing business relationship; or (4) any person with whom the
150 public officer or employee has any other commitment, interest or relationship that
151 is substantially similar to the foregoing commitments, interests or relationships.
152 (NRS 281A.065) **Section 16** makes technical revisions to the definition of
153 "commitment in a private capacity" that do not change its substantive meaning.

154 The Ethics Law prohibits public officers and employees from using their
155 position in government to secure or grant any unwarranted privileges, preferences,
156 exemptions or advantages for themselves, any business entities in which they have
157 a significant pecuniary interest or any persons to whom they have a commitment in
158 a private capacity. (NRS 281A.400) **Section 10** adds to the statutory ethical
159 standards by prohibiting public officers and employees from using their position or
160 power in government to take any actions or compel a subordinate to take any
161 actions that a reasonable person would find, based on the given set of facts and
162 circumstances, to be a gross or unconscionable abuse of official position or power
163 that would undermine the integrity or impartiality of a reasonable person in the
164 public officer's or employee's position under the same or similar facts and
165 circumstances. However, the prohibition in **section 10** does not apply to any
166 allegations claiming only bias, error or abuse of discretion in any actions taken by
167 public officers and employees within the normal course and scope of their position
168 or power in government.

169 The Ethics Law prohibits public officers and employees from using
170 governmental time, property, equipment or other facility to benefit a significant
171 personal or pecuniary interest of the public officers and employees or any persons
172 to whom they have a commitment in a private capacity. The Ethics Law also
173 contains certain limited-use exceptions that allow a limited use of governmental
174 property, equipment or other facility for personal purposes if the limited use meets
175 certain requirements. (NRS 281A.400) **Section 29** of this bill revises these
176 prohibitions and limited-use exceptions in several ways.

177 First, one of the existing requirements for the limited-use exceptions is that the
178 public officer or employee who is responsible for and has authority to authorize
179 the limited use for personal purposes must have established a policy allowing the
180 limited use. (NRS 281A.400) **Section 29** clarifies the exception by providing that



181 the limited use must be authorized by a written policy which was adopted before
182 the limited use occurs.

183 Second, one of the existing requirements for the limited-use exceptions is that
184 the limited use for personal purposes must not create the appearance of impropriety.
185 (NRS 281A.400) **Section 29** defines the term "appearance of impropriety" to mean
186 a reasonable person would find, based on the given set of facts and circumstances,
187 that the limited use for personal purposes is inappropriate, disproportionate,
188 excessive or unreasonable under that given set of facts and circumstances.

189 With certain exceptions, the Ethics Law prohibits public officers and
190 employees from acting upon a matter in which their personal or private interests
191 may create potential conflicts of interests unless, at the time the matter is
192 considered, they make a disclosure that is sufficient to inform the public of their
193 potential conflicts of interests. (NRS 281A.420) **Section 31** of this bill provides
194 that, when public officers and employees make such a public disclosure, they are
195 not required to disclose any information which is confidential as a result of a bona
196 fide relationship that protects the confidentiality of the information under the terms
197 of a contract or as a matter of law, such as the attorney-client relationship, if they:
198 (1) disclose all nonconfidential information and describe the general nature of the
199 protected relationship; and (2) abstain from acting upon the matter.

200 The Ethics Law allows certain public officers to represent or counsel private
201 persons for compensation before state or local agencies in which they do not serve.
202 In addition, although the Ethics Law requires public officers to disclose such
203 private representation or counseling when it may create potential conflicts of
204 interests with their public duties, they are not required to abstain from acting on a
205 matter because of those potential conflicts of interests. (NRS 281A.410, 281A.420)
206 **Section 31** requires public officers to abstain from acting on a matter under certain
207 circumstances when such private representation or counseling results in conflicts of
208 interests with their public duties.

209 The Ethics Law prohibits certain former public officers and employees, for a 1-
210 year "cooling-off" period after the termination of their public service or
211 employment, from soliciting or accepting private employment from any entities
212 regulated or awarded certain contracts by the agencies that employed the former
213 public officers and employees. However, the Ethics Law also allows the Ethics
214 Commission to grant relief from the strict application of the prohibition in specified
215 circumstances. (NRS 281A.550) **Section 33** of this bill provides that certain current
216 and former public officers and management-level public employees are subject to
217 the "cooling-off" period both during and after their public service or employment
218 and cannot solicit or accept private employment from such entities under similar
219 circumstances. **Section 33** also provides that the "cooling-off" period applies when
220 certain current and former public officers and employees are or were materially
221 involved in the implementation, management or administration of certain contracts
222 awarded by their employing agencies.

223 The Ethics Law requires public officers to execute and timely file with the
224 Ethics Commission written acknowledgments that they have received, read and
225 understand the statutory ethical standards and that they have a responsibility to
226 become familiar with any amendments to those standards. (NRS 281A.500)
227 **Section 11** of this bill requires the appropriate appointing authorities and
228 administrative officials at the state and local level to: (1) compile a list of the public
229 officers within their purview who must file the written acknowledgment of the
230 statutory ethical standards; and (2) submit the list annually to the Ethics
231 Commission. Under existing law, these same appointing authorities and
232 administrative officials must compile and submit a similar list annually to the
233 Secretary of State concerning public officers who must file financial disclosure
234 statements with the Secretary of State. (NRS 281.574)



235 The Ethics Law contains existing provisions which govern the proceedings
236 concerning requests for advisory opinions and ethics complaints and the issuance of
237 opinions and the imposition of remedies and penalties by the Ethics Commission.
238 (NRS 281A.665-281A.790) **Sections 4, 5, 14, 15, 17, 18, 19, 25 and 34-54** of this
239 bill make various changes to these existing provisions.

240 Under the Ethics Law, the Ethics Commission issues opinions interpreting the
241 statutory ethical standards and applying those standards to a given set of facts and
242 circumstances. (NRS 281A.680, 281A.710) The Ethics Law also directs the
243 Legislative Counsel to prepare annotations of the Ethics Commission's published
244 opinions for inclusion in the Nevada Revised Statutes. (NRS 281A.290) **Section 5**
245 defines "published opinion" as an opinion issued by the Ethics Commission that is
246 publicly available on the Internet website of the Ethics Commission. **Sections 26**
247 **and 34** of this bill move and recodify within the Ethics Law the existing provision
248 that directs the Legislative Counsel to prepare annotations of the Ethics
249 Commission's published opinions for inclusion in the Nevada Revised Statutes.

250 The Ethics Law authorizes public officers and employees to file with the Ethics
251 Commission requests for advisory opinions to: (1) seek guidance relating to the
252 propriety of their own past, present or future conduct under the statutory ethical
253 standards; or (2) request relief from the strict application of certain provisions of
254 the Ethics Law. (NRS 281A.675) **Section 35** of this bill authorizes the Ethics
255 Commission to request additional information relating to the request for an
256 advisory opinion from the requester or his or her legal counsel.

257 If the requester properly files a request for an advisory opinion, the Ethics Law
258 requires the Ethics Commission to render an advisory opinion in the matter within a
259 certain time limit after receiving the request, unless the requester waives the time
260 limit. (NRS 281A.680) **Sections 25 and 36** of this bill revise the Ethics
261 Commission's jurisdiction and procedures regarding a request for an advisory
262 opinion. Under the Ethics Law, the Ethics Commission generally has jurisdiction
263 over ethics complaints filed or initiated within 2 years after the alleged violation or
264 reasonable discovery of the alleged violation. (NRS 281A.280) **Section 25**
265 similarly provides that the Ethics Commission's jurisdiction over a request for an
266 advisory opinion extends only to past conduct occurring within 2 years before the
267 date on which the request is filed. **Section 36** allows the Ethics Commission to stay
268 or dismiss the proceedings concerning the request for an advisory opinion under
269 certain circumstances when an ethics complaint is also filed or pending that
270 involves some or all of the same issues or facts and circumstances as the request for
271 an advisory opinion or when the requester has not complied with any procedural
272 requirements of the Ethics Law. **Section 36** further requires the requester to
273 confirm in writing, signed under oath, that any written information related to the
274 request is truthful. **Section 36** also requires the Ethics Commission to render a
275 decision regarding the request for an advisory opinion within the existing time
276 limit, subject to certain exceptions. However, **section 36** provides the Ethics
277 Commission with more time to prepare the written advisory opinion in the matter
278 by requiring the Ethics Commission to issue the written advisory opinion within a
279 specified time limit after the decision is rendered.

280 **Section 36** further authorizes the Ethics Commission to determine which
281 decisions and opinions related to a request for an advisory opinion will be binding
282 on a requester and constitute administrative precedent to be followed in the
283 adjudication and disposition of future requests for an advisory opinion or ethics
284 complaint. **Section 36** confirms that a written advisory opinion related to a request
285 for relief from the strict application of the cooling-off provisions or to the past
286 conduct of the requester are not subject to judicial review under the Nevada
287 Administrative Procedure Act. Finally, **section 36** authorizes the Executive
288 Director and the Commission Counsel to issue informal advice to a public officer or
289 employee regarding the application of the statutory ethical standards to a given set



290 of facts and circumstances that is not contrary to a published opinion of the Ethics
291 Commission. **Section 36** provides that such advice is not binding on the requester
292 or subject to judicial review and good faith reliance on such advice protects the
293 public officer or employee from a future finding of a violation of the Ethics Law.
294 **Section 36** provides that any dispute related to such advice is resolved pursuant to a
295 request for an advisory opinion from the Ethics Commission and any decision or
296 opinion of the Ethics Commission or advice provided by the Executive Director or
297 Commission Counsel does not divest the Ethics Commission of its jurisdiction over
298 an ethics complaint which alleges facts separate from those relied upon to render
299 advice.

300 Under the Ethics Law, certain materials relating to a request for an advisory
301 opinion are confidential and not public records unless the requester: (1) authorizes
302 the Ethics Commission to disclose the materials; or (2) voluntarily discloses the
303 materials to persons other than those specified in the statute. (NRS 281A.685)
304 **Section 37** of this bill clarifies that any authorization given by the requester is
305 limited to the specific materials that the requester authorizes the Ethics Commission
306 to disclose. **Section 37** also revises the specified persons to whom the requester
307 may voluntarily disclose the materials without waiving the confidentiality of the
308 materials. In addition, **section 37** provides that a request for advice from the
309 Executive Director or Commission Counsel receives the same confidentiality
310 protections as a request for an advisory opinion from the Ethics Commission.

311 With certain exceptions, the Ethics Commission is subject to the Open Meeting
312 Law, which generally requires most meetings of public bodies to be open to the
313 public. (Chapter 241 of NRS) However, under the Ethics Law, the Open Meeting
314 Law does not apply to meetings, hearings, deliberations and actions of the Ethics
315 Commission relating to requests for advisory opinions, although the requester of
316 the advisory opinion may file a request with the Ethics Commission to hold a
317 public meeting or hearing regarding the matter. (NRS 281A.690) **Section 38** of this
318 bill provides that if the Ethics Commission grants such a request for a public
319 meeting or hearing regarding the matter, the Ethics Commission must provide
320 public notice of the meeting or hearing and the meeting or hearing must be open to
321 the public and conducted in accordance with the regulations of the Ethics
322 Commission, but the meeting or hearing is not subject to specific requirements of
323 the Open Meeting Law.

324 In addition to rendering advisory opinions, the Ethics Commission is also
325 authorized by the Ethics Law to render opinions regarding the propriety of the
326 conduct of public officers and employees under the statutory ethical standards in
327 response to ethics complaints. (NRS 281A.710) Not later than 45 days after
328 receiving an ethics complaint, the Ethics Law requires the Ethics Commission to
329 determine initially whether it has jurisdiction over the ethics complaint and whether
330 an investigation is warranted in the matter, unless the subject of the ethics
331 complaint waives the time limit. (NRS 281A.715) **Section 41** of this bill authorizes
332 the Executive Director, during this initial period, to conduct a preliminary
333 investigation to obtain additional information concerning the allegations in the
334 ethics complaint to assist the Ethics Commission in making its initial
335 determination. In addition, **section 41**: (1) allows the Ethics Commission to extend
336 the time limit for good cause but requires the Ethics Commission to set a specific
337 and reasonable time period for such an extension; and (2) eliminates, as
338 unnecessary, the provision authorizing the subject to waive the time limit because
339 the subject does not receive notice of the matter during this initial period, but only
340 receives notice of the matter if the Ethics Commission determines that it has
341 jurisdiction and an investigation is warranted. **Section 41** also allows the Ethics
342 Commission to dismiss an ethics complaint initiated on its own motion if it
343 determines that the evidence is not sufficient to warrant an investigation in the



344 matter but requires the Ethics Commission to issue a letter of caution or instruction
345 in those circumstances.

346 Under the Ethics Law, if the Ethics Commission determines that it has
347 jurisdiction over an ethics complaint and an investigation is warranted, the subject
348 of the ethics complaint is served with a notice of the investigation and provided
349 with an opportunity to submit a response to that notice. (NRS 281A.720) **Section**
350 **42** of this bill authorizes the Executive Director to grant, under certain
351 circumstances, extensions of the time limit to submit the response, including that
352 the subject must waive the time limit for the investigation, but the Executive
353 Director must set a specific and reasonable time period for such an extension.

354 As part of the investigation, the Ethics Law permits the Executive Director to
355 secure the subject's participation, attendance as a witness or production of books
356 and papers under existing procedures. (NRS 281A.300) **Section 42** clarifies that,
357 regardless of whether the subject submits a response to the investigation, the
358 Executive Director retains the authority during the course of the investigation to
359 secure the subject's participation, attendance as a witness or production of books
360 and papers under those existing procedures.

361 Within 70 days after the Ethics Commission directs the Executive Director to
362 investigate an ethics complaint, the Ethics Law requires the Executive Director to
363 present a written recommendation to the review panel regarding the sufficiency of
364 the evidence concerning the ethics complaint, unless the subject waives the time
365 limit. (NRS 281A.725) **Section 43** of this bill allows the presiding officer of the
366 review panel to grant the Executive Director extensions of the time limit for good
367 cause but requires the presiding officer to set a specific and reasonable time period
368 for such an extension.

369 Within 15 days after the Executive Director presents the written
370 recommendation to the review panel, the Ethics Law requires the review panel to
371 determine whether there is just and sufficient cause for the Ethics Commission to
372 render an opinion regarding the ethics complaint, unless the subject waives the time
373 limit. (NRS 281A.730) **Section 44** of this bill extends the time for the panel to issue
374 its determination to 45 days. If the review panel determines that there is not just and
375 sufficient cause, the Ethics Law requires the review panel to dismiss the matter, but
376 the review panel may issue a confidential letter of caution or instruction to the
377 subject as part of the dismissal. If the review panel determines that there is just and
378 sufficient cause but reasonably believes that the conduct at issue may be
379 appropriately addressed through additional training or other corrective action, the
380 Ethics Law authorizes the review panel to approve a deferral agreement between
381 the Executive Director and the subject to defer further proceedings in the matter
382 under the terms and conditions of the deferral agreement. If the subject complies
383 with the terms and conditions of the deferral agreement, the matter must be
384 dismissed. However, if the subject fails to comply with the terms and conditions of
385 the deferral agreement, the deferral agreement may be vacated and further
386 proceedings conducted in the matter before the Ethics Commission. If the review
387 panel does not believe that a deferral agreement is appropriate or if the subject
388 declines to enter into such a deferral agreement, the Ethics Law requires the review
389 panel to refer the matter to the Ethics Commission for further proceedings. (NRS
390 281A.730, 281A.740)

391 **Section 44** of this bill provides that after the review panel makes its
392 determination in the matter, it must serve written notice of its determination on the
393 subject.

394 The Ethics Law establishes various requirements regarding the adjudication of
395 ethics complaints referred to the Ethics Commission for further proceedings. (NRS
396 281A.745-281A.760) **Sections 4 and 45** of this bill clarify that the parties to the
397 proceedings are: (1) the Executive Director or his or her designee, who present
398 the case to the Ethics Commission at the adjudicatory hearing in the matter; and (2)



399 the subject of the ethics complaint, who has the right to written notice of the
400 hearing, to be represented by legal counsel and to hear the evidence presented to the
401 Ethics Commission and to present his or her own case. **Section 45** also requires: (1)
402 the Executive Director to issue a formal notice of charges to the subject of the
403 ethics complaint regarding the allegations to be presented at an adjudicatory
404 hearing; and (2) the Ethics Commission to provide the parties with a written
405 schedule for discovery in order to prepare for the hearing.

406 The Ethics Law requires the Ethics Commission to hold the hearing and render
407 an opinion in the matter within a certain time limit, unless waived by the subject,
408 and requires the opinion to include findings of fact and conclusions of law. (NRS
409 281A.745, 281A.765) **Section 45** requires the Ethics Commission to hold a hearing
410 and render a decision in the matter within the existing time limit, unless waived by
411 the subject or extended by the Ethics Commission for good cause with a specific
412 and reasonable time period, but **section 45** provides the Ethics Commission with
413 more time to prepare the written opinion in the matter by requiring the Ethics
414 Commission to issue the written opinion within a specified time limit after the
415 decision is rendered. **Section 45** also clarifies that, in addition to including findings
416 of fact and conclusions of law, the written opinion must otherwise comply with the
417 requirements for a final decision under Nevada's Administrative Procedure Act.
418 (NRS 233B.125) **Section 49** of this bill makes a conforming change related to the
419 contents of a written opinion.

420 With certain exceptions, the Ethics Law requires, or in some cases allows, the
421 Ethics Commission to keep the identity of certain persons who file ethics
422 complaints confidential in order to protect those persons from potential harm. (NRS
423 281A.750) **Section 46** of this bill extends the confidentiality of the requester to
424 persons who worked for the same public body, agency or employer as the subject of
425 the ethics complaint at the time of the alleged conduct, or if revealing the identity
426 of the requester would otherwise reveal the identity of witnesses who work for the
427 same public body, agency or employer. **Section 46** also clarifies that such
428 confidentiality extends to all materials that, if disclosed, would reveal the identity
429 of the confidential requester. **Section 46** also clarifies that the identity of the
430 confidential requester remains protected if the Executive Director does not intend to
431 present the testimony of the confidential requester as evidence in the matter.
432 However, if the Executive Director intends to present the testimony of the
433 confidential requester as evidence in the matter, **section 46** provides that the
434 Executive Director must disclose the name of the confidential requester only as a
435 proposed witness in accordance with the schedule for discovery in the matter.

436 Under the Ethics Law, the subject of an ethics complaint may submit a written
437 discovery request for a list of proposed witnesses and a copy of any materials in the
438 investigative file that the Executive Director intends to present as evidence in the
439 matter. The Ethics Law also provides that the materials in the investigative file are
440 confidential, except that any materials which the Executive Director presents as
441 evidence in the matter become public records. (NRS 281A.755) **Section 47** requires
442 any written discovery request to be submitted in accordance with the schedule for
443 discovery in the matter. **Section 47** also provides that any materials which the
444 Executive Director presents as evidence in the matter become public records after
445 the Ethics Commission takes final action concerning the ethics complaint in a
446 public meeting or hearing held under **section 48** of this bill, but provides an
447 exception if any of the materials are declared confidential by another law.

448 In proceedings concerning an ethics complaint, the Ethics Law exempts from
449 the Open Meeting Law: (1) any meeting or hearing held by the Ethics Commission
450 to receive information or evidence concerning the ethics complaint; and (2) any
451 deliberations of the Ethics Commission on such information or evidence. However,
452 the Ethics Law does not exempt the Ethics Commission's actions concerning the
453 ethics complaint from the Open Meeting Law. (NRS 281A.760) **Section 48**



454 generally exempts the Ethics Commission's actions concerning the ethics complaint
455 from the Open Meeting Law. However, **section 48** requires the Ethics Commission
456 to take final action concerning the ethics complaint in a public meeting or hearing
457 for which the Ethics Commission provides public notice and which is open to the
458 public and conducted in accordance with the regulations of the Ethics Commission,
459 but the meeting or hearing is not subject to specific requirements of the Open
460 Meeting Law.

461 The Ethics Law establishes various requirements regarding the disposition of
462 ethics complaints and the imposition of remedies and penalties. (NRS 281A.765-
463 281A.790) Under the Ethics Law, there are two types of violations: (1) willful
464 violations that require proof of specific mental elements showing that the subject of
465 an ethics complaint committed the violations intentionally and knowingly; and (2)
466 other violations that do not require proof of those specific mental elements. (NRS
467 281A.170) To determine whether violations are willful, the Ethics Law requires the
468 Ethics Commission to: (1) consider a nonexclusive list of aggravating and
469 mitigating factors, as well as any other reasonably related factors; and (2) ensure
470 when it applies those factors that the disposition of the matter bears a reasonable
471 relationship to the severity of the violations. (NRS 281A.775) For any violations,
472 whether or not willful, the Ethics Law authorizes the Ethics Commission to impose
473 certain remedies, such as training, a remedial course of action or public
474 admonishment. (NRS 281A.785) However, for willful violations, the Ethics Law
475 also authorizes more severe remedies and penalties, such as substantial civil
476 penalties and public reprimand or censure. In some cases involving willful
477 violations, the Ethics Law further requires the Ethics Commission to seek removal
478 of certain public officers through court proceedings or to submit the matter to the
479 Legislature for consideration of additional remedies and penalties against certain
480 public officers, including removal through impeachment. (NRS 281A.785,
481 281A.790) With respect to certain dispositions of ethics complaints and in
482 determining whether a violation is willful, existing law requires the Ethics
483 Commission to treat comparable situations in a comparable manner. (NRS
484 281A.770, 281A.775) **Sections 50 and 51** of this bill require the Ethics
485 Commission to carry out that duty to the extent practicable based on the given set
486 of facts and circumstances. **Section 54** of this bill clarifies that in determining
487 whether the subject has committed one or more violations, each separate act or
488 event that constitutes a violation, or course of conduct that the Ethics Commission
489 interprets as constituting a separate violation, must be treated as a separate violation
490 that is cumulative to all other violations, whenever committed, without regard to
491 the sequence of the violations or whether the violations are established in the same
492 or separate proceedings.

493 The Ethics Law prohibits any person from preventing, interfering with or
494 attempting to prevent or interfere with investigations or proceedings or the
495 discovery of violations under the Ethics Law and authorizes the Ethics Commission
496 to impose civil penalties and, under certain circumstances, assess against such a
497 person certain attorney's fees and costs incurred by others as a result of the act.
498 (NRS 281A.790) **Sections 25 and 54** of this bill: (1) deem the person's act to be a
499 violation of the Ethics Law; (2) specify that the Ethics Commission has jurisdiction
500 to investigate and take appropriate action regarding the violation in any proceeding
501 commenced within 2 years after the violation or reasonable discovery thereof; and
502 (3) require the Ethics Commission, before taking appropriate action, to provide the
503 person with a written notice of the charges and an opportunity for a hearing in
504 accordance with the regulations of the Ethics Commission. **Section 54** also
505 authorizes the Ethics Commission, under certain circumstances, to assess against
506 the person certain attorney's fees and costs incurred by the Ethics Commission as a
507 result of the violation.



508 As previously stated, the Ethics Law governs the conduct of public officers and
509 employees and, in certain situations, former public officers and employees after the
510 end of their period of public service or employment. (Chapter 281A of NRS)
511 **Sections 55-112** of this bill enact the Nevada Legislative Ethics Law (Legislative
512 Ethics Law) to govern legislative officers and employees and, in certain situations,
513 former legislative officers and employees after the end of their period of legislative
514 service or employment. **Sections 59-77** of this bill establish various definitions
515 applicable to the Legislative Ethics Law.

516 In particular, **section 73** of this bill defines "legislative officer" as: (1) a
517 member of the Senate, the Secretary of the Senate or any other officer of the
518 Senate; (2) a member of the Assembly, the Chief Clerk of the Assembly or any
519 other officer of the Assembly; and (3) any other officer of the Legislature, the
520 Legislative Counsel Bureau or the Legislative Department of the State Government.
521 **Section 71** of this bill defines "legislative employee" as any employee, assistant,
522 attache, intern or other staff employed with reference to the legislative duties of a
523 Legislator or the Legislative Department, regardless of whether the position is paid
524 or otherwise compensated. **Sections 11, 12.5, 16.5, 18.5, 18.7, 29-32 and 54** of this
525 bill make conforming changes to remove legislative officers and employees from
526 the jurisdiction of the Ethics Law in Chapter 281A of NRS, so that they are subject
527 to the jurisdiction of the Legislative Ethics Law in **sections 55-112**.

528 Under the Nevada Constitution, the Houses of the Legislature have adopted
529 Standing Rules that establish various ethical standards for Legislators and other
530 legislative officers and employees. (Nev. Const. Art. 4, § 6; Senate Standing Rule
531 No. 23; Assembly Standing Rule No. 23; Joint Standing Rules Nos. 30-39) **Section**
532 **79** of this bill provides that the Legislative Ethics Law supplements such Standing
533 Rules and, to the extent that there is a conflict between the Standing Rules and the
534 Legislative Ethics Law, the Standing Rules govern the conflict.

535 Existing law establishes general ethical standards to which public officers and
536 employees are bound. (NRS 281A.400) **Section 83** of this bill establishes similar
537 provisions for the purpose of legislative officers and employees.

538 **Section 10** of this bill prohibits public officers and employees from using their
539 position or power in government to take any actions or compel a subordinate to
540 take actions that a reasonable person would find, based on the given facts and
541 circumstances, to be a gross or unconscionable abuse of official position or power or
542 that would undermine the integrity or impartiality of a reasonable person under the
543 same or similar circumstances. **Section 84** of this bill establishes similar provisions
544 applicable to legislative officers and employees.

545 Existing law restricts public officers and employees from representing or
546 counseling private persons before certain public agencies. (NRS 281A.410) **Section**
547 **85** of this bill establishes similar provisions for the purpose of legislative officers
548 and employees.

549 Existing law prohibits public officers and employees from taking certain
550 actions relating to contracts between the governmental entity and a business entity
551 in which the public officer or employee has a significant pecuniary interest. (NRS
552 281A.430) **Section 86** of this bill establishes similar provisions applicable to
553 legislative officers and employees.

554 Existing law prohibits a public officer or employee from accepting or receiving
555 an honorarium under certain circumstances. (NRS 281A.510) **Section 87** of this bill
556 establishes similar provisions for the purpose of legislative officers and employees.

557 Existing law prohibits a public officer or employee from requesting or
558 otherwise causing a governmental entity to incur certain expenses or make
559 expenditures to support or oppose ballot questions or candidates under certain
560 circumstances. (NRS 281A.520) **Section 88** of this bill establishes similar
561 provisions prohibiting legislative officers and employees from engaging in such
562 acts with regard to the Legislative Department.



563 Existing law establishes certain “cooling-off” periods for former public officers
564 and employees under certain circumstances. (NRS 281A.550) **Section 89** of this
565 bill establishes similar provisions relating to legislative officers and employees.

566 Existing law authorizes the Attorney General or the appropriate district attorney
567 to void certain grants, contracts or leases entered into in violation of the Ethics
568 Law. (NRS 281A.540) **Section 90** of this bill similarly authorizes the Attorney
569 General or a district attorney to take such actions for the purpose of voiding a grant,
570 contract or lease entered into in violation of the Legislative Ethics Law.

571 To carry out and enforce the Legislative Ethics Law, **sections 91, 95 and 99** of
572 this bill create the Senate Commission on Ethics (Senate Commission), Assembly
573 Commission on Ethics (Assembly Commission) and Joint Commission on Ethics
574 (Joint Commission) and provide for the appointment and terms of their respective
575 members. **Section 117** of this bill directs the appointment and terms of the initial
576 members of each Commission.

577 Under **section 94** of this bill, the Senate Commission has jurisdiction to: (1)
578 hear ethics complaints brought against legislative officers and employees of the
579 Senate; and (2) hear requests brought by such persons for advice on the legislative
580 ethical standards.

581 Under **section 98** of this bill, the Assembly Commission has jurisdiction to: (1)
582 hear ethics complaints brought against legislative officers and employees of the
583 Assembly; and (2) hear requests brought by such persons for advice on the
584 legislative ethical standards.

585 Under **section 102** of this bill, the Joint Commission has jurisdiction to: (1)
586 hear ethics complaints brought against legislative officers and employees other than
587 the officers or employees of the Senate or Assembly; and (2) hear requests brought
588 by such persons for advice on the legislative ethical standards.

589 **Section 104** of this bill authorizes the Senate Commission, Assembly
590 Commission and Joint Commission, as applicable, to conduct investigations and
591 hold hearings to carry out the Legislative Ethics Law.

592 **Section 105** of this bill provides that all proceedings of the Senate Commission,
593 Assembly Commission or Joint Commission, as applicable, relating to the
594 character, alleged misconduct, professional competence or physical or mental
595 health of any person on matters regarding the legislative ethical standards and the
596 materials relating thereto are confidential, unless the person subject to the
597 proceedings waives such confidentiality.

598 **Section 106** of this bill provides that a member of the Senate Commission,
599 Assembly Commission or Joint Commission, as applicable, is disqualified from
600 serving in the consideration of a matter if: (1) the member is the subject of the
601 ethics complaint; (2) the member requested advice on the issue under consideration;
602 or (3) a reasonable person in the member’s situation could not exercise independent
603 judgment on the matter.

604 **Section 107** of this bill authorizes an individual to file with the Legislative
605 Counsel an ethics complaint against a legislative officer or employee. **Section 107**
606 requires the Legislative Counsel to review the ethics complaint and consult with the
607 Chair of the Senate Commission, Assembly Commission or Joint Commission, as
608 applicable, to determine whether the Commission has jurisdiction over the
609 complaint and whether an investigation is warranted in the matter. Finally, **section**
610 **107** requires that: (1) if it is determined that the Commission does not have
611 jurisdiction or an investigation is not warranted, the Legislative Counsel must send
612 a written notice of such a determination to the individual who filed the ethics
613 complaint; or (2) if it is determined that the Commission has jurisdiction and an
614 investigation is warranted, the Legislative Counsel must send a written notice of the
615 determination and a copy of the ethics complaint to the person who is subject to the
616 ethics complaint. **Section 80** of this bill requires the ethics complaint to be filed



617 within 2 years of the alleged violation or reasonable discovery of the alleged
618 violation.

619 If the Senate Commission, Assembly Commission or Joint Commission, as
620 applicable, holds an adjudicatory hearing on an ethics complaint, **section 108** of
621 this bill establishes various procedural and evidentiary requirements for the
622 adjudicatory hearing, including the burden and standard of proof.

623 **Section 109** of this bill requires the Senate Commission, Assembly
624 Commission or Joint Commission, as applicable, to dismiss an ethics complaint if
625 the Commission finds that the violation of the legislative ethical standards has not
626 been proven.

627 Alternatively, if the Senate Commission, Assembly Commission or Joint
628 Commission, as applicable, finds that a violation of the legislative ethical standards
629 has occurred, **sections 109-111** of this bill authorize the Commission to: (1) issue a
630 letter of caution or instruction to the legislative officer or employee; (2) admonish,
631 reprimand or censure the legislative officer or employee; (3) impose civil penalties
632 on the legislative officer or employee; or (4) take any other reasonable actions that
633 the Commission determines will remedy the violation or deter similar violations,
634 including referring the matter to the appropriate House for review and
635 consideration.

636 **Section 112** of this bill also requires the Senate Commission, Assembly
637 Commission or Joint Commission, as applicable, to refer the matter to the Attorney
638 General or the district attorney, as appropriate, if the Commission believes that the
639 violation of the legislative ethical standards constitutes a crime.

640 **Section 113** of this bill makes a conforming change to the Public Records Law
641 relating to: (1) the confidentiality of materials provided by the Ethics Commission
642 to other enforcement agencies and officers pursuant to **section 12**; and (2) the
643 confidentiality of materials relating to proceedings held by the Senate Commission,
644 Assembly Commission or Joint Commission, as applicable, pursuant to **section**
645 **105**.

646 **Section 116** of this bill addresses the applicability of the amendatory provisions
647 of **sections 2-54** to administrative proceedings and conduct subject to the Ethics
648 Law that occurred before July 1, 2021. **Section 118** of this bill provides for the
649 transition of jurisdiction for ethics proceedings brought against legislative officers
650 and employees.

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

1 **Section 1.** NRS 281.5584 is hereby amended to read as
2 follows:

3 281.5584 “Financial disclosure statement” or “statement”
4 means a financial disclosure statement in the electronic form or
5 other authorized form prescribed by the Secretary of State pursuant
6 to NRS 281.5555 to 281.581, inclusive. ~~[, or in the form approved~~
7 ~~by the Secretary of State for a specialized or local ethics committee~~
8 ~~pursuant to NRS 281A.350.]~~

9 **Sec. 2.** Chapter 281A of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 3 to 12, inclusive, of this
11 act.

12 **Sec. 3.** *“Chair” means:*



1 1. *The Chair of the Commission; or*
2 2. *The Vice Chair or another member of the Commission*
3 *servicing in the capacity of the Chair pursuant to NRS 281A.210.*

4 **Sec. 4.** *“Party” means, for the purposes of the adjudication*
5 *and disposition of proceedings concerning an ethics complaint*
6 *pursuant to this chapter:*

7 1. *The Executive Director or his or her designee; and*
8 2. *The public officer or employee who is the subject of the*
9 *ethics complaint.*

10 **Sec. 5.** *“Published opinion” means an opinion issued by the*
11 *Commission that is publicly available on the Internet website of*
12 *the Commission.*

13 **Sec. 6.** *“Statutory ethical standards” means the statutory*
14 *ethical standards set forth in the provisions of this chapter.*

15 **Sec. 7.** 1. *The provisions of this chapter establish statutory*
16 *ethical standards to govern the conduct of:*

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

18 (b) *Former public officers and employees in situations where*
19 *the statutory ethical standards apply to the conduct of former*
20 *public officers and employees after the end of any period of public*
21 *service or employment.*

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

28 **Sec. 8.** 1. *Except as otherwise provided in this section,*
29 *every public officer or employee of the State or one of its political*
30 *subdivisions, regardless of whether he or she is otherwise subject*
31 *to the provisions of this chapter, shall cooperate with the*
32 *Commission in any lawful investigations or proceedings of the*
33 *Commission and furnish information and reasonable assistance to*
34 *the Commission or its authorized representative, except to the*
35 *extent that the public officer or employee is entitled to:*

36 (a) *Any right, privilege or immunity recognized by law, other*
37 *than any common-law privilege or immunity abrogated pursuant*
38 *to NRS 281A.185; or*

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

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



1 3. *Before a public officer or employee is required to comply*
2 *with the provisions of subsection 1 and during the course of any*
3 *investigations or proceedings of the Commission or its authorized*
4 *representative, the public officer or employee is entitled to be*
5 *represented by and consult with legal counsel, including, without*
6 *limitation, the legal counsel of his or her public body, agency or*
7 *employer.*

8 4. *If legal counsel is a public officer or employee, the*
9 *provisions of this section do not impose any duties on legal*
10 *counsel that would adversely affect his or her attorney-client*
11 *relationship with or representation of any public officer or*
12 *employee who is the subject of an ethics complaint or who*
13 *consults with legal counsel on matters related to this chapter.*

14 **Sec. 9.** *During any period in which proceedings concerning*
15 *a request for an advisory opinion or an ethics complaint are*
16 *confidential pursuant to this chapter, the provisions of chapter 241*
17 *of NRS do not apply to any meeting or hearing held by the*
18 *Commission or any deliberations or actions of the Commission*
19 *involving:*

20 1. *Any decisions in litigation concerning any judicial action*
21 *or proceeding related to the request for an advisory opinion or the*
22 *ethics complaint; or*

23 2. *Any delegation of authority to make such decisions in the*
24 *litigation to the Chair or the Executive Director, or both, pursuant*
25 *to NRS 241.0357.*

26 **Sec. 10.** 1. *A public officer or employee shall not use the*
27 *public officer's or employee's position or power in government to*
28 *take any actions or compel a subordinate to take any actions that a*
29 *reasonable person would find, based on the given set of facts and*
30 *circumstances, to be a gross or unconscionable abuse of official*
31 *position or power that would undermine the integrity or*
32 *impartiality of a reasonable person in the public officer's or*
33 *employee's position under the same or similar facts and*
34 *circumstances.*

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

40 **Sec. 11.** *A list of each public officer who is required to file an*
41 *acknowledgment of the statutory ethical standards in accordance*
42 *with NRS 281A.500 must be submitted electronically to the*
43 *Commission, in the form prescribed by the Commission, on or*
44 *before December 1 of each year by:*



1 *1. For an appointed public officer, the appointing authority*
2 *of the public officer, including, without limitation:*

3 *(a) The manager of each local agency for a public officer of a*
4 *local agency; and*

5 *(b) The Director of the Department of Administration, or his*
6 *or her designee, for a public officer of the Executive Department*
7 *of the State Government; and*

8 *2. For an elected public officer of:*

9 *(a) A county and other political subdivisions within the county*
10 *except cities, the county clerk;*

11 *(b) A city, the city clerk; and*

12 *(c) The Executive Department of the State Government, the*
13 *Director of the Department of Administration, or his or her*
14 *designee.*

15 **Sec. 12.** *1. After the resolution of an ethics complaint, the*
16 *Commission may provide any information obtained during the*
17 *course of an investigation of the ethics complaint to:*

18 *(a) The Attorney General or appropriate district attorney for*
19 *the purpose of prosecuting a criminal action in this State; or*

20 *(b) Any federal law enforcement agency investigating a*
21 *criminal violation of federal law by a public officer or employee.*

22 *2. If the Commission determines that it does not have*
23 *jurisdiction or does not direct the Executive Director to conduct an*
24 *investigation of an ethics complaint pursuant to NRS 281A.715,*
25 *and the Executive Director reasonably believes that the alleged*
26 *conduct may be properly addressed within the jurisdiction of*
27 *another state or local agency, the Executive Director may refer all*
28 *or a portion of the information, communications, records,*
29 *documents or other materials in the possession of the Commission*
30 *or its staff that are related to the allegations in the ethics*
31 *complaint to that state or local agency. Such a referral must not*
32 *include a copy of any ethics complaint or reveal the identity of the*
33 *requester of any such ethics complaint.*

34 *3. All information, communications, records, documents and*
35 *other materials that are related to the allegations in an ethics*
36 *complaint that are provided to another agency pursuant to this*
37 *section are confidential and are not public records pursuant to*
38 *chapter 239 of NRS, unless those materials become publicly*
39 *available in a manner authorized by applicable state law.*

40 **Sec. 12.5.** *NRS 281A.020 is hereby amended to read as*
41 *follows:*

42 *281A.020 1. It is hereby declared to be the public policy of*
43 *this State that:*

44 *(a) A public office is a public trust and shall be held for the sole*
45 *benefit of the people.*



1 (b) A public officer or employee must commit himself or herself
2 to avoid conflicts between the private interests of the public officer
3 or employee and those of the general public whom the public officer
4 or employee serves.

5 2. The Legislature finds and declares that:

6 (a) The increasing complexity of state and local government,
7 more and more closely related to private life and enterprise, enlarges
8 the potentiality for conflict of interests.

9 (b) To enhance the people's faith in the integrity and
10 impartiality of public officers and employees, adequate guidelines
11 are required to show the appropriate separation between the roles of
12 persons who are both public servants and private citizens.

13 ~~(c) In interpreting and applying the provisions of this chapter~~
14 ~~that are applicable to State Legislators, the Commission must give~~
15 ~~appropriate weight and proper deference to the public policy of this~~
16 ~~State under which State Legislators serve as "citizen Legislators"~~
17 ~~who have other occupations and business interests, who are~~
18 ~~expected to have particular philosophies and perspectives that are~~
19 ~~necessarily influenced by the life experiences of the Legislator,~~
20 ~~including, without limitation, professional, family and business~~
21 ~~experiences, and who are expected to contribute those philosophies~~
22 ~~and perspectives to the debate over issues with which the~~
23 ~~Legislature is confronted.~~

24 ~~—(d)—~~ The provisions of this chapter do not, under any
25 circumstances, allow the Commission to exercise jurisdiction or
26 authority over ~~for inquire into, intrude upon or interfere with the~~
27 ~~functions of a] :~~

28 ~~(1) Any State Legislator [that are protected by legislative~~
29 ~~privilege and immunity pursuant to the Constitution of the State of~~
30 ~~Nevada or NRS 41.071.] or other legislative officer as defined in~~
31 ~~section 73 of this act; or~~

32 ~~(2) Any legislative employee as defined in section 71 of this~~
33 ~~act,~~

34 ~~↳ except that if such a person holds another position outside of~~
35 ~~his or her legislative office or employment that is subject to the~~
36 ~~jurisdiction of the Commission pursuant to this chapter, the~~
37 ~~Commission may exercise jurisdiction or authority over that~~
38 ~~person but only for conduct arising out of the other position.~~

39 **Sec. 13.** NRS 281A.030 is hereby amended to read as follows:

40 281A.030 As used in this chapter, unless the context otherwise
41 requires, the words and terms defined in NRS 281A.032 to
42 281A.170, inclusive, *and sections 3 to 6, inclusive, of this act* have
43 the meanings ascribed to them in those sections.



1 **Sec. 14.** NRS 281A.032 is hereby amended to read as follows:
2 281A.032 “Adjudicatory hearing” means a hearing held by the
3 Commission pursuant to NRS 281A.745 to receive evidence *and*
4 *render a decision* concerning an ethics complaint . ~~[and render an~~
5 ~~opinion in the matter.]~~

6 **Sec. 15.** NRS 281A.033 is hereby amended to read as follows:
7 281A.033 “Advisory opinion” means an advisory opinion
8 ~~[rendered]~~ *issued* by the Commission pursuant to NRS 281A.670 to
9 281A.690, inclusive.

10 **Sec. 16.** NRS 281A.065 is hereby amended to read as follows:
11 281A.065 “Commitment in a private ~~[capacity;” with respect to~~
12 ~~the interests of another person.]~~ *capacity*” means a *private*
13 commitment, interest or relationship of a public officer or employee
14 to : ~~[a person:]~~

15 1. ~~[Who is the]~~ *The* spouse or domestic partner of the public
16 officer or employee;

17 2. ~~[Who is a]~~ *A* member of the household of the public officer
18 or employee;

19 3. ~~[Who is related to]~~ *A relative of* the public officer or
20 employee, or ~~[to]~~ the spouse or domestic partner of the public
21 officer or employee, by blood, adoption, marriage or domestic
22 partnership within the third degree of consanguinity or affinity;

23 4. ~~[Who employs]~~ *The employer of* the public officer or
24 employee, the spouse or domestic partner of the public officer
25 or employee or a member of the household of the public officer or
26 employee;

27 5. ~~[With]~~ *A person with* whom the public officer or employee
28 has a substantial and continuing business relationship; or

29 6. ~~[With]~~ *A person with* whom the public officer or employee
30 has any other *private* commitment, interest or relationship that is
31 substantially similar to a *private* commitment, interest or
32 relationship described in subsections 1 to 5, inclusive.

33 **Sec. 16.5.** NRS 281A.080 is hereby amended to read as
34 follows:

35 281A.080 1. The making of a “decision” is the exercise of
36 governmental power to adopt laws, regulations or standards, render
37 quasi-judicial decisions, establish executive policy or determine
38 questions involving substantial discretion.

39 2. The term does not include:

40 (a) The functions of the judiciary.

41 (b) The functions of ~~[a]~~ *any* State Legislator ~~[that are protected~~
42 ~~by legislative privilege and immunity pursuant to the Constitution of~~
43 ~~the State of Nevada or NRS 41.071.]~~ *or other legislative officer as*
44 *defined in section 73 of this act.*



1 **Sec. 17.** NRS 281A.088 is hereby amended to read as follows:
2 281A.088 “Ethics complaint” means ~~[a request for an opinion]~~
3 *an ethics complaint* which is filed with the Commission or initiated
4 by the Commission on its own motion pursuant to NRS 281A.710
5 regarding the propriety of the conduct of a public officer or
6 employee under the statutory ethical standards . ~~[set forth in this~~
7 ~~chapter.]~~

8 **Sec. 18.** NRS 281A.135 is hereby amended to read as follows:
9 281A.135 1. “Opinion” means an opinion ~~[rendered]~~ *issued*
10 by the Commission in accordance with the provisions of this
11 chapter.

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

15 **Sec. 18.5.** NRS 281A.150 is hereby amended to read as
16 follows:

17 281A.150 1. “Public employee” means any person who:

18 ~~[1.]~~ (a) Performs public duties under the direction and control
19 of a public officer for compensation paid by the State or any county,
20 city or other political subdivision; or

21 ~~[2.]~~ (b) Is designated as a public employee for the purposes of
22 this chapter pursuant to NRS 281A.182.

23 2. *“Public employee” does not include any legislative*
24 *employee as defined in section 71 of this act.*

25 **Sec. 18.7.** NRS 281A.160 is hereby amended to read as
26 follows:

27 281A.160 1. “Public officer” means a person who is:

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

29 (1) Is established by the Constitution of the State of Nevada,
30 a statute of this State or a charter or ordinance of any county, city or
31 other political subdivision; and

32 (2) Involves the exercise of a public power, trust or duty; or

33 (b) Designated as a public officer for the purposes of this
34 chapter pursuant to NRS 281A.182.

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

37 (a) Actions taken in an official capacity which involve a
38 substantial and material exercise of administrative discretion in the
39 formulation of public policy;

40 (b) The expenditure of public money; and

41 (c) The administration of laws and rules of the State or any
42 county, city or other political subdivision.

43 3. “Public officer” does not include:

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



1 (b) *Any State Legislator or other legislative officer as defined*
2 *in section 73 of this act;*

3 (c) Any member of a board, commission or other body whose
4 function is advisory;

5 ~~[(e)]~~ (d) Any member of a special district whose official duties
6 do not include the formulation of a budget for the district or the
7 authorization of the expenditure of the district's money; or

8 ~~[(d)]~~ (e) A county health officer appointed pursuant to
9 NRS 439.290.

10 4. "Public office" does not include an office held by:

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

12 (b) *Any State Legislator or other legislative officer as defined*
13 *in section 73 of this act;*

14 (c) Any member of a board, commission or other body whose
15 function is advisory;

16 ~~[(e)]~~ (d) Any member of a special district whose official duties
17 do not include the formulation of a budget for the district or the
18 authorization of the expenditure of the district's money; or

19 ~~[(d)]~~ (e) A county health officer appointed pursuant to
20 NRS 439.290.

21 **Sec. 19.** NRS 281A.161 is hereby amended to read as follows:

22 281A.161 "Request for an advisory opinion" means a request
23 for an advisory opinion which is filed with the Commission
24 pursuant to NRS 281A.675 . ~~by a public officer or employee who~~
25 ~~is:~~

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

30 ~~—2. Requesting relief pursuant to NRS 281A.410, 281A.430 or~~
31 ~~281A.550.]~~

32 **Sec. 20.** NRS 281A.210 is hereby amended to read as follows:

33 281A.210 1. The Commission shall ~~f~~:

34 ~~—(a) At] at~~ its first meeting and annually thereafter elect a Chair
35 and Vice Chair from among its members.

36 ~~[(b) Meet]~~

37 2. *If the Chair is prohibited from acting on a particular*
38 *matter or is otherwise unable to act on a particular matter, the*
39 *Vice Chair shall exercise the powers and functions and perform*
40 *the duties of the Chair concerning that particular matter. If the*
41 *Chair and Vice Chair are prohibited from acting on a particular*
42 *matter or are otherwise unable to act on a particular matter,*
43 *another member of the Commission who is designated in*
44 *accordance with the regulations of the Commission shall exercise*



1 *the powers and functions and perform the duties of the Chair*
2 *concerning that particular matter.*

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

7 ~~[2.]~~ 4. Members of the Commission are entitled to receive a
8 salary of not more than \$80 per day, as fixed by the Commission,
9 while engaged in the business of the Commission.

10 ~~[3.]~~ 5. While engaged in the business of the Commission, each
11 member and employee of the Commission is entitled to receive the
12 per diem allowance and travel expenses provided for state officers
13 and employees generally.

14 ~~[4.]~~ 6. The Commission may, within the limits of legislative
15 appropriation, maintain such facilities as are required to carry out its
16 functions.

17 **Sec. 21.** NRS 281A.220 is hereby amended to read as follows:

18 281A.220 1. The Chair shall appoint one or more review
19 panels of three members of the Commission on a rotating basis to
20 perform the functions assigned to such review panels pursuant to
21 this chapter.

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

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

26 4. If a review panel determines that there is just and sufficient
27 cause for the Commission to render *a decision and issue* an opinion
28 in a matter, the members of the review panel shall not participate
29 in any further proceedings of the Commission relating to that matter

30 ~~[.]~~, *except that:*

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

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

38 **Sec. 22.** (Deleted by amendment.)

39 **Sec. 23.** NRS 281A.240 is hereby amended to read as follows:

40 281A.240 1. In addition to any other duties imposed upon the
41 Executive Director, the Executive Director shall:

42 (a) Maintain complete and accurate records of all transactions
43 and proceedings of the Commission.

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



1 (c) Gather information and conduct investigations regarding
2 ethics complaints and requests for advisory opinions pursuant to this
3 chapter.

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

7 (e) Recommend to the Commission any regulations or
8 legislation that the Executive Director considers desirable or
9 necessary to improve the operation of the Commission and maintain
10 high standards of ethical conduct in government.

11 (f) Upon the request of any public officer or the employer of a
12 public employee, conduct training on the requirements of this
13 chapter, the rules and regulations adopted by the Commission and
14 ~~[previous]~~ *the published* opinions of the Commission. In any such
15 training, the Executive Director shall emphasize that the Executive
16 Director is not a member of the Commission and that only the
17 Commission may issue opinions concerning the application of the
18 statutory ethical standards to any given set of facts and
19 circumstances. The Commission may charge a reasonable fee to
20 cover the costs of training provided by the Executive Director
21 pursuant to this paragraph.

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

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

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

28 (b) The investigation of matters under the jurisdiction of the
29 Commission.

30 3. If the Executive Director is prohibited from acting on a
31 particular matter or is otherwise unable to act on a particular matter,
32 the Chair ~~[of the Commission]~~ shall designate a qualified person to
33 perform the duties of the Executive Director with regard to that
34 particular matter.

35 **Sec. 24.** NRS 281A.260 is hereby amended to read as follows:

36 281A.260 1. The Commission Counsel is the legal adviser to
37 the Commission. For each *written* opinion of the Commission,
38 the Commission Counsel shall prepare, at the direction of the
39 Commission ~~[]~~ *or as required pursuant to this chapter*, the
40 appropriate findings of fact and conclusions as to *the* relevant
41 *statutory ethical* standards and the propriety of particular conduct.
42 The Commission Counsel shall not issue written opinions
43 concerning the applicability of the statutory ethical standards to a
44 given set of facts and circumstances except as directed by the
45 Commission.



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

3 3. *Except as otherwise provided in this section or directed by*
4 *the Commission, in litigation concerning any judicial action or*
5 *proceeding in which the Commission or any member or employee*
6 *of the Commission is a party in an official capacity or participates*
7 *or intervenes in an official capacity, the Commission Counsel*
8 *shall represent and act as legal counsel to the Commission or any*
9 *member or employee of the Commission in the action or*
10 *proceeding.*

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

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

16 (b) *Employs outside legal counsel.*

17 5. *The Commission Counsel shall not represent and act as*
18 *legal counsel for the Executive Director in any judicial action or*
19 *proceeding in which the Executive Director is named as a party*
20 *based upon conduct in the official capacity of the Executive*
21 *Director as a party to an adjudicatory proceeding.*

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

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

27 (b) Employ outside legal counsel.

28 **Sec. 25.** NRS 281A.280 is hereby amended to read as follows:

29 281A.280 1. Except as otherwise provided in this section, the
30 Commission has jurisdiction to ~~investigate~~:

31 (a) *Gather information and issue an advisory opinion in any*
32 *proceeding commenced by a request for an advisory opinion that*
33 *is filed with the Commission, except that the Commission does not*
34 *have jurisdiction to issue an advisory opinion on matters which*
35 *directly relate to the propriety of past conduct occurring more than*
36 *2 years before the date on which the request for an advisory*
37 *opinion is filed with the Commission.*

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

44 (c) *Investigate and take appropriate action regarding an*
45 *alleged violation of subsection 3 of NRS 281A.790 by a current or*



1 *former public officer or employee or any other person in any*
2 *proceeding commenced by a written notice of the charges, which*
3 *is initiated by the Commission on its own motion, within 2 years*
4 *after the alleged violation or reasonable discovery of the alleged*
5 *violation.*

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

9 (a) A complaint may be filed or, if the applicable limitations
10 period has expired, could have been filed with the United States
11 Equal Employment Opportunity Commission or the Nevada Equal
12 Rights Commission; or

13 (b) A complaint or employment-related grievance may be filed
14 or, if the applicable limitations period has expired, could have been
15 filed with another appropriate agency with jurisdiction to redress
16 alleged discrimination or harassment, including, without limitation,
17 a state or local employee-management relations board or similar
18 state or local agency,

19 ↪ but any bar on the Commission's jurisdiction imposed by this
20 subsection applies only to the extent that it pertains to the alleged
21 discrimination or harassment, and this subsection does not deprive
22 the Commission of jurisdiction regarding the alleged conduct if such
23 conduct is sanctionable separately or concurrently under the
24 provisions of this chapter, irrespective of the alleged discrimination
25 or harassment.

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

28 (a) On the date on which ~~an~~ *the* ethics complaint is filed in the
29 proper form with the Commission in accordance with the
30 regulations of the Commission; or

31 (b) If the ethics complaint is initiated by (b) the Commission on its
32 own motion, on the date on which the Commission serves the
33 ~~public officer or employee~~ *current* or former public officer or
34 employee with *a written* notice of the *investigation of the* ethics
35 complaint in accordance with the regulations of the Commission.

36 **Sec. 26.** NRS 281A.290 is hereby amended to read as follows:
37 281A.290 The Commission shall:

38 1. Adopt procedural regulations that are necessary and proper
39 to carry out the provisions of this chapter, including, without
40 limitation:

- 41 (a) To facilitate the receipt of inquiries by the Commission;
- 42 (b) For the filing of an ethics complaint or a request for an
- 43 advisory opinion with the Commission;



1 (c) For the withdrawal of an ethics complaint or a request for an
2 advisory opinion by the person who filed the ethics complaint or
3 request;

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

6 (e) For proceedings concerning an ethics complaint, to facilitate
7 written discovery requests submitted pursuant to NRS 281A.750
8 and 281A.755 and the disclosure of evidence in the manner required
9 by those sections, including, without limitation, the disclosure of
10 evidence obtained by or on behalf of the Executive Director during
11 the course of the investigation that affirmatively and substantively
12 disproves any alleged violation of this chapter that is related to the
13 ethics complaint and has been referred to the Commission for an
14 adjudicatory hearing.

15 2. Prescribe, by regulation, forms and procedures for the
16 submission of ~~{statements of acknowledgment}~~ *acknowledgments*
17 *of the statutory ethical standards* filed by public officers pursuant
18 to NRS 281A.500, maintain files of such ~~{statements}~~
19 *acknowledgments* and make the ~~{statements}~~ *acknowledgments*
20 available for public inspection.

21 3. Cause the making of such investigations as are reasonable
22 and necessary for the rendition *of decisions and the issuance* of
23 ~~{its}~~ opinions pursuant to this chapter.

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

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

29 6. Publish ~~{a manual}~~ *materials* for the use of public officers
30 and employees that ~~{explains}~~ *explain* the requirements of this
31 chapter.

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

35 **Sec. 27.** NRS 281A.300 is hereby amended to read as follows:

36 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the
37 Commission *appointed by the Chair to preside over any meetings,*
38 *hearings and proceedings* may administer oaths ~~{}~~ *or direct a*
39 *certified court reporter or other authorized person to administer*
40 *oaths.*

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

44 3. ~~{Upon}~~ *Except as otherwise provided in this subsection,*
45 *upon* the request of the Executive Director, the Chair ~~{or, in the~~



1 ~~Chair's absence, the Vice Chair,]~~ may issue a subpoena *during the*
2 *course of any investigation* to compel the participation of a
3 potential witness and the production of any books and papers
4 ~~[during the course of any investigation.]~~ , *including, without*
5 *limitation, information, records and documentation regarding*
6 *personnel records maintained by an agency concerning the*
7 *conduct of a public officer or employee, including,*
8 *notwithstanding any other provision of law to the contrary,*
9 *records otherwise deemed by law to be confidential, that relate to*
10 *issues under consideration in an ethics complaint. A request by*
11 *the Executive Director for a subpoena pursuant to this subsection*
12 *may not include a request for records related to a concurrent,*
13 *pending criminal investigation where such records are otherwise*
14 *protected as confidential.*

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

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

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

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

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

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

42 7. If the public officer or employee fails or refuses to respond
43 to the Executive Director's written request pursuant to subsection 5
44 to voluntarily participate or attend at the time and place specified or
45 produce the books and papers requested by the Executive Director



1 within 5 business days after receipt of the written request, the Chair
2 ~~for, in the Chair's absence, the Vice Chair,~~ may issue the subpoena.
3 Failure of the public officer or employee to comply with the written
4 request of the Executive Director shall be deemed a waiver by the
5 public officer or employee of the time limits set forth in NRS
6 281A.700 to 281A.790, inclusive, *and section 12 of this act*, that
7 apply to proceedings concerning the ethics complaint.

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

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

15 (b) The witness has been subpoenaed pursuant to this section;
16 and

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

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

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

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

39 *11. Any court proceeding commenced pursuant to this section*
40 *is deemed good cause for the Commission to grant an extension of*
41 *the time limits set forth in NRS 281A.700 to 281A.790, inclusive,*
42 *and section 12 of this act, that apply to proceedings concerning the*
43 *ethics complaint.*



1 **Sec. 28.** NRS 281A.350 is hereby amended to read as follows:
2 281A.350 1. Any state agency or the governing body of a
3 county or an incorporated city may establish a specialized or local
4 ethics committee to complement the functions of the Commission.
5 A specialized or local ethics committee may:

6 (a) Establish a code of ethical standards suitable for the
7 particular ethical problems encountered in its sphere of activity. The
8 standards may not be less restrictive than the statutory ethical
9 standards.

10 (b) Render *a decision and issue* an opinion upon the request of
11 any public officer or employee of its own organization or level
12 seeking an interpretation of its *code of* ethical standards on
13 questions directly related to the propriety of the public officer's or
14 employee's own future official conduct ~~[or]~~, *but the committee*
15 *may* refer the request to the Commission ~~[-]~~ *if the response to the*
16 *request requires the Commission to interpret the statutory ethical*
17 *standards and apply those standards to the given set of facts and*
18 *circumstances. If the request is referred to the Commission, it*
19 *shall be deemed to be a request for an advisory opinion filed by the*
20 *public officer or employee with the Commission pursuant to NRS*
21 *281A.675. Any public officer or employee subject to the jurisdiction*
22 *of the committee shall direct the public officer's or employee's*
23 ~~[inquiry]~~ *request* to that committee *first* instead of the Commission.

24 ~~[(e) Require the filing of financial disclosure statements by~~
25 ~~public officers on forms prescribed by the committee or the city~~
26 ~~clerk if the form has been:~~

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

29 ~~— (2) Upon review, approved by the Secretary of State. The~~
30 ~~Secretary of State shall not approve the form unless the form~~
31 ~~contains all the information required to be included in a financial~~
32 ~~disclosure statement pursuant to NRS 281.571.]~~

33 2. ~~[The Secretary of State is not responsible for the costs of~~
34 ~~producing or distributing a form for filing a financial disclosure~~
35 ~~statement pursuant to the provisions of subsection 1.~~

36 ~~— 3.]~~ A specialized or local ethics committee shall not attempt to
37 interpret *the statutory ethical standards* or render *a decision and*
38 *issue* an opinion regarding the statutory ethical standards.

39 ~~[4.]~~ 3. Each request for an opinion submitted *by a public*
40 *officer or employee* to a specialized or local ethics committee, each
41 hearing held *by the committee* to obtain information on which to
42 ~~[base]~~ *render a decision and issue* an opinion, all deliberations *by*
43 *the committee* relating to ~~[an]~~ *the decision and* opinion, each
44 ~~[opinion]~~ *decision* rendered *and opinion issued* by ~~[a]~~ *the*



1 committee and any motion relating to the *decision and* opinion are
2 confidential unless:

3 (a) The ~~[public officer or employee]~~ *requester* acts in
4 contravention of the *decision or* opinion; or

5 (b) The requester discloses the ~~[content]~~ *contents* of the
6 *decision or* opinion.

7 **Sec. 29.** NRS 281A.400 is hereby amended to read as follows:
8 281A.400 ~~[A code of ethical standards is hereby established to~~

9 ~~govern the conduct of public officers and employees:]~~

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

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

26 3. A public officer or employee shall not participate as an agent
27 of government in the negotiation or execution of a contract between
28 the government and the public officer or employee, any business
29 entity in which the public officer or employee has a significant
30 pecuniary interest or any person to whom the public officer or
31 employee has a commitment in a private capacity.

32 4. A public officer or employee shall not accept any salary,
33 retainer, augmentation, expense allowance or other compensation
34 from any private source, for the public officer or employee or any
35 person to whom the public officer or employee has a commitment in
36 a private capacity, for the performance of the public officer's or
37 employee's duties as a public officer or employee.

38 5. If a public officer or employee acquires, through the public
39 officer's or employee's public duties or relationships, any
40 information which by law or practice is not at the time available to
41 people generally, the public officer or employee shall not use the
42 information to further a significant pecuniary interest of the public
43 officer or employee or any other person or business entity.

44 6. A public officer or employee shall not suppress any
45 governmental report or other official document because it might



1 tend to affect unfavorably a significant pecuniary interest of the
2 public officer or employee or any person to whom the public officer
3 or employee has a commitment in a private capacity.

4 7. ~~[Except for State Legislators who are subject to the~~
5 ~~restrictions set forth in subsection 8, a]~~ A public officer or employee
6 shall not use governmental time, property, equipment or other
7 facility to benefit a significant personal or pecuniary interest of the
8 public officer or employee or any person to whom the public officer
9 or employee has a commitment in a private capacity. This
10 subsection does not prohibit:

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

13 (1) ~~[The]~~ *At the time that the use occurs, the use is:*

14 *(I) Authorized by a written policy which was adopted*
15 *before the use occurs by the* public officer or employee who is
16 responsible for and has authority to authorize the use of such
17 property, equipment or other facility ~~[has established a policy~~
18 ~~allowing the use or the use is necessary]; or~~

19 *(II) Necessary* as a result of emergency circumstances ~~[-]~~
20 *, whether or not the use is authorized by such a written policy;*

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

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

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

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

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

30 ➔ If a governmental agency incurs a cost as a result of a use that is
31 authorized pursuant to this subsection or would ordinarily charge a
32 member of the general public for the use, the public officer or
33 employee shall promptly reimburse the cost or pay the charge to the
34 governmental agency.

35 8. ~~[A State Legislator shall not:~~

36 ~~— (a) Use governmental time, property, equipment or other facility~~
37 ~~for a nongovernmental purpose or for the private benefit of the State~~
38 ~~Legislator or any other person. This paragraph does not prohibit:~~

39 ~~— (1) A limited use of state property and resources for personal~~
40 ~~purposes if:~~

41 ~~— (I) The use does not interfere with the performance of the~~
42 ~~State Legislator's public duties;~~

43 ~~— (II) The cost or value related to the use is nominal; and~~

44 ~~— (III) The use does not create the appearance of~~
45 ~~impropriety;~~



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

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

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

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

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

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

~~[10.]~~ 9. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

10. As used in this section, "appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a public officer's or employee's limited use of governmental property, equipment or other facility for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.

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

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

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

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

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



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

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

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

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

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

19 (1) The best interests of the public;

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

22 (3) The provisions of this chapter.

23 4. For the purposes of subsection 3, the request for an advisory
24 opinion, *the decision rendered*, the advisory opinion and all
25 meetings, hearings and proceedings of the Commission in such a
26 matter are governed by the provisions of NRS 281A.670 to
27 281A.690, inclusive.

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

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

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

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

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

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

43 (d) Which would reasonably be related to the nature of any
44 representation or counseling that the public officer or employee
45 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
28 the 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; ~~for~~

6 (c) The public officer's commitment in a private capacity to the
7 interests of another person ~~for~~; *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, ~~for~~ 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 ~~for~~ *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, ~~for~~ 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 and the responsibility of a~~
22 ~~State Legislator to abstain from voting upon or advocating the~~
23 ~~passage or failure of a matter are governed by the Standing Rules of~~
24 ~~the Legislative Department of State Government which are adopted,~~
25 ~~administered and enforced exclusively by the appropriate bodies of~~
26 ~~the Legislative Department of State Government pursuant to Section~~
27 ~~6 of Article 4 of the Nevada Constitution.~~

28 ~~—8. As used in this section, “public officer” and “public~~
29 ~~employee” do not include a State Legislator.]~~

30 **Sec. 32.** NRS 281A.500 is hereby amended to read as follows:

31 281A.500 1. On or before the date on which a public officer
32 swears or affirms the oath of office, the public officer must be
33 informed of the statutory ethical standards and the duty to file an
34 acknowledgment of the statutory ethical standards in accordance
35 with this section by:

36 (a) For an appointed public officer, the appointing authority of
37 the public officer; and

38 (b) For an elected public officer of:

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

41 (2) The city, the city clerk; *and*

42 (3) ~~[The Legislative Department of the State Government,~~
43 ~~the Director of the Legislative Counsel Bureau; and~~



1 ~~(4)~~ The Executive Department of the State Government, the
2 Director of the Department of Administration, or his or her
3 designee.

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

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

9 (b) The manager of each local agency, or his or her designee,
10 shall provide each new public employee of the local agency with the
11 information prepared by the Commission concerning the statutory
12 ethical standards.

13 3. Each public officer shall acknowledge that the public
14 officer:

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

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

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

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

25 (b) If the public officer is elected to office at an election other
26 than the general election or is appointed to office, on or before the
27 30th day following the date on which the public officer swears or
28 affirms the oath of office.

29 5. Except as otherwise provided in this subsection, a public
30 officer shall execute and file the acknowledgment once for each
31 term of office. If the public officer serves at the pleasure of the
32 appointing authority and does not have a definite term of office,
33 the public officer, in addition to executing and filing the
34 acknowledgment after the public officer swears or affirms the oath
35 of office in accordance with subsection 4, shall execute and file the
36 acknowledgment on or before January 15 of each even-numbered
37 year while the public officer holds that office.

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

41 (a) Delivered in person to the principal office of the
42 Commission in Carson City.

43 (b) Mailed to the Commission by first-class mail, or other class
44 of mail that is at least as expeditious, postage prepaid. Filing by mail



1 is complete upon timely depositing the acknowledgment with the
2 United States Postal Service.

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

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

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

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

17 (a) The address of the Internet website of the Commission where
18 a public officer may view the statutory ethical standards and print a
19 copy of the standards; and

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

23 9. Whenever the Commission, or any public officer or
24 employee as part of the public officer's or employee's official
25 duties, provides a public officer with a printed copy of the form for
26 making the acknowledgment, a printed copy of the statutory ethical
27 standards must be included with the form.

28 10. The Commission shall retain each acknowledgment filed
29 pursuant to this section for 6 years after the date on which the
30 acknowledgment was filed.

31 11. ~~[Willful refusal]~~ *A public officer who refuses* to execute
32 and file the acknowledgment required by this section shall be
33 deemed to ~~be:~~

34 ~~—(a) A willful] have committed a~~ violation of this chapter for the
35 purposes of NRS 281A.785 and 281A.790 . ~~}; and~~

36 ~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and,~~
37 ~~if the public officer is removable from office pursuant to NRS~~
38 ~~283.440, the Commission may file a complaint in the appropriate~~
39 ~~court for removal of the public officer pursuant to that section. This~~
40 ~~paragraph grants an exclusive right to the Commission, and no other~~
41 ~~person may file a complaint against the public officer pursuant to~~
42 ~~NRS 283.440 based on any violation of this section.]~~

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



1 **Sec. 33.** NRS 281A.550 is hereby amended to read as follows:
2 281A.550 1. A former member of the Public Utilities
3 Commission of Nevada shall not:

4 (a) Be employed by a public utility or parent organization or
5 subsidiary of a public utility; or
6 (b) Appear before the Public Utilities Commission of Nevada to
7 testify on behalf of a public utility or parent organization or
8 subsidiary of a public utility,

9 ↳ for 1 year after the termination of the member's service on the
10 Public Utilities Commission of Nevada.

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

13 (a) Appear before the Nevada Gaming Control Board or the
14 Nevada Gaming Commission on behalf of a person who holds a
15 license issued pursuant to chapter 463 or 464 of NRS or who is
16 required to register with the Nevada Gaming Commission pursuant
17 to chapter 463 of NRS; or

18 (b) Be employed by such a person,
19 ↳ for 1 year after the termination of the member's service on the
20 Nevada Gaming Control Board or the Nevada Gaming Commission.

21 3. In addition to the prohibitions set forth in subsections 1 and
22 2, and except as otherwise provided in subsections 4 and 6, a
23 *current or* former public officer or *management-level public*
24 *employee* of a board, commission, department, division or other
25 agency of the Executive Department of *the* State Government ~~;~~
26 ~~except a clerical employee.~~ shall not solicit or accept employment
27 from a business or industry whose activities are governed by
28 regulations adopted *or administered* by the board, commission,
29 department, division or other agency, *as applicable, during the*
30 *public officer's or employee's period of public service or*
31 *employment or* for 1 year after the termination of ~~the former public~~
32 ~~officer's or employee's~~ *his or her period of public* service or
33 ~~period of~~ employment if:

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

37 (b) ~~During~~ *Within* the immediately preceding year, ~~the~~
38 ~~former~~ *during the public officer's or employee's period of public*
39 *service or employment or within the year immediately preceding*
40 *the termination of the public officer's or employee's period of*
41 *public service or employment, the* public officer or employee
42 directly performed activities, or controlled or influenced an audit,
43 decision, investigation or other action, which significantly affected
44 the business or industry; ~~which might, but for this section, employ~~
45 ~~the former public officer or employee;~~ or



1 (c) As a result of the ~~former~~ public officer's or employee's
2 governmental service or employment, the ~~former~~ public officer or
3 employee possesses knowledge of the trade secrets of a direct
4 business competitor.

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

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

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

13 (c) Holding a license issued by the board, commission or similar
14 body is a requirement for membership on the board, commission or
15 similar body.

16 5. Except as otherwise provided in subsection 6, a *current or*
17 former public officer or employee of the State or a political
18 subdivision, except a clerical employee, shall not solicit or accept
19 employment from a person to whom a contract for supplies,
20 materials, equipment or services was awarded by the State or
21 political subdivision, as applicable, *or was implemented, managed*
22 *or administered by the State or political subdivision, as applicable,*
23 *during the public officer's or employee's period of public service*
24 *or employment or* for 1 year after the termination of ~~the officer's or~~
25 ~~employee's~~ *his or her period of public* service or ~~period of~~
26 employment, if:

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

28 (b) The contract was awarded *or was implemented, managed or*
29 *administered by the State or political subdivision, as applicable,*
30 *within the immediately preceding year during the public officer's*
31 *or employee's period of public service or employment or* within the
32 ~~12-month period~~ *year* immediately preceding the termination of
33 the *public* officer's or employee's *period of public* service or
34 ~~period of~~ employment; and

35 (c) The position held by the ~~former~~ public officer or employee
36 at the time the contract was awarded *or while it was implemented,*
37 *managed or administered by the State or political subdivision, as*
38 *applicable,* allowed the ~~former~~ public officer or employee to
39 *materially* affect or influence the awarding of the contract ~~or its~~
40 *implementation, management or administration.*

41 6. A current or former public officer or employee may file a
42 request for an advisory opinion pursuant to NRS 281A.675
43 concerning the application of the relevant facts in that person's case
44 to the provisions of subsection 3 or 5, as applicable, and *the*
45 *Commission may* determine whether relief from the strict



1 application of those provisions is proper. *For the purposes of*
2 *submitting all necessary information for the Commission to render*
3 *a decision and issue an advisory opinion in the matter, a current*
4 *or former public officer or employee may request information*
5 *concerning potential employment from any business, industry or*
6 *other person without violating the provisions of subsection 3 or 5,*
7 *as applicable.* If the Commission determines that relief from the
8 strict application of the provisions of subsection 3 or 5, as
9 applicable, is not contrary to:

- 10 (a) The best interests of the public;
 - 11 (b) The continued ethical integrity of the State Government or
12 political subdivision, as applicable; and
 - 13 (c) The provisions of this chapter,
- 14 ➔ it may issue an advisory opinion to that effect and grant such
15 relief.

16 7. For the purposes of subsection 6, the request for an advisory
17 opinion, *the decision rendered*, the advisory opinion and all
18 meetings, hearings and proceedings of the Commission in such a
19 matter are governed by the provisions of NRS 281A.670 to
20 281A.690, inclusive.

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

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

26 (a) A former member of the Public Utilities Commission of
27 Nevada, the Nevada Gaming Control Board or the Nevada Gaming
28 Commission; or

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

31 ➔ is employed by or is soliciting or accepting employment from a
32 business, industry or other person described in this section if any
33 oral or written agreement is sought, negotiated or exists during the
34 restricted period pursuant to which the personal services of
35 the public officer or employee are provided or will be provided to
36 the business, industry or other person, even if such an agreement
37 does not or will not become effective until after the restricted
38 period.

39 10. As used in this section, "regulation" has the meaning
40 ascribed to it in NRS 233B.038 and also includes regulations
41 adopted *or administered* by a board, commission, department,
42 division or other agency of the Executive Department of *the* State
43 Government that is exempted from the requirements of chapter
44 233B of NRS.



1 **Sec. 34.** NRS 281A.665 is hereby amended to read as follows:
2 281A.665 1. *The Legislative Counsel shall prepare*
3 *annotations to this chapter for inclusion in the Nevada Revised*
4 *Statutes based on the published opinions of the Commission.*

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

8 ~~[1.]~~ (a) A conflict exists between the public officer's or
9 employee's personal interest and the public officer's or employee's
10 official ~~[duty.]~~ *duties.*

11 ~~[2.]~~ (b) The public officer's or employee's official duties
12 involve the use of discretionary judgment whose exercise in the
13 particular matter would have a significant effect upon the
14 disposition of the matter.

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

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

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

27 **Sec. 35.** NRS 281A.675 is hereby amended to read as follows:
28 281A.675 1. ~~[A]~~ *Except as otherwise provided in this*
29 *section and NRS 281A.280, a public officer or employee may file*
30 *with the Commission a request for an advisory opinion to:*

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

35 (b) Request relief pursuant to NRS 281A.410, 281A.430 or
36 281A.550.

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

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

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

42 3. *At any time after a request for an advisory opinion is filed*
43 *with the Commission, the Commission may request additional*
44 *information relating to the request for an advisory opinion from*
45 *the requester and his or her legal counsel.*



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

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

6 (b) Declare by oath or affirmation that he or she will testify
7 truthfully regarding the matter ~~and~~ *or confirm in writing, signed*
8 *under oath, that any facts provided to the Commission for*
9 *consideration of the request for an advisory opinion is truthful.*

10 **Sec. 36.** NRS 281A.680 is hereby amended to read as follows:

11 281A.680 1. ~~If a public officer or employee~~ *Except as*
12 *otherwise provided in this section, if a requester* properly files a
13 request for an advisory opinion, the Commission shall render *a*
14 *decision and issue* an advisory opinion that interprets the statutory
15 ethical standards and applies those standards to the given set of facts
16 and circumstances.

17 2. The Commission shall render *a decision concerning* the
18 *request for an* advisory opinion within 45 days after receiving *a*
19 *written confirmation, signed under oath, from the requester of the*
20 *truth of the proposed findings of fact to be submitted to the*
21 *Commission for consideration of* the request, unless ~~the~~ :

22 (a) *The requester waives this time limit* ~~and~~
23 ~~—2.~~ ;

24 (b) *The Commission determines that there is good cause to*
25 *extend this time limit and sets a specific and reasonable time*
26 *period for such an extension;*

27 (c) *The Commission stays or dismisses the proceedings*
28 *concerning the request for an advisory opinion because:*

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

32 (2) *The Commission determines that staying or dismissing*
33 *the proceedings concerning the request for an advisory opinion is*
34 *necessary for the just adjudication and disposition of the*
35 *proceedings concerning the ethics complaint; or*

36 (d) *The requester has not complied with any applicable*
37 *procedural requirements related to the request for an advisory*
38 *opinion as set forth in this chapter or regulations adopted thereto.*

39 3. *If the Commission renders a decision concerning the*
40 *request for an advisory opinion pursuant to this section, the*
41 *Commission shall issue a written advisory opinion for any*
42 *decision which the Commission determines:*

43 (a) *To be binding upon the requester with regard to the future*
44 *conduct of the requester; or*



1 (b) *Constitute administrative precedent with persuasive value*
2 *that the Commission may consider and follow in the adjudication*
3 *and disposition of any request for an advisory opinion or ethics*
4 *complaint.*

5 4. If the *Commission issues a written* advisory opinion
6 ~~rendered by the Commission~~ *to a requester who filed the request*
7 *for an advisory opinion pursuant to paragraph (a) of subsection 1*
8 *of NRS 281A.675 and the advisory opinion* relates to the propriety
9 of the present or future conduct of the requester, the advisory
10 opinion is ~~f:~~

11 ~~—(a) Binding upon the requester with regard to the future conduct~~
12 ~~of the requester; and~~

13 ~~—(b) A] a~~ final decision that is subject to judicial review pursuant
14 to NRS 233B.130.

15 ~~[3.]~~ If the requester seeks judicial review pursuant to NRS
16 233B.130, any proceedings concerning such judicial review must be
17 confidential and held in closed court without admittance of persons
18 other than those necessary to the proceedings, unless the requester
19 waives this right to confidential proceedings.

20 5. *If the Commission issues a written advisory opinion:*

21 (a) *To a requester who filed the request for an advisory*
22 *opinion pursuant to paragraph (b) of subsection 1 of NRS*
23 *281A.675; and*

24 (b) *Which relates to the past conduct of a public officer or*
25 *employee,*

26 *↳ the advisory opinion is not a final decision that is subject to*
27 *judicial review pursuant to NRS 233B.130.*

28 6. *Upon the request of a public officer or employee, the*
29 *Executive Director or Commission Counsel may advise a public*
30 *officer or employee regarding the application of the statutory*
31 *ethical standards to a given set of facts and circumstances. Such*
32 *advice may not be contrary to a published opinion of the*
33 *Commission or otherwise expand a precedential interpretation of*
34 *the Commission in a published opinion. The Executive Director*
35 *shall keep a written record of any advice offered to a public officer*
36 *or employee pursuant to this subsection. Any act or failure to act*
37 *by a current or former public officer or employee relating to this*
38 *chapter is not a violation of this chapter pursuant to subsection 6*
39 *of NRS 281A.790 if the public officer or employee establishes by*
40 *sufficient evidence that he or she relied upon the advice of the*
41 *Executive Director or Commission Counsel pursuant to this*
42 *subsection before the public officer or employee acted or failed to*
43 *act. Any advice rendered by the Executive Director or Commission*
44 *Counsel pursuant to this subsection is not binding on the public*
45 *officer or employee and is not subject to judicial review pursuant*



1 *to NRS 233B.130. Any dispute regarding the advice rendered by*
2 *the Executive Director or Commission Counsel may be resolved*
3 *through the filing of a request for an advisory opinion with the*
4 *Commission pursuant to subsection 1.*

5 7. *Any decision rendered or advisory opinion issued by the*
6 *Commission in response to a request for an advisory opinion or*
7 *advice provided by the Executive Director or Commission Counsel*
8 *pursuant to subsection 6 does not divest the Commission of its*
9 *jurisdiction to initiate or accept jurisdiction of an ethics complaint*
10 *and direct the Executive Director to conduct an investigation of*
11 *the ethics complaint if the ethics complaint alleges facts that are*
12 *supported by sufficient evidence which are different from the facts*
13 *relied upon by the Commission, Executive Director or*
14 *Commission Counsel, as applicable, in rendering advice pursuant*
15 *to this section.*

16 **Sec. 37.** NRS 281A.685 is hereby amended to read as follows:

17 281A.685 1. Except as otherwise provided in this section, the
18 following materials are confidential and are not public records
19 pursuant to chapter 239 of NRS:

20 (a) A request for an advisory opinion ~~{}~~ *or a request for the*
21 *advice of the Executive Director or Commission Counsel provided*
22 *pursuant to subsection 6 of NRS 281A.680;*

23 (b) The *decision rendered and the* advisory opinion ~~{rendered}~~
24 *issued* by the Commission in response to the request ~~{}~~ *for an*
25 *advisory opinion or the advice of the Executive Director or*
26 *Commission Counsel provided pursuant to subsection 6 of*
27 *NRS 281A.680;*

28 (c) Any information, communications, records, documents or
29 other materials in the possession of the Commission or its staff that
30 are related to the request ~~{}~~ *for an advisory opinion or the advice of*
31 *the Executive Director or Commission Counsel pursuant to*
32 *subsection 6 of NRS 281A.680;* and

33 (d) Any information, communications, records, documents or
34 other materials in the possession of the requester of the *request for*
35 *an advisory opinion or the request for the advice of the Executive*
36 *Director or Commission Counsel provided pursuant to subsection*
37 *6 of NRS 281A.680* that are related to the request and, if disclosed
38 by the requester, would reveal the existence, nature or content of the
39 request, *the decision rendered* or the advisory opinion ~~{}~~ *issued by*
40 *the Commission or the advice of the Executive Director or*
41 *Commission Counsel provided pursuant to subsection 6 of*
42 *NRS 281A.680;*

43 2. The provisions of subsection 1 do not create or impose any
44 duty on the Commission or its staff to protect or defend against the
45 disclosure of any materials not in the possession of the Commission



1 or its staff, regardless of whether the materials are related to ~~the~~ a
2 request.

3 3. The provisions of subsection 1 do not apply to any materials
4 in the possession of the Commission or its staff that are related to
5 the request if the requester of ~~the~~ a request for an advisory
6 opinion ~~or the request for the advice of the Executive Director~~
7 ~~or Commission Counsel pursuant to subsection 6 of~~
8 ~~NRS 281A.680:~~

9 (a) Acts in contravention of *the decision rendered* or the
10 advisory opinion ~~or the advice of the~~
11 ~~Executive Director or Commission Counsel provided pursuant to~~
12 ~~subsection 6 of NRS 281A.680~~, in which case the Commission may
13 disclose the request, *the decision rendered*, the advisory opinion or
14 *the advice of the Executive Director or Commission Counsel*
15 *provided pursuant to subsection 6 of NRS 281A.680* and any
16 information, communications, records, documents or other materials
17 in the possession of the Commission or its staff that are related to
18 the request;

19 (b) Authorizes the Commission, in writing, to make the request,
20 *the decision rendered*, the advisory opinion, *the advice of the*
21 *Executive Director or Commission Counsel provided pursuant to*
22 *subsection 6 of NRS 281A.680* or any information,
23 communications, records, documents or other materials in the
24 possession of the Commission or its staff that are related to the
25 request publicly available ~~or~~, *except that any disclosure of*
26 *materials pursuant to this paragraph is limited to the specific*
27 *materials that the requester authorizes the Commission, in writing,*
28 *to make publicly available;* or

29 (c) Voluntarily discloses, in any manner, the request, *the*
30 *decision rendered*, the advisory opinion, *the advice of the*
31 *Executive Director or Commission Counsel provided pursuant to*
32 *subsection 6 of NRS 281A.680* or any information,
33 communications, records, documents or other materials in the
34 possession of the Commission or its staff that are related to the
35 request, except to:

36 (1) The *supervisory head or the legal counsel of his or her*
37 *public body, agency or employer* ~~of the requester or the~~ *or to any*
38 *other public officer or employee of that public body, agency or*
39 *employer to whom the supervisory head or the legal counsel*
40 *authorizes such a disclosure in writing;*

41 (2) *The legal counsel of the requester* ~~or~~
42 ~~(2)~~ *to facilitate legal representation when the requester is*
43 *not represented by the legal counsel of his or her public body,*
44 *agency or employer;*



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

3 ~~[(3)]~~ (4) Any *other* person to whom the requester makes
4 such a disclosure for the purposes of judicial review pursuant to
5 *subsection 4 of NRS 281A.680.*

6 **Sec. 38.** NRS 281A.690 is hereby amended to read as follows:

7 281A.690 1. ~~[Except as otherwise provided in this section,~~
8 ~~the]~~ *The* provisions of chapter 241 of NRS do not apply to:

9 (a) Any meeting or hearing held by the Commission to receive
10 information or evidence concerning a request for an advisory
11 opinion; and

12 (b) Any deliberations or actions of the Commission on such
13 information or evidence.

14 2. The ~~[public officer or employee]~~ *requester* who files the
15 request for an advisory opinion may also file a request with
16 the Commission to hold a public meeting or hearing regarding the
17 request for an advisory opinion. *If the Commission grants the*
18 *request to hold a public meeting or hearing, the Commission shall*
19 *provide public notice of the meeting or hearing, and the meeting*
20 *or hearing must be open to the public and conducted in*
21 *accordance with the regulations of the Commission, but the*
22 *meeting or hearing is not subject to the provisions of chapter 241*
23 *of NRS.*

24 **Sec. 39.** NRS 281A.700 is hereby amended to read as follows:

25 281A.700 The provisions of NRS 281A.700 to 281A.790,
26 inclusive, *and section 12 of this act* apply to proceedings
27 concerning an ethics complaint.

28 **Sec. 40.** NRS 281A.710 is hereby amended to read as follows:

29 281A.710 1. Except as otherwise provided in this section and
30 NRS 281A.280, the Commission may render *a decision and issue*
31 an opinion that interprets the statutory ethical standards and applies
32 those standards to a given set of facts and circumstances regarding
33 the propriety of the conduct of a public officer or employee if an
34 ethics complaint is:

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

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

39 (c) Initiated by the Commission on its own motion, except the
40 Commission shall not initiate such an ethics complaint based solely
41 upon an anonymous complaint.

42 2. An ethics complaint filed by a *specialized or local ethics*
43 *committee or person pursuant to paragraph (a) or (b) of subsection*
44 *1* must be:



1 (a) Verified under oath and filed on a form prescribed by the
2 Commission; and

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

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

12 **Sec. 41.** NRS 281A.715 is hereby amended to read as follows:

13 281A.715 1. Based on the evidence submitted with an ethics
14 complaint filed with the Commission *by a specialized or local*
15 *ethics committee or person* pursuant to *paragraph (a) or (b) of*
16 *subsection 1 of* NRS 281A.710 ~~[.]~~ *and any additional evidence*
17 *obtained by the Executive Director pursuant to subsection 2,* the
18 Commission shall determine whether it has jurisdiction in the matter
19 and whether an investigation is warranted in the matter. The
20 Commission shall make its determination within 45 days after
21 receiving the ethics complaint, unless the ~~[public officer or~~
22 ~~employee who is the subject of the ethics complaint waives this time~~
23 ~~limit.]~~ *Commission determines that there is good cause to extend*
24 *this time limit and sets a specific and reasonable time period for*
25 *such an extension.*

26 2. *To assist the Commission in making its determination*
27 *pursuant to subsection 1 whether it has jurisdiction in the matter*
28 *and whether an investigation is warranted in the matter, the*
29 *Executive Director may conduct a preliminary investigation to*
30 *obtain additional evidence concerning the allegations in the ethics*
31 *complaint.*

32 3. If the Commission determines *pursuant to subsection 1* that
33 it does not have jurisdiction in the matter, the Commission shall
34 dismiss the matter.

35 ~~[3.]~~ 4. If the Commission determines *pursuant to subsection 1*
36 that it has jurisdiction in the matter but the evidence ~~[submitted with~~
37 ~~the ethics complaint]~~ is not sufficient to warrant an investigation in
38 the matter, the Commission shall dismiss the matter, with or without
39 issuing a letter of caution or instruction to the public officer or
40 employee pursuant to NRS 281A.780.

41 ~~[4.]~~ 5. If the Commission determines *pursuant to subsection 1*
42 that it has jurisdiction in the matter and the evidence ~~[submitted with~~
43 ~~the ethics complaint]~~ is sufficient to warrant an investigation in the
44 matter, the Commission may direct the Executive Director to
45 investigate the ethics complaint pursuant to NRS 281A.720.



1 **6. If the Commission initiates an ethics complaint on its own**
2 **motion pursuant to paragraph (c) of subsection 1 of NRS**
3 **281A.710 and the Commission determines that the evidence:**

4 (a) **Is not sufficient to warrant an investigation in the matter,**
5 **the Commission may dismiss the matter, with or without prejudice.**
6 **If the Commission dismisses the matter, it shall issue a letter of**
7 **caution or instruction to the public officer or employee pursuant**
8 **to NRS 281A.780.**

9 (b) **Is sufficient to warrant an investigation in the matter, the**
10 **Commission may direct the Executive Director to investigate the**
11 **ethics complaint pursuant to NRS 281A.720.**

12 **Sec. 42.** NRS 281A.720 is hereby amended to read as follows:
13 281A.720 1. If the Commission directs the Executive
14 Director to investigate an ethics complaint pursuant to NRS
15 281A.715, ~~for if the Commission initiates an ethics complaint on its~~
16 ~~own motion pursuant to NRS 281A.710,~~ the Executive Director
17 shall investigate the facts and circumstances relating to the ethics
18 complaint to determine whether the Executive Director believes that
19 there is just and sufficient cause for the Commission to render **a**
20 **decision and issue** an opinion in the matter in order to present a
21 written recommendation to the review panel pursuant to
22 NRS 281A.725.

23 2. The Executive Director shall ~~provide~~ **prepare and serve a**
24 **written** notice of the investigation **of the ethics complaint** pursuant
25 to this section ~~to~~ **on** the public officer or employee who is the
26 subject of the ethics complaint and provide the public officer or
27 employee an opportunity to submit to the Executive Director a
28 response to the ~~allegations against the public officer or employee in~~
29 ~~the ethics complaint,~~ **written notice of the investigation.** The
30 response must be submitted within 30 days after the date on which
31 the public officer or employee ~~receives~~ **is served with the written**
32 notice of the investigation pursuant to this section, unless the **public**
33 **officer or employee waives the time limit set forth in subsection 1**
34 **of NRS 281A.725 and the** Executive Director grants **one or more**
35 **extensions for good cause shown and sets a specific and**
36 **reasonable time period for such** an extension.

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

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

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



1 4. The public officer or employee is not required in the
2 response submitted pursuant to this section or in any proceedings
3 before the review panel to assert, claim or raise any objection or
4 defense, in law or fact, to the allegations against the public officer or
5 employee, and no objection or defense, in law or fact, is waived,
6 abandoned or barred by the failure to assert, claim or raise it in the
7 response or in any proceedings before the review panel.

8 *5. Whether or not the public officer or employee submits a*
9 *response pursuant to this section, the Executive Director may take*
10 *action, in the manner authorized by NRS 281A.300, to secure the*
11 *public officer's or employee's participation, attendance as a*
12 *witness and production of any books and papers during the course*
13 *of the investigation.*

14 **Sec. 43.** NRS 281A.725 is hereby amended to read as follows:

15 281A.725 1. ~~Except as otherwise provided in this~~
16 ~~subsection, the~~ *The* Executive Director shall complete the
17 investigation required by NRS 281A.720 and present a written
18 recommendation to the review panel within 70 days after the
19 Commission directs the Executive Director to investigate the ethics
20 complaint ~~for after the Commission initiates the ethics complaint on~~
21 ~~its own motion, as applicable.~~, *except that:*

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

24 (b) *Upon the request of the Executive Director, the presiding*
25 *officer of the review panel may grant one or more extensions of*
26 *this time limit for good cause shown. If the presiding officer*
27 *grants such an extension, the presiding officer must set a specific*
28 *and reasonable time period for such an extension.*

29 2. The *written* recommendation *that the Executive Director*
30 *presents to the review panel* must:

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

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

35 (c) If the Executive Director believes that a disposition of the
36 matter without an adjudicatory hearing is appropriate under the facts
37 and circumstances, state any suggested disposition that is consistent
38 with the provisions of this chapter, including, without limitation,
39 whether the Executive Director believes that the conduct at issue
40 may be appropriately addressed through additional training or other
41 corrective action under the terms and conditions of a deferral
42 agreement.

43 **Sec. 44.** NRS 281A.730 is hereby amended to read as follows:

44 281A.730 1. Except as otherwise provided in this section, the
45 review panel shall determine whether there is just and sufficient



1 cause for the Commission to render *a decision and issue* an opinion
2 in the matter within ~~[15]~~ 45 days after the Executive Director
3 ~~[provides]~~ *presents to* the review panel ~~[with]~~ the recommendation
4 required by NRS 281A.725. The public officer or employee who is
5 the subject of the ethics complaint may waive this time limit. *The*
6 *review panel shall serve on the public officer or employee who is*
7 *the subject of the ethics complaint a written notice of its*
8 *determination.*

9 2. The review panel shall cause a record of its proceedings to
10 be kept.

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

16 4. If the review panel determines that there is not just and
17 sufficient cause for the Commission to render *a decision and issue*
18 an opinion in the matter, it shall dismiss the matter, with or without
19 prejudice, and with or without issuing a letter of caution or
20 instruction to the public officer or employee pursuant to
21 NRS 281A.780.

22 5. If the review panel determines that there is just and
23 sufficient cause for the Commission to render *a decision and issue*
24 an opinion in the matter but reasonably believes that the conduct at
25 issue may be appropriately addressed through additional training or
26 other corrective action under the terms and conditions of a deferral
27 agreement, the review panel may:

28 (a) Approve a deferral agreement proposed by the Executive
29 Director and the public officer or employee instead of referring the
30 ethics complaint to the Commission for further proceedings in the
31 matter; or

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

36 6. If the review panel does not approve a deferral agreement
37 pursuant to subsection 5 or if the public officer or employee declines
38 to enter into such a deferral agreement, the review panel shall refer
39 the ethics complaint to the Commission for further proceedings in
40 the matter.

41 7. 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 and reasonably believes that the conduct at
44 issue may not be appropriately addressed through additional training
45 or other corrective action under the terms and conditions of a



1 deferral agreement, the review panel shall refer the ethics complaint
2 to the Commission for further proceedings in the matter.

3 **Sec. 45.** NRS 281A.745 is hereby amended to read as follows:

4 281A.745 1. If the review panel refers an ethics complaint to
5 the Commission for further proceedings in the matter pursuant to
6 NRS 281A.730 or if the Commission vacates a deferral agreement
7 and conducts further proceedings in the matter pursuant to NRS
8 281A.740 ~~[, the]~~ :

9 *(a) The Executive Director shall issue a formal notice of*
10 *charges to the public officer or employee who is the subject of the*
11 *ethics complaint regarding the allegations to be presented at an*
12 *adjudicatory hearing; and*

13 *(b) The Commission shall hold an adjudicatory hearing and*
14 *render ~~[an opinion in the matter]~~ a decision concerning the ethics*
15 *complaint within 60 days after the date on which the review panel*
16 *refers the ethics complaint to the Commission or the Commission*
17 *vacates the deferral agreement, as appropriate, unless the public*
18 *officer or employee who is the subject of the ethics complaint*
19 *waives this time limit ~~[.]~~ or the Commission determines that there*
20 *is good cause to extend this time limit and sets a specific and*
21 *reasonable time period for such an extension.*

22 2. ~~[H]~~ *Before* the Commission holds an adjudicatory hearing
23 ~~[to receive evidence]~~ concerning an ethics complaint, the
24 Commission shall:

25 (a) ~~[Notify]~~ *Provide* the public officer or employee who is the
26 subject of the ethics complaint *with a written notice* of the date,
27 time and place of the hearing; *and*

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

30 3. *At the adjudicatory hearing:*

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

33 (b) *The Commission shall:*

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

36 ~~[(e)]~~ (2) Allow the public officer or employee to hear the
37 ~~[evidence]~~ case presented to the Commission *by the Executive*
38 *Director or his or her designee* and to ~~[respond and]~~ present
39 ~~[evidence on]~~ his or her own ~~[behalf.]~~ *case to the Commission.*

40 ~~[3.]~~ 4. Unless the public officer or employee agrees to a
41 shorter time, an adjudicatory hearing may not be held less than 10
42 days after the date on which the *written* notice of the hearing is
43 ~~[given]~~ *provided* to the public officer or employee.

44 ~~[4.]~~ 5. For good cause shown, the Commission may take
45 testimony from a person by telephone or video conference at an



1 adjudicatory hearing or at any other proceedings concerning the
2 ethics complaint.

3 *6. After the Commission renders a decision concerning the*
4 *ethics complaint, the Commission shall issue a written opinion on*
5 *or before the date of the next meeting of the Commission that is*
6 *held after the date on which the decision is rendered, unless the*
7 *Chair determines that there is good cause to extend this time limit*
8 *and sets a specific and reasonable time period for such an*
9 *extension.*

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

14 **Sec. 46.** NRS 281A.750 is hereby amended to read as follows:

15 281A.750 1. Except as otherwise provided in this section and
16 NRS 281A.755, all information, communications, records,
17 documents or other materials in the possession of the Commission,
18 the review panel or their staff that are related to an ethics complaint
19 are confidential and are not public records pursuant to chapter 239
20 of NRS until:

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

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

30 ↪ whichever occurs first.

31 2. Except as otherwise provided in subsection ~~§~~ *5*, if a person
32 who files an ethics complaint asks that his or her identity as the
33 requester be kept confidential, the Commission:

34 (a) Shall keep the identity of the requester confidential if he or
35 she is a public officer or employee who works for the same public
36 body, agency or employer as the public officer or employee who is
37 the subject of the ethics complaint ~~§~~ *, worked for the same public*
38 *body, agency or employer during the time of the alleged conduct at*
39 *issue or if revealing the identity of the requester would reveal the*
40 *identity of witnesses who work for the same public body, agency or*
41 *employer.*

42 (b) May keep the identity of the requester confidential if he or
43 she offers sufficient facts and circumstances showing a reasonable
44 likelihood that disclosure of his or her identity will subject the



1 requester or a member of his or her household to a bona fide threat
2 of physical force or violence.

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

7 (a) *All information, communications, records, documents or*
8 *other materials in the possession of the Commission that, if*
9 *disclosed by the Commission, would reveal that the requester*
10 *filed the ethics complaint. Notwithstanding the provisions of*
11 *chapter 239 of NRS, in denying a request for public records based*
12 *on the confidentiality provided by this paragraph, the Commission*
13 *is not required to provide any information that, if disclosed by the*
14 *Commission in denying the request for public records, would*
15 *reveal that the requester filed the ethics complaint.*

16 (b) *All information, communications, records, documents or*
17 *other materials in the possession of the requester of the ethics*
18 *complaint or his or her public body, agency or employer that, if*
19 *disclosed by either of them, would reveal that the requester filed*
20 *the ethics complaint. Notwithstanding the provisions of chapter*
21 *239 of NRS, in denying a request for public records based on the*
22 *confidentiality provided by this paragraph, the requester of the*
23 *ethics complaint or his or her public body, agency or employer is*
24 *not required to provide any information that, if disclosed by either*
25 *of them in denying the request for public records, would reveal*
26 *that the requester filed the ethics complaint.*

27 4. *If the Commission keeps the identity of the requester of an*
28 *ethics complaint confidential pursuant to this section and the*
29 *Executive Director does not intend to present the testimony of*
30 *the requester as evidence for consideration by the Commission at*
31 *the adjudicatory hearing or in rendering a decision and issuing an*
32 *opinion in the matter, the Commission shall not render a decision*
33 *and issue an opinion in the matter unless there is sufficient evidence*
34 *without the testimony of the requester to consider the propriety of*
35 *the conduct of the public officer or employee who is the subject of*
36 *the ethics complaint. The provisions of this subsection do not*
37 *abrogate or otherwise alter or affect the confidentiality of the*
38 *identity of the requester of the ethics complaint.*

39 5. *If the Commission keeps the identity of the requester of an*
40 *ethics complaint confidential pursuant to this section and the*
41 *Executive Director intends to present the testimony of the requester*
42 *as evidence for consideration by the Commission at the adjudicatory*
43 *hearing or in rendering a decision and issuing an opinion in the*
44 *matter and the public officer or employee who is the subject of*
45 *the ethics complaint submits a written discovery request to the*



1 Commission pursuant to NRS 281A.755, the ~~[Commission]~~
2 *Executive Director* shall disclose the name of the requester only as a
3 proposed witness ~~[within a reasonable time before the adjudicatory~~
4 ~~hearing on the matter.]~~ *in accordance with the schedule for*
5 *discovery provided to the parties pursuant to NRS 281A.745.*

6 **Sec. 47.** NRS 281A.755 is hereby amended to read as follows:

7 281A.755 1. Except as otherwise provided in this section, the
8 investigative file related to an ethics complaint is confidential and is
9 not a public record pursuant to chapter 239 of NRS.

10 2. ~~[At any time after being served with written notice of the~~
11 ~~determination of the review panel regarding the existence of just and~~
12 ~~sufficient cause for the Commission to render an opinion in the~~
13 ~~matter.]~~ *In accordance with the schedule for discovery provided to*
14 *the parties pursuant to NRS 281A.745,* the public officer or
15 employee who is the subject of the ethics complaint may submit a
16 written discovery request to the Commission for a list of proposed
17 witnesses and a copy of any portion of the investigative file that the
18 Executive Director intends to present as evidence for consideration
19 by the Commission at the adjudicatory hearing or in rendering *a*
20 *decision and issuing* an opinion in the matter.

21 3. ~~[Any]~~ *Unless otherwise declared confidential by law, any*
22 *portion of the investigative file which the Executive Director*
23 *presents as evidence for consideration by the Commission at the*
24 *adjudicatory hearing or in rendering a decision and issuing* an
25 *opinion in the matter becomes a public record and must be open for*
26 *inspection pursuant to chapter 239 of NRS* ~~[]~~ *after the Commission*
27 *takes final action concerning the ethics complaint in a public*
28 *meeting or hearing pursuant to subsection 2 of NRS 281A.760.*

29 4. For the purposes of this section:

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

31 (1) Any response concerning the ethics complaint prepared
32 by the public officer or employee pursuant to NRS 281A.720 and
33 submitted to the Executive Director and the review panel during the
34 course of the investigation and any proceedings before the review
35 panel;

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

40 (3) Any other information provided to or obtained by or on
41 behalf of the Executive Director through any form of
42 communication during the course of the investigation , *including,*
43 *without limitation, information, records and documentation*
44 *obtained pursuant to subsection 3 of NRS 281A.300,* and any
45 proceedings before the review panel and any records, documents or



1 other materials created or maintained during the course of the
2 investigation and any proceedings before the review panel which
3 relate to the public officer or employee who is the subject of the
4 ethics complaint, including, without limitation, a transcript,
5 regardless of whether such information, records, documents or other
6 materials are obtained pursuant to a subpoena.

7 (b) The investigative file does not include any deferral
8 agreement.

9 **Sec. 48.** NRS 281A.760 is hereby amended to read as follows:

10 281A.760 *1.* The provisions of chapter 241 of NRS do not
11 apply to:

12 ~~1.~~ (a) Any meeting or hearing held by the Commission to
13 receive information or evidence concerning an ethics complaint; and

14 ~~2.~~ (b) Any deliberations *or actions* of the Commission on
15 such information or evidence.

16 *2. The Commission shall take final action concerning an*
17 *ethics complaint in a public meeting or hearing. The Commission*
18 *shall provide public notice of the meeting or hearing, and the*
19 *meeting or hearing must be open to the public and conducted in*
20 *accordance with the regulations of the Commission, but the*
21 *meeting or hearing is not subject to the provisions of chapter 241*
22 *of NRS.*

23 **Sec. 49.** NRS 281A.765 is hereby amended to read as follows:

24 281A.765 ~~1. If the Commission renders an opinion in~~
25 ~~proceedings concerning an ethics complaint, the opinion must~~
26 ~~include findings of fact and conclusions of law.~~

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

29 ~~(a)~~ *1.* Has not been proven, the Commission shall dismiss the
30 matter, with or without prejudice, and with or without issuing a
31 letter of caution or instruction to the public officer or employee
32 pursuant to NRS 281A.780.

33 ~~(b)~~ *2.* Has been proven, the Commission may take any action
34 authorized by this chapter.

35 **Sec. 50.** NRS 281A.770 is hereby amended to read as follows:

36 281A.770 In any matter in which the Commission disposes of
37 an ethics complaint by stipulation, agreed settlement or consent
38 order or in which the review panel approves a deferral agreement,
39 the Commission or the review panel, as appropriate, shall :

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

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



1 **Sec. 51.** NRS 281A.775 is hereby amended to read as follows:
2 281A.775 1. The Commission, in determining whether a
3 violation of this chapter is a willful violation and, if so, the penalty
4 to be imposed on a ~~[public officer or employee]~~ **current** or former
5 public officer or employee pursuant to NRS 281A.785 or 281A.790,
6 or the review panel, in determining whether to approve a deferral
7 agreement regarding an alleged violation, shall consider, without
8 limitation:

9 (a) The seriousness of the violation or alleged violation,
10 including, without limitation, the nature, circumstances, extent and
11 gravity of the violation or alleged violation;

12 (b) The number and history of previous warnings, letters of
13 caution or instruction, deferral agreements or violations or alleged
14 violations of the provisions of this chapter relating to the public
15 officer or employee;

16 (c) The cost to conduct the investigation and any meetings,
17 hearings or other proceedings relating to the violation or alleged
18 violation;

19 (d) Any mitigating factors, including, without limitation, any
20 self-reporting, prompt correction of the violation or alleged
21 violation, any attempts to rectify the violation or alleged violation
22 before any ethics complaint is filed and any cooperation by the
23 public officer or employee in resolving the ethics complaint;

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

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

28 (g) Any other matter justice may require.

29 2. The factors set forth in this section are not exclusive or
30 exhaustive, and the Commission or the review panel, as appropriate,
31 may consider other factors in the disposition of the matter if they
32 bear a reasonable relationship to the determination of the severity of
33 the violation or alleged violation.

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

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

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

41 **Sec. 52.** NRS 281A.780 is hereby amended to read as follows:
42 281A.780 1. In proceedings concerning an ethics complaint,
43 the Commission or the review panel, as appropriate, may issue a
44 letter of caution or instruction to the public officer or employee who
45 is the subject of the ethics complaint to caution or instruct the public



1 officer or employee regarding the propriety of his or her conduct
2 under the statutory ethical standards. ~~[set forth in this chapter.]~~

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

5 (a) Is confidential and is not a public record pursuant to chapter
6 239 of NRS.

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

11 **Sec. 53.** NRS 281A.785 is hereby amended to read as follows:

12 281A.785 1. ~~[Except as otherwise provided in this section,~~
13 ~~]] In~~ proceedings concerning an ethics complaint, the Commission,
14 based on a finding that a violation of this chapter has been proven,
15 or the review panel, as part of the terms and conditions of a deferral
16 agreement, may, in addition to any other ~~[penalty]~~ *penalties*
17 provided by law and in accordance with the provisions of
18 NRS 281A.775:

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

21 (1) Comply in all respects with the provisions of this chapter
22 for a specified period without being the subject of another ethics
23 complaint arising from an alleged violation of this chapter by the
24 public officer or employee which occurs during the specified period
25 and for which the review panel determines that there is just and
26 sufficient cause for the Commission to render *a decision and issue*
27 an opinion in the matter.

28 (2) Attend and complete training.

29 (3) Follow a remedial course of action.

30 (4) Issue a public apology.

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

32 (b) Publicly admonish, reprimand or censure the public officer
33 or employee.

34 (c) Take any combination of such actions or any other
35 reasonable action that the Commission or the review panel, as
36 appropriate, determines will remedy the violation or alleged
37 violation or deter similar violations or conduct.

38 2. In carrying out the provisions of subsection 1, the
39 Commission, based on a finding that a violation of this chapter has
40 been proven, or the review panel, as part of the terms and conditions
41 of a deferral agreement, may publicly:

42 (a) Admonish a public officer or employee if it is determined
43 that the public officer or employee has violated any provision of this
44 chapter, but the violation is not willful, or if such an admonishment
45 is imposed as part of the terms and conditions of a deferral



1 agreement. An admonishment is a written expression of disapproval
2 of the conduct of the public officer or employee.

3 (b) Reprimand a public officer or employee if it is determined
4 that the public officer or employee has willfully violated any
5 provision of this chapter, but there is no evidence that the willful
6 violation involved bad faith, malicious intent or knowing or reckless
7 disregard of the law, or if such a reprimand is imposed as part of the
8 terms and conditions of a deferral agreement. A reprimand is a
9 severe written reproof for the conduct of the public officer or
10 employee.

11 (c) Censure a public officer or employee if it is determined that
12 the public officer or employee has willfully violated any provision
13 of this chapter and there is evidence that the willful violation
14 involved bad faith, malicious intent or knowing or reckless
15 disregard of the law or there are no substantial mitigating factors
16 pursuant to NRS 281A.775 for the willful violation, or if such a
17 censure is imposed as part of the terms and conditions of a deferral
18 agreement. A censure is a formal written condemnation of the
19 conduct of the public officer or employee.

20 3. Any action taken by the Commission pursuant to this section
21 is a final decision for the purposes of judicial review pursuant to
22 NRS 233B.130. Any action taken by the review panel pursuant to
23 this chapter, including, without limitation, any action relating to a
24 deferral agreement, is not a final decision for the purposes of
25 judicial review pursuant to NRS 233B.130.

26 **Sec. 54.** NRS 281A.790 is hereby amended to read as follows:

27 281A.790 1. In addition to any other penalties provided by
28 law and in accordance with the provisions of NRS 281A.775, the
29 Commission may impose on a ~~[public officer or employee]~~ *current*
30 or former public officer or employee civil penalties:

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

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

35 (c) Not to exceed \$25,000 for a separate act or event that
36 constitutes a third willful violation *or any additional violation* of
37 this chapter.

38 2. ~~[Hn]~~ *For the purposes of this section, in determining*
39 *whether a current or former public officer or employee has*
40 *committed one or more violations of this chapter, each separate*
41 *act or event that constitutes a violation of this chapter, or course*
42 *of conduct that the Commission interprets as constituting a*
43 *separate violation of this chapter, must be treated as a separate*
44 *violation that is cumulative to all other violations by that person,*
45 *whenever committed, without regard to the sequence of the*



1 *violations or whether the violations are established in the same*
2 *proceedings concerning the same ethics complaint or in separate*
3 *proceedings concerning separate ethics complaints.*

4 3. *Except as otherwise provided in NRS 281A.280, in addition*
5 *to any other penalties provided by law, if a current or former*
6 *public officer or employee or any other person prevents, interferes*
7 *with or attempts to prevent or interfere with any investigation or*
8 *proceedings pursuant to this chapter or the discovery of a violation*
9 *of this chapter, such an act shall be deemed to be a violation of this*
10 *chapter, and the Commission may, ~~upon its own motion or upon~~*
11 *~~the motion of the current or former public officer or employee who~~*
12 *~~is the subject of the investigation or proceedings:] after providing~~*
13 *the person committing such an act with a written notice of the*
14 *charges and an opportunity for a hearing in accordance with the*
15 *regulations of the Commission:*

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

19 (b) If appropriate under the facts and circumstances, assess
20 against the person committing such an act an amount equal to the
21 amount of attorney's fees and costs actually and reasonably incurred
22 *as a result of the act* by the *Commission or any* current or former
23 public officer or employee ~~as a result of~~ *who is a subject of the*
24 *investigation or proceedings and who is harmed or prejudiced by*
25 *the act.*

26 ~~3.]~~ 4. If the Commission finds that a violation of ~~[a provision~~
27 ~~of]~~ this chapter by a ~~[public officer or employee]~~ *current* or former
28 public officer or employee has resulted in the realization of a
29 financial benefit by the ~~[current or former]~~ public officer or
30 employee or another person, the Commission may, in addition to
31 any other penalties provided by law, require the ~~[current or former]~~
32 public officer or employee to pay a civil penalty of not more than
33 twice the amount so realized.

34 ~~[4.]~~ 5. In addition to any other penalties provided by law, if ~~fa~~
35 ~~proceeding results in]~~ *the Commission issues* an opinion *in which it*
36 *finds* that:

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

41 ~~—— (1) If the State Legislator is a member of the Senate, submit~~
42 ~~the opinion to the Majority Leader of the Senate or, if the Majority~~
43 ~~Leader of the Senate is the subject of the opinion or the person who~~
44 ~~requested the opinion, to the President Pro Tempore of the Senate;~~
45 ~~or~~



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

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

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

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

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

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

~~5.~~ 6. Notwithstanding any other provision of this chapter, any act or failure to act by a ~~public officer or employee~~ *current* or former public officer or employee relating to this chapter is not a ~~willful~~ violation of this chapter if the public officer or employee establishes by sufficient evidence that:

(a) The public officer or employee relied in good faith upon the advice of the *Executive Director or Commission Counsel pursuant to subsection 6 of NRS 281A.680* or legal counsel *employed or* retained by his or her public body, agency or employer; and

(b) The advice of the *Executive Director, Commission Counsel* or legal counsel, *as applicable*, was:

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

(2) Based on a reasonable legal determination by the *Executive Director, Commission Counsel* or legal counsel under



1 the circumstances when the advice was given that the act or failure
2 to act by the public officer or employee would not be contrary to the
3 provisions of this chapter as interpreted ~~by~~ *in the published*
4 *opinions of* the Commission.

5 ~~{6.}~~ 7. In addition to any other penalties provided by law, if a
6 public employee commits a ~~{willful}~~ violation of this chapter or fails
7 to complete a period of compliance imposed by the Commission
8 pursuant to NRS 281A.785 or by the review panel as part of the
9 terms and conditions of a deferral agreement ~~[-, the public employee~~
10 ~~is subject to disciplinary proceedings by the]~~ :

11 (a) *The Commission shall provide that information to the*
12 *public body, agency or* employer of the public employee ; and
13 ~~{must be referred for}~~

14 (b) *The public body, agency or employer may pursue or take*
15 *appropriate disciplinary* action *against the public employee* in
16 accordance ~~{to}~~ with the applicable provisions governing ~~{the}~~ *his or*
17 *her public* employment. ~~{of the public employee.}~~

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

28 ~~{8.}~~ 9. The imposition of a civil penalty pursuant to
29 ~~{subsection 1, 2 or 3}~~ *any provision of subsections 1 to 4, inclusive,*
30 is a final decision for the purposes of judicial review pursuant to
31 NRS 233B.130.

32 ~~{9.}~~ 10. A finding by the Commission that a *current or former*
33 public officer or employee *or any other person* has violated any
34 provision of this chapter must be supported by a preponderance of
35 the evidence unless a greater burden is otherwise prescribed by law.

36 **Sec. 55.** Title 17 of NRS is hereby amended by adding thereto
37 a new chapter to consist of the provisions set forth as sections 56 to
38 112, inclusive, of this act.

39 **Sec. 56.** *This chapter may be cited as the Nevada Legislative*
40 *Ethics Law.*

41 **Sec. 57.** *The Legislature hereby finds and declares that:*

42 *1. The purposes of this chapter are to:*

43 (a) *Establish the highest standards of ethical behavior founded*
44 *upon principles of dignity, decorum, civility and respect;*



1 (b) Prohibit any conduct that creates the appearance of
2 impropriety; and

3 (c) Prohibit any improper, inappropriate or dishonorable
4 conduct that is unbecoming to the legislative process or is
5 inconsistent with or undermines the people's faith, trust and
6 confidence in the integrity of the legislative process.

7 2. This chapter must be construed:

8 (a) Liberally to carry out and achieve its purposes; and

9 (b) Strictly against any person alleging that his or her conduct
10 is not subject to its provisions, so that any doubt or uncertainty as
11 to the application of its provisions must be resolved against such a
12 person and in favor of removing unethical behavior from the
13 legislative process.

14 **Sec. 58.** As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in sections 59 to 77,
16 inclusive, of this act have the meanings ascribed to them in those
17 sections.

18 **Sec. 59.** "Adjudicatory hearing" means a hearing held by the
19 Senate Commission, Assembly Commission or Joint Commission,
20 as applicable, pursuant to this chapter to receive evidence, render
21 a decision and, if appropriate, issue an opinion concerning an
22 ethics complaint.

23 **Sec. 60.** "Assembly Commission" means the Assembly
24 Commission on Ethics created by section 95 of this act.

25 **Sec. 61.** "Business entity" means an organization or
26 enterprise operated for economic gain, including, without
27 limitation, a proprietorship, partnership, firm, business, company,
28 trust, joint venture, syndicate, corporation or association.

29 **Sec. 62.** "Candidate" means any person:

30 1. Who files a declaration of candidacy; or

31 2. Whose name appears on an official ballot at any election.

32 **Sec. 63.** "Chair" means:

33 1. The Chair of the Senate Commission, Assembly
34 Commission or Joint Commission, as applicable; or

35 2. The Vice Chair or another member serving in the capacity
36 of the Chair.

37 **Sec. 64.** "Commitment in a private capacity" means a private
38 commitment, interest or relationship of a legislative officer or
39 employee to:

40 1. The spouse or domestic partner of the legislative officer or
41 employee;

42 2. A member of the household of the legislative officer or
43 employee;

44 3. A relative of the legislative officer or employee, or the
45 spouse or domestic partner of the legislative officer or employee,



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

3 *4. The employer of the legislative officer or employee, the*
4 *spouse or domestic partner of the legislative officer or employee or*
5 *a member of the household of the legislative officer or employee;*

6 *5. A person with whom the legislative officer or employee has*
7 *a substantial and continuing business relationship; or*

8 *6. A person with whom the legislative officer or employee has*
9 *any other private commitment, interest or relationship that is*
10 *substantially similar to a private commitment, interest or*
11 *relationship described in subsections 1 to 5, inclusive.*

12 **Sec. 65.** *“Compensation” means any money, thing of value*
13 *or economic benefit conferred on or received by any person in*
14 *return for services rendered, personally or by another person.*

15 **Sec. 66.** *“Domestic partner” means a person in a domestic*
16 *partnership.*

17 **Sec. 67.** *“Domestic partnership” means a domestic*
18 *partnership as defined in NRS 122A.040.*

19 **Sec. 68.** *“Ethics complaint” means an ethics complaint*
20 *which is filed with the Senate Commission, Assembly Commission*
21 *or Joint Commission, as applicable, pursuant to this chapter*
22 *regarding the propriety of the conduct of a legislative officer or*
23 *employee under the legislative ethical standards.*

24 **Sec. 69.** *“Household” means an association of persons who*
25 *live in the same home or dwelling and who are related by blood,*
26 *adoption, marriage or domestic partnership.*

27 **Sec. 70.** *“Joint Commission” means the Joint Commission*
28 *on Ethics created by section 99 of this act.*

29 **Sec. 71.** *1. “Legislative employee” means any employee,*
30 *assistant, attache, intern or other staff employed with reference to*
31 *the legislative duties of a Legislator or the Legislative Department,*
32 *regardless of whether they are paid or otherwise compensated to*
33 *serve in their positions.*

34 *2. The term includes, without limitation, any employee,*
35 *assistant, attache, intern or other staff of:*

36 *(a) The Legislature or either House;*

37 *(b) Any legislative committee;*

38 *(c) Any legislative office or caucus;*

39 *(d) Any division of the Legislative Counsel Bureau; or*

40 *(e) Any other agency, body, office, organization or unit of the*
41 *Legislative Department.*

42 **Sec. 72.** *“Legislative ethical standards” means:*

43 *1. Any statutory ethical standards set forth in this chapter;*
44 *and*



1 2. Any other ethical standards recognized by the rules
2 adopted by the Houses pursuant to Section 6 of Article 4 of the
3 Nevada Constitution.

4 **Sec. 73. 1. "Legislative officer" means:**

5 (a) A member of the Senate, the Secretary of the Senate or any
6 other officer of the Senate;

7 (b) A member of the Assembly, the Chief Clerk of the
8 Assembly or any other officer of the Assembly; or

9 (c) Any other officer of the Legislature, the Legislative
10 Counsel Bureau or the Legislative Department.

11 2. The term does not include the Lieutenant Governor when
12 acting in his or her official capacity as the President of the Senate.

13 **Sec. 74. 1. "Opinion" means an opinion issued by the**
14 **Senate Commission, Assembly Commission or Joint Commission,**
15 **as applicable, in accordance with the provisions of this chapter.**

16 2. The term includes, without limitation, the disposition of an
17 ethics complaint by stipulation, agreed settlement, consent order
18 or default.

19 **Sec. 75. "Pecuniary interest" means any beneficial or**
20 **detrimental interest in a matter that consists of or is measured in**
21 **money or is otherwise related to money, including, without**
22 **limitation:**

23 1. Anything of economic value; and

24 2. Payments or other money which a person is owed or
25 otherwise entitled to by virtue of any statute, regulation, code,
26 ordinance or contract or other agreement.

27 **Sec. 76. "Senate Commission" means the Senate**
28 **Commission on Ethics created by section 91 of this act.**

29 **Sec. 77. "State agency of the Executive Department" means**
30 **any agency, bureau, board, commission, department, division,**
31 **office or other unit of the Executive Department.**

32 **Sec. 78. 1. In carrying out the provisions of this chapter,**
33 **the Legislative Department is entitled to pursue every legal and**
34 **equitable remedy that is available to enforce the provisions of this**
35 **chapter.**

36 2. This chapter does not create any private right of action for
37 any person, and this chapter cannot be enforced by any person in
38 any private right of action.

39 **Sec. 79. 1. This chapter supplements all other ethical**
40 **standards recognized by the rules adopted by the Houses pursuant**
41 **to Section 6 of Article 4 of the Nevada Constitution and does not**
42 **limit the application of such other ethical standards but is**
43 **cumulative thereto, so that the application or attempted**
44 **application of any one of the ethical standards does not bar the**
45 **application or attempted application of any other, except in**



1 *circumstances where Section 6 of Article 4 of the Nevada*
2 *Constitution invests each House with plenary and exclusive*
3 *constitutional powers.*

4 *2. If there is any conflict between the provisions of the rules*
5 *adopted by the Houses pursuant to Section 6 of Article 4 of the*
6 *Nevada Constitution and the provisions of this chapter, the*
7 *provisions of the rules control.*

8 **Sec. 80.** *1. Except as otherwise provided in this section, the*
9 *Senate Commission, Assembly Commission or Joint Commission,*
10 *as applicable, has jurisdiction to investigate and take appropriate*
11 *actions regarding an alleged violation of the legislative ethical*
12 *standards by a legislative officer or employee or former legislative*
13 *officer or employee in any proceedings commenced by an ethics*
14 *complaint which is filed in accordance with this chapter within 2*
15 *years after the alleged violation or reasonable discovery of the*
16 *alleged violation.*

17 *2. The Senate Commission, Assembly Commission or Joint*
18 *Commission, as applicable, does not have jurisdiction in*
19 *circumstances where Section 6 of Article 4 of the Nevada*
20 *Constitution invests each House with plenary and exclusive*
21 *constitutional powers.*

22 **Sec. 81.** *In applying the provisions of this chapter to an*
23 *alleged violation by a former legislative officer or employee, the*
24 *use of the term “legislative officer” or “legislative employee” in*
25 *this chapter must be interpreted to include the former legislative*
26 *officer or employee, unless the commencement of proceedings*
27 *against the former legislative officer or employee concerning the*
28 *alleged violation is time-barred by the statute of limitations*
29 *pursuant to section 80 of this act.*

30 **Sec. 82.** *1. The provisions of this chapter establish*
31 *legislative ethical standards to govern:*

32 *(a) Legislative officers and employees; and*

33 *(b) Former legislative officers and employees in situations*
34 *where the legislative ethical standards apply to the conduct of*
35 *former legislative officers and employees after the end of any*
36 *period of legislative service or employment.*

37 *2. The legislative ethical standards set forth in this chapter*
38 *are cumulative and supplement each other, and the application of*
39 *any one of the legislative ethical standards to a given set of facts*
40 *and circumstances does not bar the application of any other of the*
41 *legislative ethical standards that also apply to the given set of facts*
42 *and circumstances.*

43 **Sec. 83.** *1. A legislative officer or employee shall not seek*
44 *or accept any gift, service, favor, employment, engagement,*
45 *emolument or economic opportunity, for the legislative officer or*



1 *employee or any person to whom the legislative officer or*
2 *employee has a commitment in a private capacity, which would*
3 *tend to improperly influence a reasonable person in the legislative*
4 *officer's or employee's position to depart from the faithful and*
5 *impartial discharge of the legislative officer's or employee's*
6 *official duties.*

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

16 3. *A legislative officer or employee shall not participate as an*
17 *agent of the Legislative Department in the negotiation or*
18 *execution of a contract between the Legislative Department and*
19 *the legislative officer or employee, any business entity in which the*
20 *legislative officer or employee has a significant pecuniary interest*
21 *or any person to whom the legislative officer or employee has a*
22 *commitment in a private capacity.*

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

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

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

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



1 *benefit a significant personal or pecuniary interest of the*
2 *legislative officer or employee or any person to whom the*
3 *legislative officer or employee has a commitment in a private*
4 *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) *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 legislative officer or employee who is*
10 *responsible for and has authority to authorize the use of such*
11 *property, equipment or other facility; or*

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

14 (2) *The use does not interfere with the performance of the*
15 *legislative officer's or employee's official duties;*

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

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

18 (b) *The use of mailing lists, computer data or other*
19 *information lawfully obtained from a governmental agency which*
20 *is available to members of the general public for nongovernmental*
21 *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 the Legislative Department incurs a cost as a result of a use*
25 *that is authorized pursuant to this subsection or would ordinarily*
26 *charge a member of the general public for the use, the legislative*
27 *officer or employee shall promptly reimburse the cost or pay the*
28 *charge to the Legislative Department.*

29 8. *A Legislator shall not:*

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

35 (1) *A limited use of governmental property, equipment or*
36 *other facility for personal purposes if:*

37 (I) *The use does not interfere with the performance of*
38 *the Legislator's official duties;*

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

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

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



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

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

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

9 (2) *Where such service has otherwise been established as*
10 *legislative policy.*

11 9. *A legislative officer or employee shall not attempt to*
12 *benefit a significant personal or pecuniary interest of the*
13 *legislative officer or employee or any person to whom the*
14 *legislative officer or employee has a commitment in a private*
15 *capacity through the influence of a subordinate.*

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

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

27 **Sec. 84.** 1. *A legislative officer or employee shall not use*
28 *the legislative officer's or employee's official position or power in*
29 *the government to take any actions or compel a subordinate to*
30 *take any actions that a reasonable person would find, based on the*
31 *given set of facts and circumstances, to be a gross or*
32 *unconscionable abuse of official position or power that would*
33 *undermine the integrity or impartiality of a reasonable person in*
34 *the legislative officer's or employee's position under the same or*
35 *similar facts and circumstances.*

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

42 **Sec. 85.** 1. *Unless permitted by this section, a legislative*
43 *officer or employee shall not represent or counsel a private person*
44 *for compensation before any state agency of the Executive*
45 *Department or the Legislative Department.*



1 2. A Legislator, or a legislative officer or employee whose
2 legislative service requires less than half of his or her time, may
3 represent or counsel a private person for compensation before any
4 state agency of the Executive Department in which he or she does
5 not serve.

6 **Sec. 86. 1.** Except as otherwise provided in this section and
7 NRS 218A.970 and 332.800, a legislative officer or employee shall
8 not bid on or enter into a contract between a state agency of the
9 Executive Department and any business entity in which the
10 legislative officer or employee has a significant pecuniary interest.

11 2. A legislative officer or employee may bid on or enter into a
12 contract between a state agency of the Executive Department and
13 any business entity in which the legislative officer or employee has
14 a significant pecuniary interest if:

15 (a) The contracting process is controlled by the rules of open
16 competitive bidding or the rules of open competitive bidding or for
17 a solicitation are not employed as a result of the applicability of
18 NRS 332.112 or 332.148;

19 (b) The sources of supply are limited;

20 (c) The legislative officer or employee has not taken part in
21 developing the contract plans or specifications; and

22 (d) The legislative officer or employee will not be personally
23 involved in opening, considering or accepting offers.

24 **Sec. 87. 1.** Except as otherwise provided in this section, a
25 legislative officer or employee shall not accept or receive an
26 honorarium.

27 2. An honorarium paid on behalf of a legislative officer or
28 employee to a charitable organization from which the legislative
29 officer or employee does not derive any financial benefit is deemed
30 not to be accepted or received by the legislative officer or employee
31 for the purposes of this section.

32 3. This section does not prohibit:

33 (a) The receipt of any payment by a legislative officer or
34 employee for work performed outside the normal course and scope
35 of his or her legislative office or employment if the performance of
36 that work is consistent with the applicable policies of his or her
37 legislative body, agency or employer regarding supplemental
38 employment.

39 (b) The receipt of an honorarium by the spouse or domestic
40 partner of a legislative officer or employee if it is related to the
41 profession or occupation of the spouse or domestic partner.

42 4. As used in this section, "honorarium" means the payment
43 of money or anything of value for an appearance or speech by the
44 legislative officer or employee in his or her capacity as a legislative
45 officer or employee. The term does not include the payment of:



1 (a) *The actual and necessary costs incurred by the legislative*
2 *officer or employee, the spouse or domestic partner of the*
3 *legislative officer or employee or any assistant of the legislative*
4 *officer or employee for transportation and for lodging and meals*
5 *while the legislative officer or employee is away from his or her*
6 *residence.*

7 (b) *Compensation which would otherwise have been earned by*
8 *the legislative officer or employee in the normal course and scope*
9 *of his or her legislative office or employment.*

10 (c) *A fee for a speech related to the legislative officer's or*
11 *employee's profession or occupation outside the normal course*
12 *and scope of his or her legislative office or employment if:*

13 (1) *Other members of the profession or occupation are*
14 *ordinarily compensated for such a speech; and*

15 (2) *The fee paid to the legislative officer or employee is*
16 *approximately the same as the fee that would be paid to a member*
17 *of the private sector whose qualifications are similar to those of*
18 *the legislative officer or employee for a comparable speech.*

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

21 5. *In addition to any other remedies or penalties provided by*
22 *law, a legislative officer or employee who violates the provisions of*
23 *this section shall forfeit the amount of the honorarium.*

24 **Sec. 88.** 1. *Except as otherwise provided in this section, a*
25 *legislative officer or employee shall not request or otherwise cause*
26 *the Legislative Department to incur an expense or make an*
27 *expenditure to support or oppose:*

28 (a) *A ballot question.*

29 (b) *A candidate.*

30 2. *For the purposes of paragraph (b) of subsection 1, an*
31 *expense incurred or an expenditure made by the Legislative*
32 *Department shall be considered an expense incurred or an*
33 *expenditure made in support of a candidate if:*

34 (a) *The expense is incurred or the expenditure is made for the*
35 *creation or dissemination of a pamphlet, brochure, publication,*
36 *advertisement or television programming that prominently*
37 *features the activities of a current legislative officer or employee*
38 *who is a candidate for a state, local or federal elective office; and*

39 (b) *The pamphlet, brochure, publication, advertisement or*
40 *television programming described in paragraph (a) is created or*
41 *disseminated during the period specified in subsection 3.*

42 3. *The period during which the provisions of subsection 2*
43 *apply to the Legislative Department begins when a current*
44 *legislative officer or employee files a declaration of candidacy and*
45 *ends on the date of the general election, general city election or*



1 *special election for the office for which the current legislative*
2 *officer or employee is a candidate.*

3 4. *The provisions of this section do not prohibit the creation*
4 *or dissemination of, or the appearance of a candidate in or on, as*
5 *applicable, a pamphlet, brochure, publication, advertisement or*
6 *television programming that:*

7 (a) *Is made available to the public on a regular basis and*
8 *merely describes the functions of:*

9 (1) *The legislative office or employment held by the*
10 *legislative officer or employee who is the candidate; or*

11 (2) *The Legislative Department; or*

12 (b) *Is created or disseminated in the course of carrying out a*
13 *duty of:*

14 (1) *The legislative officer or employee who is the candidate;*
15 *or*

16 (2) *The Legislative Department.*

17 5. *The provisions of this section do not prohibit an expense or*
18 *an expenditure incurred to create or disseminate a television*
19 *program that provides a forum for discussion or debate regarding*
20 *a ballot question, if persons both in support of and in opposition to*
21 *the ballot question participate in the television program.*

22 6. *The provisions of this section do not prohibit an expense or*
23 *an expenditure incurred to carry out any functions, powers or*
24 *duties regarding preparation and distribution of ballot materials*
25 *for a ballot question as authorized or required by NRS 218D.810*
26 *or any other law, rule or resolution.*

27 7. *As used in this section, "pamphlet, brochure, publication,*
28 *advertisement or television programming" includes, without*
29 *limitation, a publication, a public service announcement and any*
30 *programming on a television station created to provide community*
31 *access to cable television. The term does not include:*

32 (a) *A press release issued to the media by the Legislative*
33 *Department; or*

34 (b) *An official Internet website of the Legislative Department.*

35 **Sec. 89.** *A current or former legislative officer or employee,*
36 *except a clerical employee, shall not solicit or accept employment*
37 *from a person to whom a contract for supplies, materials,*
38 *equipment or services was awarded by the Legislative Department,*
39 *or was implemented, managed or administered by the Legislative*
40 *Department, as applicable, during the legislative officer's or*
41 *employee's period of legislative service or employment or for 1*
42 *year after the termination of his or her period of legislative service*
43 *or employment if:*

44 1. *The amount of the contract exceeded \$25,000;*



1 2. *The contract was awarded or was implemented, managed*
2 *or administered by the Legislative Department, as applicable,*
3 *within the immediately preceding year during the legislative*
4 *officer's or employee's period of legislative service or employment*
5 *or within the year immediately preceding the termination of the*
6 *legislative officer's or employee's period of legislative service or*
7 *employment; and*

8 3. *The position held by the legislative officer or employee at*
9 *the time the contract was awarded or while the contract was*
10 *implemented, managed or administered by the Legislative*
11 *Department, as applicable, allowed the legislative officer or*
12 *employee to materially affect or influence the awarding of the*
13 *contract or its implementation, management or administration.*

14 **Sec. 90.** 1. *In addition to any other remedies or penalties*
15 *provided by law, a governmental grant, contract or lease entered*
16 *into by any person in violation of this chapter is voidable by the*
17 *governmental entity. In a determination under this section of*
18 *whether to void a grant, contract or lease, the interests of innocent*
19 *third parties who could be damaged must be taken into account.*
20 *The Attorney General or official attorney for the governmental*
21 *entity must give notice of the intent to void a grant, contract or*
22 *lease under this section not later than 30 days after the Senate*
23 *Commission, Assembly Commission or Joint Commission, as*
24 *applicable, has determined that there has been a related violation*
25 *of this chapter.*

26 2. *Any actions taken by a state agency of the Executive*
27 *Department in violation of this chapter is voidable, except that the*
28 *interests of innocent third parties in the nature of the violation*
29 *must be taken into account. The Attorney General may also*
30 *pursue any other available legal or equitable remedies.*

31 3. *In addition to any other remedies or penalties provided by*
32 *law, the Attorney General may recover any fee, compensation, gift*
33 *or benefit received by any person as a result of a violation of this*
34 *chapter by a legislative officer or employee. An action to recover*
35 *pursuant to this section must be brought within 2 years after the*
36 *violation or reasonable discovery of the violation.*

37 **Sec. 91.** 1. *The Senate Commission on Ethics is hereby*
38 *created. Subject to the provisions of this section, the Senate*
39 *Commission consists of seven members appointed as follows:*

40 (a) *Two members of the Senate appointed by the Majority*
41 *Leader of the Senate from the majority political party;*

42 (b) *One member of the Senate appointed by the Minority*
43 *Leader of the Senate from the minority political party; and*

44 (c) *Four persons who are qualified electors of this State, with*
45 *two such members appointed by the Majority Leader, one such*



1 *member appointed by the Minority Leader and one such member*
2 *appointed by the other members appointed to the Commission. The*
3 *members appointed pursuant to this paragraph must not be a*
4 *current member of the Legislature or employed by the State of*
5 *Nevada during their terms.*

6 *2. Not more than four members of the Senate Commission*
7 *may be members of the same political party.*

8 *3. As soon as practicable after each regular session convenes,*
9 *the appointing authorities shall appoint the members of the Senate*
10 *Commission. The terms of the members end when the next regular*
11 *session convenes. Any member who is a Legislator and who is not*
12 *a candidate for reelection or who is defeated for reelection*
13 *continues to serve after the general election until the next regular*
14 *session convenes.*

15 *4. As soon as practicable after each regular session convenes,*
16 *the appointing authorities shall appoint the following alternate*
17 *members for the Senate Commission:*

18 *(a) The Majority Leader shall appoint an alternate member*
19 *with the qualifications set forth in paragraph (a) of subsection 1*
20 *and an alternate member with the qualifications set forth in*
21 *paragraph (c) of subsection 1.*

22 *(b) The Minority Leader shall appoint an alternate member*
23 *with the qualifications set forth in paragraph (b) of subsection 1*
24 *and an alternate member with the qualifications set forth in*
25 *paragraph (c) of subsection 1.*

26 *(c) The members of the Commission shall appoint an alternate*
27 *member with the qualifications set forth in paragraph (c) of*
28 *subsection 1.*

29 *5. The terms of the alternate members end when the next*
30 *regular session convenes. Any alternate member who is a*
31 *Legislator and who is not a candidate for reelection or who is*
32 *defeated for reelection continues to serve after the general election*
33 *until the next regular session convenes.*

34 *6. If a member of the Senate Commission is unable to serve*
35 *for any reason during the consideration of a specific matter, the*
36 *alternate member appointed with the qualifications from the same*
37 *paragraph in subsection 1 by the same appointing authority shall*
38 *serve as a member of the Commission during the consideration of*
39 *the specific matter, with all the rights, powers, privileges and*
40 *immunities of a regular member.*

41 *7. A vacancy in the membership or alternate membership of*
42 *the Senate Commission must be filled in the same manner as the*
43 *original appointment for the remainder of the unexpired term.*



1 **Sec. 92. 1. The Legislative Commission shall review and**
2 **approve the budget and work program for the Senate Commission**
3 **and any changes to the budget or work program.**

4 2. Except during a regular or special session, for each day or
5 **portion of a day during which members of the Senate Commission**
6 **who are Legislators attend a meeting of the Commission or are**
7 **otherwise engaged in the business of the Commission, the**
8 **members are entitled to receive:**

9 (a) **The compensation provided for a majority of the**
10 **Legislators during the first 60 days of the preceding regular**
11 **session;**

12 (b) **The per diem allowance provided for state officers and**
13 **employees generally; and**

14 (c) **The travel expenses provided pursuant to NRS 218A.655.**

15 3. **The members of the Senate Commission who are not**
16 **Legislators serve without compensation. For each day or portion**
17 **of a day during which those members attend a meeting of the**
18 **Commission or are otherwise engaged in the business of the**
19 **Commission, the members are entitled to receive:**

20 (a) **The per diem allowance provided for state officers and**
21 **employees generally; and**

22 (b) **The travel expenses provided pursuant to NRS 218A.655.**

23 4. **An alternate member of the Senate Commission who serves**
24 **for a regular member during the consideration of a specific matter**
25 **is entitled to receive the same compensation, per diem allowances**
26 **and travel expenses as that regular member would be entitled to**
27 **receive for the same service.**

28 5. **All compensation, per diem allowances and travel expenses**
29 **must be paid from the Legislative Fund.**

30 **Sec. 93. 1. The Majority Leader of the Senate shall appoint**
31 **the Chair and Vice Chair of the Senate Commission.**

32 2. **If a vacancy occurs in the office of Chair or Vice Chair,**
33 **the vacancy must be filled in the same manner as the original**
34 **appointment for the remainder of the unexpired term.**

35 3. **The Chair may prescribe rules, practices and procedures**
36 **for the Senate Commission's management, government and**
37 **proceedings.**

38 4. **The Chair may take, direct or require any necessary and**
39 **reasonable actions to facilitate or carry out the Senate**
40 **Commission's management, government and proceedings,**
41 **including, without limitation, issuing and enforcing any orders or**
42 **other directives to the parties and any attorneys representing the**
43 **parties.**



1 5. *The Vice Chair shall serve as the acting Chair if the Chair*
2 *is unable to serve for any reason during the consideration of a*
3 *specific matter.*

4 **Sec. 94. 1.** *The Senate Commission shall meet at such*
5 *times and places as specified by a call of the Chair or a majority of*
6 *the Commission.*

7 2. *At a meeting, four members of the Senate Commission*
8 *constitute a quorum, and a quorum may exercise all the power*
9 *and authority conferred on the Commission.*

10 3. *The Senate Commission shall hear ethics complaints*
11 *brought against a legislative officer or employee of the Senate*
12 *regarding an alleged violation of the legislative ethical standards.*

13 4. *The Senate Commission may hear requests brought by a*
14 *legislative officer or employee of the Senate for advice on the*
15 *legislative ethical standards.*

16 **Sec. 95. 1.** *The Assembly Commission on Ethics is hereby*
17 *created. Subject to the provisions of this section, the Assembly*
18 *Commission consists of six members appointed as follows:*

19 (a) *Two members of the Assembly appointed by the Speaker of*
20 *the Assembly from the majority political party;*

21 (b) *One member of the Assembly appointed by the Minority*
22 *Leader of the Assembly from the minority political party; and*

23 (c) *Three persons who are qualified electors of the State, with*
24 *two such members appointed by the Speaker and one such*
25 *member appointed by the Minority Leader. The members*
26 *appointed pursuant to this paragraph must not be a current*
27 *member of the Legislature or employed by the State of Nevada*
28 *during their terms.*

29 2. *As soon as practicable after each regular session convenes,*
30 *the appointing authorities shall appoint the members of the*
31 *Assembly Commission. The terms of the members end when the*
32 *next regular session convenes. Any member who is a Legislator*
33 *and who is not a candidate for reelection or who is defeated for*
34 *reelection continues to serve after the general election until the*
35 *next regular session convenes.*

36 3. *As soon as practicable after each regular session convenes,*
37 *the appointing authorities shall appoint the following alternate*
38 *members for the Assembly Commission:*

39 (a) *The Speaker shall appoint an alternate member with the*
40 *qualifications set forth in paragraph (a) of subsection 1 and an*
41 *alternate member with the qualifications set forth in paragraph (c)*
42 *of subsection 1.*

43 (b) *The Minority Leader shall appoint an alternate member*
44 *with the qualifications set forth in paragraph (b) of subsection 1*



1 *and an alternate member with the qualifications set forth in*
2 *paragraph (c) of subsection 1.*

3 *4. The terms of the alternate members end when the next*
4 *regular session convenes. Any alternate member who is a*
5 *Legislator and who is not a candidate for reelection or who is*
6 *defeated for reelection continues to serve after the general election*
7 *until the next regular session convenes.*

8 *5. If a member of the Assembly Commission is unable to*
9 *serve for any reason during the consideration of a specific matter,*
10 *the alternate member appointed with the qualifications from the*
11 *same paragraph in subsection 1 by the same appointing authority*
12 *shall serve as a member of the Commission during the*
13 *consideration of the specific matter, with all the rights, powers,*
14 *privileges and immunities of a regular member.*

15 *6. A vacancy in the membership or alternate membership of*
16 *the Assembly Commission must be filled in the same manner as*
17 *the original appointment for the remainder of the unexpired term.*

18 **Sec. 96. 1. The Legislative Commission shall review and**
19 **approve the budget and work program for the Assembly**
20 **Commission and any changes to the budget or work program.**

21 *2. Except during a regular or special session, for each day or*
22 *portion of a day during which members of the Assembly*
23 *Commission who are Legislators attend a meeting of the*
24 *Commission or are otherwise engaged in the business of the*
25 *Commission, the members are entitled to receive:*

26 *(a) The compensation provided for a majority of the*
27 *Legislators during the first 60 days of the preceding regular*
28 *session;*

29 *(b) The per diem allowance provided for state officers and*
30 *employees generally; and*

31 *(c) The travel expenses provided pursuant to NRS 218A.655.*

32 *3. The members of the Assembly Commission who are not*
33 *Legislators serve without compensation. For each day or portion*
34 *of a day during which those members attend a meeting of the*
35 *Commission or are otherwise engaged in the business of the*
36 *Commission, the members are entitled to receive:*

37 *(a) The per diem allowance provided for state officers and*
38 *employees generally; and*

39 *(b) The travel expenses provided pursuant to NRS 218A.655.*

40 *4. An alternate member of the Assembly Commission who*
41 *serves for a regular member during the consideration of a specific*
42 *matter is entitled to receive the same compensation, per diem*
43 *allowances and travel expenses as that regular member would be*
44 *entitled to receive for the same service.*



1 5. All compensation, per diem allowances and travel expenses
2 must be paid from the Legislative Fund.

3 **Sec. 97.** 1. The Speaker of the Assembly shall appoint the
4 Chair and Vice Chair of the Assembly Commission.

5 2. If a vacancy occurs in the office of Chair or Vice Chair,
6 the vacancy must be filled in the same manner as the original
7 appointment for the remainder of the unexpired term.

8 3. The Chair may prescribe rules, practices and procedures
9 for the Assembly Commission's management, government and
10 proceedings.

11 4. The Chair may take, direct or require any necessary and
12 reasonable actions to facilitate or carry out the Assembly
13 Commission's management, government and proceedings,
14 including, without limitation, issuing and enforcing any orders or
15 other directives to the parties and any attorneys representing the
16 parties.

17 5. The Vice Chair shall serve as the acting Chair if the Chair
18 is unable to serve for any reason during the consideration of a
19 specific matter.

20 **Sec. 98.** 1. The Assembly Commission shall meet at such
21 times and places as specified by a call of the Chair or a majority of
22 the Commission.

23 2. At a meeting, four members of the Assembly Commission
24 constitute a quorum, and a quorum may exercise all the power
25 and authority conferred on the Commission.

26 3. The Assembly Commission shall hear ethics complaints
27 brought against a legislative officer or employee of the Assembly
28 regarding an alleged violation of the legislative ethical standards.

29 4. The Assembly Commission may hear requests brought by a
30 legislative officer or employee of the Assembly for advice on the
31 legislative ethical standards.

32 **Sec. 99.** 1. The Joint Commission on Ethics is hereby
33 created. Subject to the provisions of this section, the Joint
34 Commission consists of six members appointed as follows:

35 (a) Three members of the Senate Commission who are
36 Legislators appointed by the Chair of the Senate Commission; and

37 (b) Three members of the Assembly Commission who are
38 Legislators appointed by the Chair of the Assembly Commission.

39 2. The terms of the members of the Joint Commission are
40 coextensive with their respective terms on the Senate Commission
41 or Assembly Commission, as applicable.

42 3. If a member of the Joint Commission is unable to serve for
43 any reason during the consideration of a specific matter, the
44 appropriate alternate member authorized to serve for that member
45 pursuant to section 91 or 95 of this act, as applicable, shall serve



1 *as a member of the Joint Commission during the consideration of*
2 *the specific matter, with all the rights, powers, privileges and*
3 *immunities of a regular member.*

4 **Sec. 100.** 1. *The Legislative Commission shall review and*
5 *approve the budget and work program for the Joint Commission*
6 *and any changes to the budget or work program.*

7 2. *Except during a regular or special session, for each day or*
8 *portion of a day during which members of the Joint Commission*
9 *who are Legislators attend a meeting of the Commission or are*
10 *otherwise engaged in the business of the Commission, the*
11 *members are entitled to receive:*

12 (a) *The compensation provided for a majority of the*
13 *Legislators during the first 60 days of the preceding regular*
14 *session;*

15 (b) *The per diem allowance provided for state officers and*
16 *employees generally; and*

17 (c) *The travel expenses provided pursuant to NRS 218A.655.*

18 3. *An alternate member of the Joint Commission who serves*
19 *for a regular member during the consideration of a specific matter*
20 *is entitled to receive the same compensation, per diem allowances*
21 *and travel expenses as that regular member would be entitled to*
22 *receive for the same service.*

23 4. *All compensation, per diem allowances and travel expenses*
24 *must be paid from the Legislative Fund.*

25 **Sec. 101.** 1. *The offices of Chair and Vice Chair of the*
26 *Joint Commission alternate between the Houses, beginning with*
27 *the Chair of the Senate Commission serving as the Chair of the*
28 *Joint Commission and the Chair of the Assembly Commission*
29 *serving as the Vice Chair of the Joint Commission, and following*
30 *this pattern thereafter.*

31 2. *The terms of the Chair and Vice Chair of the Joint*
32 *Commission are coextensive with their respective terms as the*
33 *Chairs of the Senate Commission and Assembly Commission, as*
34 *applicable.*

35 3. *If a vacancy occurs in the office of Chair or Vice Chair,*
36 *the vacancy must be filled in the same manner as the original*
37 *appointment for the remainder of the unexpired term.*

38 4. *The Chair may prescribe rules, practices and procedures*
39 *for the Joint Commission's management, government and*
40 *proceedings.*

41 5. *The Chair may take, direct or require any necessary and*
42 *reasonable actions to facilitate or carry out the Joint*
43 *Commission's management, government and proceedings,*
44 *including, without limitation, issuing and enforcing any orders or*



1 *other directives to the parties and any attorneys representing the*
2 *parties.*

3 *6. The Vice Chair shall serve as the acting Chair if the Chair*
4 *is unable to serve for any reason during the consideration of a*
5 *specific matter.*

6 **Sec. 102.** *1. The Joint Commission shall meet at such times*
7 *and places as specified by a call of the Chair or a majority of the*
8 *Commission.*

9 *2. At a meeting, four members of the Joint Commission*
10 *constitute a quorum, and a quorum may exercise all the power*
11 *and authority conferred on the Commission.*

12 *3. The Joint Commission shall hear ethics complaints*
13 *brought against a legislative officer or employee, other than a*
14 *legislative officer or employee of the Senate or Assembly,*
15 *regarding an alleged violation of the legislative ethical standards.*

16 *4. The Joint Commission may hear requests brought by a*
17 *legislative officer or employee, other than a legislative officer or*
18 *employee of the Senate or Assembly, for advice on the legislative*
19 *ethical standards.*

20 **Sec. 103.** *As used in sections 103 to 112, inclusive, of this*
21 *act, unless the context otherwise requires, "Commission" means*
22 *the Senate Commission, Assembly Commission or Joint*
23 *Commission, as applicable to the proceedings.*

24 **Sec. 104.** *1. The Commission shall conduct investigations*
25 *and hold hearings to carry out the provisions of this chapter and*
26 *may exercise any of the investigative powers set forth in NRS*
27 *218E.105 to 218E.140, inclusive, and any other investigative*
28 *powers that are necessary and reasonable to carry out the*
29 *provisions of this chapter.*

30 *2. The rights, powers, privileges and immunities granted by*
31 *this chapter to the Commission and its members are in addition to*
32 *any other rights, powers, privileges and immunities recognized by*
33 *law, and all such rights, powers, privileges and immunities are*
34 *cumulative, so that the application or attempted application of any*
35 *one does not bar the application or attempted application of any*
36 *other.*

37 **Sec. 105.** *All proceedings held by the Commission pursuant*
38 *to this chapter to consider the character, alleged misconduct,*
39 *professional competence or physical or mental health of any*
40 *person on matters regarding the legislative ethical standards and*
41 *all materials related to those proceedings are confidential, unless*
42 *the legislative officer or employee who is the subject of the*
43 *proceedings requests a public hearing or discloses the content of*
44 *the proceedings or materials.*



1 **Sec. 106.** *A member of the Commission is disqualified to*
2 *serve during the consideration of a specific matter if:*

3 1. *The member is the subject of the ethics complaint alleging*
4 *a violation of the legislative ethical standards regarding the*
5 *specific matter;*

6 2. *The member is the person who requested advice on the*
7 *legislative ethical standards regarding the specific matter; or*

8 3. *A reasonable person in the member's situation could not*
9 *exercise independent judgment on the specific matter.*

10 **Sec. 107.** 1. *An individual may file an ethics complaint*
11 *against a legislative officer or employee regarding an alleged*
12 *violation of the legislative ethical standards.*

13 2. *If the alleged violation involves the conduct of more than*
14 *one legislative officer or employee, separate ethics complaints*
15 *must be filed regarding each legislative officer or employee.*

16 3. *An ethics complaint must be:*

17 (a) *Made in writing on a form provided by the Legislative*
18 *Counsel;*

19 (b) *Signed and verified under penalty of perjury by the*
20 *individual making the allegation; and*

21 (c) *Filed with the Legislative Counsel.*

22 4. *The Legislative Counsel shall review the ethics complaint*
23 *and any other relevant information and consult with the Chair of*
24 *the Commission or, if the Chair is the subject of the ethics*
25 *complaint, with the Vice Chair, to evaluate whether the*
26 *Commission has jurisdiction and whether an investigation is*
27 *warranted in the matter.*

28 5. *If it is determined that the Commission:*

29 (a) *Does not have jurisdiction or that an investigation is not*
30 *warranted in the matter, the Legislative Counsel shall send written*
31 *notice of the determination to the individual who filed the ethics*
32 *complaint.*

33 (b) *Has jurisdiction and that an investigation is warranted in*
34 *the matter, the Legislative Counsel shall send written notice of the*
35 *determination and a copy of the ethics complaint to the legislative*
36 *officer or employee who is the subject of the ethics complaint.*

37 6. *If the Legislative Counsel is the subject of the ethics*
38 *complaint, the General Counsel shall carry out all powers and*
39 *duties assigned to legal counsel for the Commission regarding that*
40 *specific matter.*

41 **Sec. 108.** 1. *If the Commission holds an adjudicatory*
42 *hearing on an ethics complaint, the Commission shall provide the*
43 *legislative officer or employee who is the subject of the ethics*
44 *complaint with a written notice of the date, time and place of the*
45 *hearing.*



1 2. *At the adjudicatory hearing, the Commission shall:*

2 (a) *Allow the legislative officer or employee to be represented*
3 *by legal counsel;*

4 (b) *Allow the legislative officer or employee to hear the*
5 *evidence presented to the Commission and to respond and present*
6 *evidence on his or her own behalf; and*

7 (c) *Require the parties to follow any other procedures that are*
8 *necessary and reasonable to facilitate or carry out the*
9 *adjudicatory hearing.*

10 3. *Strict rules of evidence do not apply to the parties at the*
11 *adjudicatory hearing, but the Chair may admit or exclude any*
12 *evidence based on the rules of evidence.*

13 4. *To facilitate or carry out the adjudicatory hearing, the*
14 *Chair may instruct the Director to:*

15 (a) *Request that the Attorney General appoint a deputy to serve*
16 *as the party who presents the evidence and argues the matter*
17 *against the legislative officer or employee; or*

18 (b) *Employ outside legal counsel to serve as the party who*
19 *presents the evidence and argues the matter against the legislative*
20 *officer or employee.*

21 5. *The party who presents the evidence and argues the matter*
22 *against the legislative officer or employee has the burden of proof*
23 *at the adjudicatory hearing.*

24 6. *The standard of proof at the adjudicatory hearing is a*
25 *preponderance of the evidence, which means evidence that*
26 *enables a trier of fact to determine that the existence of the*
27 *contested fact is more probable than the nonexistence of the*
28 *contested fact.*

29 7. *For the Commission to determine that a violation of the*
30 *legislative ethical standards has been proven against the legislative*
31 *officer or employee, the Commission's determination must be*
32 *supported by a preponderance of the evidence.*

33 **Sec. 109.** *1. If the Commission determines that a violation*
34 *of the legislative ethical standards has not been proven against a*
35 *legislative officer or employee, the Commission shall dismiss the*
36 *matter.*

37 2. *If the Commission determines that a violation of the*
38 *legislative ethical standards has been proven against a legislative*
39 *officer or employee, the Commission may take any actions*
40 *authorized by this chapter or the rules adopted by the Houses*
41 *pursuant to Section 6 of Article 4 of the Nevada Constitution.*

42 **Sec. 110.** *1. In proceedings concerning an ethics*
43 *complaint, the Commission may issue a letter of caution or*
44 *instruction to the legislative officer or employee who is the subject*
45 *of the ethics complaint to caution or instruct the legislative officer*



1 *or employee regarding the propriety of the conduct under the*
2 *legislative ethical standards.*

3 2. *If the Commission issues a letter of caution or instruction*
4 *to the legislative officer or employee, the letter may be considered*
5 *in deciding the appropriate actions to be taken on any subsequent*
6 *ethics complaint involving the legislative officer or employee,*
7 *unless the letter is not relevant to the issues presented by the*
8 *subsequent ethics complaint.*

9 **Sec. 111.** 1. *In addition to any other remedies or penalties*
10 *provided by law, if the Commission determines that a violation of*
11 *the legislative ethical standards has been proven against a*
12 *legislative officer or employee, the Commission may take one or*
13 *more of the following actions:*

14 (a) *Admonish, reprimand or censure the legislative officer or*
15 *employee.*

16 (b) *Impose on the legislative officer or employee civil*
17 *penalties:*

18 (1) *Not to exceed \$5,000 for a separate act or event that*
19 *constitutes a first violation of the legislative ethical standards;*

20 (2) *Not to exceed \$10,000 for a separate act or event that*
21 *constitutes a second violation of the legislative ethical standards;*
22 *and*

23 (3) *Not to exceed \$25,000 for a separate act or event that*
24 *constitutes a third violation of the legislative ethical standards or*
25 *any additional violation of the legislative ethical standards.*

26 (c) *If the Commission finds that a violation of the legislative*
27 *ethical standards has resulted in the realization of a financial*
28 *benefit by the legislative officer or employee or any other person,*
29 *require the legislative officer or employee to pay a civil penalty of*
30 *not more than twice the amount so realized.*

31 (d) *Take any other reasonable actions that the Commission*
32 *determines will remedy the violation or deter similar violations,*
33 *including, without limitation, referring the matter to the*
34 *appropriate House for review and consideration pursuant to*
35 *Section 6 of Article 4 of the Nevada Constitution.*

36 2. *If a legislative officer or employee fails to pay any civil*
37 *penalties imposed pursuant to this chapter, the Legislative*
38 *Department is entitled to pursue every legal and equitable remedy*
39 *that is available to recover and collect the civil penalties in the*
40 *same manner as if they were imposed by a judgment rendered by*
41 *the district court in a civil action.*

42 **Sec. 112.** 1. *The provisions of this chapter do not abrogate*
43 *or decrease the effect of the provisions of the Nevada Revised*
44 *Statutes which define crimes or prescribe punishments with*
45 *respect to the conduct of legislative officers or employees.*



1 *2. If the Commission finds that a legislative officer or*
2 *employee has committed a violation of the legislative ethical*
3 *standards which it believes may also constitute a criminal offense,*
4 *the Commission shall refer the matter to the Attorney General or*
5 *the district attorney, as appropriate, for a determination of*
6 *whether a crime has been committed that warrants prosecution.*

7 **Sec. 113.** NRS 239.010 is hereby amended to read as follows:

8 239.010 1. Except as otherwise provided in this section and
9 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
10 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
11 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
12 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
13 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
14 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
15 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
16 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
17 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
18 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
19 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
20 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
21 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
22 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
23 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
24 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
25 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
26 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
27 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
28 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
29 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
30 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
31 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
32 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
33 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
34 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
35 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
36 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
37 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
38 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
39 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
40 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
41 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
42 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
43 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
44 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
45 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,



1 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
2 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
3 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
4 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
5 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
6 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
7 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
8 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
9 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
10 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
11 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
12 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
13 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
14 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
15 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
16 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
17 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
18 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
19 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
20 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
21 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
22 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
23 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
24 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
25 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
26 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
27 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
28 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
29 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
30 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
31 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
32 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
33 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
34 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
35 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
36 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
37 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
38 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
39 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
40 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
41 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
42 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
43 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
44 *sections 12 and 105 of this act*, sections 35, 38 and 41 of chapter
45 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes



1 of Nevada 2013 and unless otherwise declared by law to be
2 confidential, all public books and public records of a governmental
3 entity must be open at all times during office hours to inspection by
4 any person, and may be fully copied or an abstract or memorandum
5 may be prepared from those public books and public records. Any
6 such copies, abstracts or memoranda may be used to supply the
7 general public with copies, abstracts or memoranda of the records or
8 may be used in any other way to the advantage of the governmental
9 entity or of the general public. This section does not supersede or in
10 any manner affect the federal laws governing copyrights or enlarge,
11 diminish or affect in any other manner the rights of a person in any
12 written book or record which is copyrighted pursuant to federal law.

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

15 3. A governmental entity that has legal custody or control of a
16 public book or record shall not deny a request made pursuant to
17 subsection 1 to inspect or copy or receive a copy of a public book or
18 record on the basis that the requested public book or record contains
19 information that is confidential if the governmental entity can
20 redact, delete, conceal or separate, including, without limitation,
21 electronically, the confidential information from the information
22 included in the public book or record that is not otherwise
23 confidential.

24 4. If requested, a governmental entity shall provide a copy of a
25 public record in an electronic format by means of an electronic
26 medium. Nothing in this subsection requires a governmental entity
27 to provide a copy of a public record in an electronic format or by
28 means of an electronic medium if:

29 (a) The public record:

- 30 (1) Was not created or prepared in an electronic format; and
31 (2) Is not available in an electronic format; or

32 (b) Providing the public record in an electronic format or by
33 means of an electronic medium would:

- 34 (1) Give access to proprietary software; or
35 (2) Require the production of information that is confidential
36 and that cannot be redacted, deleted, concealed or separated from
37 information that is not otherwise confidential.

38 5. An officer, employee or agent of a governmental entity who
39 has legal custody or control of a public record:

40 (a) Shall not refuse to provide a copy of that public record in the
41 medium that is requested because the officer, employee or agent has
42 already prepared or would prefer to provide the copy in a different
43 medium.

44 (b) Except as otherwise provided in NRS 239.030, shall, upon
45 request, prepare the copy of the public record and shall not require



1 the person who has requested the copy to prepare the copy himself
2 or herself.

3 **Sec. 114.** NRS 241.016 is hereby amended to read as follows:

4 241.016 1. The meetings of a public body that are quasi-
5 judicial in nature are subject to the provisions of this chapter.

6 2. The following are exempt from the requirements of this
7 chapter:

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

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

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

16 3. Any provision of law, including, without limitation, NRS
17 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350,
18 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415,
19 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247,
20 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730,
21 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,
22 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311,
23 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170,
24 696B.550, 703.196 and 706.1725, *and section 9 of this act*, which:

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

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

29 ↪ prevails over the general provisions of this chapter.

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

35 **Sec. 115.** The provisions of NRS 354.599 do not apply to any
36 additional expenses of a local government that are related to the
37 provisions of this act.

38 **Sec. 116.** 1. Except as otherwise provided in this section, the
39 Commission on Ethics:

40 (a) Shall apply the amendatory provisions of sections 2 to 54,
41 inclusive, of this act which govern the procedures applicable to
42 administrative proceedings arising under chapter 281A of NRS to
43 any such proceedings that are within the jurisdiction of the
44 Commission on Ethics and are commenced on or after July 1, 2021,



1 whether or not the conduct at issue in such proceedings occurred
2 before July 1, 2021.

3 (b) May apply the amendatory provisions of sections 2 to 54,
4 inclusive, of this act which govern the procedures applicable to
5 administrative proceedings arising under chapter 281A of NRS to
6 any such proceedings that were commenced before July 1, 2021,
7 and are still within the jurisdiction of the Commission on Ethics and
8 pending before the Commission on Ethics on July 1, 2021, unless
9 the Commission on Ethics determines that such an application
10 would be impracticable, unreasonable or unconstitutional under the
11 circumstances, in which case the Commission on Ethics shall apply
12 the procedures in effect before July 1, 2021.

13 2. The amendatory provisions of sections 10, 16, 29, 30, 31 and
14 33 of this act do not apply to any conduct occurring before July 1,
15 2021.

16 **Sec. 117.** Notwithstanding any provisions of sections 91, 95
17 and 99 of this act to the contrary:

18 1. As soon as practicable after July 1, 2021, the appointing
19 authorities shall appoint the members and alternate members of the
20 Senate Commission on Ethics, Assembly Commission on Ethics and
21 Joint Commission on Ethics in the manner set forth in sections 91,
22 95 and 99 of this act, as applicable.

23 2. The terms of the members and alternate members appointed
24 pursuant to this section end when the next regular session of the
25 Legislature convenes in the manner set forth in sections 91, 95 and
26 99 of this act, as applicable.

27 **Sec. 118.** 1. Notwithstanding any other provisions of this act
28 to the contrary:

29 (a) If, before July 1, 2021, administrative proceedings were
30 commenced under chapter 281A of NRS against a legislative officer
31 or employee and are still pending before the Commission on Ethics
32 on July 1, 2021, the Commission on Ethics may exercise continuing
33 jurisdiction or authority over such proceedings after July 1, 2021.

34 (b) If, on or after July 1, 2021, administrative proceedings are
35 commenced under chapter 281A of NRS against a legislative officer
36 or employee, the Commission on Ethics shall not exercise
37 jurisdiction or authority over such proceedings, whether or not the
38 conduct at issue in such proceedings occurred before July 1, 2021.

39 2. As used in this section:

40 (a) "Legislative employee" has the meaning ascribed to it in
41 section 71 of this act.

42 (b) "Legislative officer" has the meaning ascribed to it in section
43 73 of this act.



1 **Sec. 119.** This act becomes effective on July 1, 2021.

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