

Amendment No. 385

Assembly Amendment to Assembly Bill No. 66	(BDR 23-264)
Proposed by: Assembly Committee on Legislative Operations and Elections	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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

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



ASSEMBLY BILL NO. 66—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to ethics in government. (BDR 23-264)

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

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

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

10 Under the Ethics Law, the Commission is required to annually elect a Chair and Vice
11 Chair who are assigned certain powers, functions and duties. (NRS 281A.210, 281A.220,
12 281A.240, 281A.300) **Sections 2 and 17** of this bill provide for the Chair’s powers, functions
13 and duties to be assigned for a particular matter to the Vice Chair or another member of the
14 Commission under certain circumstances. **Section 17** also specifies that the Chair and Vice
15 Chair be elected at the first fiscal meeting of each year. **Section 8** of this bill authorizes the
16 Chair, with certain exceptions, to grant not more than one extension of ~~any~~ any time
17 ~~limitation~~ limit set forth in the Ethics Law ~~to~~ , but the Chair cannot grant an extension of
18 any time limit in the statute of limitations. **Sections 31, 35 and 37-39** of this bill make
19 conforming changes consistent with the authority of the Chair to grant ~~such an extension~~
20 the authorized extensions.

21 **Sections 3-5** of this bill define certain terms relating to proceedings before the
22 Commission and the statutory ethical standards established by the Ethics Law. **Sections 10, 14**
23 **and 46** of this bill make conforming changes to incorporate these definitions into the chapter.

24 **Section 6** of this bill: (1) restates more clearly the existing scope and applicability of the
25 statutory ethical standards to the conduct of current and former public officers and employees;
26 and (2) codifies the existing rule of construction that the standards are cumulative and
27 supplement each other.

28 Under Nevada's Open Meeting Law, the Commission may receive information regarding
29 any litigation from its legal counsel and deliberate toward a decision regarding the litigation
30 without holding a public meeting that complies with the Open Meeting Law. (NRS 241.015)
31 **Section 7** of this bill provides that during any period in which proceedings concerning a
32 request for an advisory opinion or an ethics complaint are confidential under the Ethics Law,
33 the Open Meeting Law does not apply to any meetings, hearings, deliberations or actions of
34 the Commission involving: (1) any decisions in litigation related to the request for an advisory
35 opinion or the ethics complaint; and (2) any delegation of authority to make such decisions in
36 the litigation. **Section ~~49~~ 107** of this bill makes a conforming change to indicate this
37 additional exception to the Open Meeting Law.

38 The Ethics Law requires public officers to execute and timely file with the Commission
39 written acknowledgments that they have received, read and understood the statutory ethical
40 standards and that they have a responsibility to become familiar with any amendments to
41 those standards. (NRS 281A.500) **Section 9** of this bill requires the appropriate appointing
42 authorities and administrative officials at the state and local level to: (1) compile a list of the
43 public officers within their purview who are required to file the written acknowledgment of
44 the statutory ethical standards; and (2) submit the list annually to the Commission.

45 Under the Ethics Law, the Commission is authorized to make a decision relating to a
46 matter or proceeding before the Commission and provide a written advisory opinion or written
47 opinion in response to an ethics complaint. (NRS 281A.670-281A.760) **Sections 11, 12, 15,**
48 **18, 19, 22, 24, 26, 28, 30-32, 34, 36-41 and 47** of this bill make various changes to distinguish
49 between rendering a decision and issuing a written advisory opinion or issuing an opinion in
50 response to an ethics complaint.

51 The Ethics Law prohibits public officers and employees from engaging in certain
52 unethical conduct, including conduct that benefits any persons to whom they have a
53 commitment in a private capacity. (NRS 281A.400, 281A.420) Existing law defines the
54 persons to whom public officers and employees have a "commitment in a private capacity"
55 to include: (1) the spouse or domestic partner of the public officer or employee, any member of
56 his or her household or any relative within the third degree of consanguinity or affinity; (2)
57 any person who employs the public officer or employee, his or her spouse or domestic partner
58 or any member of his or her household; (3) any person with whom the public officer or
59 employee has a substantial and continuing business relationship; or (4) any person with whom
60 the public officer or employee has any other commitment, interest or relationship that is
61 substantially similar to the foregoing commitments, interests or relationships. (NRS
62 281A.065) **Section 13** of this bill makes technical revisions to the definition of "commitment
63 in a private capacity" that do not change the substantive meaning of the term.

64 The Ethics Law requires the Chair to appoint review panels, consisting of three members
65 of the Commission to review ethics complaints during the investigatory stage of the
66 proceedings, and if a review panel determines that there is just and sufficient cause for the
67 Commission to render an opinion in a matter, the members of the review panel generally
68 cannot participate in any further proceedings of the Commission relating to the matter. (NRS
69 281A.220) However, the Ethics Law allows the members of the review panel to authorize the
70 development of and approve a deferral agreement in the proceedings. (NRS 281A.730)
71 **Section 18 of this bill** also allows one or more members of a review panel to participate as
72 mediators or facilitators in any settlement negotiations with the consent of the parties during a
73 specified period.

74 The Ethics Law requires the Commission ~~for Ethics~~ to appoint and prescribe the duties
75 of the Commission Counsel, who is the legal advisor to the Commission and generally acts as
76 legal counsel in any litigation in which the Commission or its members or staff are parties in
77 an official capacity. (NRS 281A.250, 281A.260) **Section 20** of this bill: (1) specifies the
78 powers and duties of the Commission Counsel regarding any litigation in which the
79 Commission or its members or staff are parties in an official capacity; and (2) clarifies that the
80 Commission Counsel does not represent the interests of the Executive Director of the
81 Commission in a judicial action or proceeding in which the Executive Director is named as a
82 party to the action or proceeding based on the conduct of the Executive Director in his or her
83 official ~~conduct~~ **capacity** as a party to an adjudicative proceeding.

84 The Ethics Law sets forth the jurisdiction of the Commission to investigate and take
85 action regarding an alleged violation of the Ethics Law in any proceeding commenced by an
86 ethics complaint if the ethics complaint is filed or initiated within 2 years after the alleged

87 violation or reasonable discovery of the alleged violation. (NRS 281A.280) **Section 21** of this
88 bill similarly provides that the Commission has jurisdiction to gather information and issue an
89 advisory opinion ~~[and investigate and take action]~~ regarding ~~[an alleged violation for]~~ past
90 conduct ~~[relating to the realization of a financial benefit]~~ that has occurred within 2 years
91 before the date on which the request for an advisory opinion is filed ~~.[or before]~~

92 The Ethics Law authorizes the Commission to impose certain penalties, fees and
93 costs against a person who prevents or interferes with, or attempts to prevent or
94 interfere with, any investigation or proceeding under the Ethics Law or the discovery of
95 a violation of the Ethics Law. (NRS 281A.790) Section 21 of this bill provides that the
96 Commission has jurisdiction to investigate and take appropriate action regarding such
97 an alleged violation in any proceeding commenced by a written notice of the charges
98 within 2 years after the alleged violation or reasonable discovery of the alleged violation.

99 Existing law requires the Commission to publish a manual explaining the Ethics Law.
100 **Section 22** of this bill replaces this requirement with a requirement to publish materials to
101 educate public officers and employees on the Ethics Law.

102 **Section 23** of this bill: (1) authorizes the administration of oaths by a member of the
103 Commission when appointed by the Chair to preside over any meetings, hearings or
104 proceedings or by a certified court reporter; (2) authorizes the Chair to issue a subpoena
105 during the course of an investigation for certain information; and (3) provides that any court
106 proceeding commenced relating to a subpoena is deemed good cause for the Chair to grant an
107 extension of the time ~~[limitations]~~ limits that apply to proceedings concerning ethics
108 complaints.

109 The Ethics Law ~~[contains a general provision that]~~ prohibits public officers and
110 employees from using governmental time, property, equipment or other facility to benefit a
111 significant personal or pecuniary interest of the public officers and employees or any persons
112 to whom they have a commitment in a private capacity. ~~[By contrast, the Ethics Law also~~
113 ~~contains a specific provision that prohibits State Legislators from using governmental time,~~
114 ~~property, equipment or other facility for a nongovernmental purpose or for the private benefit~~
115 ~~of the Legislators or any other persons. Both of these prohibitions contain separate]~~ The
116 Ethics Law also contains certain limited-use exceptions that allow a limited use of
117 governmental property, equipment or other facility for personal purposes if the limited use
118 meets certain requirements. (NRS 281A.400) **Section 25** of this bill revises these prohibitions
119 and limited-use exceptions in several ways.

120 First, ~~[section 25 aligns the prohibitions so they employ the same prohibitive language for~~
121 ~~Legislators and other public officers and employees. As a result, subject to the limited-use~~
122 ~~exceptions, section 25 prohibits all public officers and employees from using governmental~~
123 ~~time, property, equipment or other facility to benefit a significant personal or pecuniary~~
124 ~~interest of the public officers and employees or any persons to whom they have a commitment~~
125 ~~in a private capacity.~~

126 ~~— Second, with regard to the limited-use exceptions that apply to public officers and~~
127 ~~employees other than Legislators,]~~ one of the existing requirements for the limited-use
128 exceptions is that the public officer or employee who is responsible for and has authority to
129 authorize the limited use for personal purposes must have established a policy allowing the
130 limited use. (NRS 281A.400) **Section 25** clarifies the exception by providing that the limited
131 use must be authorized by a written policy which was adopted before the limited use occurs.

132 ~~[Finally, with regard to the limited-use exceptions that apply to Legislators and other~~
133 ~~public officers and employees,]~~ Second, one of the existing requirements for the limited-use
134 exceptions is that the limited use for personal purposes must not create the appearance of
135 impropriety. (NRS 281A.400) **Section 25** defines the term “appearance of impropriety” to
136 mean a reasonable person would find, based on the given set of facts and circumstances, that
137 the limited use for personal purposes is inappropriate, disproportionate, excessive or
138 unreasonable under that given set of facts and circumstances.

139 The Ethics Law prohibits public officers and employees from using their position in
140 government to secure or grant any unwarranted privileges, preferences, exemptions or
141 advantages for themselves, any business entity in which they have a significant pecuniary
142 interest or any person to whom they have a commitment in a private capacity. (NRS
143 281A.400) **Section 25** also adds to the statutory ethical standards a prohibition against public
144 officers and employees using their position or power in government to take actions or compel
145 a subordinate to take any actions that would cause unwarranted harm or damage to another

146 person to benefit ~~the~~ a significant ~~pecuniary interest of~~ personal or pecuniary interest of
147 the public officer or employee or ~~for~~ any person to whom the public officer or employee has
148 a commitment in a private capacity.

149 With certain exceptions, the Ethics Law prohibits public officers and employees from
150 acting upon a matter in which their personal or private interests may create potential conflicts
151 of interests unless, at the time the matter is considered, they make a disclosure that is
152 sufficient to inform the public of their potential conflicts of interests. (NRS 281A.420)
153 **Section 27** of this bill provides that, when public officers and employees make such a public
154 disclosure, they are not required to disclose any information which is confidential under the
155 terms of a contract or as a matter of law, such as a result of an attorney-client relationship, if
156 they: (1) disclose all nonconfidential information and describe the general nature of the
157 contract or law; and (2) abstain from acting upon the matter.

158 The Ethics Law allows certain public officers to represent or counsel private persons for
159 compensation before state or local agencies in which they do not serve. In addition, although
160 the Ethics Law requires public officers to disclose such private representation or counseling
161 when it may create potential conflicts of interests with their public duties, they are not
162 required to abstain from acting on a matter because of those potential conflicts of interests.
163 (NRS 281A.410, 281A.420) **Section 27** requires public officers to abstain from acting on a
164 matter under certain circumstances when such private representation or counseling results in
165 conflicts of interests with their public duties.

166 The Ethics Law prohibits certain former public officers and employees, for a 1-year
167 “cooling-off” period after the termination of their public service or employment, from
168 soliciting or accepting private employment from any entities regulated or awarded certain
169 contracts by the agencies that employed the former public officers and employees. However,
170 the Ethics Law also allows the Commission to grant relief from the strict application of the
171 prohibition in specified circumstances. (NRS 281A.550) **Section 28** provides that: (1) certain
172 current and former public officers and management-level public employees are subject to the
173 “cooling-off” period both during and after their public service or employment and cannot
174 solicit or accept private employment from such entities under similar circumstances; and (2)
175 the “cooling-off” period applies when certain current and former public officers and
176 employees are or were ~~materially involved in the implementation, management or~~
177 ~~administration~~ in positions to materially affect or influence the awarding, renewing or
178 amending of certain contracts ~~awarded~~ by their employing agencies ~~if~~ because they had
179 the authority or responsibility to recommend, advise, negotiate, develop, draft, revise,
180 review or approve any material terms of the contracts. In certain situations where
181 current or former public officers and employees are alleged to have violated the
182 “cooling-off” period, section 45 of this bill provides that the Commission must consider
183 certain factors relating to the comparative value of the contract under the given set of
184 facts and circumstances in assessing the severity of the violation and any penalties.

185 Under the Ethics Law, the Legislative Counsel is required to prepare annotations to the
186 Commission’s published opinions for inclusion in the Nevada Revised Statutes. (NRS
187 281A.290) **Sections 22 and 29** of this bill move and recodify this requirement.

188 The Ethics Law authorizes a public officer or employee to file with the Commission a
189 request for an advisory opinion to: (1) seek guidance relating to the propriety of his or her
190 own past, present or future conduct under the statutory ethical standards; or (2) request relief
191 from the strict application of certain provisions of the Ethics Law. (NRS 281A.675) **Section**
192 **16** of this bill deletes duplicative provisions from the definition of a “request for an advisory
193 opinion.” **Section 30** authorizes the Commission to request additional information relating to
194 the request for an advisory opinion from the requester or his or her legal counsel.

195 With certain exceptions, the Commission is subject to the Open Meeting Law, which
196 generally requires most meetings of public bodies to be open to the public. (Chapter 241 of
197 NRS) However, under the Ethics Law, the Open Meeting Law does not apply to meetings,
198 hearings, deliberations and actions of the Commission relating to requests for advisory
199 opinions, although the requester of the advisory opinion may file a request with the
200 Commission to hold a public meeting or hearing regarding the matter. (NRS 281A.690)
201 **Section 33** of this bill requires the requester to acknowledge his or her waiver of
202 confidentiality in the request. **Section 33** also provides that if the Commission grants such
203 a request for a public meeting or hearing regarding the matter, the Commission must provide
204 public notice of the meeting or hearing and the meeting or hearing must be open to the public

205 and conducted in accordance with the regulations of the Commission, but the meeting or
206 hearing is not subject to specific requirements of the Open Meeting Law.

207 In addition to rendering advisory opinions, the Commission is also authorized by the
208 Ethics Law to render opinions regarding the propriety of the conduct of public officers and
209 employees under the statutory ethical standards in response to ethics complaints filed by a
210 specialized or local ethics committee or a person or initiated by the Commission on its own
211 motion. (NRS 281A.710) **Section 34** of this bill authorizes the Executive Director to conduct
212 a preliminary investigation into the propriety of the conduct of a public officer or employee to
213 determine ~~if~~ **whether** the Commission has jurisdiction and whether the Commission should
214 initiate an ethics complaint on its own motion.

215 Not later than 45 days after receiving an ethics complaint, the Ethics Law requires the
216 Commission to determine initially whether it has jurisdiction over the ethics complaint and
217 whether an investigation is warranted in the matter, unless the subject of the ethics complaint
218 waives the time limit. (NRS 281A.715) **Section 35** authorizes the Executive Director, during
219 this initial period, to conduct a preliminary investigation to obtain additional information
220 concerning the allegations in the ethics complaint to assist the Commission in making its
221 initial determination. In addition, **section 35**: (1) eliminates, as unnecessary, the provision
222 authorizing the subject to waive the time limit because the subject does not receive notice of
223 the matter during this initial period, but only receives notice of the matter if the Commission
224 determines that it has jurisdiction and an investigation is warranted; and (2) allows the
225 Commission to dismiss an ethics complaint initiated on its own motion if it determines that
226 the evidence is not sufficient to warrant an investigation in the matter.

227 Under the Ethics Law, if the Commission determines that it has jurisdiction over an ethics
228 complaint and an investigation is warranted, the subject of the ethics complaint is served with
229 a notice of the investigation and provided with an opportunity to submit a response to that
230 notice. (NRS 281A.720) **Section 36** authorizes the Executive Director to grant, under certain
231 circumstances, one or more extensions of the time ~~limitation~~ **limit** to submit the response,
232 but the Executive Director must set a specific and reasonable time period for such an
233 extension.

234 As part of the investigation, the Ethics Law permits the Executive Director to secure the
235 subject's participation, attendance as a witness or production of books and papers under
236 existing procedures. (NRS 281A.300) **Section 36** clarifies that, regardless of whether the
237 subject submits a response to the investigation, the Executive Director retains the authority
238 during the course of the investigation to secure the subject's participation, attendance as a
239 witness or production of books and papers under those existing procedures or any other law
240 that provides such authority.

241 Under the Ethics Law, a review panel is required to determine whether there is just and
242 sufficient cause for the Commission to render an opinion in the matter. (NRS 281A.730)
243 **Section 38** of this bill requires that, after the review panel makes its determination, the review
244 panel must serve a written notice of its determination on the public officer or employee who is
245 the subject of the ethics complaint.

246 The Ethics Law establishes various requirements regarding the adjudication of ethics
247 complaints referred to the Commission for further proceedings. (NRS 281A.745-281A.760)
248 **Section 39** requires: (1) the Executive Director to issue a formal notice of charges to the
249 subject of the ethics complaint regarding the allegations to be presented at an adjudicatory
250 hearing; and (2) the Commission to provide the parties with a written schedule for discovery
251 in order to prepare for the hearing.

252 The Ethics Law requires the Commission to hold the hearing and render an opinion in the
253 matter within a certain time period, unless waived by the subject, and requires the opinion to
254 include findings of fact and conclusions of law. (NRS 281A.745, 281A.765) **Section 39**: (1)
255 provides the Commission with more time to prepare the written opinion in the matter by
256 requiring the Commission to issue the written opinion within a specified time period after the
257 decision is rendered; and (2) clarifies that, in addition to including findings of fact and
258 conclusions of law, the written opinion must otherwise comply with the requirements for a
259 final decision under Nevada's Administrative Procedure Act. (NRS 233B.125) **Section 43** of
260 this bill makes a conforming change related to the contents of a written opinion.

261 With certain exceptions, the Ethics Law requires, or in some cases allows, the
262 Commission to keep the identity of certain persons who file ethics complaints confidential in
263 order to protect those persons from potential harm. (NRS 281A.750) **Section 40** of this bill

264 extends the confidentiality of the requester to persons who worked for the same public body,
265 agency or employer as the subject of the ethics complaint at the time of the alleged conduct, or
266 if revealing the identity of the requester would otherwise reveal the identity of witnesses who
267 work for the same public body, agency or employer. **Section 40** also clarifies that: (1) such
268 confidentiality extends to all materials that, if disclosed, would reveal the identity of the
269 confidential requester; and (2) the identity of the confidential requester remains protected if
270 the Executive Director does not intend to present the testimony of the confidential requester as
271 evidence in the matter. However, if the Executive Director intends to present the testimony of
272 the confidential requester as evidence in the matter, **section 40** requires the Executive Director
273 to disclose the name of the confidential requester only as a proposed witness in accordance
274 with the schedule for discovery in the matter.

275 Under the Ethics Law, the subject of an ethics complaint is authorized to submit a written
276 discovery request for a list of proposed witnesses and a copy of any materials in the
277 investigative file that the Executive Director intends to present as evidence in the matter. The
278 Ethics Law also provides that the materials in the investigative file are confidential, except
279 that any materials which the Executive Director presents as evidence in the matter become
280 public records. (NRS 281A.755) **Section 41** requires any written discovery request to be
281 submitted in accordance with the schedule for discovery in the matter. **Section 41** also
282 provides that any materials which the Executive Director presents as evidence in the matter
283 become public records after the Commission takes final action concerning the ethics
284 complaint in a public meeting or hearing, but provides an exception if any of the materials are
285 declared confidential by another law.

286 In proceedings concerning an ethics complaint, the Ethics Law exempts from the Open
287 Meeting Law: (1) any meeting or hearing held by the Commission to receive information or
288 evidence concerning the ethics complaint; and (2) any deliberations of the Commission on
289 such information or evidence. However, the Ethics Law does not exempt the Commission's
290 actions concerning the ethics complaint from the Open Meeting Law. (NRS 281A.760)
291 **Section 42** of this bill generally exempts the Commission's actions concerning the ethics
292 complaint from the Open Meeting Law. However, **section 42** requires the Commission to take
293 final action concerning the ethics complaint in a public meeting or hearing for which the
294 Commission provides public notice and which is open to the public and conducted in
295 accordance with the regulations of the Commission, but the meeting or hearing is not subject
296 to specific requirements of the Open Meeting Law.

297 The Ethics Law establishes various requirements regarding the disposition of ethics
298 complaints and the imposition of remedies and penalties and, with respect to certain
299 dispositions of ethics complaints and in determining whether a violation is willful, the Ethics
300 Law requires the Commission to treat comparable situations in a comparable manner. (NRS
301 281A.785, 281A.790) **Sections 44 and 45** of this bill require the Commission to carry out that
302 duty to the extent practicable based on the given set of facts and circumstances. **Section 47**
303 clarifies that, based on a finding that a violation of the Ethics Law has been proven, the
304 Commission is authorized to impose certain penalties using any manner in which the
305 Commission is authorized to dispose of the matter.

306 **Section 48** of this bill makes technical conforming changes to the description of current
307 and former public officers and employees **in the Ethics Law. Section 108 of this bill**
308 **addresses the applicability of certain provisions of sections 2-48 of this bill to various**
309 **proceedings before the Commission.**

310 **Sections 9, 9.5, 13.5, 15.5, 15.7, 25-27.5 and 48 of this bill remove legislative officers**
311 **and employees from the jurisdiction of the Ethics Law, and sections 50-105 of this bill**
312 **enact the Nevada Legislative Ethics Law (Legislative Ethics Law) to govern legislative**
313 **officers and employees and, in certain situations, former legislative officers and**
314 **employees after the end of their period of legislative service or employment.**

315 **Sections 52-71 of this bill establish various definitions applicable to the Legislative**
316 **Ethics Law. In particular, section 67 of this bill defines "legislative officer" as any**
317 **current or former: (1) member of the Senate, Secretary of the Senate or officer of the**
318 **Senate; (2) member of the Assembly, Chief Clerk of the Assembly or officer of the**
319 **Assembly; or (3) officer of the Legislature, the Legislative Counsel Bureau or the**
320 **Legislative Department of the State Government. However, the term does not include**
321 **the Lieutenant Governor when acting in his or her official capacity as the President of**
322 **the Senate. Section 65 of this bill defines "legislative employee" as any current or former**

323 employee, assistant, attache, intern or other staff employed with reference to the
324 legislative duties of a Legislator or the Legislative Department, regardless of whether the
325 position is paid or otherwise compensated.

326 Under the Nevada Constitution, the Houses of the Legislature have adopted
327 Standing Rules that establish various ethical standards for Legislators and other
328 legislative officers and employees. (Nev. Const. Art. 4, § 6; Senate Standing Rule No. 23;
329 Assembly Standing Rule No. 23; Joint Standing Rules Nos. 30-39) Section 73 of this bill
330 provides that the Legislative Ethics Law supplements such Standing Rules and, to the
331 extent that there is a conflict between the Standing Rules and the Legislative Ethics Law,
332 the Standing Rules govern the conflict. Sections 51 and 72-76 of this bill set forth
333 additional standards governing the interpretation, application and administration of the
334 Legislative Ethics Law.

335 Sections 77-83 of this bill establish legislative ethical standards which are similar to
336 existing ethical standards for public officers and employees but which are tailored to the
337 specific ethical demands of the Legislative Department.

338 Existing law establishes general ethical standards to which public officers and
339 employees are bound. (NRS 281A.400) Section 77 of this bill establishes similar
340 provisions for the purpose of legislative officers and employees.

341 Existing law restricts public officers and employees from representing or counseling
342 private persons before certain public agencies. (NRS 281A.410) Section 78 of this bill
343 establishes similar provisions for the purpose of legislative officers and employees.

344 Existing law prohibits public officers and employees from taking certain actions
345 relating to contracts between governmental entities and any business entity in which the
346 public officer or employee has a significant pecuniary interest. (NRS 281A.430) Section
347 79 of this bill establishes similar provisions applicable to legislative officers and
348 employees.

349 Existing law prohibits a public officer or employee from accepting or receiving an
350 honorarium under certain circumstances. (NRS 281A.510) Section 80 of this bill
351 establishes similar provisions for the purpose of legislative officers and employees.

352 Existing law prohibits a public officer or employee from requesting or otherwise
353 causing a governmental entity to incur certain expenses or make expenditures to support
354 or oppose ballot questions or candidates under certain circumstances. (NRS 281A.520)
355 Section 81 of this bill establishes similar provisions prohibiting legislative officers and
356 employees from engaging in such acts with regard to the Legislative Department.

357 Existing law establishes certain "cooling-off" periods for public officers and
358 employees relating to soliciting or accepting employment from certain entities under
359 certain circumstances. (NRS 281A.550) Section 82 of this bill establishes similar
360 provisions relating to legislative officers and employees.

361 Existing law authorizes the Attorney General or the appropriate district attorney to
362 void certain grants, contracts or leases entered into in violation of the Ethics Law and
363 authorizes the Attorney General to take other actions to redress certain violations. (NRS
364 281A.540) Section 83 of this bill authorizes the Attorney General or appropriate district
365 attorney to take similar actions to redress certain violations of the Legislative Ethics
366 Law.

367 To carry out and enforce the Legislative Ethics Law, sections 84-95 of this bill create
368 the Senate Commission on Ethics (Senate Commission), Assembly Commission on Ethics
369 (Assembly Commission) and Joint Commission on Ethics (Joint Commission), provide
370 for the appointment and terms of their respective members and prescribe standards for
371 their management, governance and proceedings. Section 109 of this bill directs the
372 appointment and terms of the initial members of each Commission.

373 Under section 87 of this bill, the Senate Commission has jurisdiction to: (1) hear
374 ethics complaints brought against legislative officers and employees of the Senate; and
375 (2) hear requests brought by such persons for advice on the legislative ethical standards.

376 Under section 91 of this bill, the Assembly Commission has jurisdiction to: (1) hear
377 ethics complaints brought against legislative officers and employees of the Assembly;
378 and (2) hear requests brought by such persons for advice on the legislative ethical
379 standards.

380 Under section 95 of this bill, the Joint Commission has jurisdiction to: (1) hear ethics
381 complaints brought against legislative officers and employees other than the officers or

382 employees of the Senate or Assembly; and (2) hear requests brought by such persons for
383 advice on the legislative ethical standards.

384 Section 97 of this bill authorizes the Senate Commission, Assembly Commission and
385 Joint Commission, as applicable, to conduct investigations and hold hearings to carry
386 out the Legislative Ethics Law.

387 Section 98 of this bill provides that all proceedings of the Senate Commission,
388 Assembly Commission or Joint Commission, as applicable, relating to the character,
389 alleged misconduct, professional competence or physical or mental health of any person
390 on matters regarding the legislative ethical standards and the materials relating thereto
391 are confidential, unless the person subject to the proceedings waives such confidentiality.
392 Section 106 of this bill makes a conforming change to the Public Records Law.

393 Section 99 of this bill provides that a member of the Senate Commission, Assembly
394 Commission or Joint Commission, as applicable, is disqualified from serving during the
395 consideration of a matter if: (1) the member is the subject of the ethics complaint; (2) the
396 member requested the advice on the issue under consideration; or (3) a reasonable
397 person in the member's situation could not exercise independent judgment on the
398 matter.

399 Section 100 of this bill authorizes an individual to file with the Legislative Counsel
400 an ethics complaint against a legislative officer or employee. Section 100 requires the
401 Legislative Counsel to review the ethics complaint and consult with the Chair of the
402 Senate Commission, Assembly Commission or Joint Commission, as applicable, to
403 determine whether the Commission has jurisdiction over the complaint and whether an
404 investigation is warranted in the matter. Finally, section 100 requires that: (1) if it is
405 determined that the Commission does not have jurisdiction or an investigation is not
406 warranted, the Legislative Counsel must send a written notice of such a determination to
407 the individual who filed the ethics complaint; or (2) if it is determined that the
408 Commission has jurisdiction and an investigation is warranted, the Legislative Counsel
409 must send a written notice of the determination and a copy of the ethics complaint to the
410 person who is subject to the ethics complaint. Section 74 of this bill requires the ethics
411 complaint to be filed within 2 years after the alleged violation or reasonable discovery of
412 the alleged violation.

413 If the Senate Commission, Assembly Commission or Joint Commission, as
414 applicable, holds an adjudicatory hearing on an ethics complaint, section 101 of this bill
415 establishes various procedural and evidentiary requirements for the adjudicatory
416 hearing, including the burden and standard of proof.

417 Section 102 of this bill requires the Senate Commission, Assembly Commission or
418 Joint Commission, as applicable, to dismiss an ethics complaint if the Commission finds
419 that the violation of the legislative ethical standards has not been proven.

420 Alternatively, if the Senate Commission, Assembly Commission or Joint
421 Commission, as applicable, finds that a violation of the legislative ethical standards has
422 occurred, sections 102-104 of this bill authorize the Commission to: (1) issue a letter of
423 caution or instruction to the legislative officer or employee; (2) admonish, reprimand or
424 censure the legislative officer or employee; (3) impose civil penalties on the legislative
425 officer or employee; or (4) take any other reasonable actions that the Commission
426 determines will remedy the violation or deter similar violations, including referring the
427 matter to the appropriate House for review and consideration.

428 Section 105 of this bill also requires the Senate Commission, Assembly Commission
429 or Joint Commission, as applicable, to refer the matter to the Attorney General or the
430 district attorney, as appropriate, if the Commission believes that the violation of the
431 legislative ethical standards constitutes a crime.

432 Section 110 of this bill provides for the transition of jurisdiction for ethics
433 proceedings brought against legislative officers and employees.

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

1 **Section 1.** Chapter 281A of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 9, inclusive, of this act.

3 **Sec. 2.** “Chair” means:

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

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

7 **Sec. 3.** “Party” means, for the purposes of an adjudicatory hearing or
8 other disposition of proceedings before the Commission concerning an ethics
9 complaint pursuant to this chapter:

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

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

12 **Sec. 4.** “Published opinion” means an opinion issued by the Commission
13 that is publicly available on the Internet website of the Commission.

14 **Sec. 5.** “Statutory ethical standards” means the statutory ethical standards
15 set forth in the provisions of this chapter.

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

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

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

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

27 **Sec. 7.** *During any period in which proceedings concerning a request for*
28 *an advisory opinion or an ethics complaint are confidential pursuant to this*
29 *chapter, the provisions of chapter 241 of NRS do not apply to any meeting or*
30 *hearing held by the Commission or any deliberations or actions of the*
31 *Commission involving:*

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

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

36 **Sec. 8.** 1. Except as otherwise provided in this section and NRS 281A.720,
37 the Chair may, upon the request of the Executive Director and for good cause
38 shown, grant not more than one extension of ~~for~~ any time ~~limitation~~ limit set
39 forth in this chapter.

40 2. The Chair may not grant an extension of any time limit in the statute of
41 limitations set forth in NRS 281A.280.

42 **Sec. 9.** A list of each public officer who is required to file an
43 acknowledgment of the statutory ethical standards in accordance with NRS
44 281A.500 must be submitted electronically to the Commission, in the form
45 prescribed by the Commission, on or before December 1 of each year by:

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

48 (a) *The manager of each local agency for a public officer of a local agency;*
49 and

1 ~~(b) [The Director of the Legislative Counsel Bureau for a public officer of~~
 2 ~~the Legislative Department of the State Government; and~~

3 ~~—(c) The Director of the Department of Administration, or his or her~~
 4 ~~designee, for a public officer of the Executive Department of the State~~
 5 ~~Government; and~~

6 2. For an elected public officer of:

7 (a) A county and other political subdivisions within the county except cities,
 8 the county clerk;

9 (b) A city, the city clerk; and

10 ~~(c) [The Legislative Department of the State Government, the Director of the~~
 11 ~~Legislative Counsel Bureau; and~~

12 ~~—(d) The Executive Department of the State Government, the Director of the~~
 13 ~~Department of Administration, or his or her designee.~~

14 **Sec. 9.5. NRS 281A.020 is hereby amended to read as follows:**

15 281A.020 1. It is hereby declared to be the public policy of this State that:

16 (a) A public office is a public trust and shall be held for the sole benefit of the
 17 people.

18 (b) A public officer or employee must commit himself or herself to avoid
 19 conflicts between the private interests of the public officer or employee and those
 20 of the general public whom the public officer or employee serves.

21 2. The Legislature finds and declares that:

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

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

29 ~~(c) [In interpreting and applying the provisions of this chapter that are~~
 30 ~~applicable to State Legislators, the Commission must give appropriate weight and~~
 31 ~~proper deference to the public policy of this State under which State Legislators~~
 32 ~~serve as "citizen Legislators" who have other occupations and business interests,~~
 33 ~~who are expected to have particular philosophies and perspectives that are~~
 34 ~~necessarily influenced by the life experiences of the Legislator, including, without~~
 35 ~~limitation, professional, family and business experiences, and who are expected to~~
 36 ~~contribute those philosophies and perspectives to the debate over issues with which~~
 37 ~~the Legislature is confronted.~~

38 ~~—(d) The provisions of this chapter do not, under any circumstances, allow the~~
 39 ~~Commission to exercise jurisdiction or authority over [or inquire into, intrude upon~~
 40 ~~or interfere with the functions of a] :~~

41 (1) Any State Legislator [that are protected by legislative privilege and
 42 immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.] or
 43 other legislative officer as defined in section 67 of this act; or

44 (2) Any legislative employee as defined in section 65 of this act,
 45 ↪ except that if such a person holds another position outside of his or her
 46 legislative office or employment that is subject to the jurisdiction of the
 47 Commission pursuant to this chapter, the Commission may exercise jurisdiction
 48 or authority over that person but only for conduct arising out of the other
 49 position.

50 **Sec. 10. NRS 281A.030 is hereby amended to read as follows:**

51 281A.030 As used in this chapter, unless the context otherwise requires, the
 52 words and terms defined in NRS 281A.032 to 281A.170, inclusive, **and sections 2**
 53 **to 5, inclusive, of this act** have the meanings ascribed to them in those sections.

1 **Sec. 11.** NRS 281A.032 is hereby amended to read as follows:

2 281A.032 “Adjudicatory hearing” means a hearing held by the Commission
3 pursuant to NRS 281A.745 to ~~receive evidence~~ *hear the case presented by the*
4 *Executive Director, or his or her designee, and by the public officer or employee*
5 *who is the subject of the ethics complaint, and render a decision* concerning ~~an~~
6 *the* ethics complaint. ~~and render an opinion in the matter.~~

7 **Sec. 12.** NRS 281A.033 is hereby amended to read as follows:

8 281A.033 “Advisory opinion” means an advisory opinion ~~rendered~~ *issued*
9 by the Commission pursuant to NRS 281A.670 to 281A.690, inclusive.

10 **Sec. 13.** NRS 281A.065 is hereby amended to read as follows:

11 281A.065 “Commitment in a private ~~capacity,~~” ~~with respect to the interests~~
12 ~~of another person,~~ *capacity*” means a *private* commitment, interest or relationship
13 of a public officer or employee to : ~~a person:~~

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

16 2. ~~Who is a~~ *A* member of the household of the public officer or employee;

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

21 4. ~~Who employs~~ *The employer* of the public officer or employee, the spouse
22 or domestic partner of the public officer or employee or a member of the household
23 of the public officer or employee;

24 5. ~~With~~ *A person with* whom the public officer or employee has a
25 substantial and continuing business relationship; or

26 6. ~~With~~ *A person with* whom the public officer or employee has any other
27 *private* commitment, interest or relationship that is substantially similar to a *private*
28 commitment, interest or relationship described in subsections 1 to 5, inclusive.

29 **Sec. 13.5.** NRS 281A.080 is hereby amended to read as follows:

30 281A.080 1. The making of a “decision” is the exercise of governmental
31 power to adopt laws, regulations or standards, render quasi-judicial decisions,
32 establish executive policy or determine questions involving substantial discretion.

33 2. The term does not include:

34 (a) The functions of the judiciary.

35 (b) The functions of ~~any~~ *any* State Legislator ~~that are protected by legislative~~
36 ~~privilege and immunity pursuant to the Constitution of the State of Nevada or NRS~~
37 ~~41.071,~~ or other legislative officer as defined in section 67 of this act.

38 **Sec. 14.** NRS 281A.088 is hereby amended to read as follows:

39 281A.088 “Ethics complaint” means ~~a request for an opinion~~ *an ethics*
40 *complaint* which is filed with the Commission or initiated by the Commission on
41 its own motion pursuant to NRS 281A.710 regarding the propriety of the conduct of
42 a public officer or employee under the ~~statutory ethical standards set forth in~~
43 *provisions of* this chapter.

44 **Sec. 15.** NRS 281A.135 is hereby amended to read as follows:

45 281A.135 1. “Opinion” means an opinion ~~rendered~~ *issued* by the
46 Commission in accordance with the provisions of this chapter.

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

50 **Sec. 15.5.** NRS 281A.150 is hereby amended to read as follows:

51 281A.150 1. “Public employee” means any person who:

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

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

6 2. "Public employee" does not include any legislative employee as defined
 7 in section 65 of this act.

8 Sec. 15.7. NRS 281A.160 is hereby amended to read as follows:

9 281A.160 1. "Public officer" means a person who is:

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

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

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

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

17 2. As used in this section, "the exercise of a public power, trust or duty"
 18 means:

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

21 (b) The expenditure of public money; and

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

24 3. "Public officer" does not include:

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

26 (b) Any State Legislator or other legislative officer as defined in section 67 of
 27 this act;

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

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

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

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

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

36 (b) Any State Legislator or other legislative officer as defined in section 67 of
 37 this act;

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

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

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

44 Sec. 16. NRS 281A.161 is hereby amended to read as follows:

45 281A.161 "Request for an advisory opinion" means a request for an advisory
 46 opinion which is filed with the Commission pursuant to NRS 281A.675 . ~~By a~~
 47 ~~public officer or employee who is:~~

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

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

52 Sec. 17. NRS 281A.210 is hereby amended to read as follows:

53 281A.210 1. The Commission shall ~~f~~

1 ~~— (a) At~~ at its first meeting ~~[and annually thereafter]~~ of each fiscal year elect a
2 Chair and Vice Chair from among its members.

3 ~~[(b) Meet]~~

4 2. *Except as otherwise provided in this subsection, if the Chair is prohibited*
5 *from acting on a particular matter or is otherwise unable to act on a particular*
6 *matter, the Vice Chair shall exercise the powers and functions and perform the*
7 *duties of the Chair concerning that particular matter. If both the Chair and Vice*
8 *Chair are prohibited from acting on a particular matter or are otherwise unable*
9 *to act on a particular matter, another member of the Commission who is*
10 *designated in accordance with the regulations of the Commission shall exercise*
11 *the powers and functions and perform the duties of the Chair concerning that*
12 *particular matter.*

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

16 ~~[(2)]~~ 4. Members of the Commission are entitled to receive a salary of not
17 more than \$80 per day, as fixed by the Commission, while engaged in the business
18 of the Commission.

19 ~~[(3)]~~ 5. While engaged in the business of the Commission, each member and
20 employee of the Commission is entitled to receive the per diem allowance and
21 travel expenses provided for state officers and employees generally.

22 ~~[(4)]~~ 6. The Commission may, within the limits of legislative appropriation,
23 maintain such facilities as are required to carry out its functions.

24 **Sec. 18.** NRS 281A.220 is hereby amended to read as follows:

25 281A.220 1. The Chair shall appoint one or more review panels of three
26 members of the Commission on a rotating basis to perform the functions assigned
27 to such review panels pursuant to this chapter.

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

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

32 4. If a review panel determines that there is just and sufficient cause for the
33 Commission to render *a decision and issue* an opinion in a matter, the members of
34 the review panel shall not participate in any further proceedings of the Commission
35 relating to that matter ~~[(1)]~~, *except that:*

36 (a) *One or more members of the review panel may, with the consent of the*
37 *parties, participate as mediators or facilitators in any settlement negotiations*
38 *between the parties that are conducted after the determination by the review*
39 *panel and before an adjudicatory hearing in the matter.*

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

42 **Sec. 19.** NRS 281A.240 is hereby amended to read as follows:

43 281A.240 1. In addition to any other duties imposed upon the Executive
44 Director, the Executive Director shall:

45 (a) Maintain complete and accurate records of all transactions and proceedings
46 of the Commission.

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

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

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

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

4 (f) Upon the request of any public officer or the employer of a public
5 employee, conduct training on the requirements of this chapter, the rules and
6 regulations adopted by the Commission and ~~previous~~ *the published* opinions of
7 the Commission. In any such training, the Executive Director shall emphasize that
8 the Executive Director is not a member of the Commission and that only the
9 Commission may issue opinions concerning the application of the statutory ethical
10 standards to any given set of facts and circumstances. The Commission may charge
11 a reasonable fee to cover the costs of training provided by the Executive Director
12 pursuant to this paragraph.

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

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

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

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

20 3. If the Executive Director is prohibited from acting on a particular matter or
21 is otherwise unable to act on a particular matter, the Chair ~~of the Commission~~
22 shall designate a qualified person to perform the duties of the Executive Director
23 with regard to that particular matter.

24 **Sec. 20.** NRS 281A.260 is hereby amended to read as follows:

25 281A.260 1. The Commission Counsel is the legal adviser to the
26 Commission. For each *written* opinion of the Commission, the Commission
27 Counsel shall prepare, at the direction of the Commission ~~to~~ *or as required*
28 *pursuant to this chapter*, the appropriate findings of fact and conclusions as to *the*
29 relevant *statutory ethical* standards and the propriety of particular conduct. The
30 Commission Counsel shall not issue written opinions concerning the applicability
31 of the statutory ethical standards to a given set of facts and circumstances except as
32 directed by the Commission.

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

35 3. *Except as otherwise provided in this section or directed by the*
36 *Commission, in litigation concerning any judicial action or proceeding in which*
37 *the Commission or any member or employee of the Commission is a party in an*
38 *official capacity or participates or intervenes in an official capacity, the*
39 *Commission Counsel shall represent and act as legal counsel to the Commission*
40 *or any member or employee of the Commission in the action or proceeding.*

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

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

45 (b) *Employs outside legal counsel.*

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

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

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

1 (b) Employ outside legal counsel.

2 **Sec. 21.** NRS 281A.280 is hereby amended to read as follows:

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

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

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

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

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

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

27 (b) A complaint or employment-related grievance may be filed or, if the
28 applicable limitations period has expired, could have been filed with another
29 appropriate agency with jurisdiction to redress alleged discrimination or
30 harassment, including, without limitation, a state or local employee-management
31 relations board or similar state or local agency,
32 but any bar on the Commission's jurisdiction imposed by this subsection applies
33 only to the extent that it pertains to the alleged discrimination or harassment, and
34 this subsection does not deprive the Commission of jurisdiction regarding the
35 alleged conduct if such conduct is sanctionable separately or concurrently under the
36 provisions of this chapter, irrespective of the alleged discrimination or harassment.

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

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

41 (b) If the ethics complaint is initiated by the Commission on its own motion,
42 on the date on which the Commission serves the ~~public officer or employee~~
43 *current* or former public officer or employee with *a written* notice of the
44 *investigation of the* ethics complaint in accordance with the regulations of the
45 Commission.

46 **Sec. 22.** NRS 281A.290 is hereby amended to read as follows:

47 281A.290 The Commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 23.** NRS 281A.300 is hereby amended to read as follows:

31 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the Commission
32 *appointed by the Chair to preside over any meetings, hearings and proceedings*
33 *may administer oaths { } or direct a certified court reporter or other authorized*
34 *person to administer oaths.*

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

38 3. ~~{Upon}~~ *Except as otherwise provided in this subsection, upon* the request
39 of the Executive Director, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~
40 *may issue a subpoena during the course of any investigation* to compel the
41 participation of a potential witness and the production of any books and papers
42 ~~{during the course of any investigation.}~~ *, including, without limitation,*
43 *information, records and documentation regarding personnel records maintained*
44 *by an agency concerning the conduct of a public officer or employee, including,*
45 *notwithstanding any other provision of law to the contrary, records otherwise*
46 *deemed by law to be confidential, that relate to issues under consideration in an*
47 *ethics complaint. A request by the Executive Director for a subpoena pursuant to*
48 *this subsection may not include a request for records related to a concurrent,*
49 *pending criminal investigation where such records are otherwise protected as*
50 *confidential.*

51 4. Upon the request of the Executive Director or the public officer or
52 employee who is the subject of an ethics complaint, the Chair ~~{or, in the Chair's~~
53 ~~absence, the Vice Chair,}~~ may issue a subpoena to compel the attendance of a

1 witness and the production of any books and papers for any hearing before the
2 Commission. A public officer or employee who requests the issuance of a subpoena
3 pursuant to this subsection must serve the subpoena in the manner provided in the
4 Nevada Rules of Civil Procedure for service of subpoenas in a civil action and must
5 pay the costs of such service.

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

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

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

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

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

21 7. If the public officer or employee fails or refuses to respond to the
22 Executive Director's written request pursuant to subsection 5 to voluntarily
23 participate or attend at the time and place specified or produce the books and papers
24 requested by the Executive Director within 5 business days after receipt of the
25 written request, the Chair ~~for, in the Chair's absence, the Vice Chair,~~ may issue the
26 subpoena. Failure of the public officer or employee to comply with the written
27 request of the Executive Director shall be deemed a waiver by the public officer or
28 employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that
29 apply to proceedings concerning the ethics complaint.

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

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

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

36 (c) The witness has failed or refused to participate, attend, testify or produce
37 the books and papers as required by the subpoena, or has failed or refused to answer
38 questions propounded to the witness,

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

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

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

1 ***11. Any court proceeding commenced pursuant to this section is deemed***
2 ***good cause for the Chair to grant, pursuant to section 8 of this act, an extension***
3 ***of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, that apply to***
4 ***proceedings concerning the ethics complaint.***

5 **Sec. 24.** NRS 281A.350 is hereby amended to read as follows:

6 281A.350 1. Any state agency or the governing body of a county or an
7 incorporated city may establish a specialized or local ethics committee to
8 complement the functions of the Commission. A specialized or local ethics
9 committee may:

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

13 (b) Render ***a decision and issue*** an opinion upon the request of any public
14 officer or employee of its own organization or level seeking an interpretation of its
15 ***code of*** ethical standards on questions directly related to the propriety of the public
16 officer's or employee's own future official conduct or refer the request to the
17 Commission. Any public officer or employee subject to the jurisdiction of the
18 committee shall direct the public officer's or employee's inquiry to that committee
19 instead of the Commission.

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

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

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

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

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

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

39 (a) The public officer or employee acts in contravention of the ***decision or***
40 ***opinion***; or

41 (b) The requester discloses the ~~content~~ ***contents*** of the ***decision or*** opinion.

42 **Sec. 25.** NRS 281A.400 is hereby amended to read as follows:

43 281A.400 ~~[A code of ethical standards is hereby established to govern the~~
44 ~~conduct of public officers and employees.]~~

45 1. A public officer or employee shall not seek or accept any gift, service,
46 favor, employment, engagement, emolument or economic opportunity, for the
47 public officer or employee or any person to whom the public officer or employee
48 has a commitment in a private capacity, which would tend improperly to influence
49 a reasonable person in the public officer's or employee's position to depart from the
50 faithful and impartial discharge of the public officer's or employee's public duties.

51 2. A public officer or employee shall not use the public officer's or
52 employee's position in government to secure or grant unwarranted privileges,
53 preferences, exemptions or advantages for the public officer or employee, any

1 business entity in which the public officer or employee has a significant pecuniary
2 interest or any person to whom the public officer or employee has a commitment in
3 a private capacity. ~~[As used in this subsection, “unwarranted” means without~~
4 ~~justification or adequate reason.]~~

5 3. A public officer or employee shall not participate as an agent of
6 government in the negotiation or execution of a contract between the government
7 and the public officer or employee, any business entity in which the public officer
8 or employee has a significant pecuniary interest or any person to whom the public
9 officer or employee has a commitment in a private capacity.

10 4. A public officer or employee shall not accept any salary, retainer,
11 augmentation, expense allowance or other compensation from any private source,
12 for the public officer or employee or any person to whom the public officer or
13 employee has a commitment in a private capacity, for the performance of the public
14 officer’s or employee’s duties as a public officer or employee.

15 5. If a public officer or employee acquires, through the public officer’s or
16 employee’s public duties or relationships, any information which by law or practice
17 is not at the time available to people generally, the public officer or employee shall
18 not use the information to further a significant pecuniary interest of the public
19 officer or employee or any other person or business entity.

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

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

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

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

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

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

39 (2) The use does not interfere with the performance of the public officer’s
40 or employee’s public duties;

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

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

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

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

48 **↳** If a governmental agency incurs a cost as a result of a use that is authorized
49 pursuant to this subsection or would ordinarily charge a member of the general
50 public for the use, the public officer or employee shall promptly reimburse the cost
51 or pay the charge to the governmental agency.

52 8. ~~[A State Legislator shall not]~~

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

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

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

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

~~(III) The use does not create the appearance of 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 legislative 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.~~

~~11.] 10. A public officer or employee shall not use the public officer's or employee's position or power in government to take any actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit ~~the~~ a significant ~~pecuniary interest or~~ personal or pecuniary interest of the public officer or employee or ~~the significant pecuniary interest or personal interest of~~ any person to whom the public officer or employee has a commitment in a private capacity.~~

~~12.] 11. As used in this section:~~

~~(a) "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.~~

~~(b) "Unwarranted" means without justification or adequate reason.~~

Sec. 26. 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:

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

4 (b) If the public officer or employee leaves the service of the agency, shall not,
5 for 1 year after leaving the service of the agency, represent or counsel for
6 compensation a private person upon any issue which was under consideration by
7 the agency during the public officer's or employee's service. As used in this
8 paragraph, "issue" includes a case, proceeding, application, contract or
9 determination, but does not include the proposal or consideration of legislative
10 measures or administrative regulations.

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

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

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

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

23 (1) The best interests of the public;

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

26 (3) The provisions of this chapter.

27 4. For the purposes of subsection 3, the request for an advisory opinion, *the*
28 *decision rendered*, the advisory opinion and all meetings, hearings and proceedings
29 of the Commission in such a matter are governed by the provisions of NRS
30 281A.670 to 281A.690, inclusive.

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

34 **Sec. 27.** NRS 281A.420 is hereby amended to read as follows:

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

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

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

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

42 (d) Which would reasonably be related to the nature of any representation or
43 counseling that the public officer or employee provided to a private person for
44 compensation before another agency within the immediately preceding year,
45 provided such representation or counseling is permitted by NRS 281A.410,

46 without disclosing information concerning the gift or loan, the significant
47 pecuniary interest, the commitment in a private capacity to the interests of the other
48 person or the nature of the representation or counseling of the private person that is
49 sufficient to inform the public of the potential effect of the action or abstention
50 upon the person who provided the gift or loan, upon the public officer's or
51 employee's significant pecuniary interest, upon the person to whom the public
52 officer or employee has a commitment in a private capacity or upon the private
53 person who was represented or counseled by the public officer or employee. Such a

1 disclosure must be made at the time the matter is considered. If the public officer or
2 employee is a member of a body which makes decisions, the public officer or
3 employee shall make the disclosure in public to the chair and other members of the
4 body. If the public officer or employee is not a member of such a body and holds an
5 appointive office, the public officer or employee shall make the disclosure to the
6 supervisory head of the public officer's or employee's organization or, if the public
7 officer holds an elective office, to the general public in the area from which the
8 public officer is elected.

9 2. The provisions of subsection 1 do not require ~~{a}~~:

10 (a) A public officer to disclose:

11 ~~{(a)}~~ (1) Any campaign contributions that the public officer reported in a
12 timely manner pursuant to NRS 294A.120 or 294A.125; or

13 ~~{(b)}~~ (2) Any contributions to a legal defense fund that the public officer
14 reported in a timely manner pursuant to NRS 294A.286.

15 (b) *A public officer or employee to disclose any information which is*
16 *confidential under the terms of a contract or as a matter of law if the public*
17 *officer or employee:*

18 (1) *In the disclosure made pursuant to subsection 1, discloses all*
19 *nonconfidential information that is required to be disclosed and describes the*
20 *general nature of the contract or law that protects the confidential information*
21 *from being disclosed; and*

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

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

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

32 (b) The public officer's significant pecuniary interest; ~~{or}~~

33 (c) The public officer's commitment in a private capacity to the interests of
34 another person ~~{}~~; or

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

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

39 (a) It must be presumed that the independence of judgment of a reasonable
40 person in the public officer's situation would not be materially affected by the
41 public officer's acceptance of a gift or loan, significant pecuniary interest, ~~{or}~~
42 commitment in a private capacity to the interests of another person *or*
43 *representation or counseling of a private person for compensation as permitted*
44 *by NRS 281A.410* where the resulting benefit or detriment accruing to the public
45 officer, or if the public officer has a commitment in a private capacity to the
46 interests of another person ~~{}~~ *or has represented or counseled a private person for*
47 *compensation as permitted by NRS 281A.410*, accruing to the other person, is not
48 greater than that accruing to any other member of any general business, profession,
49 occupation or group that is affected by the matter. The presumption set forth in this
50 paragraph does not affect the applicability of the requirements set forth in
51 subsection 1 relating to the duty of the public officer to make a proper disclosure at
52 the time the matter is considered and in the manner required by subsection 1.

1 (b) The Commission must give appropriate weight and proper deference to the
 2 public policy of this State which favors the right of a public officer to perform the
 3 duties for which the public officer was elected or appointed and to vote or
 4 otherwise act upon a matter, provided the public officer makes a proper disclosure
 5 at the time the matter is considered and in the manner required by subsection 1.
 6 Because abstention by a public officer disrupts the normal course of representative
 7 government and deprives the public and the public officer's constituents of a voice
 8 in governmental affairs, the provisions of this section are intended to require
 9 abstention only in clear cases where the independence of judgment of a reasonable
 10 person in the public officer's situation would be materially affected by the public
 11 officer's acceptance of a gift or loan, significant pecuniary interest, ~~for~~
 12 commitment in a private capacity to the interests of another person ~~or~~ **or**
 13 **representation or counseling of a private person for compensation as permitted**
 14 **by NRS 281A.410.**

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

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

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

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

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

35 ~~8. As used in this section, "public officer" and "public employee" do not~~
 36 ~~include a State Legislator.]~~

37 **Sec. 27.5. NRS 281A.500 is hereby amended to read as follows:**

38 281A.500 1. On or before the date on which a public officer swears or
 39 affirms the oath of office, the public officer must be informed of the statutory
 40 ethical standards and the duty to file an acknowledgment of the statutory ethical
 41 standards in accordance with this section by:

42 (a) For an appointed public officer, the appointing authority of the public
 43 officer; and

44 (b) For an elected public officer of:

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

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

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

50 ~~(4)]~~ The Executive Department of the State Government, the Director of
 51 the Department of Administration, or his or her designee.

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

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

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

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

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

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

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

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

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

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

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

30 (a) Delivered in person to the principal office of the Commission in Carson
31 City.

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

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

39 (d) Transmitted to the Commission by facsimile machine or other electronic
40 means authorized by the Commission. Filing by facsimile machine or other
41 electronic means is complete upon receipt of the transmission by the Commission.

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

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

47 (a) The address of the Internet website of the Commission where a public
48 officer may view the statutory ethical standards and print a copy of the standards;
49 and

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

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

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

7 11. Willful refusal to execute and file the acknowledgment required by this
 8 section shall be deemed to be:

9 (a) A willful violation of this chapter for the purposes of NRS 281A.785 and
 10 281A.790; and

11 (b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public
 12 officer is removable from office pursuant to NRS 283.440, the Commission may
 13 file a complaint in the appropriate court for removal of the public officer pursuant
 14 to that section. This paragraph grants an exclusive right to the Commission, and no
 15 other person may file a complaint against the public officer pursuant to NRS
 16 283.440 based on any violation of this section.

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

19 **Sec. 28.** NRS 281A.550 is hereby amended to read as follows:

20 281A.550 1. A former member of the Public Utilities Commission of
 21 Nevada shall not:

22 (a) Be employed by a public utility or parent organization or subsidiary of a
 23 public utility; or

24 (b) Appear before the Public Utilities Commission of Nevada to testify on
 25 behalf of a public utility or parent organization or subsidiary of a public utility,
 26 ↪ for 1 year after the termination of the member's service on the Public Utilities
 27 Commission of Nevada.

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

30 (a) Appear before the Nevada Gaming Control Board or the Nevada Gaming
 31 Commission on behalf of a person who holds a license issued pursuant to chapter
 32 463 or 464 of NRS or who is required to register with the Nevada Gaming
 33 Commission pursuant to chapter 463 of NRS; or

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

37 3. In addition to the prohibitions set forth in subsections 1 and 2, and except
 38 as otherwise provided in subsections 4 and 6, a *current or* former public officer or
 39 *management-level public* employee of a board, commission, department, division
 40 or other agency of the Executive Department of *the* State Government ~~[, except a~~
 41 ~~clerical employee.]~~ shall not solicit or accept employment from a business or
 42 industry whose activities are governed by regulations adopted *or administered* by
 43 the board, commission, department, division or other agency, *as applicable, if the*
 44 *solicitation or acceptance of employment occurs during the public officer's or*
 45 *employee's period of public service or employment, or [for] within* 1 year after the
 46 termination of ~~[the former public officer's or employee's]~~ *his or her period of*
 47 *public service or [period of] employment [if], and;*

48 (a) The ~~[former]~~ public officer's or employee's principal duties *include or*
 49 included the formulation of policy contained in the regulations governing the
 50 business or industry;

51 (b) ~~[During]~~ *Within* the immediately preceding year ~~[, the former]~~ *during the*
 52 *public officer's or employee's period of public service or employment, or within*
 53 *the year immediately preceding the termination of the public officer's or*

1 *employee's period of public service or employment, the* public officer or employee
2 directly performed activities, or controlled or influenced an audit, decision,
3 investigation or other action, which significantly affected the business or industry ;
4 ~~[which might, but for this section, employ the former public officer or employee;]~~
5 or

6 (c) As a result of the ~~[former]~~ public officer's or employee's governmental
7 service or employment, the ~~[former]~~ public officer or employee possesses
8 knowledge of the trade secrets of a direct business competitor.

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

11 (a) The ~~[former public officer]~~ *member* is engaged in the profession,
12 occupation or business regulated by the board, commission or similar body;

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

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

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

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

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

34 (c) The position held by the ~~[former]~~ public officer or employee at the time the
35 contract was awarded ~~~~[for while it was implemented, managed or administered]~~~~,
36 *renewed or amended by the State or political subdivision, as applicable,* allowed the
37 ~~[former]~~ public officer or employee to *materially* affect or influence the
38 awarding, *renewing or amending* of the contract ~~[] ~~[for its implementation,~~~~
39 ~~~~management or administration,]~~ *because the public officer or employee had the*
40 *authority or responsibility to recommend, advise, negotiate, develop, draft, revise,*
41 *review or approve any material terms of the contract, including, without*
42 *limitation, terms relating to products, supplies, materials, equipment, services,*
43 *quantities, rates, prices, costs, obligations, duties, standards, benchmarks,*
44 *schedules, timeframes, administration, oversight, compliance, changes,*
45 *extensions, suspensions, cancellations, terminations, liabilities, immunities,*
46 *remedies or penalties.*~~

47 6. A current or former public officer or employee may file a request for an
48 advisory opinion pursuant to NRS 281A.675 concerning the application of the
49 relevant facts in that person's case to the provisions of subsection 3 or 5, as
50 applicable, and *the Commission may* determine whether relief from the strict
51 application of those provisions is proper. *For the purposes of submitting all*
52 *necessary information for the Commission to render a decision and issue an*
53 *advisory opinion in the matter, a current or former public officer or employee*

1 *may request information concerning potential employment from any business,*
2 *industry or other person without violating the provisions of subsection 3 or 5, as*
3 *applicable.* If the Commission determines that relief from the strict application of
4 the provisions of subsection 3 or 5, as applicable, is not contrary to:

5 (a) The best interests of the public;

6 (b) The continued ethical integrity of the State Government or political
7 subdivision, as applicable; and

8 (c) The provisions of this chapter,

9 **▼** it may issue an advisory opinion to that effect and grant such relief.

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

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

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

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

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

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

28 10. As used in this section, “regulation” has the meaning ascribed to it in NRS
29 233B.038 and also includes regulations adopted *or administered* by a board,
30 commission, department, division or other agency of the Executive Department of
31 *the* State Government that is exempted from the requirements of chapter 233B of
32 NRS.

33 **Sec. 29.** NRS 281A.665 is hereby amended to read as follows:

34 281A.665 *1. The Legislative Counsel shall prepare annotations to this*
35 *chapter for inclusion in the Nevada Revised Statutes based on the published*
36 *opinions of the Commission.*

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

39 ~~1.~~ (a) A conflict exists between the public officer's or employee's personal
40 interest and the public officer's or employee's official ~~duty.~~ *duties.*

41 ~~2.~~ (b) The public officer's or employee's official duties involve the use of
42 discretionary judgment whose exercise in the particular matter would have a
43 significant effect upon the disposition of the matter.

44 ~~3.~~ (c) The conflict would materially affect the independence of the judgment
45 of a reasonable person in the public officer's or employee's situation.

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

49 ~~5.~~ (e) It would be appropriate for the public officer or employee to withdraw
50 or abstain from participation, disclose the nature of the public officer's or
51 employee's conflicting personal interest or pursue some other designated course of
52 action in the matter.

1 **Sec. 30.** NRS 281A.675 is hereby amended to read as follows:

2 281A.675 1. ~~1A~~ *Except as otherwise provided in this section and NRS*
3 *281A.280, a public officer or employee may file with the Commission a request for*
4 *an advisory opinion to:*

5 (a) Seek guidance on matters which directly relate to the propriety of his or her
6 own past, present or future conduct as a public officer or employee under the
7 statutory ethical standards; ~~{set forth in this chapter.}~~ or

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

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

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

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

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

16 4. The Commission may decline to render *a decision and issue* an advisory
17 opinion if the ~~{public officer or employee}~~ *requester* does not:

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

20 (b) Declare by oath or affirmation that he or she will testify truthfully
21 regarding the matter ~~{}~~ *or confirm in writing, signed under oath, that any*
22 *information provided to the Commission for consideration of the request for an*
23 *advisory opinion is truthful.*

24 **Sec. 31.** NRS 281A.680 is hereby amended to read as follows:

25 281A.680 1. If a public officer or employee properly files a request for an
26 advisory opinion, the Commission shall render *a decision and issue* an advisory
27 opinion that interprets the statutory ethical standards and applies those standards to
28 the given set of facts and circumstances. The Commission shall render *the decision*
29 *and issue* the advisory opinion within 45 days after receiving the request, unless the
30 requester waives this time limit ~~{}~~ *or the Chair grants an extension of time*
31 *pursuant to section 8 of this act.*

32 2. If the advisory opinion ~~{rendered}~~ *issued* by the Commission relates to the
33 propriety of the present or future conduct of the requester, the advisory opinion is:

34 (a) Binding upon the requester with regard to the future conduct of the
35 requester; and

36 (b) A final decision that is subject to judicial review pursuant to NRS
37 233B.130.

38 3. If the requester seeks judicial review pursuant to NRS 233B.130, any
39 proceedings concerning such judicial review must be confidential and held in
40 closed court without admittance of persons other than those necessary to the
41 proceedings, unless the requester waives this right to confidential proceedings.

42 **Sec. 32.** NRS 281A.685 is hereby amended to read as follows:

43 281A.685 1. Except as otherwise provided in this section, the following
44 materials are confidential and are not public records pursuant to chapter 239 of
45 NRS:

46 (a) A request for an advisory opinion;

47 (b) The advisory opinion ~~{rendered}~~ *issued* by the Commission in response to
48 the request;

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

51 (d) Any information, communications, records, documents or other materials in
52 the possession of the requester of the advisory opinion that are related to the request

1 and, if disclosed by the requester, would reveal the existence, nature or content of
2 the request or the advisory opinion.

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

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

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

14 (b) Authorizes the Commission, in writing, to make the request, the advisory
15 opinion or any information, communications, records, documents or other materials
16 in the possession of the Commission or its staff that are related to the request
17 publicly available; or

18 (c) Voluntarily discloses, in any manner, the request, the advisory opinion or
19 any information, communications, records, documents or other materials in the
20 possession of the Commission or its staff that are related to the request, except to:

21 (1) The public body, agency or employer of the requester or the legal
22 counsel of the requester;

23 (2) Any person to whom the Commission authorizes the requester to make
24 such a disclosure; or

25 (3) Any person to whom the requester makes such a disclosure for the
26 purposes of judicial review pursuant to NRS 281A.680.

27 **Sec. 33.** NRS 281A.690 is hereby amended to read as follows:

28 281A.690 1. ~~[Except as otherwise provided in this section, the]~~ *The*
29 provisions of chapter 241 of NRS do not apply to:

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

32 (b) Any deliberations or actions of the Commission on such information or
33 evidence.

34 2. The ~~[public officer or employee]~~ *requester* who files the request for an
35 advisory opinion may also file a request with the Commission to hold a public
36 meeting or hearing regarding the request for an advisory opinion. *If:*

37 (a) *The requester files a request to hold a public meeting or hearing, the*
38 *requester must acknowledge in the request that the requester is waiving the right*
39 *to confidentiality set forth in NRS 281A.685; and*

40 (b) *The Commission grants the request to hold a public meeting or hearing,*
41 *the Commission shall provide public notice of the meeting or hearing, and the*
42 *meeting or hearing must be open to the public and conducted in accordance with*
43 *the regulations of the Commission, but the meeting or hearing is not subject to*
44 *the provisions of chapter 241 of NRS.*

45 **Sec. 34.** NRS 281A.710 is hereby amended to read as follows:

46 281A.710 1. Except as otherwise provided in this section and NRS
47 281A.280, the Commission may render *a decision and issue* an opinion that
48 interprets the statutory ethical standards and applies those standards to a given set
49 of facts and circumstances regarding the propriety of the conduct of a public officer
50 or employee if an ethics complaint is:

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

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

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

6 2. An ethics complaint filed ~~[by a person]~~ *pursuant to paragraph (a) or (b) of*
7 *subsection 1* must be:

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

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

13 3. The Commission may decline to render *a decision and issue* an opinion if
14 the *specialized or local ethics committee or* person who files the ethics complaint
15 does not submit all necessary evidence in the matter.

16 *4. The Executive Director may conduct a preliminary investigation to*
17 *obtain additional evidence concerning the propriety of the conduct of a public*
18 *officer or employee to determine ~~if~~ whether the Commission has jurisdiction in*
19 *a matter and whether the Commission should initiate an ethics complaint on its*
20 *own motion pursuant to paragraph (c) of subsection 1.*

21 **Sec. 35.** NRS 281A.715 is hereby amended to read as follows:

22 281A.715 1. Based on the evidence submitted with an ethics complaint filed
23 with the Commission pursuant to *paragraph (a) or (b) of subsection 1* of NRS
24 281A.710 ~~[]~~ *and any additional evidence obtained by the Executive Director*
25 *pursuant to subsection 2*, the Commission shall determine whether it has
26 jurisdiction in the matter and whether an investigation is warranted in the matter.
27 ~~[The]~~ *Except as otherwise provided in section 8 of this act, the Commission shall*
28 *make its determination within 45 days after receiving the ethics complaint . ~~[~~*
29 *unless the public officer or employee who is the subject of the ethics complaint*
30 *waives this time limit.]*

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

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

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

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

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

50 (a) *Is not sufficient to warrant an investigation in the matter, the*
51 *Commission may dismiss the matter, with or without prejudice. If the*
52 *Commission dismisses the matter, the Commission may issue a letter of caution*
53 *or instruction to the public officer or employee pursuant to NRS 281A.780.*

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

4 **Sec. 36.** NRS 281A.720 is hereby amended to read as follows:

5 281A.720 1. If the Commission directs the Executive Director to investigate
6 an ethics complaint pursuant to NRS 281A.715 , ~~for if the Commission initiates an~~
7 ~~ethics complaint on its own motion pursuant to NRS 281A.710,~~ the Executive
8 Director shall investigate the facts and circumstances relating to the ethics
9 complaint to determine whether the Executive Director believes that there is just
10 and sufficient cause for the Commission to render ***a decision and issue*** an opinion
11 in the matter in order to present a written recommendation to the review panel
12 pursuant to NRS 281A.725.

13 2. The Executive Director shall ~~provide~~ ***prepare and serve a written*** notice
14 of the investigation ***of the ethics complaint*** pursuant to this section ~~to~~ ***on***
15 the public officer or employee who is the subject of the ethics complaint and provide
16 the public officer or employee an opportunity to submit to the Executive Director a
17 response to the ~~allegations against the public officer or employee in the ethics~~
18 ~~complaint. The~~ ***written notice of the investigation. Except as otherwise provided***
19 ***in subsection 3, the*** response must be submitted within 30 days after the date on
20 which the public officer or employee ~~receives~~ ***is served with*** the ***written*** notice of
21 the investigation pursuant to this section . ~~unless the Executive Director grants an~~
22 ~~extension~~

23 3. ***If a public officer or employee has waived the time [limitation] limit set***
24 ***forth in subsection 1 of NRS 281A.725, the Executive Director may grant one or***
25 ***more extensions of time for a public officer or employee to submit a response***
26 ***pursuant to subsection 2 for good cause shown by the public officer or employee.***
27 ***If the Executive Director grants an extension of time, the Executive Director***
28 ***shall set a specific and reasonable time period for such an extension.***

29 4. The purpose of the response submitted pursuant to this section is to provide
30 the Executive Director and the review panel with any information relevant to the
31 ethics complaint which the public officer or employee believes may assist:

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

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

36 ~~4~~ 5. The public officer or employee is not required in the response
37 submitted pursuant to this section or in any proceedings before the review panel to
38 assert, claim or raise any objection or defense, in law or fact, to the allegations
39 against the public officer or employee, and no objection or defense, in law or fact,
40 is waived, abandoned or barred by the failure to assert, claim or raise it in the
41 response or in any proceedings before the review panel.

42 6. ***Whether or not the public officer or employee submits a response***
43 ***pursuant to this section, the Executive Director may take action, in the manner***
44 ***authorized by NRS 281A.300 or any other law, to secure the public officer's or***
45 ***employee's participation, attendance as a witness and production of any books***
46 ***and papers during the course of the investigation.***

47 **Sec. 37.** NRS 281A.725 is hereby amended to read as follows:

48 281A.725 1. Except as otherwise provided in this subsection ~~4~~ ***and section***
49 ***8 of this act,*** the Executive Director shall complete the investigation required by
50 NRS 281A.720 and present a written recommendation to the review panel within
51 70 days after the Commission directs the Executive Director to investigate the
52 ethics complaint . ~~for after the Commission initiates the ethics complaint on its own~~

1 ~~motion, as applicable.~~ The public officer or employee who is the subject of the
2 ethics complaint may waive this time limit.

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

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

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

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

15 **Sec. 38.** NRS 281A.730 is hereby amended to read as follows:

16 281A.730 1. Except as otherwise provided in this section ~~and~~ *and section 8*
17 *of this act*, the review panel shall determine whether there is just and sufficient
18 cause for the Commission to render *a decision and issue* an opinion in the matter
19 within 15 days after the Executive Director ~~provides~~ *presents to* the review panel
20 ~~with~~ the recommendation required by NRS 281A.725. The public officer or
21 employee who is the subject of the ethics complaint may waive this time limit. *The*
22 *review panel shall serve on the public officer or employee who is the subject of*
23 *the ethics complaint a written notice of its determination.*

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

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

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

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

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

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

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

49 7. If the review panel determines that there is just and sufficient cause for the
50 Commission to render *a decision and issue* an opinion in the matter and reasonably
51 believes that the conduct at issue may not be appropriately addressed through
52 additional training or other corrective action under the terms and conditions of a

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

3 **Sec. 39.** NRS 281A.745 is hereby amended to read as follows:

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

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

11 *(b) The Commission shall hold an adjudicatory hearing and render ~~[an opinion
12 in the matter]~~ a decision concerning the ethics complaint within 60 days after the
13 date on which the review panel refers the ethics complaint to the Commission or the
14 Commission vacates the deferral agreement, as appropriate, unless the public
15 officer or employee who is the subject of the ethics complaint waives this time limit
16 ~~[]~~ or the Chair grants an extension of time pursuant to section 8 of this act.*

17 2. ~~[H]~~ Before the Commission holds an adjudicatory hearing ~~[to receive
18 evidence]~~ concerning an ethics complaint, the Commission shall:

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

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

24 3. *At the adjudicatory hearing:*

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

27 *(b) The Commission shall:*

28 *(1) Allow the public officer or employee to be represented by legal
29 counsel; and*

30 ~~[(c)]~~ *(2) Allow the public officer or employee to hear the ~~[evidence]~~ case
31 presented to the Commission *by the Executive Director or his or her designee* and
32 ~~[respond and]~~ present ~~[evidence on]~~ his or her own ~~[behalf]~~ case to the
33 Commission.*

34 ~~[3.]~~ *4. Unless the public officer or employee agrees to a shorter time, an
35 adjudicatory hearing may not be held less than 10 days after the date on which the
36 written notice of the hearing is ~~[given]~~ provided to the public officer or employee.*

37 ~~[4.]~~ *5. For good cause shown, the Commission may take testimony from a
38 person by telephone or video conference at an adjudicatory hearing or at any other
39 proceedings concerning the ethics complaint.*

40 *6. After the Commission renders a decision concerning the ethics
41 complaint, the Commission shall issue a written opinion on or before the date of
42 the next meeting of the Commission that is held after the date on which the
43 decision is rendered.*

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

47 **Sec. 40.** NRS 281A.750 is hereby amended to read as follows:

48 281A.750 1. Except as otherwise provided in this section and NRS
49 281A.755, all information, communications, records, documents or other materials
50 in the possession of the Commission, the review panel or their staff that are related
51 to an ethics complaint are confidential and are not public records pursuant to
52 chapter 239 of NRS until:

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

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

9 ~~↳~~ whichever occurs first.

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

13 (a) Shall keep the identity of the requester confidential if he or she is a public
14 officer or employee who works for the same public body, agency or employer as
15 the public officer or employee who is the subject of the ethics complaint ~~§~~ *or*
16 *worked for the same public body, agency or employer during the time of the*
17 *alleged conduct at issue or if revealing the identity of the requester would reveal*
18 *the identity of witnesses who work for the same public body, agency or employer.*

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

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

26 (a) *All information, communications, records, documents or other materials*
27 *in the possession of the Commission that, if disclosed by the Commission, would*
28 *reveal that the requester filed the ethics complaint. Notwithstanding the*
29 *provisions of chapter 239 of NRS, in denying a request for public records based*
30 *on the confidentiality provided by this paragraph, the Commission is not required*
31 *to provide any information that, if disclosed by the Commission in denying the*
32 *request for public records, would reveal that the requester filed the ethics*
33 *complaint.*

34 (b) *All information, communications, records, documents or other materials*
35 *in the possession of the requester of the ethics complaint or his or her public*
36 *body, agency or employer that, if disclosed by either of them, would reveal that*
37 *the requester filed the ethics complaint. Notwithstanding the provisions of*
38 *chapter 239 of NRS, in denying a request for public records based on the*
39 *confidentiality provided by this paragraph, the requester of the ethics complaint*
40 *or his or her public body, agency or employer is not required to provide any*
41 *information that, if disclosed by either of them in denying the request for public*
42 *records, would reveal that the requester filed the ethics complaint.*

43 4. If the Commission keeps the identity of the requester of an ethics
44 complaint confidential ~~§~~ *pursuant to this section and the Executive Director does*
45 *not intend to present the testimony of the requester as evidence for consideration*
46 *by the Commission at the adjudicatory hearing or in rendering a decision and*
47 *issuing an opinion in the matter, the Commission shall not render a decision and*
48 *issue* an opinion in the matter unless there is sufficient evidence without the
49 testimony of the requester to consider the propriety of the conduct of the public
50 officer or employee who is the subject of the ethics complaint. *The provisions of*
51 *this subsection do not abrogate or otherwise alter or affect the confidentiality of*
52 *the identity of the requester of the ethics complaint.*

1 **5. If the Commission keeps the identity of the requester of an ethics**
2 **complaint confidential pursuant to this section and** the Executive Director intends
3 to present the testimony of the requester as evidence for consideration by the
4 Commission at the adjudicatory hearing or in rendering **a decision and issuing** an
5 opinion in the matter and the public officer or employee who is the subject of the
6 ethics complaint submits a written discovery request to the Commission pursuant to
7 NRS 281A.755, the ~~{Commission}~~ **Executive Director** shall disclose the name of
8 the requester only as a proposed witness ~~[within a reasonable time before the~~
9 ~~adjudicatory hearing on the matter.]~~ **in accordance with the schedule for discovery**
10 **provided to the parties pursuant to NRS 281A.745.**

11 **Sec. 41.** NRS 281A.755 is hereby amended to read as follows:

12 281A.755 1. Except as otherwise provided in this section, the investigative
13 file related to an ethics complaint is confidential and is not a public record pursuant
14 to chapter 239 of NRS.

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

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

31 4. For the purposes of this section:

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

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

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

41 (3) Any other information provided to or obtained by or on behalf of the
42 Executive Director through any form of communication during the course of the
43 investigation , **including, without limitation, information, records and**
44 **documentation obtained pursuant to subsection 3 of NRS 281A.300,** and any
45 proceedings before the review panel and any records, documents or other materials
46 created or maintained during the course of the investigation and any proceedings
47 before the review panel which relate to the public officer or employee who is the
48 subject of the ethics complaint, including, without limitation, a transcript,
49 regardless of whether such information, records, documents or other materials are
50 obtained pursuant to a subpoena.

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

52 **Sec. 42.** NRS 281A.760 is hereby amended to read as follows:

53 281A.760 **1.** The provisions of chapter 241 of NRS do not apply to:

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

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

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

10 **Sec. 43.** NRS 281A.765 is hereby amended to read as follows:

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

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

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

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

21 **Sec. 44.** NRS 281A.770 is hereby amended to read as follows:

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

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

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

31 **Sec. 45.** NRS 281A.775 is hereby amended to read as follows:

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

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

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

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

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

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

52 (f) The extent of any financial gain resulting from the violation or alleged
53 violation; ~~and~~

1 (g) *If the violation or alleged violation arises under subsection 5 of NRS*
 2 *281A.550 and involves the public officer or employee soliciting or accepting*
 3 *employment from a person to whom a contract for supplies, materials, equipment*
 4 *or services was awarded, renewed or amended by the State or political*
 5 *subdivision, as applicable, the amount of the contract involved in the violation or*
 6 *alleged violation compared to the amount of:*

7 *(1) The total annual budget of the agency that awarded, renewed or*
 8 *amended the contract; and*

9 *(2) The total annual budget of the person to whom the contract was*
 10 *awarded, renewed or amended; and*

11 *(h) Any other matter justice may require.*

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

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

18 *(a) To the extent practicable based on the given set of facts and*
 19 *circumstances, treat comparable situations in a comparable manner ; and [shall*
 20 *ensure]*

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

23 **Sec. 46.** NRS 281A.780 is hereby amended to read as follows:

24 281A.780 1. In proceedings concerning an ethics complaint, the
 25 Commission or the review panel, as appropriate, may issue a letter of caution or
 26 instruction to the public officer or employee who is the subject of the ethics
 27 complaint to caution or instruct the public officer or employee regarding the
 28 propriety of his or her conduct under the statutory ethical standards . *[set forth in*
 29 *this chapter.]*

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

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

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

36 **Sec. 47.** NRS 281A.785 is hereby amended to read as follows:

37 281A.785 1. *[Except as otherwise provided in this section, in]* *In*
 38 proceedings concerning an ethics complaint, the Commission, based on a finding
 39 that a violation of this chapter has been proven, or the review panel, as part of the
 40 terms and conditions of a deferral agreement, may, in addition to any other
 41 *[penalty] penalties* provided by law and in accordance with the provisions of NRS
 42 281A.775:

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

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

51 (2) Attend and complete training.

52 (3) Follow a remedial course of action.

53 (4) Issue a public apology.

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

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

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

6 2. In carrying out the provisions of subsection 1, the Commission, based on a
7 finding that a violation of this chapter has been proven ~~to~~ *and as part of any*
8 *manner in which the Commission is authorized to dispose of the matter*, or the
9 review panel, as part of the terms and conditions of a deferral agreement, may
10 publicly:

11 (a) Admonish a public officer or employee if it is determined that the public
12 officer or employee has violated any provision of this chapter, but the violation is
13 not willful, or if such an admonishment is imposed as part of the terms and
14 conditions of a deferral agreement. An admonishment is a written expression of
15 disapproval of the conduct of the public officer or employee.

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

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

29 3. Any action taken by the Commission pursuant to this section is a final
30 decision for the purposes of judicial review pursuant to NRS 233B.130. Any action
31 taken by the review panel pursuant to this chapter, including, without limitation,
32 any action relating to a deferral agreement, is not a final decision for the purposes
33 of judicial review pursuant to NRS 233B.130.

34 **Sec. 48.** NRS 281A.790 is hereby amended to read as follows:

35 281A.790 1. In addition to any other penalties provided by law and in
36 accordance with the provisions of NRS 281A.775, the Commission may impose on a
37 ~~[public officer or employee]~~ *current* or former public officer or employee civil
38 penalties:

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

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

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

44 2. ~~It is~~ *Except as otherwise provided in NRS 281A.280, in* addition to any
45 other penalties provided by law, if any person prevents, interferes with or attempts
46 to prevent or interfere with any investigation or proceedings pursuant to this chapter
47 or the discovery of a violation of this chapter, the Commission may, upon its own
48 motion or upon the motion of the current or former public officer or employee who
49 is the subject of the investigation or proceedings:

50 (a) Impose on the person committing such an act a civil penalty not to exceed
51 \$5,000; and

52 (b) If appropriate under the facts and circumstances, assess against the person
53 committing such an act an amount equal to the amount of attorney's fees and costs

1 actually and reasonably incurred by the current or former public officer or
2 employee as a result of the act.

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

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

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

15 ~~— (1) If the State Legislator is a member of the Senate, submit the opinion to
16 the Majority Leader of the Senate or, if the Majority Leader of the Senate is the
17 subject of the opinion or the person who requested the opinion, to the President Pro
18 Tempore of the Senate; or~~

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

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

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

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

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

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

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

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

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

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

52 (2) Based on a reasonable legal determination by the legal counsel under
53 the circumstances when the advice was given that the act or failure to act by the

1 public officer or employee would not be contrary to the provisions of this chapter as
2 interpreted by the Commission.

3 6. In addition to any other penalties provided by law, if a public employee
4 commits a willful violation of this chapter or fails to complete a period of
5 compliance imposed by the Commission pursuant to NRS 281A.785 or by the
6 review panel as part of the terms and conditions of a deferral agreement, the public
7 employee is subject to disciplinary proceedings by the employer of the public
8 employee and must be referred for action in accordance to the applicable provisions
9 governing the employment of the public employee.

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

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

20 9. A finding by the Commission that a *current or former* public officer or
21 employee has violated any provision of this chapter must be supported by a
22 preponderance of the evidence unless a greater burden is otherwise prescribed by
23 law.

24 Sec. 49. Title 17 of NRS is hereby amended by adding thereto a new
25 chapter to consist of the provisions set forth as sections 50 to 105, inclusive, of
26 this act.

27 Sec. 50. This chapter may be cited as the Nevada Legislative Ethics Law.

28 Sec. 51. The Legislature hereby finds and declares that:

29 1. The purposes of this chapter are to:

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

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

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

36 2. This chapter must be construed:

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

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

42 Sec. 52. As used in this chapter, unless the context otherwise requires, the
43 words and terms defined in sections 53 to 71, inclusive, of this act have the
44 meanings ascribed to them in those sections.

45 Sec. 53. "Adjudicatory hearing" means a hearing held by the Senate
46 Commission, Assembly Commission or Joint Commission, as applicable,
47 pursuant to this chapter to receive evidence, render a decision and, if appropriate,
48 issue an opinion concerning an ethics complaint.

49 Sec. 54. "Assembly Commission" means the Assembly Commission on
50 Ethics created by section 88 of this act.

51 Sec. 55. "Business entity" means an organization or enterprise operated
52 for economic gain, including, without limitation, a proprietorship, partnership,

1 firm, business, company, trust, joint venture, syndicate, corporation or
2 association.

3 Sec. 56. "Candidate" means any person:

4 1. Who files a declaration of candidacy; or

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

6 Sec. 57. "Chair" means:

7 1. The Chair of the Senate Commission, Assembly Commission or Joint
8 Commission, as applicable; or

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

10 Sec. 58. "Commitment in a private capacity" means a private commitment,
11 interest or relationship of a legislative officer or employee to:

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

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

14 3. A relative of the legislative officer or employee, or the spouse or domestic
15 partner of the legislative officer or employee, by blood, adoption, marriage or
16 domestic partnership within the third degree of consanguinity or affinity;

17 4. The employer of the legislative officer or employee, the spouse or
18 domestic partner of the legislative officer or employee or a member of the
19 household of the legislative officer or employee;

20 5. A person with whom the legislative officer or employee has a substantial
21 and continuing business relationship; or

22 6. A person with whom the legislative officer or employee has any other
23 private commitment, interest or relationship that is substantially similar to a
24 private commitment, interest or relationship described in subsections 1 to 5,
25 inclusive.

26 Sec. 59. "Compensation" means any money, thing of value or economic
27 benefit conferred on or received by any person in return for services rendered,
28 personally or by another person.

29 Sec. 60. "Domestic partner" means a person in a domestic partnership.

30 Sec. 61. "Domestic partnership" means a domestic partnership as defined
31 in NRS 122A.040.

32 Sec. 62. "Ethics complaint" means an ethics complaint which is filed with
33 the Senate Commission, Assembly Commission or Joint Commission, as
34 applicable, pursuant to this chapter regarding the propriety of the conduct of a
35 legislative officer or employee under the legislative ethical standards.

36 Sec. 63. "Household" means an association of persons who live in the
37 same home or dwelling and who are related by blood, adoption, marriage or
38 domestic partnership.

39 Sec. 64. "Joint Commission" means the Joint Commission on Ethics
40 created by section 92 of this act.

41 Sec. 65. 1. "Legislative employee" means any current or former
42 employee, assistant, attache, intern or other staff employed with reference to the
43 legislative duties of a Legislator or the Legislative Department, regardless of
44 whether they are paid or otherwise compensated to serve in their positions.

45 2. The term includes, without limitation, any current or former employee,
46 assistant, attache, intern or other staff of:

47 (a) The Legislature or either House;

48 (b) Any legislative committee;

49 (c) Any legislative office or caucus;

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

51 (e) Any other agency, body, office, organization or unit of the Legislative
52 Department.

53 Sec. 66. "Legislative ethical standards" means:

1 1. Any statutory ethical standards set forth in this chapter; and
2 2. Any other ethical standards recognized by the rules adopted by the
3 Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

4 Sec. 67. 1. "Legislative officer" means any current or former:

5 (a) Member of the Senate, Secretary of the Senate or officer of the Senate;

6 (b) Member of the Assembly, Chief Clerk of the Assembly or officer of the
7 Assembly; or

8 (c) Officer of the Legislature, the Legislative Counsel Bureau or the
9 Legislative Department.

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

12 Sec. 68. 1. "Opinion" means an opinion issued by the Senate
13 Commission, Assembly Commission or Joint Commission, as applicable, in
14 accordance with the provisions of this chapter.

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

17 Sec. 69. "Pecuniary interest" means any beneficial or detrimental interest
18 in a matter that consists of or is measured in money or is otherwise related to
19 money, including, without limitation:

20 1. Anything of economic value; and

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

24 Sec. 70. "Senate Commission" means the Senate Commission on Ethics
25 created by section 84 of this act.

26 Sec. 71. "State agency of the Executive Department" means any agency,
27 bureau, board, commission, department, division, office or other unit of the
28 Executive Department.

29 Sec. 72. 1. In carrying out the provisions of this chapter, the Legislative
30 Department is entitled to pursue every legal and equitable remedy that is
31 available to enforce the provisions of this chapter.

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

34 Sec. 73. 1. This chapter supplements all other ethical standards
35 recognized by the rules adopted by the Houses pursuant to Section 6 of Article 4
36 of the Nevada Constitution and does not limit the application of such other
37 ethical standards but is cumulative thereto, so that the application or attempted
38 application of any one of the ethical standards does not bar the application or
39 attempted application of any other, except in circumstances where Section 6 of
40 Article 4 of the Nevada Constitution invests each House with plenary and
41 exclusive constitutional powers.

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

45 Sec. 74. 1. Except as otherwise provided in this section, the Senate
46 Commission, Assembly Commission or Joint Commission, as applicable, has
47 jurisdiction to investigate and take appropriate actions regarding an alleged
48 violation of the legislative ethical standards by a current or former legislative
49 officer or employee in any proceedings commenced by an ethics complaint which
50 is filed in accordance with this chapter within 2 years after the alleged violation
51 or reasonable discovery of the alleged violation.

52 2. The Senate Commission, Assembly Commission or Joint Commission, as
53 applicable, does not have jurisdiction in circumstances where Section 6 of Article

1 4 of the Nevada Constitution invests each House with plenary and exclusive
2 constitutional powers.

3 Sec. 75. In applying the provisions of this chapter to an alleged violation by
4 a former legislative officer or employee, the use of the term "legislative officer"
5 or "legislative employee" in this chapter must be interpreted to include the former
6 legislative officer or employee, unless the commencement of proceedings against
7 the former legislative officer or employee concerning the alleged violation is
8 time-barred by the statute of limitations pursuant to section 74 of this act.

9 Sec. 76. 1. The provisions of this chapter establish legislative ethical
10 standards to govern:

11 (a) Legislative officers and employees; and

12 (b) Former legislative officers and employees in situations where the
13 legislative ethical standards apply to the conduct of former legislative officers and
14 employees after the end of any period of legislative service or employment.

15 2. The legislative ethical standards set forth in this chapter are cumulative
16 and supplement each other, and the application of any one of the legislative
17 ethical standards to a given set of facts and circumstances does not bar the
18 application of any other of the legislative ethical standards that also apply to the
19 given set of facts and circumstances.

20 Sec. 77. 1. A legislative officer or employee shall not seek or accept any
21 gift, service, favor, employment, engagement, emolument or economic
22 opportunity, for the legislative officer or employee or any person to whom the
23 legislative officer or employee has a commitment in a private capacity, which
24 would tend to improperly influence a reasonable person in the legislative officer's
25 or employee's position to depart from the faithful and impartial discharge of the
26 legislative officer's or employee's official duties.

27 2. A legislative officer or employee shall not use the legislative officer's or
28 employee's official position to secure or grant unwarranted privileges,
29 preferences, exemptions or advantages for the legislative officer or employee, any
30 business entity in which the legislative officer or employee has a significant
31 pecuniary interest or any person to whom the legislative officer or employee has a
32 commitment in a private capacity.

33 3. A legislative officer or employee shall not participate as an agent of the
34 Legislative Department in the negotiation or execution of a contract between the
35 Legislative Department and the legislative officer or employee, any business
36 entity in which the legislative officer or employee has a significant pecuniary
37 interest or any person to whom the legislative officer or employee has a
38 commitment in a private capacity.

39 4. A legislative officer or employee shall not accept any salary, retainer,
40 augmentation, expense allowance or other compensation from any private
41 source, for the legislative officer or employee or any person to whom the
42 legislative officer or employee has a commitment in a private capacity, for the
43 performance of the legislative officer's or employee's official duties.

44 5. If a legislative officer or employee acquires, through the legislative
45 officer's or employee's official duties or relationships, any information which by
46 law or practice is not at the time available to people generally, the legislative
47 officer or employee shall not use the information to further a significant
48 pecuniary interest of the legislative officer or employee or any other person or
49 business entity.

50 6. A legislative officer or employee shall not suppress any governmental
51 report or other official document because it might tend to affect unfavorably a
52 significant pecuniary interest of the legislative officer or employee or any person

1 to whom the legislative officer or employee has a commitment in a private
2 capacity.

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

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

11 (I) At the time that the use occurs, the use is:

12 (I) Authorized by a policy which was adopted before the use occurs
13 by the legislative officer or employee who is responsible for and has authority to
14 authorize the use of such property, equipment or other facility; or

15 (II) Necessary as a result of emergency circumstances, whether or
16 not the use is authorized by such a policy;

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

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

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

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

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

26 ↳ If the Legislative Department incurs a cost as a result of a use that is
27 authorized pursuant to this subsection or would ordinarily charge a member of
28 the general public for the use, the legislative officer or employee shall reimburse
29 the cost or pay the charge to the Legislative Department.

30 8. A Legislator shall not:

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

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

37 (I) The use does not interfere with the performance of the
38 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 impropriety;

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

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

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

48 (I) In unusual and infrequent situations where such service or
49 assistance is reasonably necessary to permit the Legislator or legislative employee
50 to perform that person's official duties; or

51 (2) Where such service or assistance has otherwise been established as
52 legislative policy.

1 9. A legislative officer or employee shall not attempt to benefit a significant
2 personal or pecuniary interest of the legislative officer or employee or any person
3 to whom the legislative officer or employee has a commitment in a private
4 capacity through the influence of a subordinate.

5 10. A legislative officer or employee shall not seek other employment or
6 contracts for the legislative officer or employee or any person to whom the
7 legislative officer or employee has a commitment in a private capacity through
8 the use of the legislative officer's or employee's official position.

9 11. A legislative officer or employee shall not use the legislative officer's or
10 employee's official position to take any actions or compel a subordinate to take
11 any actions that would cause unwarranted harm or damage to another person to
12 benefit a significant personal or pecuniary interest of the legislative officer or
13 employee or any person to whom the legislative officer or employee has a
14 commitment in a private capacity.

15 12. As used in this section:

16 (a) "Appearance of impropriety" means a reasonable person would find,
17 based on the given set of facts and circumstances, that a legislative officer's or
18 employee's limited use of governmental property, equipment or other facility for
19 personal purposes is inappropriate, disproportionate, excessive or unreasonable
20 under that given set of facts and circumstances.

21 (b) "Unwarranted" means without any legitimate justification or adequate
22 reason.

23 Sec. 78. 1. Unless permitted by this section, a legislative officer or
24 employee shall not represent or counsel a private person for compensation before
25 any state agency of the Executive Department or the Legislative Department.

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

30 Sec. 79. 1. Except as otherwise provided in this section and NRS
31 218A.970, a legislative officer or employee shall not bid on or enter into a
32 contract between a state agency of the Executive Department and any business
33 entity in which the legislative officer or employee has a significant pecuniary
34 interest.

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

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

41 (b) The sources of supply are limited;

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

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

46 Sec. 80. 1. Except as otherwise provided in this section, a legislative
47 officer or employee shall not accept or receive an honorarium.

48 2. An honorarium paid on behalf of a legislative officer or employee to a
49 charitable organization from which the legislative officer or employee does not
50 derive any financial benefit is deemed not to be accepted or received by the
51 legislative officer or employee for the purposes of this section.

52 3. This section does not prohibit:

1 (a) The receipt of any payment by a legislative officer or employee for work
2 performed outside the normal course and scope of his or her legislative office or
3 employment if the performance of that work is consistent with the applicable
4 policies of his or her legislative body, agency or employer regarding supplemental
5 employment.

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

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

13 (a) The actual and necessary costs incurred by the legislative officer or
14 employee, the spouse or domestic partner of the legislative officer or employee or
15 any assistant of the legislative officer or employee for transportation and for
16 lodging and meals while the legislative officer or employee is away from his or
17 her residence.

18 (b) Compensation which would otherwise have been earned by the legislative
19 officer or employee in the normal course and scope of his or her legislative office
20 or employment.

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

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

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

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

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

35 Sec. 81. 1. Except as otherwise provided in this section, a legislative
36 officer or employee shall not request or otherwise cause the Legislative
37 Department to incur an expense or make an expenditure to support or oppose:

38 (a) A ballot question.

39 (b) A candidate.

40 2. For the purposes of paragraph (b) of subsection 1, an expense incurred
41 or an expenditure made by the Legislative Department shall be considered an
42 expense incurred or an expenditure made in support of a candidate if:

43 (a) The expense is incurred or the expenditure is made for the creation or
44 dissemination of a pamphlet, brochure, publication, advertisement or television
45 programming that prominently features the activities of a current legislative
46 officer or employee who is a candidate for a state, local or federal elective office;
47 and

48 (b) The pamphlet, brochure, publication, advertisement or television
49 programming described in paragraph (a) is created or disseminated during the
50 period specified in subsection 3.

51 3. The period during which the provisions of subsection 2 apply to the
52 Legislative Department begins when a current legislative officer or employee files
53 a declaration of candidacy and ends on the date of the general election, general

1 city election or 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 or
4 dissemination of, or the appearance of a candidate in or on, as applicable, a
5 pamphlet, brochure, publication, advertisement or television programming that:

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

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

10 (2) The Legislative Department; or

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

12 (1) The legislative officer or employee who is the candidate; or

13 (2) The Legislative Department.

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

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

23 7. As used in this section, "pamphlet, brochure, publication, advertisement
24 or television programming" includes, without limitation, a publication, a public
25 service announcement and any programming on a television station created to
26 provide community access to cable television. The term does not include:

27 (a) A press release issued to the media by the Legislative Department; or

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

29 Sec. 82. A current or former legislative officer or employee, except a
30 clerical employee, shall not solicit or accept employment from a person to whom
31 a contract for supplies, materials, equipment or services was awarded, renewed or
32 amended by the Legislative Department if the solicitation or acceptance of
33 employment occurs during the legislative officer's or employee's period of
34 legislative service or employment, or within 1 year after the termination of his or
35 her period of legislative service or employment, and:

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

37 2. The contract was awarded, renewed or amended by the Legislative
38 Department within the immediately preceding year during the legislative officer's
39 or employee's period of legislative service or employment, or within the year
40 immediately preceding the termination of the legislative officer's or employee's
41 period of legislative service or employment; and

42 3. The position held by the legislative officer or employee at the time the
43 contract was awarded, renewed or amended by the Legislative Department
44 allowed the legislative officer or employee to materially affect or influence the
45 awarding, renewing or amending of the contract because the legislative officer or
46 employee had the authority or responsibility to recommend, advise, negotiate,
47 develop, draft, revise, review or approve any material terms of the contract,
48 including, without limitation, terms relating to products, supplies, materials,
49 equipment, services, quantities, rates, prices, costs, obligations, duties, standards,
50 benchmarks, schedules, timeframes, administration, oversight, compliance,
51 changes, extensions, suspensions, cancellations, terminations, liabilities,
52 immunities, remedies or penalties.

1 Sec. 83. 1. In addition to any other remedies or penalties provided by law,
2 a governmental grant, contract or lease entered into by any person in violation of
3 this chapter is voidable by the governmental entity. In making a determination
4 under this section whether to void a grant, contract or lease, the interests of
5 innocent third parties who could be damaged must be taken into account. The
6 Attorney General or official attorney for the governmental entity must give notice
7 of the intent to void a grant, contract or lease under this section not later than 30
8 days after the Senate Commission, Assembly Commission or Joint Commission,
9 as applicable, has determined that there has been a related violation of this
10 chapter.

11 2. Any actions taken by a state agency of the Executive Department in
12 violation of this chapter are voidable, except that the interests of innocent third
13 parties in the nature of the violation must be taken into account. The Attorney
14 General may also pursue any other available legal or equitable remedies to
15 redress the violation.

16 3. In addition to any other remedies or penalties provided by law, the
17 Attorney General may recover any fee, compensation, gift or other pecuniary
18 benefit received by any person as a result of a violation of this chapter by a
19 legislative officer or employee. An action to recover under this section must be
20 brought within 2 years after the Senate Commission, Assembly Commission or
21 Joint Commission, as applicable, has determined that there has been a violation
22 of this chapter.

23 Sec. 84. 1. The Senate Commission on Ethics is hereby created. Subject
24 to the provisions of this section, the Senate Commission consists of six members
25 appointed as follows:

26 (a) Two members of the Senate appointed by the Majority Leader of the
27 Senate from the majority political party;

28 (b) One member of the Senate appointed by the Minority Leader of the
29 Senate from the minority political party; and

30 (c) Three members who are qualified electors of the State, with two such
31 members appointed by the Majority Leader of the Senate and one such member
32 appointed by the Minority Leader of the Senate. The members appointed
33 pursuant to this paragraph must not be current Legislators or employed by the
34 State of Nevada during their terms.

35 2. Not more than four members of the Senate Commission may be members
36 of the same political party.

37 3. As soon as practicable after each regular session convenes, the
38 appointing authorities shall appoint the members of the Senate Commission. The
39 terms of the members end when the next regular session convenes. Any member
40 who is a Legislator and who is not a candidate for reelection or who is defeated
41 for reelection continues to serve after the general election until the next regular
42 session convenes, with all the rights, powers, privileges and immunities of a
43 member who is a Legislator.

44 4. As soon as practicable after each regular session convenes, the
45 appointing authorities shall appoint the following alternate members for the
46 Senate Commission:

47 (a) The Majority Leader of the Senate shall appoint an alternate member
48 with the qualifications set forth in paragraph (a) of subsection 1 and an alternate
49 member with the qualifications set forth in paragraph (c) of subsection 1.

50 (b) The Minority Leader of the Senate shall appoint an alternate member
51 with the qualifications set forth in paragraph (b) of subsection 1 and an alternate
52 member with the qualifications set forth in paragraph (c) of subsection 1.

1 5. The terms of the alternate members end when the next regular session
2 convenes. Any alternate member who is a Legislator and who is not a candidate
3 for reelection or who is defeated for reelection continues to serve after the
4 general election until the next regular session convenes, with all the rights,
5 powers, privileges and immunities of an alternate member who is a Legislator.

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

12 7. A vacancy in the membership or alternate membership of the Senate
13 Commission must be filled in the same manner as the original appointment for
14 the remainder of the unexpired term.

15 Sec. 85. 1. The Legislative Commission shall review and approve the
16 budget and work program for the Senate Commission and any changes to the
17 budget or work program.

18 2. Except during a regular or special session, if members of the Senate
19 Commission are Legislators or former Legislators continuing to serve after the
20 immediately preceding general election pursuant to section 84 of this act, the
21 members are entitled to receive for each day or portion of a day during which
22 they attend a meeting of the Senate Commission or are otherwise engaged in the
23 business of the Senate Commission:

24 (a) The compensation provided for a majority of the Legislators during the
25 first 60 days of the preceding regular session;

26 (b) The per diem allowance provided for state officers and employees
27 generally; and

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

29 3. If members of the Senate Commission are not Legislators or former
30 Legislators continuing to serve after the immediately preceding general election
31 pursuant to section 84 of this act, the members:

32 (a) Serve without compensation.

33 (b) Are entitled to receive for each day or portion of a day during which they
34 attend a meeting of the Senate Commission or are otherwise engaged in the
35 business of the Senate Commission:

36 (1) The per diem allowance provided for state officers and employees
37 generally; and

38 (2) The travel expenses provided pursuant to NRS 218A.655.

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

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

45 Sec. 86. 1. The Majority Leader of the Senate shall appoint the Chair and
46 Vice Chair of the Senate Commission.

47 2. If a vacancy occurs in the office of Chair or Vice Chair of the Senate
48 Commission, the vacancy must be filled in the same manner as the original
49 appointment for the remainder of the unexpired term.

50 3. The Chair may prescribe rules, practices and procedures for the Senate
51 Commission's management, government and proceedings.

52 4. The Chair may take, direct or require any necessary and reasonable
53 actions to facilitate or carry out the Senate Commission's management,

1 government and proceedings, including, without limitation, issuing and
2 enforcing any orders or other directives to the parties and any attorneys
3 representing the parties.

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

6 Sec. 87. 1. The Senate Commission shall meet at such times and places as
7 specified by a call of the Chair or a majority of the Senate Commission.

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

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

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

16 Sec. 88. 1. The Assembly Commission on Ethics is hereby created.
17 Subject to the provisions of this section, the Assembly Commission consists of six
18 members appointed as follows:

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

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

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

28 2. Not more than four members of the Assembly Commission may be
29 members of the same political party.

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

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

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

43 (b) The Minority Leader of the Assembly shall appoint an alternate member
44 with the qualifications set forth in paragraph (b) of subsection 1 and an alternate
45 member with the qualifications set forth in paragraph (c) of subsection 1.

46 5. The terms of the alternate members end when the next regular session
47 convenes. Any alternate member who is a Legislator and who is not a candidate
48 for reelection or who is defeated for reelection continues to serve after the
49 general election until the next regular session convenes, with all the rights,
50 powers, privileges and immunities of an alternate member who is a Legislator.

51 6. If a regular member of the Assembly Commission is unable to serve for
52 any reason during the consideration of a specific matter, the alternate member
53 appointed with the qualifications from the same paragraph in subsection 1 by the

1 same appointing authority shall serve as a member of the Assembly Commission
2 during the consideration of the specific matter, with all the rights, powers,
3 privileges and immunities of a regular member.

4 7. A vacancy in the membership or alternate membership of the Assembly
5 Commission must be filled in the same manner as the original appointment for
6 the remainder of the unexpired term.

7 Sec. 89. 1. The Legislative Commission shall review and approve the
8 budget and work program for the Assembly Commission and any changes to the
9 budget or work program.

10 2. Except during a regular or special session, if members of the Assembly
11 Commission are Legislators or former Legislators continuing to serve after the
12 immediately preceding general election pursuant to section 88 of this act, the
13 members are entitled to receive for each day or portion of a day during which
14 they attend a meeting of the Assembly Commission or are otherwise engaged in
15 the business of the Assembly Commission:

16 (a) The compensation provided for a majority of the Legislators during the
17 first 60 days of the preceding regular session;

18 (b) The per diem allowance provided for state officers and employees
19 generally; and

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

21 3. If members of the Assembly Commission are not Legislators or former
22 Legislators continuing to serve after the immediately preceding general election
23 pursuant to section 88 of this act, the members:

24 (a) Serve without compensation.

25 (b) Are entitled to receive for each day or portion of a day during which they
26 attend a meeting of the Assembly Commission or are otherwise engaged in the
27 business of the Assembly Commission:

28 (1) The per diem allowance provided for state officers and employees
29 generally; and

30 (2) The travel expenses provided pursuant to NRS 218A.655.

31 4. An alternate member of the Assembly Commission who serves for a
32 regular member during the consideration of a specific matter is entitled to receive
33 the same compensation, per diem allowances and travel expenses as that regular
34 member would be entitled to receive for the same service.

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

37 Sec. 90. 1. The Speaker of the Assembly shall appoint the Chair and Vice
38 Chair of the Assembly Commission.

39 2. If a vacancy occurs in the office of Chair or Vice Chair of the Assembly
40 Commission, the vacancy must be filled in the same manner as the original
41 appointment for the remainder of the unexpired term.

42 3. The Chair may prescribe rules, practices and procedures for the
43 Assembly Commission's management, government and proceedings.

44 4. The Chair may take, direct or require any necessary and reasonable
45 actions to facilitate or carry out the Assembly Commission's management,
46 government and proceedings, including, without limitation, issuing and
47 enforcing any orders or other directives to the parties and any attorneys
48 representing the parties.

49 5. The Vice Chair shall serve as the acting Chair if the Chair is unable to
50 serve for any reason during the consideration of a specific matter.

51 Sec. 91. 1. The Assembly Commission shall meet at such times and places
52 as specified by a call of the Chair or a majority of the Assembly Commission.

1 2. At a meeting, four members of the Assembly Commission constitute a
2 quorum, and a quorum may exercise all the power and authority conferred on the
3 Assembly Commission.

4 3. The Assembly Commission shall hear ethics complaints brought against
5 a legislative officer or employee of the Assembly regarding an alleged violation of
6 the legislative ethical standards.

7 4. The Assembly Commission may hear requests brought by a legislative
8 officer or employee of the Assembly for advice on the legislative ethical
9 standards.

10 Sec. 92. 1. The Joint Commission on Ethics is hereby created. Subject to
11 the provisions of this section, the Joint Commission consists of six members as
12 follows:

13 (a) The three members of the Senate Commission who are Legislators or
14 former Legislators continuing to serve after the immediately preceding general
15 election pursuant to section 84 of this act; and

16 (b) The three members of the Assembly Commission who are Legislators or
17 former Legislators continuing to serve after the immediately preceding general
18 election pursuant to section 88 of this act.

19 2. The terms of the members of the Joint Commission are coextensive with
20 their respective terms on the Senate Commission or Assembly Commission, as
21 applicable.

22 3. If a regular member of the Joint Commission is unable to serve for any
23 reason during the consideration of a specific matter, the appropriate alternate
24 member authorized to serve for that member pursuant to section 84 or 88 of this
25 act, as applicable, shall serve as a member of the Joint Commission during the
26 consideration of the specific matter, with all the rights, powers, privileges and
27 immunities of a regular member.

28 Sec. 93. 1. The Legislative Commission shall review and approve the
29 budget and work program for the Joint Commission and any changes to the
30 budget or work program.

31 2. Except during a regular or special session, the members of the Joint
32 Commission are entitled to receive for each day or portion of a day during which
33 they attend a meeting of the Joint Commission or are otherwise engaged in the
34 business of the Joint Commission:

35 (a) The compensation provided for a majority of the Legislators during the
36 first 60 days of the preceding regular session;

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

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

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

44 4. All compensation, per diem allowances and travel expenses must be paid
45 from the Legislative Fund.

46 Sec. 94. 1. The offices of Chair and Vice Chair of the Joint Commission
47 alternate between the Houses, beginning with the Chair of the Senate
48 Commission serving as the Chair of the Joint Commission and the Chair of the
49 Assembly Commission serving as the Vice Chair of the Joint Commission, and
50 following this pattern thereafter.

51 2. The terms of the Chair and Vice Chair of the Joint Commission are
52 coextensive with their respective terms as the Chairs of the Senate Commission
53 and Assembly Commission, as applicable.

1 3. If a vacancy occurs in the office of Chair or Vice Chair of the Joint
2 Commission, the vacancy must be filled in the same manner as the original
3 appointment for the remainder of the unexpired term.

4 4. The Chair may prescribe rules, practices and procedures for the Joint
5 Commission's management, government and proceedings.

6 5. The Chair may take, direct or require any necessary and reasonable
7 actions to facilitate or carry out the Joint Commission's management,
8 government and proceedings, including, without limitation, issuing and
9 enforcing any orders or other directives to the parties and any attorneys
10 representing the parties.

11 6. The Vice Chair shall serve as the acting Chair if the Chair is unable to
12 serve for any reason during the consideration of a specific matter.

13 Sec. 95. 1. The Joint Commission shall meet at such times and places as
14 specified by a call of the Chair or a majority of the Joint Commission.

15 2. At a meeting, four members of the Joint Commission constitute a
16 quorum, and a quorum may exercise all the power and authority conferred on the
17 Joint Commission.

18 3. The Joint Commission shall hear ethics complaints brought against a
19 legislative officer or employee, other than a legislative officer or employee of the
20 Senate or Assembly, regarding an alleged violation of the legislative ethical
21 standards.

22 4. The Joint Commission may hear requests brought by a legislative officer
23 or employee, other than a legislative officer or employee of the Senate or
24 Assembly, for advice on the legislative ethical standards.

25 Sec. 96. As used in sections 96 to 105, inclusive, of this act, unless the
26 context otherwise requires, "Commission" means the Senate Commission,
27 Assembly Commission or Joint Commission, as applicable to the proceedings.

28 Sec. 97. 1. The Commission shall conduct investigations and hold
29 hearings to carry out the provisions of this chapter and may exercise any of the
30 investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, and any
31 other investigative powers that are necessary and reasonable to carry out the
32 provisions of this chapter.

33 2. The rights, powers, privileges and immunities granted by this chapter to
34 the Commission and its members are in addition to any other rights, powers,
35 privileges and immunities recognized by law, and all such rights, powers,
36 privileges and immunities are cumulative, so that the application or attempted
37 application of any one does not bar the application or attempted application of
38 any other.

39 Sec. 98. All proceedings held by the Commission pursuant to this chapter
40 to consider the character, alleged misconduct, professional competence or
41 physical or mental health of any person on matters regarding the legislative
42 ethical standards and all materials related to those proceedings are confidential,
43 unless the legislative officer or employee who is the subject of the proceedings
44 requests a public hearing or discloses the content of the proceedings or materials.

45 Sec. 99. A member of the Commission is disqualified to serve during the
46 consideration of a specific matter if:

47 1. The member is the subject of the ethics complaint alleging a violation of
48 the legislative ethical standards regarding the specific matter;

49 2. The member is the person who requested advice on the legislative ethical
50 standards regarding the specific matter; or

51 3. A reasonable person in the member's situation could not exercise
52 independent judgment on the specific matter.

1 Sec. 100. 1. An individual may file an ethics complaint against a
2 legislative officer or employee regarding an alleged violation of the legislative
3 ethical standards.

4 2. If the alleged violation involves the conduct of more than one legislative
5 officer or employee, separate ethics complaints must be filed regarding each
6 legislative officer or employee.

7 3. An ethics complaint must be:

8 (a) Made in writing on a form provided by the Legislative Counsel;

9 (b) Signed and verified under penalty of perjury by the individual making the
10 allegation; and

11 (c) Filed with the Legislative Counsel.

12 4. The Legislative Counsel shall review the ethics complaint and any other
13 relevant information and consult with the Chair of the Commission or, if the
14 Chair is the subject of the ethics complaint, with the Vice Chair, to evaluate
15 whether the Commission has jurisdiction and whether an investigation is
16 warranted in the matter.

17 5. If it is determined that the Commission:

18 (a) Does not have jurisdiction or that an investigation is not warranted in the
19 matter, the Legislative Counsel shall send written notice of the determination to
20 the individual who filed the ethics complaint.

21 (b) Has jurisdiction and that an investigation is warranted in the matter, the
22 Legislative Counsel shall send written notice of the determination and a copy of
23 the ethics complaint to the legislative officer or employee who is the subject of the
24 ethics complaint.

25 6. If the Legislative Counsel is the subject of the ethics complaint, the
26 General Counsel shall carry out all powers and duties assigned to legal counsel
27 for the Commission regarding that specific matter.

28 Sec. 101. 1. If the Commission holds an adjudicatory hearing on an
29 ethics complaint, the Commission shall provide the legislative officer or employee
30 who is the subject of the ethics complaint with a written notice of the date, time
31 and place of the hearing.

32 2. At the adjudicatory hearing, the Commission shall:

33 (a) Allow the legislative officer or employee to be represented by legal
34 counsel;

35 (b) Allow the legislative officer or employee to hear the evidence presented to
36 the Commission and to respond and present evidence on his or her own behalf;
37 and

38 (c) Require the parties to follow any other procedures that are necessary and
39 reasonable to facilitate or carry out the adjudicatory hearing.

40 3. Strict rules of evidence do not apply to the parties at the adjudicatory
41 hearing, but the Chair may admit or exclude any evidence based on the rules of
42 evidence.

43 4. To facilitate or carry out the adjudicatory hearing, the Chair may
44 instruct the Director to:

45 (a) Request that the Attorney General appoint a deputy to serve as the party
46 who presents the evidence and argues the matter against the legislative officer or
47 employee; or

48 (b) Employ outside legal counsel to serve as the party who presents the
49 evidence and argues the matter against the legislative officer or employee.

50 5. The party who presents the evidence and argues the matter against the
51 legislative officer or employee has the burden of proof at the adjudicatory
52 hearing.

1 6. The standard of proof at the adjudicatory hearing is a preponderance of
2 the evidence, which means evidence that enables a trier of fact to determine that
3 the existence of the contested fact is more probable than the nonexistence of the
4 contested fact.

5 7. For the Commission to determine that a violation of the legislative ethical
6 standards has been proven against the legislative officer or employee, the
7 Commission's determination must be supported by a preponderance of the
8 evidence.

9 Sec. 102. 1. If the Commission determines that a violation of the
10 legislative ethical standards has not been proven against a legislative officer or
11 employee, the Commission shall dismiss the matter.

12 2. If the Commission determines that a violation of the legislative ethical
13 standards has been proven against a legislative officer or employee, the
14 Commission may take any actions authorized by this chapter or the rules adopted
15 by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

16 Sec. 103. 1. In proceedings concerning an ethics complaint, the
17 Commission may issue a letter of caution or instruction to the legislative officer
18 or employee who is the subject of the ethics complaint to caution or instruct the
19 legislative officer or employee regarding the propriety of the conduct under the
20 legislative ethical standards.

21 2. If the Commission issues a letter of caution or instruction to the
22 legislative officer or employee, the letter may be considered in deciding the
23 appropriate actions to be taken on any subsequent ethics complaint involving the
24 legislative officer or employee, unless the letter is not relevant to the issues
25 presented by the subsequent ethics complaint.

26 Sec. 104. 1. In addition to any other remedies or penalties provided by
27 law, if the Commission determines that a violation of the legislative ethical
28 standards has been proven against a legislative officer or employee, the
29 Commission may take one or more of the following actions:

30 (a) Admonish, reprimand or censure the legislative officer or employee.

31 (b) Impose on the legislative officer or employee civil penalties:

32 (1) Not to exceed \$5,000 for a separate act or event that constitutes a first
33 violation of the legislative ethical standards;

34 (2) Not to exceed \$10,000 for a separate act or event that constitutes a
35 second violation of the legislative ethical standards; and

36 (3) Not to exceed \$25,000 for a separate act or event that constitutes a
37 third violation of the legislative ethical standards or any additional violation of
38 the legislative ethical standards.

39 (c) If the Commission finds that a violation of the legislative ethical
40 standards has resulted in the realization of a financial benefit by the legislative
41 officer or employee or any other person, require the legislative officer or
42 employee to pay a civil penalty of not more than twice the amount so realized.

43 (d) Take any other reasonable actions that the Commission determines will
44 remedy the violation or deter similar violations, including, without limitation,
45 referring the matter to the appropriate House for review and consideration
46 pursuant to Section 6 of Article 4 of the Nevada Constitution.

47 2. If a legislative officer or employee fails to pay any civil penalties imposed
48 pursuant to this chapter, the Legislative Department is entitled to pursue every
49 legal and equitable remedy that is available to recover and collect the civil
50 penalties in the same manner as if they were imposed by a judgment rendered by
51 the district court in a civil action.

52 Sec. 105. 1. The provisions of this chapter do not abrogate or decrease
53 the effect of the provisions of the Nevada Revised Statutes which define crimes or

1 prescribe punishments with respect to the conduct of legislative officers or
2 employees.

3 2. If the Commission finds that a legislative officer or employee has
4 committed a violation of the legislative ethical standards which it believes may
5 also constitute a criminal offense, the Commission shall refer the matter to the
6 Attorney General or the district attorney, as appropriate, for a determination of
7 whether a crime has been committed that warrants prosecution.

8 **Sec. 106. NRS 239.010 is hereby amended to read as follows:**

9 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
10 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,
11 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,
12 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
13 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
14 88A.7345, 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, 119A.653, 119A.677,
16 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
17 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
18 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
19 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
20 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
21 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 88.59419, 209.429, 209.513,
22 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
23 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
24 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
25 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
26 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
27 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
28 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,
29 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
30 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
31 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,
32 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
33 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
34 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
35 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
36 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
37 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
38 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
39 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
40 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
41 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
42 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
43 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
44 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
45 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
46 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
47 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
48 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
49 442.735, 442.774, 445A.665, 445B.570, 445B.773, 447.345, 449.209, 449.245,
50 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
51 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
52 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
53 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,

1 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
2 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
3 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
4 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
5 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
6 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
7 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
8 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
9 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
10 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
11 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
12 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
13 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
14 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
15 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
16 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
17 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.1303,
18 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
19 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
20 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
21 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
22 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
23 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
24 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
25 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
26 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
27 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 98 of this act,
28 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
29 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
30 confidential, all public books and public records of a governmental entity must be
31 open at all times during office hours to inspection by any person, and may be fully
32 copied or an abstract or memorandum may be prepared from those public books
33 and public records. Any such copies, abstracts or memoranda may be used to
34 supply the general public with copies, abstracts or memoranda of the records or
35 may be used in any other way to the advantage of the governmental entity or of the
36 general public. This section does not supersede or in any manner affect the federal
37 laws governing copyrights or enlarge, diminish or affect in any other manner the
38 rights of a person in any written book or record which is copyrighted pursuant to
39 federal law.

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

42 3. A governmental entity that has legal custody or control of a public book or
43 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
44 receive a copy of a public book or record on the basis that the requested public
45 book or record contains information that is confidential if the governmental entity
46 can redact, delete, conceal or separate, including, without limitation, electronically,
47 the confidential information from the information included in the public book or
48 record that is not otherwise confidential.

49 4. If requested, a governmental entity shall provide a copy of a public record
50 in an electronic format by means of an electronic medium. Nothing in this
51 subsection requires a governmental entity to provide a copy of a public record in an
52 electronic format or by means of an electronic medium if:

53 (a) The public record:

1 (1) Was not created or prepared in an electronic format; and

2 (2) Is not available in an electronic format; or

3 (b) Providing the public record in an electronic format or by means of an
4 electronic medium would:

5 (1) Give access to proprietary software; or

6 (2) Require the production of information that is confidential and that
7 cannot be redacted, deleted, concealed or separated from information that is not
8 otherwise confidential.

9 5. An officer, employee or agent of a governmental entity who has legal
10 custody or control of a public record:

11 (a) Shall not refuse to provide a copy of that public record in the medium that
12 is requested because the officer, employee or agent has already prepared or would
13 prefer to provide the copy in a different medium.

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

17 ~~[See 49.]~~ **Sec. 107.** NRS 241.016 is hereby amended to read as follows:

18 241.016 1. The meetings of a public body that are quasi-judicial in nature
19 are subject to the provisions of this chapter.

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

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

22 (b) Judicial proceedings, including, without limitation, proceedings before the
23 Commission on Judicial Selection and, except as otherwise provided in NRS
24 1.4687, the Commission on Judicial Discipline.

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

28 3. Any provision of law, including, without limitation, NRS 91.270,
29 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690,
30 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220,
31 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495,
32 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671,
33 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774,
34 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050,
35 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, **and section 7 of**
36 **this act**, which:

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

39 (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,
40 **↪** prevails over the general provisions of this chapter.

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

45 ~~[See 50.]~~ **Sec. 108.** 1. Except as otherwise provided in this section, the
46 Commission on Ethics:

47 (a) Shall apply the amendatory provisions of **sections 2 to 48, inclusive, of** this
48 act which govern the procedures applicable to administrative proceedings arising
49 under chapter 281A of NRS to any such proceedings that are within the jurisdiction
50 of the Commission **on Ethics** and are commenced on or after ~~[October 1, 2023,]~~
51 **the effective date of this act**, whether or not the conduct at issue in such
52 proceedings occurred before ~~[October 1, 2023,]~~ **the effective date of this act.**

1 (b) May apply the amendatory provisions of sections 2 to 48, inclusive, of this
2 act which govern the procedures applicable to administrative proceedings arising
3 under chapter 281A of NRS to any such proceedings that were commenced before
4 ~~October 1, 2023,~~ the effective date of this act and are still within the jurisdiction
5 of the Commission on Ethics and pending before the Commission on Ethics on
6 ~~October 1, 2023,~~ the effective date of this act, unless the Commission on Ethics
7 determines that such an application would be impracticable, unreasonable or
8 unconstitutional under the circumstances, in which case the Commission on Ethics
9 shall apply the procedures in effect before ~~October 1, 2023,~~ the effective date of
10 this act.

11 2. The amendatory provisions of sections 13 ~~and 25 to 28, inclusive,~~ 25,
12 26, 27 and 28 of this act do not apply to any conduct occurring before ~~October 1,~~
13 ~~2023,~~ the effective date of this act.

14 Sec. 109. Notwithstanding any other provisions of this act to the
15 contrary:

16 1. As soon as practicable after the effective date of this act, the
17 appointing authorities shall appoint the members and alternate members of
18 the Senate Commission on Ethics, Assembly Commission on Ethics and Joint
19 Commission on Ethics in the manner set forth in sections 84, 88 and 92 of this
20 act, as applicable.

21 2. The terms of the members and alternate members appointed pursuant
22 to this section end when the next regular session of the Legislature convenes in
23 the manner set forth in sections 84, 88 and 92 of this act, as applicable.

24 Sec. 110. 1. Notwithstanding any other provisions of this act to the
25 contrary:

26 (a) If, before the effective date of this act, administrative proceedings were
27 commenced under chapter 281A of NRS against a legislative officer or
28 employee and are still pending before the Commission on Ethics on the
29 effective date of this act, the Commission on Ethics may exercise continuing
30 jurisdiction or authority over such proceedings after the effective date of this
31 act.

32 (b) If, on or after the effective date of this act, administrative proceedings
33 are commenced under chapter 281A of NRS against a legislative officer or
34 employee, the Commission on Ethics shall not exercise jurisdiction or
35 authority over such proceedings, whether or not the conduct at issue in such
36 proceedings occurred before the effective date of this act.

37 2. Notwithstanding any other provisions of this act to the contrary, the
38 Senate Commission on Ethics, Assembly Commission on Ethics or Joint
39 Commission on Ethics, as applicable, has jurisdiction to investigate and take
40 appropriate actions regarding an alleged violation of the legislative ethical
41 standards by a current or former legislative officer or employee which
42 occurred before the effective date of this act if proceedings are commenced by
43 an ethics complaint which is filed in accordance with sections 50 to 105,
44 inclusive, of this act within 2 years after the alleged violation or reasonable
45 discovery of the alleged violation.

46 3. Notwithstanding any other provisions of this act to the contrary:

47 (a) If, on the effective date of this act, an ethics complaint regarding an
48 alleged violation of the legislative ethical standards by a current or former
49 legislative officer or employee is pending before the Senate Committee on
50 Ethics created by Senate Standing Rule No. 23 or the Assembly Select
51 Committee on Ethics created by Senate Standing Rule No. 23, the Chair of the
52 respective committee may refer the ethics complaint and all materials related

1 to the ethics complaint to the Senate Commission on Ethics, Assembly
2 Commission on Ethics or Joint Commission on Ethics, as applicable; and

3 (b) The Commission to which the ethics complaint is referred has
4 jurisdiction to investigate and take appropriate actions regarding the referred
5 ethics complaint in the same manner as an ethics complaint filed in accordance
6 with sections 50 to 105, inclusive, of this act.

7 4. As used in this section, the words and terms defined in sections 53 to
8 71, inclusive, of this act have the meanings ascribed to them in those sections.

9 *Sec. 111.* This act becomes effective upon passage and approval.