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ASSEMBLY BILL NO. 324—ASSEMBLYMEN MCARTHUR, HARDY, GUSTAVSON; AIZLEY, CARPENTER, CHRISTENSEN, COBB, GANSERT, GOEDHART, GOICOECHEA, GRADY, HAMBRICK, HOGAN, MANENDO, SETTELMAYER, STEWART AND WOODBURY

MARCH 13, 2009

Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Makes various changes relating to ethics in government. (BDR 23-939)

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.

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AN ACT relating to ethics in government; revising provisions governing ethical standards for public officers and employees concerning gifts; revising the contents of statements of financial disclosure required to be filed by certain candidates for public office and public officers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Nevada Ethics in Government Law (NRS Ch. 281A) prohibits a public  
2 officer or employee from accepting gifts under certain circumstances, requires a  
3 public officer to disclose and abstain from voting on matters relating to gifts  
4 received by the public officer under certain circumstances and requires a public  
5 officer or candidate for public office to report certain gifts on his statement of  
6 financial disclosure. (NRS 281A.400, 281A.420, 281A.620) **Section 1** of this bill  
7 defines what constitutes a “gift” for the purposes of these provisions.  
8 Under existing law, certain candidates for public office and public officers are  
9 required to file a statement of financial disclosure, which must include certain  
10 prescribed information such as the sources of income of and gifts received by the  
11 candidate or public officer. (NRS 281A.600-281A.620) **Section 3** of this bill  
12 expands the information that such a candidate or public officer is required to report  
13 on his statement of financial disclosure to include a list of certain events related to  
14 public office that the candidate or public officer has attended.



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

1       **Section 1.** Chapter 281A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3       *“Gift” means any kind of monetary or other economic benefit*  
4 *which is received by a candidate for public office or public officer*  
5 *without the candidate or public officer giving consideration in*  
6 *return, and which would not have been made available to him but*  
7 *for his status as a candidate or public officer. The term includes*  
8 *the full or partial forgiveness of indebtedness. The term does not*  
9 *include:*

10       1. *Any kind of monetary or other economic benefit that is*  
11 *received from a person who is related to the candidate for public*  
12 *office or public officer within the fifth degree of consanguinity or*  
13 *affinity;*

14       2. *Any kind of monetary or other economic benefit received*  
15 *for a birthday, wedding, anniversary, holiday or other ceremonial*  
16 *occasion if the donor does not have a substantial interest in the*  
17 *legislative, administrative or political action of the candidate for*  
18 *public office or public officer;*

19       3. *A loan, conveyance, deposit, payment, transfer or*  
20 *distribution of money or other thing of value that is a campaign*  
21 *contribution for the purposes of chapter 294A of NRS; or*

22       4. *Costs and expenses associated with the attendance of a*  
23 *candidate for public office or public officer, or the spouse or guest*  
24 *of such a person, at an event related to public office, as defined in*  
25 *NRS 281A.620, or at an event that benefits an organization which*  
26 *qualifies as a tax-exempt organization pursuant to 26 U.S.C. §*  
27 *501(c)(3).*

28       **Sec. 2.** NRS 281A.030 is hereby amended to read as follows:

29       281A.030 As used in this chapter, unless the context otherwise  
30 requires, the words and terms defined in NRS 281A.040 to  
31 281A.170, inclusive, *and section 1 of this act* have the meanings  
32 ascribed to them in those sections.

33       **Sec. 3.** NRS 281A.620 is hereby amended to read as follows:

34       281A.620 1. Statements of financial disclosure, as approved  
35 pursuant to NRS 281A.470 or in such form as the Commission  
36 otherwise prescribes, must contain the following information  
37 concerning the candidate for public office or public officer:

38       (a) His length of residence in the State of Nevada and the district  
39 in which he is registered to vote.



1 (b) Each source of his income, or that of any member of his  
2 household who is 18 years of age or older. No listing of individual  
3 clients, customers or patients is required, but if that is the case, a  
4 general source such as "professional services" must be disclosed.

5 (c) A list of the specific location and particular use of real estate,  
6 other than a personal residence:

7 (1) In which he or a member of his household has a legal or  
8 beneficial interest;

9 (2) Whose fair market value is \$2,500 or more; and

10 (3) That is located in this State or an adjacent state.

11 (d) The name of each creditor to whom he or a member of his  
12 household owes \$5,000 or more, except for:

13 (1) A debt secured by a mortgage or deed of trust of real  
14 property which is not required to be listed pursuant to paragraph (c);  
15 and

16 (2) A debt for which a security interest in a motor vehicle for  
17 personal use was retained by the seller.

18 (e) If the candidate for public office or public officer has  
19 received gifts in excess of an aggregate value of \$200 from a donor  
20 during the preceding taxable year, a list of all such gifts, including  
21 the identity of the donor and value of each gift. ~~[-except:~~

22 ~~— (1) A gift received from a person who is related to the~~  
23 ~~candidate for public office or public officer within the third degree~~  
24 ~~of consanguinity or affinity.~~

25 ~~— (2) Ceremonial gifts received for a birthday, wedding,~~  
26 ~~anniversary, holiday or other ceremonial occasion if the donor does~~  
27 ~~not have a substantial interest in the legislative, administrative or~~  
28 ~~political action of the candidate for public office or public officer.]~~

29 (f) A list of each business entity with which he or a member of  
30 his household is involved as a trustee, beneficiary of a trust,  
31 director, officer, owner in whole or in part, limited or general  
32 partner, or holder of a class of stock or security representing 1  
33 percent or more of the total outstanding stock or securities issued by  
34 the business entity.

35 (g) *A list of each event related to public office that he attended*  
36 *for which \$200 or more of the costs and expenses associated with*  
37 *his attendance and, if applicable, the attendance of his spouse or a*  
38 *guest, at the event, including, without limitation, food, lodging and*  
39 *travel, were paid for by another person or governmental entity or*  
40 *were waived by the sponsor of the event. The list must include,*  
41 *without limitation:*

42 (1) *The total value of the costs and expenses that were paid*  
43 *or waived; and*

44 (2) *The identity of the person or governmental entity that*  
45 *paid or waived the costs and expenses.*



1       **(h)** A list of all public offices presently held by him for which  
2 this statement of financial disclosure is required.

3       2. The Commission shall distribute or cause to be distributed  
4 the forms required for such a statement to each candidate for public  
5 office and public officer who is required to file one. The  
6 Commission is not responsible for the costs of producing or  
7 distributing a form for filing statements of financial disclosure  
8 which is prescribed pursuant to subsection 1 of NRS 281A.470.

9       3. As used in this section:

10       (a) "Business entity" means an organization or enterprise  
11 operated for economic gain, including a proprietorship, partnership,  
12 firm, business, trust, joint venture, syndicate, corporation or  
13 association.

14       (b) *"Event related to public office" means an event, including,*  
15 *without limitation, a conference, convention, course of*  
16 *instruction, meeting, seminar or workshop, attended by a*  
17 *candidate for public office or public officer:*

18               (1) *That the candidate for public office or public officer*  
19 *would not have attended, but for the fact that he is seeking public*  
20 *office or holds a public office, as applicable;*

21               (2) *The subject matter of which is related to:*

22                       (I) *If the candidate for public office is seeking or the*  
23 *public officer holds the office of State Senator or Assemblyman, a*  
24 *topic addressed by a legislative committee or subcommittee on*  
25 *which he serves or may serve in the future, as applicable, or the*  
26 *geographic district represented by that office; or*

27                       (II) *If the candidate for public office is seeking or the*  
28 *public officer holds a public office other than the office of State*  
29 *Senator or Assemblyman, the official duties of that public office;*  
30 *and*

31               (3) *At which the candidate for public office or public*  
32 *officer engages in one or more activities pertinent to the public*  
33 *office, including, without limitation, making a presentation,*  
34 *delivering a speech, participating in a panel discussion or*  
35 *receiving information, instruction or training.*

36       (c) "Household" includes:

37               (1) The spouse of a candidate for public office or public  
38 officer;

39               (2) A person who does not live in the same home or  
40 dwelling, but who is dependent on and receiving substantial support  
41 from the candidate for public office or public officer; and

42               (3) A person who lived in the home or dwelling of the  
43 candidate for public office or public officer for 6 months or more in  
44 the year immediately preceding the year in which the candidate for



1 public office or public officer files the statement of financial  
2 disclosure.

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