

Amendment No. 777

Assembly Amendment to Assembly Bill No. 65	(BDR 23-257)
<b>Proposed by:</b> Assembly Committee on Ways and Means	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 65 (§ 11).
---

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. 65—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and Elections

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

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

CONTAINS UNFUNDED MANDATE (§ 11)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~formitted-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 situations, former public officers and  
3 employees after the end of their period of public service or employment. The Ethics Law is  
4 carried out and enforced by the Commission on Ethics ~~and~~ (Ethics Commission), which is  
5 authorized to issue opinions interpreting the statutory ethical standards established by the  
6 Ethics Law and applying those standards to a given set of facts and circumstances. The Ethics  
7 Law also authorizes any state agency or the governing body of a county or city to establish a  
8 specialized or local ethics committee to complement the functions of the Ethics Commission.  
9 (Chapter 281A of NRS)

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

19 ~~[This]~~ Sections 2-54 of this bill ~~[amends]~~ amend the Ethics Law by clarifying, revising  
20 and adding to existing provisions which govern: (1) the operation, powers, functions and  
21 duties of the Ethics Commission, its members and staff and any specialized or local ethics  
22 committees; (2) the statutory ethical standards that apply to the conduct of current and former  
23 public officers and employees; and (3) the proceedings concerning requests for advisory

24 opinions and ethics complaints and the issuance of opinions and the imposition of remedies  
25 and penalties by the **Ethics** Commission.

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

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

55 ~~—The Ethics Law requires the Commission to appoint and prescribe the duties of the~~  
56 ~~Executive Director who must have experience in administration, investigations and law. (NRS~~  
57 ~~281A.230) Section 22 of this bill adds to these qualifications by requiring the Executive~~  
58 ~~Director to be an attorney who is licensed to practice law in Nevada.]~~

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

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

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

81 **Section 9** provides that during any period in which proceedings concerning a request for  
82 an advisory opinion or an ethics complaint are confidential under the Ethics Law, the Open

83 Meeting Law does not apply to any meetings, hearings, deliberations or actions of the **Ethics**  
84 Commission involving: (1) any decisions in litigation concerning any judicial action or  
85 proceeding related to the request for an advisory opinion or the ethics complaint; and (2) any  
86 delegation of authority to make such decisions in the litigation to the Chair or the Executive  
87 Director, or both. **Section 114 of this bill makes a conforming change to the Open Meeting**  
88 **Law.**

89 **Section 24** of this bill specifies the powers and duties of the Commission Counsel  
90 regarding any litigation in which the **Ethics** Commission or its members or staff are parties in  
91 an official capacity. **Section 24** clarifies that the Commission Counsel does not represent the  
92 interests of the Executive Director in a judicial action or proceeding in which the Executive  
93 Director is named as a party based on the conduct of the Executive Director in his or her  
94 official ~~conduct~~ **capacity** as a party to an adjudicative proceeding.

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

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

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

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

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

142 The Ethics Law prohibits public officers and employees from using their position in  
143 government to secure or grant any unwarranted privileges, preferences, exemptions or  
144 advantages for themselves, any business entities in which they have a significant pecuniary  
145 interest or any persons to whom they have a commitment in a private capacity. (NRS  
146 281A.400) **Section 10** adds to the statutory ethical standards by prohibiting public officers and  
147 employees from using their position or power in government to take any actions or compel a  
148 subordinate to take any actions that a reasonable person would find, based on the given set of  
149 facts and circumstances, to be a gross or unconscionable abuse of official position or power  
150 that would undermine the integrity or impartiality of a reasonable person in the public  
151 officer's or employee's position under the same or similar facts and circumstances. However,  
152 the prohibition in **section 10** does not apply to any allegations claiming only bias, error or  
153 abuse of discretion in any actions taken by public officers and employees within the normal  
154 course and scope of their position or power in government.

155 The Ethics Law ~~{contains a general provision that}~~ prohibits public officers and  
156 employees from using governmental time, property, equipment or other facility to benefit a  
157 significant personal or pecuniary interest of the public officers and employees or any persons  
158 to whom they have a commitment in a private capacity. ~~{By contrast, the Ethics Law also~~  
159 ~~contains a specific provision that prohibits State Legislators from using governmental time,~~  
160 ~~property, equipment or other facility for a nongovernmental purpose or for the private benefit~~  
161 ~~of the Legislators or any other persons. Both of these prohibitions contain separate}~~ **The**  
162 **Ethics Law also contains certain** limited-use exceptions that allow a limited use of  
163 governmental property, equipment or other facility for personal purposes if the limited use  
164 meets certain requirements. (NRS 281A.400) **Section 29** of this bill revises these prohibitions  
165 and limited-use exceptions in several ways.

166 First, ~~{section 29 aligns the prohibitions so they employ the same prohibitive language for~~  
167 ~~Legislators and other public officers and employees. As a result, subject to the limited-use~~  
168 ~~exceptions, section 29 prohibits all public officers and employees from using governmental~~  
169 ~~time, property, equipment or other facility to benefit a significant personal or pecuniary~~  
170 ~~interest of the public officers and employees or any persons to whom they have a commitment~~  
171 ~~in a private capacity.~~

172 ~~— Second, with regard to the limited-use exceptions that apply to public officers and~~  
173 ~~employees other than Legislators,}~~ one of the existing requirements for the **limited-use**  
174 exceptions is that the public officer or employee who is responsible for and has authority to  
175 authorize the limited use for personal purposes must have established a policy allowing the  
176 limited use. (NRS 281A.400) **Section 29** clarifies the exception by providing that the limited  
177 use must be authorized by a written policy which was adopted before the limited use occurs.

178 ~~{Finally, with regard to the limited-use exceptions that apply to Legislators and other~~  
179 ~~public officers and employees,}~~ **Second,** one of the existing requirements for the **limited-use**  
180 exceptions is that the limited use for personal purposes must not create the appearance of  
181 impropriety. (NRS 281A.400) **Section 29** defines the term "appearance of impropriety"  
182 to mean a reasonable person would find, based on the given set of facts and circumstances, that  
183 the limited use for personal purposes is inappropriate, disproportionate, excessive or  
184 unreasonable under that given set of facts and circumstances.

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

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

201 matter under certain circumstances when such private representation or counseling results in  
202 conflicts of interests with their public duties.

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

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

227 The Ethics Law contains existing provisions which govern the proceedings concerning  
228 requests for advisory opinions and ethics complaints and the issuance of opinions and the  
229 imposition of remedies and penalties by the [Ethics](#) Commission. (NRS 281A.665-281A.790)  
230 **Sections 4, 5, 14, 15, 17, ~~18~~, 18, 19, 25 and 34-54** of this bill make various changes to these  
231 existing provisions.

232 Under the Ethics Law, the [Ethics](#) Commission issues opinions interpreting the statutory  
233 ethical standards and applying those standards to a given set of facts and circumstances. (NRS  
234 281A.680, 281A.710) The Ethics Law also directs the Legislative Counsel to prepare  
235 annotations of the [Ethics](#) Commission’s published opinions for inclusion in the Nevada  
236 Revised Statutes. (NRS 281A.290) **Section 5** defines “published opinion” as an opinion issued  
237 by the [Ethics](#) Commission that is publicly available on the Internet website of the [Ethics](#)  
238 Commission. **Sections 26 and 34** of this bill move and recodify within the Ethics Law the  
239 existing provision that directs the Legislative Counsel to prepare annotations of the [Ethics](#)  
240 Commission’s published opinions for inclusion in the Nevada Revised Statutes.

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

247 If the requester properly files a request for an advisory opinion, the Ethics Law requires  
248 the [Ethics](#) Commission to render an advisory opinion in the matter within a certain time limit  
249 after receiving the request, unless the requester waives the time limit. (NRS 281A.680)  
250 **Sections 25 and 36** of this bill revise the [Ethics](#) Commission’s jurisdiction and procedures  
251 regarding a request for an advisory opinion. Under the Ethics Law, the [Ethics](#) Commission  
252 generally has jurisdiction over ethics complaints filed or initiated within 2 years after the  
253 alleged violation or reasonable discovery of the alleged violation. (NRS 281A.280) **Section 25**  
254 similarly provides that the [Ethics](#) Commission’s jurisdiction over a request for an advisory  
255 opinion extends only to past conduct occurring within 2 years before the date on which the  
256 request is filed. **Section 36** allows the [Ethics](#) Commission to stay or dismiss the proceedings  
257 concerning the request for an advisory opinion under certain circumstances when an ethics  
258 complaint is also filed or pending that involves some or all of the same issues or facts and  
259 circumstances as the request for an advisory opinion or when the requester has not complied

260 with any procedural requirements of the Ethics Law. **Section 36** further requires the requester  
261 to confirm in writing, signed under oath, that any written information related to the request is  
262 truthful. **Section 36** also requires the Ethics Commission to render a decision regarding the  
263 request for an advisory opinion within the existing time limit, subject to certain exceptions.  
264 However, **section 36** provides the Ethics Commission with more time to prepare the written  
265 advisory opinion in the matter by requiring the Ethics Commission to issue the written  
266 advisory opinion within a specified time limit after the decision is rendered.

267 **Section 36** further authorizes the Ethics Commission to determine which decisions and  
268 opinions related to a request for an advisory opinion will be binding on a requester and  
269 constitute administrative precedent to be followed in the adjudication and disposition of future  
270 requests for an advisory opinion or ethics complaint. **Section 36** confirms that a written  
271 advisory opinion related to a request for relief from the strict application of the cooling-off  
272 provisions or to the past conduct of the requester are not subject to judicial review under the  
273 Nevada Administrative Procedure Act. Finally, **section 36** authorizes the Executive Director  
274 and the Commission Counsel to issue informal advice to a public officer or employee  
275 regarding the application of the statutory ethical standards to a given set of facts and  
276 circumstances that is not contrary to a published opinion of the Ethics Commission. **Section**  
277 **36** provides that such advice is not binding on the requester or subject to judicial review and  
278 good faith reliance on such advice protects the public officer or employee from a future  
279 finding of a violation of the Ethics Law. **Section 36** provides that any dispute related to such  
280 advice is resolved pursuant to a request for an advisory opinion from the Ethics Commission  
281 and any decision or opinion of the Ethics Commission or advice provided by the Executive  
282 Director or Commission Counsel does not divest the Ethics Commission of its jurisdiction  
283 over an ethics complaint which alleges facts separate from those relied upon to render advice.

284 Under the Ethics Law, certain materials relating to a request for an advisory opinion are  
285 confidential and not public records unless the requester: (1) authorizes the Ethics Commission  
286 to disclose the materials; or (2) voluntarily discloses the materials to persons other than those  
287 specified in the statute. (NRS 281A.685) **Section 37** of this bill clarifies that any authorization  
288 given by the requester is limited to the specific materials that the requester authorizes the  
289 Ethics Commission to disclose. **Section 37** also revises the specified persons to whom the  
290 requester may voluntarily disclose the materials without waiving the confidentiality of the  
291 materials. In addition, **section 37** provides that a request for advice from the Executive  
292 Director or Commission Counsel receives the same confidentiality protections as a request for  
293 an advisory opinion from the Ethics Commission.

294 With certain exceptions, the Ethics Commission is subject to the Open Meeting Law,  
295 which generally requires most meetings of public bodies to be open to the public. (Chapter  
296 241 of NRS) However, under the Ethics Law, the Open Meeting Law does not apply to  
297 meetings, hearings, deliberations and actions of the Ethics Commission relating to requests  
298 for advisory opinions, although the requester of the advisory opinion may file a request with  
299 the Ethics Commission to hold a public meeting or hearing regarding the matter. (NRS  
300 281A.690) **Section 38** of this bill provides that if the Ethics Commission grants such a request  
301 for a public meeting or hearing regarding the matter, the Ethics Commission must provide  
302 public notice of the meeting or hearing and the meeting or hearing must be open to the public  
303 and conducted in accordance with the regulations of the Ethics Commission, but the meeting  
304 or hearing is not subject to specific requirements of the Open Meeting Law.

305 In addition to rendering advisory opinions, the Ethics Commission is also authorized by  
306 the Ethics Law to render opinions regarding the propriety of the conduct of public officers and  
307 employees under the statutory ethical standards in response to ethics complaints. (NRS  
308 281A.710) Not later than 45 days after receiving an ethics complaint, the Ethics Law requires  
309 the Ethics Commission to determine initially whether it has jurisdiction over the ethics  
310 complaint and whether an investigation is warranted in the matter, unless the subject of the  
311 ethics complaint waives the time limit. (NRS 281A.715) **Section 41** of this bill authorizes the  
312 Executive Director, during this initial period, to conduct a preliminary investigation to obtain  
313 additional information concerning the allegations in the ethics complaint to assist the Ethics  
314 Commission in making its initial determination. In addition, **section 41**: (1) allows the Ethics  
315 Commission to extend the time limit for good cause but requires the Ethics Commission to set  
316 a specific and reasonable time period for such an extension; and (2) eliminates, as  
317 unnecessary, the provision authorizing the subject to waive the time limit because the subject  
318 does not receive notice of the matter during this initial period, but only receives notice of the



319 matter if the Ethics Commission determines that it has jurisdiction and an investigation is  
320 warranted. **Section 41** also allows the Ethics Commission to dismiss an ethics complaint  
321 initiated on its own motion if it determines that the evidence is not sufficient to warrant an  
322 investigation in the matter but requires the Ethics Commission to issue a letter of caution or  
323 instruction in those circumstances.

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

331 As part of the investigation, the Ethics Law permits the Executive Director to secure the  
332 subject's participation, attendance as a witness or production of books and papers under  
333 existing procedures. (NRS 281A.300) **Section 42** clarifies that, regardless of whether the  
334 subject submits a response to the investigation, the Executive Director retains the authority  
335 during the course of the investigation to secure the subject's participation, attendance as a  
336 witness or production of books and papers under those existing procedures.

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

344 Within 15 days after the Executive Director presents the written recommendation to the  
345 review panel, the Ethics Law requires the review panel to determine whether there is just and  
346 sufficient cause for the Ethics Commission to render an opinion regarding the ethics  
347 complaint, unless the subject waives the time limit. (NRS 281A.730) **Section 44** of this bill  
348 extends the time for the panel to issue its determination to 45 days. If the review panel  
349 determines that there is not just and sufficient cause, the Ethics Law requires the review panel  
350 to dismiss the matter, but the review panel may issue a confidential letter of caution or  
351 instruction to the subject as part of the dismissal. If the review panel determines that there is  
352 just and sufficient cause but reasonably believes that the conduct at issue may be appropriately  
353 addressed through additional training or other corrective action, the Ethics Law authorizes the  
354 review panel to approve a deferral agreement between the Executive Director and the subject  
355 to defer further proceedings in the matter under the terms and conditions of the deferral  
356 agreement. If the subject complies with the terms and conditions of the deferral agreement, the  
357 matter must be dismissed. However, if the subject fails to comply with the terms and  
358 conditions of the deferral agreement, the deferral agreement may be vacated and further  
359 proceedings conducted in the matter before the Ethics Commission. If the review panel does  
360 not believe that a deferral agreement is appropriate or if the subject declines to enter into such  
361 a deferral agreement, the Ethics Law requires the review panel to refer the matter to the  
362 Ethics Commission for further proceedings. (NRS 281A.730, 281A.740)

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

365 The Ethics Law establishes various requirements regarding the adjudication of ethics  
366 complaints referred to the Ethics Commission for further proceedings. (NRS 281A.745-  
367 281A.760) **Sections 4 and 45** of this bill clarify that the parties to the proceedings are: (1) the  
368 Executive Director or his or her designee, who present the case to the Ethics Commission at  
369 the adjudicatory hearing in the matter; and (2) the subject of the ethics complaint, who has the  
370 right to written notice of the hearing, to be represented by legal counsel and to hear the  
371 evidence presented to the Ethics Commission and to present his or her own case. **Section 45**  
372 also requires: (1) the Executive Director to issue a formal notice of charges to the subject of  
373 the ethics complaint regarding the allegations to be presented at an adjudicatory hearing; and  
374 (2) the Ethics Commission to provide the parties with a written schedule for discovery in  
375 order to prepare for the hearing.

376 The Ethics Law requires the Ethics Commission to hold the hearing and render an  
377 opinion in the matter within a certain time limit, unless waived by the subject, and requires the

378 opinion to include findings of fact and conclusions of law. (NRS 281A.745, 281A.765)  
379 **Section 45** requires the **Ethics** Commission to hold a hearing and render a decision in the  
380 matter within the existing time limit, unless waived by the subject or extended by the **Ethics**  
381 Commission for good cause with a specific and reasonable time period, but **section 45**  
382 provides the **Ethics** Commission with more time to prepare the written opinion in the matter  
383 by requiring the **Ethics** Commission to issue the written opinion within a specified time limit  
384 after the decision is rendered. **Section 45** also clarifies that, in addition to including findings  
385 of fact and conclusions of law, the written opinion must otherwise comply with the  
386 requirements for a final decision under Nevada's Administrative Procedure Act. (NRS  
387 233B.125) **Section 49** of this bill makes a conforming change related to the contents of a  
388 written opinion.

389 With certain exceptions, the Ethics Law requires, or in some cases allows, the **Ethics**  
390 Commission to keep the identity of certain persons who file ethics complaints confidential in  
391 order to protect those persons from potential harm. (NRS 281A.750) **Section 46** of this bill  
392 extends the confidentiality of the requester to persons who worked for the same public body,  
393 agency or employer as the subject of the ethics complaint at the time of the alleged conduct, or  
394 if revealing the identity of the requester would otherwise reveal the identity of witnesses who  
395 work for the same public body, agency or employer. **Section 46** also clarifies that such  
396 confidentiality extends to all materials that, if disclosed, would reveal the identity of the  
397 confidential requester. **Section 46** also clarifies that the identity of the confidential requester  
398 remains protected if the Executive Director does not intend to present the testimony of the  
399 confidential requester as evidence in the matter. However, if the Executive Director intends to  
400 present the testimony of the confidential requester as evidence in the matter, **section 46**  
401 provides that the Executive Director must disclose the name of the confidential requester only  
402 as a proposed witness in accordance with the schedule for discovery in the matter.

403 Under the Ethics Law, the subject of an ethics complaint may submit a written discovery  
404 request for a list of proposed witnesses and a copy of any materials in the investigative file  
405 that the Executive Director intends to present as evidence in the matter. The Ethics Law also  
406 provides that the materials in the investigative file are confidential, except that any materials  
407 which the Executive Director presents as evidence in the matter become public records. (NRS  
408 281A.755) **Section 47** requires any written discovery request to be submitted in accordance  
409 with the schedule for discovery in the matter. **Section 47** also provides that any materials  
410 which the Executive Director presents as evidence in the matter become public records after  
411 the **Ethics** Commission takes final action concerning the ethics complaint in a public meeting  
412 or hearing held under **section 48** of this bill, but provides an exception if any of the materials  
413 are declared confidential by another law.

414 In proceedings concerning an ethics complaint, the Ethics Law exempts from the Open  
415 Meeting Law: (1) any meeting or hearing held by the **Ethics** Commission to receive  
416 information or evidence concerning the ethics complaint; and (2) any deliberations of the  
417 **Ethics** Commission on such information or evidence. However, the Ethics Law does not  
418 exempt the **Ethics** Commission's actions concerning the ethics complaint from the Open  
419 Meeting Law. (NRS 281A.760) **Section 48** generally exempts the **Ethics** Commission's  
420 actions concerning the ethics complaint from the Open Meeting Law. However, **section 48**  
421 requires the **Ethics** Commission to take final action concerning the ethics complaint in a  
422 public meeting or hearing for which the **Ethics** Commission provides public notice and which  
423 is open to the public and conducted in accordance with the regulations of the **Ethics**  
424 Commission, but the meeting or hearing is not subject to specific requirements of the Open  
425 Meeting Law.

426 The Ethics Law establishes various requirements regarding the disposition of ethics  
427 complaints and the imposition of remedies and penalties. (NRS 281A.765-281A.790) Under  
428 the Ethics Law, there are two types of violations: (1) willful violations that require proof of  
429 specific mental elements showing that the subject of an ethics complaint committed the  
430 violations intentionally and knowingly; and (2) other violations that do not require proof of  
431 those specific mental elements. (NRS 281A.170) To determine whether violations are willful,  
432 the Ethics Law requires the **Ethics** Commission to: (1) consider a nonexclusive list of  
433 aggravating and mitigating factors, as well as any other reasonably related factors; and (2)  
434 ensure when it applies those factors that the disposition of the matter bears a reasonable  
435 relationship to the severity of the violations. (NRS 281A.775) For any violations, whether or  
436 not willful, the Ethics Law authorizes the **Ethics** Commission to impose certain remedies,

437 such as training, a remedial course of action or public admonishment. (NRS 281A.785)  
438 However, for willful violations, the Ethics Law also authorizes more severe remedies and  
439 penalties, such as substantial civil penalties and public reprimand or censure. In some cases  
440 involving willful violations, the Ethics Law further requires the ethics Commission to seek  
441 removal of certain public officers through court proceedings or to submit the matter to ~~the~~  
442 ~~appropriate House of~~ the Legislature for consideration of additional remedies and penalties  
443 against certain public officers, including removal through impeachment, ~~[or expulsion]~~ (NRS  
444 281A.785, 281A.790) With respect to certain dispositions of ethics complaints and in  
445 determining whether a violation is willful, existing law requires the ethics Commission to  
446 treat comparable situations in a comparable manner. (NRS 281A.770, 281A.775) **Sections 50**  
447 **and 51** of this bill require the ethics Commission to carry out that duty to the extent  
448 practicable based on the given set of facts and circumstances. **Section 54** of this bill clarifies  
449 that in determining whether the subject has committed one or more violations, each separate  
450 act or event that constitutes a violation, or course of conduct that the ethics Commission  
451 interprets as constituting a separate violation, must be treated as a separate violation that is  
452 cumulative to all other violations, whenever committed, without regard to the sequence of the  
453 violations or whether the violations are established in the same or separate proceedings.

454 The Ethics Law prohibits any person from preventing, interfering with or attempting to  
455 prevent or interfere with investigations or proceedings or the discovery of violations under the  
456 Ethics Law and authorizes the ethics Commission to impose civil penalties and, under certain  
457 circumstances, assess against such a person certain attorney's fees and costs incurred by  
458 others as a result of the act. (NRS 281A.790) **Sections 25 and 54** of this bill: (1) deem the  
459 person's act to be a violation of the Ethics Law; (2) specify that the ethics Commission has  
460 jurisdiction to investigate and take appropriate action regarding the violation in any  
461 proceeding commenced within 2 years after the violation or reasonable discovery thereof; and  
462 (3) require the ethics Commission, before taking appropriate action, to provide the person  
463 with a written notice of the charges and an opportunity for a hearing in accordance with the  
464 regulations of the ethics Commission. **Section 54** also authorizes the ethics Commission,  
465 under certain circumstances, to assess against the person certain attorney's fees and costs  
466 incurred by the ethics Commission as a result of the violation.

467 As previously stated, the Ethics Law governs the conduct of public officers and  
468 employees and, in certain situations, former public officers and employees after the end  
469 of their period of public service or employment. (Chapter 281A of NRS) Sections 55-112  
470 of this bill enact the Nevada Legislative Ethics Law (Legislative Ethics Law) to govern  
471 legislative officers and employees and, in certain situations, former legislative officers  
472 and employees after the end of their period of legislative service or employment. Sections  
473 59-77 of this bill establish various definitions applicable to the Legislative Ethics Law.

474 In particular, section 73 of this bill defines "legislative officer" as: (1) a member of  
475 the Senate, the Secretary of the Senate or any other officer of the Senate; (2) a member  
476 of the Assembly, the Chief Clerk of the Assembly or any other officer of the Assembly;  
477 and (3) any other officer of the Legislature, the Legislative Counsel Bureau or the  
478 Legislative Department of the State Government. Section 71 of this bill defines  
479 "legislative employee" as any employee, assistant, attache, intern or other staff employed  
480 with reference to the legislative duties of a Legislator or the Legislative Department,  
481 regardless of whether the position is paid or otherwise compensated. Sections 11, 12.5,  
482 16.5, 18.5, 18.7, 29-32 and 54 of this bill make conforming changes to remove legislative  
483 officers and employees from the jurisdiction of the Ethics Law in Chapter 281A of NRS,  
484 so that they are subject to the jurisdiction of the Legislative Ethics Law in sections 55-  
485 112.

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

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

496 Section 10 of this bill prohibits public officers and employees from using their  
497 position or power in government to take any actions or compel a subordinate to take  
498 actions that a reasonable person would find, based on the given facts and circumstances,  
499 to be a gross or unconscionable abuse of official position or power or that would  
500 undermine the integrity or impartiality of a reasonable person under the same or similar  
501 circumstances. Section 84 of this bill establishes similar provisions applicable to  
502 legislative officers and employees.

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

506 Existing law prohibits public officers and employees from taking certain actions  
507 relating to contracts between the governmental entity and a business entity in which the  
508 public officer or employee has a significant pecuniary interest. (NRS 281A.430) Section  
509 86 of this bill establishes similar provisions applicable to legislative officers and  
510 employees.

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

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

519 Existing law establishes certain "cooling-off" periods for former public officers and  
520 employees under certain circumstances. (NRS 281A.550) Section 89 of this bill  
521 establishes similar provisions relating to legislative officers and employees.

522 Existing law authorizes the Attorney General or the appropriate district attorney to  
523 void certain grants, contracts or leases entered into in violation of the Ethics Law. (NRS  
524 281A.540) Section 90 of this bill similarly authorizes the Attorney General or a district  
525 attorney to take such actions for the purpose of voiding a grant, contract or lease entered  
526 into in violation of the Legislative Ethics Law.

527 To carry out and enforce the Legislative Ethics Law, sections 91, 95 and 99 of this  
528 bill create the Senate Commission on Ethics (Senate Commission), Assembly  
529 Commission on Ethics (Assembly Commission) and Joint Commission on Ethics (Joint  
530 Commission) and provide for the appointment and terms of their respective members.  
531 Section 117 of this bill directs the appointment and terms of the initial members of each  
532 Commission.

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

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

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

544 Section 104 of this bill authorizes the Senate Commission, Assembly Commission  
545 and Joint Commission, as applicable, to conduct investigations and hold hearings to  
546 carry out the Legislative Ethics Law.

547 Section 105 of this bill provides that all proceedings of the Senate Commission,  
548 Assembly Commission or Joint Commission, as applicable, relating to the character,  
549 alleged misconduct, professional competence or physical or mental health of any person  
550 on matters regarding the legislative ethical standards and the materials relating thereto  
551 are confidential, unless the person subject to the proceedings waives such confidentiality.

552 Section 106 of this bill provides that a member of the Senate Commission, Assembly  
553 Commission or Joint Commission, as applicable, is disqualified from serving in the  
554 consideration of a matter if: (1) the member is the subject of the ethics complaint; (2) the

555 member requested advice on the issue under consideration; or (3) a reasonable person in  
 556 the member's situation could not exercise independent judgment on the matter.

557 Section 107 of this bill authorizes an individual to file with the Legislative Counsel  
 558 an ethics complaint against a legislative officer or employee. Section 107 requires the  
 559 Legislative Counsel to review the ethics complaint and consult with the Chair of the  
 560 Senate Commission, Assembly Commission or Joint Commission, as applicable, to  
 561 determine whether the Commission has jurisdiction over the complaint and whether an  
 562 investigation is warranted in the matter. Finally, section 107 requires that: (1) if it is  
 563 determined that the Commission does not have jurisdiction or an investigation is not  
 564 warranted, the Legislative Counsel must send a written notice of such a determination to  
 565 the individual who filed the ethics complaint; or (2) if it is determined that the  
 566 Commission has jurisdiction and an investigation is warranted, the Legislative Counsel  
 567 must send a written notice of the determination and a copy of the ethics complaint to the  
 568 person who is subject to the ethics complaint. Section 80 of this bill requires the ethics  
 569 complaint to be filed within 2 years of the alleged violation or reasonable discovery of  
 570 the alleged violation.

571 If the Senate Commission, Assembly Commission or Joint Commission, as  
 572 applicable, holds an adjudicatory hearing on an ethics complaint, section 108 of this bill  
 573 establishes various procedural and evidentiary requirements for the adjudicatory  
 574 hearing, including the burden and standard of proof.

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

578 Alternatively, if the Senate Commission, Assembly Commission or Joint  
 579 Commission, as applicable, finds that a violation of the legislative ethical standards has  
 580 occurred, sections 109-111 of this bill authorize the Commission to: (1) issue a letter of  
 581 caution or instruction to the legislative officer or employee; (2) admonish, reprimand or  
 582 censure the legislative officer or employee; (3) impose civil penalties on the legislative  
 583 officer or employee; or (4) take any other reasonable actions that the Commission  
 584 determines will remedy the violation or deter similar violations, including referring the  
 585 matter to the appropriate House for review and consideration.

586 Section 112 of this bill also requires the Senate Commission, Assembly Commission  
 587 or Joint Commission, as applicable, to refer the matter to the Attorney General or the  
 588 district attorney, as appropriate, if the Commission believes that the violation of the  
 589 legislative ethical standards constitutes a crime.

590 Section ~~{55}~~ 113 of this bill makes a conforming change to the Public Records Law  
 591 relating to : (1) the confidentiality of materials provided by the Ethics Commission to other  
 592 enforcement agencies and officers pursuant to section 12 ~~{- Section 56 of this bill makes a~~  
 593 ~~conforming change relating to section 9.}~~ ; and (2) the confidentiality of materials relating  
 594 to proceedings held by the Senate Commission, Assembly Commission or Joint  
 595 Commission, as applicable, pursuant to section 105.

596 Section ~~{58}~~ 116 of this bill addresses the applicability of the amendatory provisions of  
 597 ~~{this bill} sections 2-54~~ to administrative proceedings and conduct subject to the Ethics Law  
 598 that occurred before July 1, 2021. Section 118 of this bill provides for the transition of  
 599 jurisdiction for ethics 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.** NRS 281.5584 is hereby amended to read as follows:  
 2 281.5584 "Financial disclosure statement" or "statement" means a financial  
 3 disclosure statement in the electronic form or other authorized form prescribed by  
 4 the Secretary of State pursuant to NRS 281.5555 to 281.581, inclusive . ~~{- or in the~~  
 5 ~~form approved by the Secretary of State for a specialized or local ethics committee~~  
 6 ~~pursuant to NRS 281A.350.}~~

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

3        **Sec. 3.** “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. 4.** “Party” means, for the purposes of the adjudication and disposition  
8 *of proceedings concerning an ethics complaint pursuant to this chapter:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52        **Sec. 9.** *During any period in which proceedings concerning a request for*  
53 *an advisory opinion or an ethics complaint are confidential pursuant to this*

1 *chapter, the provisions of chapter 241 of NRS do not apply to any meeting or*  
2 *hearing held by the Commission or any deliberations or actions of the*  
3 *Commission involving:*

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

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

8 **Sec. 10.** *1. A public officer or employee shall not use the public officer's*  
9 *or employee's position or power in government to take any actions or compel a*  
10 *subordinate to take any actions that a reasonable person would find, based on the*  
11 *given set of facts and circumstances, to be a gross or unconscionable abuse of*  
12 *official position or power that would undermine the integrity or impartiality of a*  
13 *reasonable person in the public officer's or employee's position under the same*  
14 *or similar facts and circumstances.*

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

20 **Sec. 11.** *A list of each public officer who is required to file an*  
21 *acknowledgment of the statutory ethical standards in accordance with NRS*  
22 *281A.500 must be submitted electronically to the Commission, in the form*  
23 *prescribed by the Commission, on or before December 1 of each year by:*

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

26 *(a) The manager of each local agency for a public officer of a local agency;*  
27 *and*

28 *(b) ~~The Director of the Legislative Counsel Bureau for a public officer of~~*  
29 *~~the Legislative Department of the State Government; and~~*

30 *~~(c) The Director of the Department of Administration, or his or her~~*  
31 *~~designee, for a public officer of the Executive Department of the State~~*  
32 *~~Government; and~~*

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

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

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

37 *(c) ~~The Legislative Department of the State Government, the Director of the~~*  
38 *~~Legislative Counsel Bureau; and~~*

39 *~~(d) The Executive Department of the State Government, the Director of the~~*  
40 *~~Department of Administration, or his or her designee.~~*

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

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

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

48 *2. If the Commission determines that it does not have jurisdiction or does*  
49 *not direct the Executive Director to conduct an investigation of an ethics*  
50 *complaint pursuant to NRS 281A.715, and the Executive Director reasonably*  
51 *believes that the alleged conduct may be properly addressed within the*  
52 *jurisdiction of another state or local agency, the Executive Director may refer all*  
53 *or a portion of the information, communications, records, documents or other*

1 *materials in the possession of the Commission or its staff that are related to the*  
 2 *allegations in the ethics complaint to that state or local agency. Such a referral*  
 3 *must not include a copy of any ethics complaint or reveal the identity of the*  
 4 *requester of any such ethics complaint.*

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

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

11 281A.020 1. It is hereby declared to be the public policy of this State that:

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

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

17 2. The Legislature finds and declares that:

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

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

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

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

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

40 ~~(2) Any legislative employee as defined in section 71 of this act,~~  
 41 ~~↪ except that if such a person holds another position outside of his or her~~  
 42 ~~legislative office or employment that is subject to the jurisdiction of the~~  
 43 ~~Commission pursuant to this chapter, the Commission may exercise jurisdiction~~  
 44 ~~or authority over that person but only for conduct arising out of the other~~  
 45 ~~position.~~

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

47 281A.030 As used in this chapter, unless the context otherwise requires, the  
 48 words and terms defined in NRS 281A.032 to 281A.170, inclusive, **and sections 3**  
 49 **to 6, inclusive, of this act** have the meanings ascribed to them in those sections.

50 **Sec. 14. NRS 281A.032 is hereby amended to read as follows:**

51 281A.032 "Adjudicatory hearing" means a hearing held by the Commission  
 52 pursuant to NRS 281A.745 to receive evidence **and render a decision** concerning  
 53 an ethics complaint . ~~[and render an opinion in the matter.]~~



1       **Sec. 15.** NRS 281A.033 is hereby amended to read as follows:

2       281A.033 “Advisory opinion” means an advisory opinion ~~rendered~~ **issued**  
3 by the Commission pursuant to NRS 281A.670 to 281A.690, inclusive.

4       **Sec. 16.** NRS 281A.065 is hereby amended to read as follows:

5       281A.065 “Commitment in a private ~~capacity,” with respect to the interests~~  
6 ~~of another person,~~ **capacity”** means a **private** commitment, interest or relationship  
7 of a public officer or employee to : ~~a person;~~

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

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

11       3. ~~Who is related to~~ **A relative of** the public officer or employee, or ~~to~~ the  
12 spouse or domestic partner of the public officer or employee, by blood, adoption,  
13 marriage or domestic partnership within the third degree of consanguinity or  
14 affinity;

15       4. ~~Who employs~~ **The employer of** the public officer or employee, the spouse  
16 or domestic partner of the public officer or employee or a member of the household  
17 of the public officer or employee;

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

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

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

24       281A.080 1. The making of a “decision” is the exercise of governmental  
25 power to adopt laws, regulations or standards, render quasi-judicial decisions,  
26 establish executive policy or determine questions involving substantial discretion.

27       2. The term does not include:

28       (a) The functions of the judiciary.

29       (b) The functions of ~~a~~ **any** State Legislator ~~that are protected by legislative~~  
30 ~~privilege and immunity pursuant to the Constitution of the State of Nevada or NRS~~  
31 ~~41.071,~~ **or other legislative officer as defined in section 73 of this act.**

32       **Sec. 17.** NRS 281A.088 is hereby amended to read as follows:

33       281A.088 “Ethics complaint” means ~~a request for an opinion~~ **an ethics**  
34 **complaint** which is filed with the Commission or initiated by the Commission on  
35 its own motion pursuant to NRS 281A.710 regarding the propriety of the conduct of  
36 a public officer or employee under the statutory ethical standards . ~~set forth in this~~  
37 ~~chapter.~~

38       **Sec. 18.** NRS 281A.135 is hereby amended to read as follows:

39       281A.135 1. “Opinion” means an opinion ~~rendered~~ **issued** by the  
40 Commission in accordance with the provisions of this chapter.

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

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

45       281A.150 **1.** “Public employee” means any person who:

46       ~~1.~~ **(a)** Performs public duties under the direction and control of a public  
47 officer for compensation paid by the State or any county, city or other political  
48 subdivision; or

49       ~~2.~~ **(b)** Is designated as a public employee for the purposes of this chapter  
50 pursuant to NRS 281A.182.

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

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

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

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

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

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

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

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

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

13 (b) The expenditure of public money; and

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

16 3. "Public officer" does not include:

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

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

20 ~~(c)~~ (c) Any member of a board, commission or other body whose function is  
21 advisory;

22 ~~(d)~~ (d) Any member of a special district whose official duties do not include  
23 the formulation of a budget for the district or the authorization of the expenditure of  
24 the district's money; or

25 ~~(e)~~ (e) A county health officer appointed pursuant to NRS 439.290.

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

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

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

30 ~~(c)~~ (c) Any member of a board, commission or other body whose function is  
31 advisory;

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

35 ~~(e)~~ (e) A county health officer appointed pursuant to NRS 439.290.

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

37 281A.161 "Request for an advisory opinion" means a request for an advisory  
38 opinion which is filed with the Commission pursuant to NRS 281A.675 . ~~By a~~  
39 ~~public officer or employee who is:~~

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

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

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

45 281A.210 1. The Commission shall ~~f~~

46 ~~(a) At~~ *at* its first meeting and annually thereafter elect a Chair and Vice Chair  
47 from among its members.

48 ~~(b) Meet~~

49 *2. If the Chair is prohibited from acting on a particular matter or is*  
50 *otherwise unable to act on a particular matter, the Vice Chair shall exercise the*  
51 *powers and functions and perform the duties of the Chair concerning that*  
52 *particular matter. If the Chair and Vice Chair are prohibited from acting on a*  
53 *particular matter or are otherwise unable to act on a particular matter, another*

1 *member of the Commission who is designated in accordance with the regulations*  
2 *of the Commission shall exercise the powers and functions and perform the*  
3 *duties of the Chair concerning that particular matter.*

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

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

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

13 ~~6.~~ **6.** The Commission may, within the limits of legislative appropriation,  
14 maintain such facilities as are required to carry out its functions.

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

16 281A.220 1. The Chair shall appoint one or more review panels of three  
17 members of the Commission on a rotating basis to perform the functions assigned  
18 to such review panels pursuant to this chapter.

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

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

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

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

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

33 **Sec. 22.** ~~NRS 281A.230 is hereby amended to read as follows:~~

34 ~~281A.230 1. The Commission shall appoint, within the limits of legislative~~  
35 ~~appropriation, an Executive Director who shall perform the duties set forth in this~~  
36 ~~chapter and such other duties as may be prescribed by the Commission.~~

37 ~~2. The Executive Director must be an attorney who is licensed to practice~~  
38 ~~law in this State and must have experience in administration, investigations and~~  
39 ~~law.~~

40 ~~3. The Executive Director is in the unclassified service of the State.~~

41 ~~4. The Executive Director shall devote the Executive Director's entire time~~  
42 ~~and attention to the business of the Commission and shall not pursue any other~~  
43 ~~business or occupation or hold any other office of profit that detracts from the full~~  
44 ~~and timely performance of the Executive Director's duties.~~

45 ~~5. The Executive Director may not:~~

46 ~~(a) Be actively involved in the work of any political party or political~~  
47 ~~campaign; or~~

48 ~~(b) Except in pursuit of the business of the Commission, communicate directly~~  
49 ~~or indirectly with a State Legislator or a member of a local legislative body on~~  
50 ~~behalf of someone other than the Executive Director to influence;~~

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

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

~~(I) The appropriation of public money;~~

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

~~(III) Any proposed subdivision of land or special exception or variance from zoning regulations.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11           (b) *Employs outside legal counsel.*

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

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

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

20           (b) Employ outside legal counsel.

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

22           281A.280 1. Except as otherwise provided in this section, the Commission  
23 has jurisdiction to ~~investigate~~ :

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

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

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

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

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

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

51           ↳ but any bar on the Commission's jurisdiction imposed by this subsection applies  
52 only to the extent that it pertains to the alleged discrimination or harassment, and  
53 this subsection does not deprive the Commission of jurisdiction regarding the

1 alleged conduct if such conduct is sanctionable separately or concurrently under the  
2 provisions of this chapter, irrespective of the alleged discrimination or harassment.

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

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

7 (b) If the ethics complaint is initiated by the Commission on its own motion,  
8 on the date on which the Commission serves the ~~{public officer or employee}~~  
9 *current* or former public officer or employee with *a written* notice of the  
10 *investigation of the* ethics complaint in accordance with the regulations of the  
11 Commission.

12 **Sec. 26.** NRS 281A.290 is hereby amended to read as follows:

13 281A.290 The Commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

49 281A.300 1. The Chair ~~{and Vice Chair}~~ *or a member* of the Commission  
50 *appointed by the Chair to preside over any meetings, hearings and proceedings*  
51 may administer oaths ~~{ }~~ *or direct a certified court reporter or other authorized*  
52 *person to administer oaths.*

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

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

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

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

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

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

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

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

40           7. If the public officer or employee fails or refuses to respond to the  
41 Executive Director's written request pursuant to subsection 5 to voluntarily  
42 participate or attend at the time and place specified or produce the books and papers  
43 requested by the Executive Director within 5 business days after receipt of the  
44 written request, the Chair ~~{or, in the Chair's absence, the Vice Chair,}~~ may issue the  
45 subpoena. Failure of the public officer or employee to comply with the written  
46 request of the Executive Director shall be deemed a waiver by the public officer or  
47 employee of the time limits set forth in NRS 281A.700 to 281A.790, inclusive, *and*  
48 *section 12 of this act*, that apply to proceedings concerning the ethics complaint.

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

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

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

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

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

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

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

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

24 **Sec. 28.** NRS 281A.350 is hereby amended to read as follows:

25 281A.350 1. Any state agency or the governing body of a county or an  
26 incorporated city may establish a specialized or local ethics committee to  
27 complement the functions of the Commission. A specialized or local ethics  
28 committee may:

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

32 (b) Render *a decision and issue* an opinion upon the request of any public  
33 officer or employee of its own organization or level seeking an interpretation of its  
34 *code of* ethical standards on questions directly related to the propriety of the public  
35 officer's or employee's own future official conduct ~~[or]~~, *but the committee may*  
36 refer the request to the Commission ~~[ ]~~ *if the response to the request requires the*  
37 *Commission to interpret the statutory ethical standards and apply those standards*  
38 *to the given set of facts and circumstances. If the request is referred to the*  
39 *Commission, it shall be deemed to be a request for an advisory opinion filed by*  
40 *the public officer or employee with the Commission pursuant to NRS 281A.675.*  
41 Any public officer or employee subject to the jurisdiction of the committee shall  
42 direct the public officer's or employee's ~~[inquiry]~~ *request* to that committee *first*  
43 *instead of the Commission.*

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

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

48 ~~(2) Upon review, approved by the Secretary of State. The Secretary of~~  
49 ~~State shall not approve the form unless the form contains all the information~~  
50 ~~required to be included in a financial disclosure statement pursuant to NRS~~  
51 ~~281.571.]~~



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

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

7 ~~[4.]~~ 3. Each request for an opinion submitted *by a public officer or employee*  
8 to a specialized or local ethics committee, each hearing held *by the committee*  
9 to obtain information on which to ~~[base]~~ *render a decision and issue* an opinion, all  
10 deliberations *by the committee* relating to ~~[an]~~ *the decision and* opinion, each  
11 ~~[opinion]~~ *decision* rendered *and opinion issued* by ~~[a]~~ *the* committee and any  
12 motion relating to the *decision and* opinion are confidential unless:

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

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

16 **Sec. 29.** NRS 281A.400 is hereby amended to read as follows:

17 281A.400 ~~[A code of ethical standards is hereby established to govern the~~  
18 ~~conduct of public officers and employees.]~~

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

25       2. A public officer or employee shall not use the public officer's or  
26 employee's position in government to secure or grant unwarranted privileges,  
27 preferences, exemptions or advantages for the public officer or employee, any  
28 business entity in which the public officer or employee has a significant pecuniary  
29 interest or any person to whom the public officer or employee has a commitment in  
30 a private capacity. As used in this subsection, "unwarranted" means without  
31 justification or adequate reason.

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

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

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

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

51       7. ~~[Except for State Legislators who are subject to the restrictions set forth in~~  
52 ~~subsection 8, a]~~ *A* public officer or employee shall not use governmental time,  
53 property, equipment or other facility to benefit a significant personal or pecuniary

1 interest of the public officer or employee or any person to whom the public officer  
2 or employee has a commitment in a private capacity. This subsection does not  
3 prohibit:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 281A.410 ~~[In addition to the requirements of the code of ethical standards and~~  
13 ~~the other provisions of this chapter:]~~

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

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

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

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

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

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

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

39 (1) The best interests of the public;

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

42 (3) The provisions of this chapter.

43 4. For the purposes of subsection 3, the request for an advisory opinion, *the*  
44 *decision rendered*, the advisory opinion and all meetings, hearings and proceedings  
45 of the Commission in such a matter are governed by the provisions of NRS  
46 281A.670 to 281A.690, inclusive.

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

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

51 281A.420 1. Except as otherwise provided in this section, a public officer or  
52 employee shall not approve, disapprove, vote, abstain from voting or otherwise act  
53 upon a matter:

- 1 (a) Regarding which the public officer or employee has accepted a gift or loan;
- 2 (b) In which the public officer or employee has a significant pecuniary interest;
- 3 (c) Which would reasonably be affected by the public officer's or employee's
- 4 commitment in a private capacity to the interests of another person; or

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

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

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

26 (a) A public officer to disclose:

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

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

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

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

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

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

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

50 (b) The public officer's significant pecuniary interest; ~~(c)~~

51 (c) The public officer's commitment in a private capacity to the interests of  
 52 another person ~~(d)~~; or

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

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

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

19 (b) The Commission must give appropriate weight and proper deference to the  
20 public policy of this State which favors the right of a public officer to perform the  
21 duties for which the public officer was elected or appointed and to vote or  
22 otherwise act upon a matter, provided the public officer makes a proper disclosure  
23 at the time the matter is considered and in the manner required by subsection 1.  
24 Because abstention by a public officer disrupts the normal course of representative  
25 government and deprives the public and the public officer's constituents of a voice  
26 in governmental affairs, the provisions of this section are intended to require  
27 abstention only in clear cases where the independence of judgment of a reasonable  
28 person in the public officer's situation would be materially affected by the public  
29 officer's acceptance of a gift or loan, significant pecuniary interest , ~~for~~  
30 commitment in a private capacity to the interests of another person ~~or~~ *or*  
31 *representation or counseling of a private person for compensation as permitted*  
32 *by NRS 281A.410.*

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

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

40 (a) Prohibit a member of a local legislative body from requesting or  
41 introducing a legislative measure; or

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

44 ~~(7) The provisions of this section do not, under any circumstances, apply to~~  
45 ~~State Legislators or allow the Commission to exercise jurisdiction or authority over~~  
46 ~~State Legislators. The responsibility of a State Legislator to make disclosures~~  
47 ~~concerning gifts, loans, interests or commitments a matter and the responsibility of~~  
48 ~~a State Legislator to abstain from voting upon or advocating the passage or failure~~  
49 ~~of a matter are governed by the Standing Rules of the Legislative Department of the~~  
50 ~~State Government which are adopted, administered and enforced exclusively by the~~  
51 ~~appropriate bodies of the Legislative Department of the State Government pursuant~~  
52 ~~to Section 6 of Article 4 of the Nevada Constitution.~~

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

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

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

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

(b) For an elected public officer of:

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

(2) The city, the city clerk; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 ~~—(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public~~  
30 ~~officer is removable from office pursuant to NRS 283.440, the Commission may~~  
31 ~~file a complaint in the appropriate court for removal of the public officer pursuant~~  
32 ~~to that section. This paragraph grants an exclusive right to the Commission, and no~~  
33 ~~other person may file a complaint against the public officer pursuant to NRS~~  
34 ~~283.440 based on any violation of this section.]~~

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

37 **Sec. 33.** NRS 281A.550 is hereby amended to read as follows:

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

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

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

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

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

48 (a) Appear before the Nevada Gaming Control Board or the Nevada Gaming  
49 Commission on behalf of a person who holds a license issued pursuant to chapter  
50 463 or 464 of NRS or who is required to register with the Nevada Gaming  
51 Commission pursuant to chapter 463 of NRS; or

52 (b) Be employed by such a person,

1     ↳ for 1 year after the termination of the member's service on the Nevada Gaming  
2 Control Board or the Nevada Gaming Commission.

3     3. In addition to the prohibitions set forth in subsections 1 and 2, and except  
4 as otherwise provided in subsections 4 and 6, a **current or** former public officer or  
5 **management-level public** employee of a board, commission, department, division  
6 or other agency of the Executive Department of **the** State Government ~~[, except a~~  
7 ~~clerical employee,]~~ shall not solicit or accept employment from a business or  
8 industry whose activities are governed by regulations adopted **or administered** by  
9 the board, commission, department, division or other agency , **as applicable, during**  
10 **the public officer's or employee's period of public service or employment or** for 1  
11 year after the termination of ~~[the former public officer's or employee's]~~ **his or her**  
12 **period of public** service or ~~[period of]~~ employment if:

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

16     (b) ~~[During]~~ **Within** the immediately preceding year, ~~[the former]~~ **during the**  
17 **public officer's or employee's period of public service or employment or within**  
18 **the year immediately preceding the termination of the public officer's or**  
19 **employee's period of public service or employment, the** public officer or employee  
20 directly performed activities, or controlled or influenced an audit, decision,  
21 investigation or other action, which significantly affected the business or industry ;  
22 ~~[which might, but for this section, employ the former public officer or employee;]~~  
23 or

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

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

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

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

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

35     5. Except as otherwise provided in subsection 6, a **current or** former public  
36 officer or employee of the State or a political subdivision, except a clerical  
37 employee, shall not solicit or accept employment from a person to whom a contract  
38 for supplies, materials, equipment or services was awarded by the State or political  
39 subdivision, as applicable, **or was implemented, managed or administered by the**  
40 **State or political subdivision, as applicable, during the public officer's or**  
41 **employee's period of public service or employment or** for 1 year after the  
42 termination of ~~[the officer's or employee's]~~ **his or her period of public** service or  
43 ~~[period of]~~ employment, if:

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

45     (b) The contract was awarded **or was implemented, managed or administered**  
46 **by the State or political subdivision, as applicable, within the immediately**  
47 **preceding year during the public officer's or employee's period of public service**  
48 **or employment or** within the ~~[12-month period]~~ **year** immediately preceding the  
49 termination of the **public** officer's or employee's **period of public** service or ~~[period~~  
50 ~~of]~~ employment; and

51     (c) The position held by the ~~[former]~~ public officer or employee at the time the  
52 contract was awarded **or while it was implemented, managed or administered by**  
53 **the State or political subdivision, as applicable,** allowed the ~~[former]~~ public officer



1 or employee to *materially* affect or influence the awarding of the contract ~~or its~~  
 2 *implementation, management or administration.*

3 6. A current or former public officer or employee may file a request for an  
 4 advisory opinion pursuant to NRS 281A.675 concerning the application of the  
 5 relevant facts in that person's case to the provisions of subsection 3 or 5, as  
 6 applicable, and *the Commission may* determine whether relief from the strict  
 7 application of those provisions is proper. *For the purposes of submitting all*  
 8 *necessary information for the Commission to render a decision and issue an*  
 9 *advisory opinion in the matter, a current or former public officer or employee*  
 10 *may request information concerning potential employment from any business,*  
 11 *industry or other person without violating the provisions of subsection 3 or 5, as*  
 12 *applicable.* If the Commission determines that relief from the strict application of  
 13 the provisions of subsection 3 or 5, as applicable, is not contrary to:

14 (a) The best interests of the public;

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

17 (c) The provisions of this chapter,

18 ~~it~~ it may issue an advisory opinion to that effect and grant such relief.

19 7. For the purposes of subsection 6, the request for an advisory opinion, *the*  
 20 *decision rendered,* the advisory opinion and all meetings, hearings and proceedings  
 21 of the Commission in such a matter are governed by the provisions of NRS  
 22 281A.670 to 281A.690, inclusive.

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

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

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

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

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

37 10. As used in this section, "regulation" has the meaning ascribed to it in NRS  
 38 233B.038 and also includes regulations adopted *or administered* by a board,  
 39 commission, department, division or other agency of the Executive Department of  
 40 *the* State Government that is exempted from the requirements of chapter 233B of  
 41 NRS.

42 **Sec. 34.** NRS 281A.665 is hereby amended to read as follows:

43 281A.665 *1. The Legislative Counsel shall prepare annotations to this*  
 44 *chapter for inclusion in the Nevada Revised Statutes based on the published*  
 45 *opinions of the Commission.*

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

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

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

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

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

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

10 **Sec. 35.** NRS 281A.675 is hereby amended to read as follows:

11 281A.675 1. ~~1A]~~ *Except as otherwise provided in this section and NRS*  
 12 *281A.280, a public officer or employee may file with the Commission a request for*  
 13 *an advisory opinion to:*

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

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

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

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

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

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

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

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

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

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

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

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

43 (a) *The requester waives this time limit* ~~and~~  
 44 ~~2.] ;~~

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

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

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

52 (2) *The Commission determines that staying or dismissing the*  
 53 *proceedings concerning the request for an advisory opinion is necessary for the*

1 *just adjudication and disposition of the proceedings concerning the ethics*  
2 *complaint; or*

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

6 *3. If the Commission renders a decision concerning the request for an*  
7 *advisory opinion pursuant to this section, the Commission shall issue a written*  
8 *advisory opinion for any decision which the Commission determines:*

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

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

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

19 ~~*(a) Binding upon the requester with regard to the future conduct of the*~~  
20 ~~*requester; and*~~

21 ~~*(b) A*~~ *a final decision that is subject to judicial review pursuant to NRS*  
22 *233B.130.*

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

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

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

30 *(b) Which relates to the past conduct of a public officer or employee,*  
31 *↳ the advisory opinion is not a final decision that is subject to judicial review*  
32 *pursuant to NRS 233B.130.*

33 *6. Upon the request of a public officer or employee, the Executive Director*  
34 *or Commission Counsel may advise a public officer or employee regarding the*  
35 *application of the statutory ethical standards to a given set of facts and*  
36 *circumstances. Such advice may not be contrary to a published opinion of the*  
37 *Commission or otherwise expand a precedential interpretation of the Commission*  
38 *in a published opinion. The Executive Director shall keep a written record of any*  
39 *advice offered to a public officer or employee pursuant to this subsection. Any act*  
40 *or failure to act by a current or former public officer or employee relating to this*  
41 *chapter is not a violation of this chapter pursuant to subsection 6 of NRS*  
42 *281A.790 if the public officer or employee establishes by sufficient evidence that*  
43 *he or she relied upon the advice of the Executive Director or Commission*  
44 *Counsel pursuant to this subsection before the public officer or employee acted or*  
45 *failed to act. Any advice rendered by the Executive Director or Commission*  
46 *Counsel pursuant to this subsection is not binding on the public officer or*  
47 *employee and is not subject to judicial review pursuant to NRS 233B.130. Any*  
48 *dispute regarding the advice rendered by the Executive Director or Commission*  
49 *Counsel may be resolved through the filing of a request for an advisory opinion*  
50 *with the Commission pursuant to subsection 1.*

51 *7. Any decision rendered or advisory opinion issued by the Commission in*  
52 *response to a request for an advisory opinion or advice provided by the Executive*  
53 *Director or Commission Counsel pursuant to subsection 6 does not divest the*

1 *Commission of its jurisdiction to initiate or accept jurisdiction of an ethics*  
2 *complaint and direct the Executive Director to conduct an investigation of the*  
3 *ethics complaint if the ethics complaint alleges facts that are supported by*  
4 *sufficient evidence which are different from the facts relied upon by the*  
5 *Commission, Executive Director or Commission Counsel, as applicable, in*  
6 *rendering advice pursuant to this section.*

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

8 281A.685 1. Except as otherwise provided in this section, the following  
9 materials are confidential and are not public records pursuant to chapter 239 of  
10 NRS:

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

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

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

22 (d) Any information, communications, records, documents or other materials in  
23 the possession of the requester of the *request for an* advisory opinion *or the*  
24 *request for the advice of the Executive Director or Commission Counsel provided*  
25 *pursuant to subsection 6 of NRS 281A.680* that are related to the request and, if  
26 disclosed by the requester, would reveal the existence, nature or content of the  
27 request , *the decision rendered* or the advisory opinion ~~{}~~ *issued by the*  
28 *Commission or the advice of the Executive Director or Commission Counsel*  
29 *provided pursuant to subsection 6 of NRS 281A.680;*

30 2. The provisions of subsection 1 do not create or impose any duty on the  
31 Commission or its staff to protect or defend against the disclosure of any materials  
32 not in the possession of the Commission or its staff, regardless of whether the  
33 materials are related to ~~{the}~~ a request.

34 3. The provisions of subsection 1 do not apply to any materials in the  
35 possession of the Commission or its staff that are related to the request if the  
36 requester of ~~{the}~~ a request for an advisory opinion ~~{}~~ *or the request for the advice*  
37 *of the Executive Director or Commission Counsel pursuant to subsection 6 of*  
38 *NRS 281A.680:*

39 (a) Acts in contravention of *the decision rendered or* the advisory opinion ~~{}~~  
40 *issued by the Commission or the advice of the Executive Director or Commission*  
41 *Counsel provided pursuant to subsection 6 of NRS 281A.680*, in which case the  
42 Commission may disclose the request, *the decision rendered*, the advisory opinion  
43 *or the advice of the Executive Director or Commission Counsel provided*  
44 *pursuant to subsection 6 of NRS 281A.680* and any information, communications,  
45 records, documents or other materials in the possession of the Commission or its  
46 staff that are related to the request;

47 (b) Authorizes the Commission, in writing, to make the request, *the decision*  
48 *rendered*, the advisory opinion , *the advice of the Executive Director or*  
49 *Commission Counsel provided pursuant to subsection 6 of NRS 281A.680* or any  
50 information, communications, records, documents or other materials in the  
51 possession of the Commission or its staff that are related to the request publicly  
52 available ~~{}~~ , *except that any disclosure of materials pursuant to this paragraph is*

1 *limited to the specific materials that the requester authorizes the Commission, in*  
 2 *writing, to make publicly available;* or

3 (c) Voluntarily discloses, in any manner, the request, *the decision rendered,*  
 4 *the advisory opinion , the advice of the Executive Director or Commission*  
 5 *Council provided pursuant to subsection 6 of NRS 281A.680* or any information,  
 6 communications, records, documents or other materials in the possession of the  
 7 Commission or its staff that are related to the request, except to:

8 (1) The *supervisory head or the legal counsel of his or her* public body,  
 9 agency or employer ~~[of the requester or the]~~ *or to any other public officer or*  
 10 *employee of that public body, agency or employer to whom the supervisory head*  
 11 *or the legal counsel authorizes such a disclosure in writing;*

12 (2) ~~The~~ legal counsel of the requester ~~;~~  
 13 ~~—(2)—~~ *to facilitate legal representation when the requester is not*  
 14 *represented by the legal counsel of his or her public body, agency or employer;*

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

17 ~~(3)~~ (4) Any *other* person to whom the requester makes such a disclosure  
 18 for the purposes of judicial review pursuant to *subsection 4 of* NRS 281A.680.

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

20 281A.690 1. ~~[Except as otherwise provided in this section, the]~~ *The*  
 21 *provisions of chapter 241 of NRS do not apply to:*

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

24 (b) Any deliberations or actions of the Commission on such information or  
 25 evidence.

26 2. The ~~[public officer or employee]~~ *requester* who files the request for an  
 27 advisory opinion may also file a request with the Commission to hold a public  
 28 meeting or hearing regarding the request for an advisory opinion. *If the*  
 29 *Commission grants the request to hold a public meeting or hearing, and the*  
 30 *Commission shall provide public notice of the meeting or hearing, and the*  
 31 *meeting or hearing must be open to the public and conducted in accordance with*  
 32 *the regulations of the Commission, but the meeting or hearing is not subject to*  
 33 *the provisions of chapter 241 of NRS.*

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

35 281A.700 The provisions of NRS 281A.700 to 281A.790, inclusive, *and*  
 36 *section 12 of this act* apply to proceedings concerning an ethics complaint.

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

38 281A.710 1. Except as otherwise provided in this section and NRS  
 39 281A.280, the Commission may render *a decision and issue* an opinion that  
 40 interprets the statutory ethical standards and applies those standards to a given set  
 41 of facts and circumstances regarding the propriety of the conduct of a public officer  
 42 or employee if an ethics complaint is:

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

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

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

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

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

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

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

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

10 281A.715 1. Based on the evidence submitted with an ethics complaint filed  
11 with the Commission *by a specialized or local ethics committee or person* pursuant  
12 to *paragraph (a) or (b) of subsection 1 of* NRS 281A.710 ~~[ ]~~ *and any additional*  
13 *evidence obtained by the Executive Director pursuant to subsection 2,* the  
14 Commission shall determine whether it has jurisdiction in the matter and whether  
15 an investigation is warranted in the matter. The Commission shall make its  
16 determination within 45 days after receiving the ethics complaint, unless the ~~[public~~  
17 ~~officer or employee who is the subject of the ethics complaint waives this time~~  
18 ~~limit]~~ *Commission determines that there is good cause to extend this time limit*  
19 *and sets a specific and reasonable time period for such an extension.*

20 2. *To assist the Commission in making its determination pursuant to*  
21 *subsection 1 whether it has jurisdiction in the matter and whether an*  
22 *investigation is warranted in the matter, the Executive Director may conduct a*  
23 *preliminary investigation to obtain additional evidence concerning the allegations*  
24 *in the ethics complaint.*

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

27 ~~[3.]~~ 4. If the Commission determines *pursuant to subsection 1* that it has  
28 jurisdiction in the matter but the evidence ~~[submitted with the ethics complaint]~~ is  
29 not sufficient to warrant an investigation in the matter, the Commission shall  
30 dismiss the matter, with or without issuing a letter of caution or instruction to the  
31 public officer or employee pursuant to NRS 281A.780.

32 ~~[4.]~~ 5. If the Commission determines *pursuant to subsection 1* that it has  
33 jurisdiction in the matter and the evidence ~~[submitted with the ethics complaint]~~ is  
34 sufficient to warrant an investigation in the matter, the Commission may direct the  
35 Executive Director to investigate the ethics complaint pursuant to NRS 281A.720.

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

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

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

46 **Sec. 42.** NRS 281A.720 is hereby amended to read as follows:

47 281A.720 1. If the Commission directs the Executive Director to investigate  
48 an ethics complaint pursuant to NRS 281A.715, ~~[for if the Commission initiates an~~  
49 ~~ethics complaint on its own motion pursuant to NRS 281A.710,]~~ the Executive  
50 Director shall investigate the facts and circumstances relating to the ethics  
51 complaint to determine whether the Executive Director believes that there is just  
52 and sufficient cause for the Commission to render *a decision and issue* an opinion

1 in the matter in order to present a written recommendation to the review panel  
2 pursuant to NRS 281A.725.

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

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

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

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

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

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

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

33 281A.725 1. ~~[Except as otherwise provided in this subsection, the]~~ *The*  
34 *Executive Director shall complete the investigation required by NRS 281A.720 and*  
35 *present a written recommendation to the review panel within 70 days after the*  
36 *Commission directs the Executive Director to investigate the ethics complaint* ~~[or~~  
37 ~~after the Commission initiates the ethics complaint on its own motion, as~~  
38 ~~applicable.]~~, *except that:*

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

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

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

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

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

51 (c) If the Executive Director believes that a disposition of the matter without an  
52 adjudicatory hearing is appropriate under the facts and circumstances, state any  
53 suggested disposition that is consistent with the provisions of this chapter,

1 including, without limitation, whether the Executive Director believes that the  
2 conduct at issue may be appropriately addressed through additional training or  
3 other corrective action under the terms and conditions of a deferral agreement.

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

5 281A.730 1. Except as otherwise provided in this section, the review panel  
6 shall determine whether there is just and sufficient cause for the Commission to  
7 render *a decision and issue* an opinion in the matter within ~~15~~ 45 days after the  
8 Executive Director ~~provides~~ *presents to* the review panel ~~with~~ the  
9 recommendation required by NRS 281A.725. The public officer or employee who  
10 is the subject of the ethics complaint may waive this time limit. *The review panel*  
11 *shall serve on the public officer or employee who is the subject of the ethics*  
12 *complaint a written notice of its determination.*

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

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

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

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

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

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

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

38 7. If the review panel determines that there is just and sufficient cause for the  
39 Commission to render *a decision and issue* an opinion in the matter and reasonably  
40 believes that the conduct at issue may not be appropriately addressed through  
41 additional training or other corrective action under the terms and conditions of a  
42 deferral agreement, the review panel shall refer the ethics complaint to the  
43 Commission for further proceedings in the matter.

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

45 281A.745 1. If the review panel refers an ethics complaint to the  
46 Commission for further proceedings in the matter pursuant to NRS 281A.730 or if  
47 the Commission vacates a deferral agreement and conducts further proceedings in  
48 the matter pursuant to NRS 281A.740 ~~the~~ :

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

52 (b) *The Commission shall hold an adjudicatory hearing and render* ~~an opinion~~  
53 ~~in the matter~~ *a decision concerning the ethics complaint* within 60 days after the



1 date on which the review panel refers the ethics complaint to the Commission or the  
2 Commission vacates the deferral agreement, as appropriate, unless the public  
3 officer or employee who is the subject of the ethics complaint waives this time limit  
4 ~~{}~~ *or the Commission determines that there is good cause to extend this time limit*  
5 *and sets a specific and reasonable time period for such an extension.*

6 2. ~~{}~~ *Before* the Commission holds an adjudicatory hearing ~~{to receive~~  
7 ~~evidence}~~ concerning an ethics complaint, the Commission shall:

8 (a) ~~{Notify}~~ *Provide* the public officer or employee who is the subject of the  
9 ethics complaint *with a written notice* of the date, time and place of the hearing;  
10 *and*

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

13 3. *At the adjudicatory hearing:*

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

16 (b) *The Commission shall:*

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

19 ~~{(e)}~~ (2) Allow the public officer or employee to hear the ~~{evidence}~~ *case*  
20 *presented to the Commission by the Executive Director or his or her designee* and  
21 *to ~~{respond and}~~ present ~~{evidence on}~~ his or her own ~~{behalf}~~ case to the*  
22 *Commission.*

23 ~~{3}~~ 4. Unless the public officer or employee agrees to a shorter time, an  
24 adjudicatory hearing may not be held less than 10 days after the date on which the  
25 *written* notice of the hearing is ~~{given}~~ *provided* to the public officer or employee.

26 ~~{4}~~ 5. For good cause shown, the Commission may take testimony from a  
27 person by telephone or video conference at an adjudicatory hearing or at any other  
28 proceedings concerning the ethics complaint.

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

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

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

39 281A.750 1. Except as otherwise provided in this section and NRS  
40 281A.755, all information, communications, records, documents or other materials  
41 in the possession of the Commission, the review panel or their staff that are related  
42 to an ethics complaint are confidential and are not public records pursuant to  
43 chapter 239 of NRS until:

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

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

52 *whichever occurs first.*

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

4           (a) Shall keep the identity of the requester confidential if he or she is a public  
5 officer or employee who works for the same public body, agency or employer as  
6 the public officer or employee who is the subject of the ethics complaint ~~4~~ ,  
7 *worked for the same public body, agency or employer during the time of the*  
8 *alleged conduct at issue or if revealing the identity of the requester would reveal*  
9 *the identity of witnesses who work for the same public body, agency or employer.*

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

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

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

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

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

44           5. *If the Commission keeps the identity of the requester of an ethics*  
45 *complaint confidential pursuant to this section and the Executive Director intends*  
46 *to present the testimony of the requester as evidence for consideration by the*  
47 *Commission at the adjudicatory hearing or in rendering a decision and issuing*  
48 *an opinion in the matter and the public officer or employee who is the subject of the*  
49 *ethics complaint submits a written discovery request to the Commission pursuant to*  
50 *NRS 281A.755, the ~~Commission~~ Executive Director shall disclose the name of*  
51 *the requester only as a proposed witness ~~within a reasonable time before the~~*  
52 *adjudicatory hearing on the matter. ~~in accordance with the schedule for discovery~~*  
53 *provided to the parties pursuant to NRS 281A.745.*

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

2           281A.755 1. Except as otherwise provided in this section, the investigative  
3 file related to an ethics complaint is confidential and is not a public record pursuant  
4 to chapter 239 of NRS.

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

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

21           4. For the purposes of this section:

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

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

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

31           (3) Any other information provided to or obtained by or on behalf of the  
32 Executive Director through any form of communication during the course of the  
33 investigation , *including, without limitation, information, records and*  
34 *documentation obtained pursuant to subsection 3 of NRS 281A.300,* and any  
35 proceedings before the review panel and any records, documents or other materials  
36 created or maintained during the course of the investigation and any proceedings  
37 before the review panel which relate to the public officer or employee who is the  
38 subject of the ethics complaint, including, without limitation, a transcript,  
39 regardless of whether such information, records, documents or other materials are  
40 obtained pursuant to a subpoena.

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

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

43           281A.760 1. The provisions of chapter 241 of NRS do not apply to:

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

46           ~~[2- ]~~ (b) Any deliberations *or actions* of the Commission on such information  
47 or evidence.

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

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

2           281A.765 ~~1. If the Commission renders an opinion in proceedings~~  
3 ~~concerning an ethics complaint, the opinion must include findings of fact and~~  
4 ~~conclusions of law.~~

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

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

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

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

13           281A.770 In any matter in which the Commission disposes of an ethics  
14 complaint by stipulation, agreed settlement or consent order or in which the review  
15 panel approves a deferral agreement, the Commission or the review panel, as  
16 appropriate, shall :

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

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

22           **Sec. 51.** NRS 281A.775 is hereby amended to read as follows:

23           281A.775 1. The Commission, in determining whether a violation of this  
24 chapter is a willful violation and, if so, the penalty to be imposed on a ~~public~~  
25 ~~officer or employee~~ **current** or former public officer or employee pursuant to NRS  
26 281A.785 or 281A.790, or the review panel, in determining whether to approve a  
27 deferral agreement regarding an alleged violation, shall consider, without  
28 limitation:

29           (a) The seriousness of the violation or alleged violation, including, without  
30 limitation, the nature, circumstances, extent and gravity of the violation or alleged  
31 violation;

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

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

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

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

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

45           (g) Any other matter justice may require.

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

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

1           **(a) To the extent practicable based on the given set of facts and**  
2 **circumstances,** treat comparable situations in a comparable manner ; and ~~{shall~~  
3 ~~ensure}~~

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

6           **Sec. 52.** NRS 281A.780 is hereby amended to read as follows:

7           281A.780 1. In proceedings concerning an ethics complaint, the  
8 Commission or the review panel, as appropriate, may issue a letter of caution or  
9 instruction to the public officer or employee who is the subject of the ethics  
10 complaint to caution or instruct the public officer or employee regarding the  
11 propriety of his or her conduct under the statutory ethical standards . ~~{set forth in~~  
12 ~~this chapter.}~~

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

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

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

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

20           281A.785 1. ~~{Except as otherwise provided in this section, in}~~ **In**  
21 proceedings concerning an ethics complaint, the Commission, based on a finding  
22 that a violation of this chapter has been proven, or the review panel, as part of the  
23 terms and conditions of a deferral agreement, may, in addition to any other  
24 ~~{penalty}~~ **penalties** provided by law and in accordance with the provisions of NRS  
25 281A.775:

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

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

34           (2) Attend and complete training.

35           (3) Follow a remedial course of action.

36           (4) Issue a public apology.

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

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

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

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

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

50           (b) Reprimand a public officer or employee if it is determined that the public  
51 officer or employee has willfully violated any provision of this chapter, but there is  
52 no evidence that the willful violation involved bad faith, malicious intent or  
53 knowing or reckless disregard of the law, or if such a reprimand is imposed as part

1 of the terms and conditions of a deferral agreement. A reprimand is a severe written  
2 reproof for the conduct of the public officer or employee.

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

10 3. Any action taken by the Commission pursuant to this section is a final  
11 decision for the purposes of judicial review pursuant to NRS 233B.130. Any action  
12 taken by the review panel pursuant to this chapter, including, without limitation,  
13 any action relating to a deferral agreement, is not a final decision for the purposes  
14 of judicial review pursuant to NRS 233B.130.

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

16 281A.790 1. In addition to any other penalties provided by law and in  
17 accordance with the provisions of NRS 281A.775, the Commission may impose on  
18 a ~~[public officer or employee]~~ **current** or former public officer or employee civil  
19 penalties:

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

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

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

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

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

44 (a) Impose on the person committing such an act a civil penalty not to exceed  
45 \$5,000 ~~[;]~~ **, unless a greater civil penalty is authorized by subsection 1;** and

46 (b) If appropriate under the facts and circumstances, assess against the person  
47 committing such an act an amount equal to the amount of attorney's fees and costs  
48 actually and reasonably incurred **as a result of the act** by the **Commission or any**  
49 **current or former public officer or employee ~~[as a result of]~~ who is a subject of the**  
50 **investigation or proceedings and who is harmed or prejudiced by the act.**

51 ~~[3.]~~ 4. If the Commission finds that a violation of ~~[a provision of]~~ this chapter  
52 by a ~~[public officer or employee]~~ **current** or former public officer or employee has  
53 resulted in the realization of a financial benefit by the ~~[current or former]~~ public

1 officer or employee or another person, the Commission may, in addition to any  
 2 other penalties provided by law, require the ~~current or former~~ public officer or  
 3 employee to pay a civil penalty of not more than twice the amount so realized.

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

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

10 ~~— (1) If the State Legislator is a member of the Senate, submit the opinion to~~  
 11 ~~the Majority Leader of the Senate or, if the Majority Leader of the Senate is the~~  
 12 ~~subject of the opinion or the person who requested the opinion, to the President Pro~~  
 13 ~~Tempore of the Senate; or~~

14 ~~— (2) If the State Legislator is a member of the Assembly, submit the opinion~~  
 15 ~~to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of~~  
 16 ~~the opinion or the person who requested the opinion, to the Speaker Pro Tempore of~~  
 17 ~~the Assembly;~~

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

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

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

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

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

38 ~~[5.]~~ 6. Notwithstanding any other provision of this chapter, any act or failure  
 39 to act by a ~~public officer or employee~~ *current* or former public officer or  
 40 employee relating to this chapter is not a ~~willful~~ violation of this chapter if the  
 41 public officer or employee establishes by sufficient evidence that:

42 (a) The public officer or employee relied in good faith upon the advice of the  
 43 *Executive Director or Commission Counsel pursuant to subsection 6 of NRS*  
 44 *281A.680* or legal counsel *employed or* retained by his or her public body, agency  
 45 or employer; and

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

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

50 (2) Based on a reasonable legal determination by the *Executive Director,*  
 51 *Commission Counsel or* legal counsel under the circumstances when the advice  
 52 was given that the act or failure to act by the public officer or employee would not

1 be contrary to the provisions of this chapter as interpreted ~~[by]~~ *in the published*  
 2 *opinions of* the Commission.

3 ~~[6.]~~ 7. In addition to any other penalties provided by law, if a public  
 4 employee commits a ~~[willful]~~ violation of this chapter or fails to complete a period  
 5 of 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~~  
 7 ~~public employee is subject to disciplinary proceedings by the]~~ :

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

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

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

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

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

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

32 Sec. 56. This chapter may be cited as the Nevada Legislative Ethics Law.

33 Sec. 57. The Legislature hereby finds and declares that:

34 1. The purposes of this chapter are to:

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

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

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

41 2. This chapter must be construed:

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

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

47 Sec. 58. As used in this chapter, unless the context otherwise requires, the  
 48 words and terms defined in sections 59 to 77, inclusive, of this act have the  
 49 meanings ascribed to them in those sections.

50 Sec. 59. "Adjudicatory hearing" means a hearing held by the Senate  
 51 Commission, Assembly Commission or Joint Commission, as applicable,  
 52 pursuant to this chapter to receive evidence, render a decision and, if appropriate,  
 53 issue an opinion concerning an ethics complaint.



1        Sec. 60. "Assembly Commission" means the Assembly Commission on  
2 Ethics created by section 95 of this act.

3        Sec. 61. "Business entity" means an organization or enterprise operated  
4 for economic gain, including, without limitation, a proprietorship, partnership,  
5 firm, business, company, trust, joint venture, syndicate, corporation or  
6 association.

7        Sec. 62. "Candidate" means any person:

8        1. Who files a declaration of candidacy; or

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

10       Sec. 63. "Chair" means:

11       1. The Chair of the Senate Commission, Assembly Commission or Joint  
12 Commission, as applicable; or

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

14       Sec. 64. "Commitment in a private capacity" means a private commitment,  
15 interest or relationship of a legislative officer or employee to:

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

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

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

21       4. The employer of the legislative officer or employee, the spouse or  
22 domestic partner of the legislative officer or employee or a member of the  
23 household of the legislative officer or employee;

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

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

30       Sec. 65. "Compensation" means any money, thing of value or economic  
31 benefit conferred on or received by any person in return for services rendered,  
32 personally or by another person.

33       Sec. 66. "Domestic partner" means a person in a domestic partnership.

34       Sec. 67. "Domestic partnership" means a domestic partnership as defined  
35 in NRS 122A.040.

36       Sec. 68. "Ethics complaint" means an ethics complaint which is filed with  
37 the Senate Commission, Assembly Commission or Joint Commission, as  
38 applicable, pursuant to this chapter regarding the propriety of the conduct of a  
39 legislative officer or employee under the legislative ethical standards.

40       Sec. 69. "Household" means an association of persons who live in the  
41 same home or dwelling and who are related by blood, adoption, marriage or  
42 domestic partnership.

43       Sec. 70. "Joint Commission" means the Joint Commission on Ethics  
44 created by section 99 of this act.

45       Sec. 71. 1. "Legislative employee" means any employee, assistant,  
46 attache, intern or other staff employed with reference to the legislative duties of a  
47 Legislator or the Legislative Department, regardless of whether they are paid or  
48 otherwise compensated to serve in their positions.

49       2. The term includes, without limitation, any employee, assistant, attache,  
50 intern or other staff of:

51       (a) The Legislature or either House;

52       (b) Any legislative committee;

53       (c) Any legislative office or caucus;

1 (d) Any division of the Legislative Counsel Bureau; or  
2 (e) Any other agency, body, office, organization or unit of the Legislative  
3 Department.

4 Sec. 72. "Legislative ethical standards" means:

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

8 Sec. 73. 1. "Legislative officer" means:

9 (a) A member of the Senate, the Secretary of the Senate or any other officer  
10 of the Senate;

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

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

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

17 Sec. 74. 1. "Opinion" means an opinion issued by the Senate  
18 Commission, Assembly Commission or Joint Commission, as applicable, in  
19 accordance with the provisions of this chapter.

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

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

25 1. Anything of economic value; and

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

29 Sec. 76. "Senate Commission" means the Senate Commission on Ethics  
30 created by section 91 of this act.

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

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

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

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

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

50 Sec. 80. 1. Except as otherwise provided in this section, the Senate  
51 Commission, Assembly Commission or Joint Commission, as applicable, has  
52 jurisdiction to investigate and take appropriate actions regarding an alleged  
53 violation of the legislative ethical standards by a legislative officer or employee or

1 former legislative officer or employee in any proceedings commenced by an  
2 ethics complaint which is filed in accordance with this chapter within 2 years  
3 after the alleged violation or reasonable discovery of the alleged violation.

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

8 Sec. 81. In applying the provisions of this chapter to an alleged violation by  
9 a former legislative officer or employee, the use of the term "legislative officer"  
10 or "legislative employee" in this chapter must be interpreted to include the former  
11 legislative officer or employee, unless the commencement of proceedings against  
12 the former legislative officer or employee concerning the alleged violation is  
13 time-barred by the statute of limitations pursuant to section 80 of this act.

14 Sec. 82. 1. The provisions of this chapter establish legislative ethical  
15 standards to govern:

16 (a) Legislative officers and employees; and

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

20 2. The legislative ethical standards set forth in this chapter are cumulative  
21 and supplement each other, and the application of any one of the legislative  
22 ethical standards to a given set of facts and circumstances does not bar the  
23 application of any other of the legislative ethical standards that also apply to the  
24 given set of facts and circumstances.

25 Sec. 83. 1. A legislative officer or employee shall not seek or accept any  
26 gift, service, favor, employment, engagement, emolument or economic  
27 opportunity, for the legislative officer or employee or any person to whom the  
28 legislative officer or employee has a commitment in a private capacity, which  
29 would tend to improperly influence a reasonable person in the legislative officer's  
30 or employee's position to depart from the faithful and impartial discharge of the  
31 legislative officer's or employee's official duties.

32 2. A legislative officer or employee shall not use the legislative officer's or  
33 employee's official position in government to secure or grant unwarranted  
34 privileges, preferences, exemptions or advantages for the legislative officer or  
35 employee, any business entity in which the legislative officer or employee has a  
36 significant pecuniary interest or any person to whom the legislative officer or  
37 employee has a commitment in a private capacity. As used in this subsection,  
38 "unwarranted" means without justification or adequate reason.

39 3. A legislative officer or employee shall not participate as an agent of the  
40 Legislative Department in the negotiation or execution of a contract between the  
41 Legislative Department and the legislative officer or employee, any business  
42 entity in which the legislative officer or employee has a significant pecuniary  
43 interest or any person to whom the legislative officer or employee has a  
44 commitment in a private capacity.

45 4. A legislative officer or employee shall not accept any salary, retainer,  
46 augmentation, expense allowance or other compensation from any private  
47 source, for the legislative officer or employee or any person to whom the  
48 legislative officer or employee has a commitment in a private capacity, for the  
49 performance of the legislative officer's or employee's official duties.

50 5. If a legislative officer or employee acquires, through the legislative  
51 officer's or employee's official duties or relationships, any information which by  
52 law or practice is not at the time available to people generally, the legislative  
53 officer or employee shall not use the information to further a significant

1 pecuniary interest of the legislative officer or employee or any other person or  
2 business entity.

3 6. A legislative officer or employee shall not suppress any governmental  
4 report or other official document because it might tend to affect unfavorably a  
5 significant pecuniary interest of the legislative officer or employee or any person  
6 to whom the legislative officer or employee has a commitment in a private  
7 capacity.

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

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

16 (1) At the time that the use occurs, the use is:

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

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

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

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

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

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

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

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

35 8. A Legislator shall not:

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

40 (1) A limited use of governmental property, equipment or other facility  
41 for personal purposes if:

42 (I) The use does not interfere with the performance of the  
43 Legislator's official duties;

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

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

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

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

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

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

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

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

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

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

20 Sec. 84. 1. A legislative officer or employee shall not use the legislative  
21 officer's or employee's official position or power in the government to take any  
22 actions or compel a subordinate to take any actions that a reasonable person  
23 would find, based on the given set of facts and circumstances, to be a gross or  
24 unconscionable abuse of official position or power that would undermine the  
25 integrity or impartiality of a reasonable person in the legislative officer's or  
26 employee's position under the same or similar facts and circumstances.

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

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

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

39 Sec. 86. 1. Except as otherwise provided in this section and NRS  
40 218A.970 and 332.800, a legislative officer or employee shall not bid on or enter  
41 into a contract between a state agency of the Executive Department and any  
42 business entity in which the legislative officer or employee has a significant  
43 pecuniary interest.

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

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

50 (b) The sources of supply are limited;

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

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

3 Sec. 87. 1. Except as otherwise provided in this section, a legislative  
4 officer or employee shall not accept or receive an honorarium.

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

9 3. This section does not prohibit:

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

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

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

22 (a) The actual and necessary costs incurred by the legislative officer or  
23 employee, the spouse or domestic partner of the legislative officer or employee or  
24 any assistant of the legislative officer or employee for transportation and for  
25 lodging and meals while the legislative officer or employee is away from his or  
26 her residence.

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

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

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

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

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

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

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

47 (a) A ballot question.

48 (b) A candidate.

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

52 (a) The expense is incurred or the expenditure is made for the creation or  
53 dissemination of a pamphlet, brochure, publication, advertisement or television

1 programming that prominently features the activities of a current legislative  
2 officer or employee who is a candidate for a state, local or federal elective office;  
3 and

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

7 3. The period during which the provisions of subsection 2 apply to the  
8 Legislative Department begins when a current legislative officer or employee files  
9 a declaration of candidacy and ends on the date of the general election, general  
10 city election or special election for the office for which the current legislative  
11 officer or employee is a candidate.

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

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

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

19 (2) The Legislative Department; or

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

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

22 (2) The Legislative Department.

23 5. The provisions of this section do not prohibit an expense or an  
24 expenditure incurred to create or disseminate a television program that provides  
25 a forum for discussion or debate regarding a ballot question, if persons both in  
26 support of and in opposition to the ballot question participate in the television  
27 program.

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

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

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

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

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

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

46 2. The contract was awarded or was implemented, managed or administered  
47 by the Legislative Department, as applicable, within the immediately preceding  
48 year during the legislative officer's or employee's period of legislative service or  
49 employment or within the year immediately preceding the termination of the  
50 legislative officer's or employee's period of legislative service or employment; and

51 3. The position held by the legislative officer or employee at the time the  
52 contract was awarded or while the contract was implemented, managed or  
53 administered by the Legislative Department, as applicable, allowed the legislative

1 officer or employee to materially affect or influence the awarding of the contract  
2 or its implementation, management or administration.

3 Sec. 90. 1. In addition to any other remedies or penalties provided by law,  
4 a governmental grant, contract or lease entered into by any person in violation of  
5 this chapter is voidable by the governmental entity. In a determination under this  
6 section of whether to void a grant, contract or lease, the interests of innocent  
7 third parties who could be damaged must be taken into account. The Attorney  
8 General or official attorney for the governmental entity must give notice of the  
9 intent to void a grant, contract or lease under this section not later than 30 days  
10 after the Senate Commission, Assembly Commission or Joint Commission, as  
11 applicable, has determined that there has been a related violation of this chapter.

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

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

21 Sec. 91. 1. The Senate Commission on Ethics is hereby created. Subject  
22 to the provisions of this section, the Senate Commission consists of seven  
23 members appointed as follows:

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

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

28 (c) Four persons who are qualified electors of this State, with two such  
29 members appointed by the Majority Leader, one such member appointed by the  
30 Minority Leader and one such member appointed by the other members  
31 appointed to the Commission. The members appointed pursuant to this  
32 paragraph must not be a current member of the Legislature or employed by the  
33 State of Nevada during their terms.

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

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

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

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

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

51 (c) The members of the Commission shall appoint an alternate member with  
52 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.

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

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

14 Sec. 92. 1. The Legislative Commission shall review and approve the  
15 budget and work program for the Senate Commission and any changes to the  
16 budget or work program.

17 2. Except during a regular or special session, for each day or portion of a  
18 day during which members of the Senate Commission who are Legislators attend  
19 a meeting of the Commission or are otherwise engaged in the business of the  
20 Commission, the members are entitled to receive:

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

23 (b) The per diem allowance provided for state officers and employees  
24 generally; and

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

26 3. The members of the Senate Commission who are not Legislators serve  
27 without compensation. For each day or portion of a day during which those  
28 members attend a meeting of the Commission or are otherwise engaged in the  
29 business of the Commission, the members are entitled to receive:

30 (a) The per diem allowance provided for state officers and employees  
31 generally; and

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

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

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

39 Sec. 93. 1. The Majority Leader of the Senate shall appoint the Chair and  
40 Vice Chair of the Senate Commission.

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

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

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

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

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

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

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

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

11        Sec. 95. 1. The Assembly Commission on Ethics is hereby created.  
12 Subject to the provisions of this section, the Assembly Commission consists of six  
13 members appointed as follows:

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

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

18        (c) Three persons who are qualified electors of the State, with two such  
19 members appointed by the Speaker and one such member appointed by the  
20 Minority Leader. The members appointed pursuant to this paragraph must not be  
21 a current member of the Legislature or employed by the State of Nevada during  
22 their terms.

23        2. As soon as practicable after each regular session convenes, the  
24 appointing authorities shall appoint the members of the Assembly Commission.  
25 The terms of the members end when the next regular session convenes. Any  
26 member who is a Legislator and who is not a candidate for reelection or who is  
27 defeated for reelection continues to serve after the general election until the next  
28 regular session convenes.

29        3. As soon as practicable after each regular session convenes, the  
30 appointing authorities shall appoint the following alternate members for the  
31 Assembly Commission:

32        (a) The Speaker shall appoint an alternate member with the qualifications  
33 set forth in paragraph (a) of subsection 1 and an alternate member with the  
34 qualifications set forth in paragraph (c) of subsection 1.

35        (b) The Minority Leader shall appoint an alternate member with the  
36 qualifications set forth in paragraph (b) of subsection 1 and an alternate member  
37 with the qualifications set forth in paragraph (c) of subsection 1.

38        4. The terms of the alternate members end when the next regular session  
39 convenes. Any alternate member who is a Legislator and who is not a candidate  
40 for reelection or who is defeated for reelection continues to serve after the  
41 general election until the next regular session convenes.

42        5. If a member of the Assembly Commission is unable to serve for any  
43 reason during the consideration of a specific matter, the alternate member  
44 appointed with the qualifications from the same paragraph in subsection 1 by the  
45 same appointing authority shall serve as a member of the Commission during the  
46 consideration of the specific matter, with all the rights, powers, privileges and  
47 immunities of a regular member.

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

51        Sec. 96. 1. The Legislative Commission shall review and approve the  
52 budget and work program for the Assembly Commission and any changes to the  
53 budget or work program.

1 2. Except during a regular or special session, for each day or portion of a  
2 day during which members of the Assembly Commission who are Legislators  
3 attend a meeting of the Commission or are otherwise engaged in the business of  
4 the Commission, the members are entitled to receive:

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

7 (b) The per diem allowance provided for state officers and employees  
8 generally; and

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

10 3. The members of the Assembly Commission who are not Legislators serve  
11 without compensation. For each day or portion of a day during which those  
12 members attend a meeting of the Commission or are otherwise engaged in the  
13 business of the Commission, the members are entitled to receive:

14 (a) The per diem allowance provided for state officers and employees  
15 generally; and

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

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

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

23 Sec. 97. 1. The Speaker of the Assembly shall appoint the Chair and Vice  
24 Chair of the Assembly Commission.

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

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

30 4. The Chair may take, direct or require any necessary and reasonable  
31 actions to facilitate or carry out the Assembly Commission's management,  
32 government and proceedings, including, without limitation, issuing and  
33 enforcing any orders or other directives to the parties and any attorneys  
34 representing the parties.

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

37 Sec. 98. 1. The Assembly Commission shall meet at such times and places  
38 as specified by a call of the Chair or a majority of the Commission.

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

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

45 4. The Assembly Commission may hear requests brought by a legislative  
46 officer or employee of the Assembly for advice on the legislative ethical  
47 standards.

48 Sec. 99. 1. The Joint Commission on Ethics is hereby created. Subject to  
49 the provisions of this section, the Joint Commission consists of six members  
50 appointed as follows:

51 (a) Three members of the Senate Commission who are Legislators appointed  
52 by the Chair of the Senate Commission; and

1 (b) Three members of the Assembly Commission who are Legislators  
2 appointed by the Chair of the Assembly Commission.

3 2. The terms of the members of the Joint Commission are coextensive with  
4 their respective terms on the Senate Commission or Assembly Commission, as  
5 applicable.

6 3. If a member of the Joint Commission is unable to serve for any reason  
7 during the consideration of a specific matter, the appropriate alternate member  
8 authorized to serve for that member pursuant to section 91 or 95 of this act, as  
9 applicable, shall serve as a member of the Joint Commission during the  
10 consideration of the specific matter, with all the rights, powers, privileges and  
11 immunities of a regular member.

12 Sec. 100. 1. The Legislative Commission shall review and approve the  
13 budget and work program for the Joint Commission and any changes to the  
14 budget or work program.

15 2. Except during a regular or special session, for each day or portion of a  
16 day during which members of the Joint Commission who are Legislators attend a  
17 meeting of the Commission or are otherwise engaged in the business of the  
18 Commission, the members are entitled to receive:

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

21 (b) The per diem allowance provided for state officers and employees  
22 generally; and

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

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

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

30 Sec. 101. 1. The offices of Chair and Vice Chair of the Joint Commission  
31 alternate between the Houses, beginning with the Chair of the Senate  
32 Commission serving as the Chair of the Joint Commission and the Chair of the  
33 Assembly Commission serving as the Vice Chair of the Joint Commission, and  
34 following this pattern thereafter.

35 2. The terms of the Chair and Vice Chair of the Joint Commission are  
36 coextensive with their respective terms as the Chairs of the Senate Commission  
37 and Assembly Commission, as applicable.

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

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

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

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

50 Sec. 102. 1. The Joint Commission shall meet at such times and places as  
51 specified by a call of the Chair or a majority of the Commission.

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

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

8 4. The Joint Commission may hear requests brought by a legislative officer  
9 or employee, other than a legislative officer or employee of the Senate or  
10 Assembly, for advice on the legislative ethical standards.

11 Sec. 103. As used in sections 103 to 112, inclusive, of this act, unless the  
12 context otherwise requires, "Commission" means the Senate Commission,  
13 Assembly Commission or Joint Commission, as applicable to the proceedings.

14 Sec. 104. 1. The Commission shall conduct investigations and hold  
15 hearings to carry out the provisions of this chapter and may exercise any of the  
16 investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, and any  
17 other investigative powers that are necessary and reasonable to carry out the  
18 provisions of this chapter.

19 2. The rights, powers, privileges and immunities granted by this chapter to  
20 the Commission and its members are in addition to any other rights, powers,  
21 privileges and immunities recognized by law, and all such rights, powers,  
22 privileges and immunities are cumulative, so that the application or attempted  
23 application of any one does not bar the application or attempted application of  
24 any other.

25 Sec. 105. All proceedings held by the Commission pursuant to this chapter  
26 to consider the character, alleged misconduct, professional competence or  
27 physical or mental health of any person on matters regarding the legislative  
28 ethical standards and all materials related to those proceedings are confidential,  
29 unless the legislative officer or employee who is the subject of the proceedings  
30 requests a public hearing or discloses the content of the proceedings or materials.

31 Sec. 106. A member of the Commission is disqualified to serve during the  
32 consideration of a specific matter if:

33 1. The member is the subject of the ethics complaint alleging a violation of  
34 the legislative ethical standards regarding the specific matter;

35 2. The member is the person who requested advice on the legislative ethical  
36 standards regarding the specific matter; or

37 3. A reasonable person in the member's situation could not exercise  
38 independent judgment on the specific matter.

39 Sec. 107. 1. An individual may file an ethics complaint against a  
40 legislative officer or employee regarding an alleged violation of the legislative  
41 ethical standards.

42 2. If the alleged violation involves the conduct of more than one legislative  
43 officer or employee, separate ethics complaints must be filed regarding each  
44 legislative officer or employee.

45 3. An ethics complaint must be:

46 (a) Made in writing on a form provided by the Legislative Counsel;

47 (b) Signed and verified under penalty of perjury by the individual making the  
48 allegation; and

49 (c) Filed with the Legislative Counsel.

50 4. The Legislative Counsel shall review the ethics complaint and any other  
51 relevant information and consult with the Chair of the Commission or, if the  
52 Chair is the subject of the ethics complaint, with the Vice Chair, to evaluate

1 whether the Commission has jurisdiction and whether an investigation is  
2 warranted in the matter.

3 5. If it is determined that the Commission:

4 (a) Does not have jurisdiction or that an investigation is not warranted in the  
5 matter, the Legislative Counsel shall send written notice of the determination to  
6 the individual who filed the ethics complaint.

7 (b) Has jurisdiction and that an investigation is warranted in the matter, the  
8 Legislative Counsel shall send written notice of the determination and a copy of  
9 the ethics complaint to the legislative officer or employee who is the subject of the  
10 ethics complaint.

11 6. If the Legislative Counsel is the subject of the ethics complaint, the  
12 General Counsel shall carry out all powers and duties assigned to legal counsel  
13 for the Commission regarding that specific matter.

14 Sec. 108. 1. If the Commission holds an adjudicatory hearing on an  
15 ethics complaint, the Commission shall provide the legislative officer or employee  
16 who is the subject of the ethics complaint with a written notice of the date, time  
17 and place of the hearing.

18 2. At the adjudicatory hearing, the Commission shall:

19 (a) Allow the legislative officer or employee to be represented by legal  
20 counsel;

21 (b) Allow the legislative officer or employee to hear the evidence presented to  
22 the Commission and to respond and present evidence on his or her own behalf;  
23 and

24 (c) Require the parties to follow any other procedures that are necessary and  
25 reasonable to facilitate or carry out the adjudicatory hearing.

26 3. Strict rules of evidence do not apply to the parties at the adjudicatory  
27 hearing, but the Chair may admit or exclude any evidence based on the rules of  
28 evidence.

29 4. To facilitate or carry out the adjudicatory hearing, the Chair may  
30 instruct the Director to:

31 (a) Request that the Attorney General appoint a deputy to serve as the party  
32 who presents the evidence and argues the matter against the legislative officer or  
33 employee; or

34 (b) Employ outside legal counsel to serve as the party who presents the  
35 evidence and argues the matter against the legislative officer or employee.

36 5. The party who presents the evidence and argues the matter against the  
37 legislative officer or employee has the burden of proof at the adjudicatory  
38 hearing.

39 6. The standard of proof at the adjudicatory hearing is a preponderance of  
40 the evidence, which means evidence that enables a trier of fact to determine that  
41 the existence of the contested fact is more probable than the nonexistence of the  
42 contested fact.

43 7. For the Commission to determine that a violation of the legislative ethical  
44 standards has been proven against the legislative officer or employee, the  
45 Commission's determination must be supported by a preponderance of the  
46 evidence.

47 Sec. 109. 1. If the Commission determines that a violation of the  
48 legislative ethical standards has not been proven against a legislative officer or  
49 employee, the Commission shall dismiss the matter.

50 2. If the Commission determines that a violation of the legislative ethical  
51 standards has been proven against a legislative officer or employee, the  
52 Commission may take any actions authorized by this chapter or the rules adopted  
53 by the Houses pursuant to Section 6 of Article 4 of the Nevada Constitution.

1        Sec. 110. 1. In proceedings concerning an ethics complaint, the  
 2        Commission may issue a letter of caution or instruction to the legislative officer  
 3        or employee who is the subject of the ethics complaint to caution or instruct the  
 4        legislative officer or employee regarding the propriety of the conduct under the  
 5        legislative ethical standards.

6        2. If the Commission issues a letter of caution or instruction to the  
 7        legislative officer or employee, the letter may be considered in deciding the  
 8        appropriate actions to be taken on any subsequent ethics complaint involving the  
 9        legislative officer or employee, unless the letter is not relevant to the issues  
 10       presented by the subsequent ethics complaint.

11       Sec. 111. 1. In addition to any other remedies or penalties provided by  
 12       law, 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 one or more of the following actions:

15       (a) Admonish, reprimand or censure the legislative officer or employee.

16       (b) Impose on the legislative officer or employee civil penalties:

17       (1) Not to exceed \$5,000 for a separate act or event that constitutes a first  
 18       violation of the legislative ethical standards;

19       (2) Not to exceed \$10,000 for a separate act or event that constitutes a  
 20       second violation of the legislative ethical standards; and

21       (3) Not to exceed \$25,000 for a separate act or event that constitutes a  
 22       third violation of the legislative ethical standards or any additional violation of  
 23       the legislative ethical standards.

24       (c) If the Commission finds that a violation of the legislative ethical  
 25       standards has resulted in the realization of a financial benefit by the legislative  
 26       officer or employee or any other person, require the legislative officer or  
 27       employee to pay a civil penalty of not more than twice the amount so realized.

28       (d) Take any other reasonable actions that the Commission determines will  
 29       remedy the violation or deter similar violations, including, without limitation,  
 30       referring the matter to the appropriate House for review and consideration  
 31       pursuant to Section 6 of Article 4 of the Nevada Constitution.

32       2. If a legislative officer or employee fails to pay any civil penalties imposed  
 33       pursuant to this chapter, the Legislative Department is entitled to pursue every  
 34       legal and equitable remedy that is available to recover and collect the civil  
 35       penalties in the same manner as if they were imposed by a judgment rendered by  
 36       the district court in a civil action.

37       Sec. 112. 1. The provisions of this chapter do not abrogate or decrease  
 38       the effect of the provisions of the Nevada Revised Statutes which define crimes or  
 39       prescribe punishments with respect to the conduct of legislative officers or  
 40       employees.

41       2. If the Commission finds that a legislative officer or employee has  
 42       committed a violation of the legislative ethical standards which it believes may  
 43       also constitute a criminal offense, the Commission shall refer the matter to the  
 44       Attorney General or the district attorney, as appropriate, for a determination of  
 45       whether a crime has been committed that warrants prosecution.

46       ~~[Sec. 55.]~~ Sec. 113. NRS 239.010 is hereby amended to read as follows:

47       239.010 1. Except as otherwise provided in this section and NRS 1.4683,  
 48       1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,  
 49       62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,  
 50       76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,  
 51       87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,  
 52       89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
 53       119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,

1 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007,  
2 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,  
3 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129,  
4 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070,  
5 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,  
6 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,  
7 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475,  
8 218A.350, 218E.625, 218F.150, 218G.130, 218G.140, 218G.350, 226.300,  
9 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 231.190, 237.300,  
10 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,  
11 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,  
12 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,  
13 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,  
14 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,  
15 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,  
16 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,  
17 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,  
18 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,  
19 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,  
20 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,  
21 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,  
22 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,  
23 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,  
24 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,  
25 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,  
26 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,  
27 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,  
28 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,  
29 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
30 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,  
31 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,  
32 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,  
33 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,  
34 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,  
35 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,  
36 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,  
37 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,  
38 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,  
39 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,  
40 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
41 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,  
42 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
43 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
44 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,  
45 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,  
46 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,  
47 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,  
48 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,  
49 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,  
50 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,  
51 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
52 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,  
53 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,



1 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,  
2 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,  
3 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,  
4 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,  
5 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,  
6 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,  
7 706A.230, 710.159, 711.600, ~~and section~~ sections 12 and 105 of this act,  
8 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of  
9 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be  
10 confidential, all public books and public records of a governmental entity must be  
11 open at all times during office hours to inspection by any person, and may be fully  
12 copied or an abstract or memorandum may be prepared from those public books  
13 and public records. Any such copies, abstracts or memoranda may be used to  
14 supply the general public with copies, abstracts or memoranda of the records or  
15 may be used in any other way to the advantage of the governmental entity or of the  
16 general public. This section does not supersede or in any manner affect the federal  
17 laws governing copyrights or enlarge, diminish or affect in any other manner the  
18 rights of a person in any written book or record which is copyrighted pursuant to  
19 federal law.

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

22 3. A governmental entity that has legal custody or control of a public book or  
23 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
24 receive a copy of a public book or record on the basis that the requested public  
25 book or record contains information that is confidential if the governmental entity  
26 can redact, delete, conceal or separate, including, without limitation, electronically,  
27 the confidential information from the information included in the public book or  
28 record that is not otherwise confidential.

29 4. If requested, a governmental entity shall provide a copy of a public record  
30 in an electronic format by means of an electronic medium. Nothing in this  
31 subsection requires a governmental entity to provide a copy of a public record in an  
32 electronic format or by means of an electronic medium if:

33 (a) The public record:

- 34 (1) Was not created or prepared in an electronic format; and  
35 (2) Is not available in an electronic format; or

36 (b) Providing the public record in an electronic format or by means of an  
37 electronic medium would:

- 38 (1) Give access to proprietary software; or  
39 (2) Require the production of information that is confidential and that  
40 cannot be redacted, deleted, concealed or separated from information that is not  
41 otherwise confidential.

42 5. An officer, employee or agent of a governmental entity who has legal  
43 custody or control of a public record:

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

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

50 ~~[Sec. 56.]~~ **Sec. 114.** NRS 241.016 is hereby amended to read as follows:

51 241.016 1. The meetings of a public body that are quasi-judicial in nature  
52 are subject to the provisions of this chapter.

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

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

2 (b) Judicial proceedings, including, without limitation, proceedings before the  
3 Commission on Judicial Selection and, except as otherwise provided in NRS  
4 1.4687, the Commission on Judicial Discipline.

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

8 3. Any provision of law, including, without limitation, NRS 91.270,  
9 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735,  
10 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590,  
11 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710,  
12 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,  
13 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336,  
14 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725,  
15 **and section 9 of this act**, which:

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

18 (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,  
19 **↪** prevails over the general provisions of this chapter.

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

24 ~~[Sec. 57.]~~ **Sec. 115.** The provisions of NRS 354.599 do not apply to any  
25 additional expenses of a local government that are related to the provisions of this  
26 act.

27 ~~[Sec. 58.]~~ **Sec. 116.** 1. Except as otherwise provided in this section, the  
28 Commission on Ethics:

29 (a) Shall apply the amendatory provisions of **sections 2 to 54, inclusive, of** this  
30 act which govern the procedures applicable to administrative proceedings arising  
31 under chapter 281A of NRS to any such proceedings that are within the jurisdiction  
32 of the Commission **on Ethics** and are commenced on or after July 1, 2021, whether  
33 or not the conduct at issue in such proceedings occurred before July 1, 2021.

34 (b) May apply the amendatory provisions of **sections 2 to 54, inclusive, of** this  
35 act which govern the procedures applicable to administrative proceedings arising  
36 under chapter 281A of NRS to any such proceedings that were commenced before  
37 July 1, 2021, and are still within the jurisdiction of the Commission **on Ethics** and  
38 pending before the Commission **on Ethics** on July 1, 2021, unless the Commission  
39 **on Ethics** determines that such an application would be impracticable,  
40 unreasonable or unconstitutional under the circumstances, in which case the  
41 Commission **on Ethics** shall apply the procedures in effect before July 1, 2021.

42 2. The amendatory provisions of sections 10, 16, 29, 30, 31 and 33 of this act  
43 do not apply to any conduct occurring before July 1, 2021.

44 **Sec. 117. Notwithstanding any provisions of sections 91, 95 and 99 of this**  
45 **act to the contrary:**

46 **1. As soon as practicable after July 1, 2021, the appointing authorities**  
47 **shall appoint the members and alternate members of the Senate Commission**  
48 **on Ethics, Assembly Commission on Ethics and Joint Commission on Ethics in**  
49 **the manner set forth in sections 91, 95 and 99 of this act, as applicable.**

50 **2. The terms of the members and alternate members appointed pursuant**  
51 **to this section end when the next regular session of the Legislature convenes in**  
52 **the manner set forth in sections 91, 95 and 99 of this act, as applicable.**

1        Sec. 118. 1. Notwithstanding any other provisions of this act to the  
2 contrary:

3        (a) If, before July 1, 2021, administrative proceedings were commenced  
4 under chapter 281A of NRS against a legislative officer or employee and are  
5 still pending before the Commission on Ethics on July 1, 2021, the Commission  
6 on Ethics may exercise continuing jurisdiction or authority over such  
7 proceedings after July 1, 2021.

8        (b) If, on or after July 1, 2021, administrative proceedings are commenced  
9 under chapter 281A of NRS against a legislative officer or employee, the  
10 Commission on Ethics shall not exercise jurisdiction or authority over such  
11 proceedings, whether or not the conduct at issue in such proceedings occurred  
12 before July 1, 2021.

13        2. As used in this section:

14        (a) "Legislative employee" has the meaning ascribed to it in section 71 of  
15 this act.

16        (b) "Legislative officer" has the meaning ascribed to it in section 73 of this  
17 act.

18        ~~[Sec. 59.]~~ Sec. 119. This act becomes effective on July 1, 2021.