ASSEMBLY BILL NO. 260-COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF LANDER COUNTY)

FEBRUARY 16, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises definition of "public officer" for purposes of provisions governing ethics. (BDR 23-638)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to ethics in government; revising the definition of "public officer" to exclude a county health officer; and providing other matters properly relating thereto.

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

- **Section 1.** NRS 281.4365 is hereby amended to read as follows:
- 2 281.4365 1. "Public officer" means a person elected or appointed to
- a position which is established by the constitution of the State of Nevada, a
- statute of this state or an ordinance of any of its counties or incorporated
- 5 cities and which involves the exercise of a public power, trust or duty. As
- 6 used in this section, "the exercise of a public power, trust or duty"
- 7 includes

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- (a) Actions taken in an official capacity which involve a substantial and
- 9 material exercise of administrative discretion in the formulation of public policy;
 - (b) The expenditure of public money; and
- (c) The enforcement of laws and rules of the state, a county or a city.
- 13 2. "Public officer" does not include:
- (a) Any justice, judge or other officer of the court system;
- 15 (b) A commissioner of deeds:
- 16 (c) Any member of a board, commission or other body whose function
- 17 is advisory; [or]

- (d) Any member of a board of trustees for a general improvement
- district or special district whose official duties do not include the
- 3 formulation of a budget for the district or the authorization of the
- expenditure of the district's money [.]; or

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

 Sec. 2. This act becomes effective upon passage and approval. 5