

SENATE BILL NO. 543—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MARCH 26, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes concerning contracts that faculty members and employees of University and Community College System of Nevada may enter into or benefit from. (BDR 34-1172)

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

~

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

AN ACT relating to the University and Community College System of Nevada; requiring the board of regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the system may enter into or benefit from; authorizing such faculty members and employees to enter into or benefit from certain contracts that are consistent with those policies; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 396 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *The board of regents shall, to carry out the purposes of subsection 3 of*
4 *NRS 281.221, subsection 3 of NRS 281.230 and subsection 3 of NRS*
5 *281.505, establish policies governing the contracts that faculty members*
6 *and employees of the system may enter into or benefit from.*

7 **Sec. 2.** NRS 281.221 is hereby amended to read as follows:

8 281.221 1. Except as otherwise provided in this section, it is
9 unlawful for any state officer who is not a member of the legislature to:

10 (a) Become a contractor under any contract or order for supplies or
11 other kind of contract authorized by or for the state or any of its
12 departments, or the legislature or either of its houses, or to be interested,
13 directly or indirectly, as principal, in any kind of contract so authorized.

14 (b) Be interested in any contract made by him or to be a purchaser or
15 interested in any purchase under a sale made by him in the discharge of his
16 official duties.

17 2. Any member of any board, commission or similar body who is
18 engaged in the profession, occupation or business regulated by the board,



* S B 5 4 3 *

1 commission or body may supply or contract to supply, in the ordinary
2 course of his business, goods, materials or services to any state or local
3 agency, except the board or commission of which he is a member, if he has
4 not taken part in developing the contract plans or specifications and he will
5 not be personally involved in opening, considering or accepting offers.

6 3. A full- or part-time faculty member ~~him~~ *of* the University and
7 Community College System of Nevada may bid on or enter into a contract
8 with a governmental agency ~~if he has not taken part in developing the~~
9 ~~contract plans or specifications and he will not be personally involved in~~
10 ~~opening, considering or accepting offers.~~ *, or may benefit financially or*
11 *otherwise from a contract between a governmental agency and a private*
12 *entity, if the contract complies with the policies established by the board*
13 *of regents of the University of Nevada pursuant to section 1 of this act.*

14 4. A state officer, other than an officer described in subsection 2 or 3,
15 may bid on or enter into a contract with a governmental agency if the
16 contracting process is controlled by rules of open competitive bidding, the
17 sources of supply are limited, he has not taken part in developing the
18 contract plans or specifications and he will not be personally involved in
19 opening, considering or accepting offers.

20 5. Any contract made in violation of this section may be declared void
21 at the instance of the state or of any other person interested in the contract
22 except an officer prohibited from making or being interested in the
23 contract.

24 6. Any person violating this section is guilty of a gross misdemeanor
25 and shall forfeit his office.

26 **Sec. 3.** NRS 281.230 is hereby amended to read as follows:

27 281.230 1. Except as otherwise provided in this section and NRS
28 218.605, the following persons shall not, in any manner, directly or
29 indirectly, receive any commission, personal profit or compensation of any
30 kind resulting from any contract or other transaction in which the
31 employing state, county, municipality, township, district or quasi-
32 municipal corporation is in any way interested or affected:

33 (a) State, county, municipal, district and township officers of the State
34 of Nevada;

35 (b) Deputies and employees of state, county, municipal, district and
36 township officers; and

37 (c) Officers and employees of quasi-municipal corporations.

38 2. A member of any board, commission or similar body who is
39 engaged in the profession, occupation or business regulated by the board,
40 commission or body may, in the ordinary course of his business, bid on or
41 enter into a contract with any governmental agency, except the board or
42 commission of which he is a member, if he has not taken part in
43 developing the contract plans or specifications and he will not be
44 personally involved in opening, considering or accepting offers.

45 3. A full- or part-time faculty member ~~him~~ *or employee of* the
46 University and Community College System of Nevada may bid on or enter
47 into a contract with a governmental agency ~~if he has not taken part in~~
48 ~~developing the contract plans or specifications and he will not be~~
49 ~~personally involved in opening, considering or accepting offers.~~ *, or may*



* S B 5 4 3 *

1 *benefit financially or otherwise from a contract between a governmental*
2 *agency and a private entity, if the contract complies with the policies*
3 *established by the board of regents of the University of Nevada pursuant*
4 *to section 1 of this act.*

5 4. A public officer or employee, other than an officer or employee
6 described in subsection 2 or 3, may bid on or enter into a contract with a
7 governmental agency if the contracting process is controlled by rules of
8 open competitive bidding, the sources of supply are limited, he has not
9 taken part in developing the contract plans or specifications and he will not
10 be personally involved in opening, considering or accepting offers.

11 5. A person who violates any of the provisions of this section shall be
12 punished as provided in NRS 197.230 and:

13 (a) Where the commission, personal profit or compensation is \$250 or
14 more, for a category D felony as provided in NRS 193.130.

15 (b) Where the commission, personal profit or compensation is less than
16 \$250, for a misdemeanor.

17 6. A person who violates the provisions of this section shall pay any
18 commission, personal profit or compensation resulting from the contract or
19 transaction to the employing state, county, municipality, township, district
20 or quasi-municipal corporation as restitution.

21 **Sec. 4.** NRS 281.505 is hereby amended to read as follows:

22 281.505 1. Except as otherwise provided in this section, a public
23 officer or employee shall not bid on or enter into a contract between a
24 governmental agency and any private business in which he has a
25 significant pecuniary interest.

26 2. A member of any board, commission or similar body who is
27 engaged in the profession, occupation or business regulated by such board
28 or commission, may, in the ordinary course of his business, bid on or enter
29 into a contract with any governmental agency, except the board,
30 commission or body of which he is a member, if he has not taken part in
31 developing the contract plans or specifications and he will not be
32 personally involved in opening, considering or accepting offers.

33 3. A full- or part-time faculty member ~~him~~ *or employee of* the
34 University and Community College System of Nevada may bid on or enter
35 into a contract with a governmental agency ~~if he has not taken part in~~
36 ~~developing the contract plans or specifications and he will not be~~
37 ~~personally involved in opening, considering or accepting offers.~~ *, or may*
38 *benefit financially or otherwise from a contract between a governmental*
39 *agency and a private entity, if the contract complies with the policies*
40 *established by the board of regents of the University of Nevada pursuant*
41 *to section 1 of this act.*

42 4. A public officer or employee, other than an officer or employee
43 described in subsection 2 or 3, may bid on or enter into a contract with a
44 governmental agency if the contracting process is controlled by rules of
45 open competitive bidding, the sources of supply are limited, he has not
46 taken part in developing the contract plans or specifications and he will not
47 be personally involved in opening, considering or accepting offers.

48 **Sec. 5.** This act becomes effective on July 1, 2001.

