

Senate Bill No. 543—Committee on Human  
Resources and Facilities

CHAPTER.....

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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