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Stacy M. Jennings, MPA
Executive Director

Nancy Lee Varnum
Commission Counsel



State of Nevada
COMMISSION ON ETHICS

3476 Executive Pointe Way, Suite 16
Carson City, Nevada 89706-7946
(775) 687-5469 • FAX (775) 687-1279

<http://ethics.state.nv.us>

Todd Russell, Esq.
Chairman
William Flangas, P.E.
Vice Chairman

Members:
Merle Berman
Lizzie R. Hatcher, Esq.
Rick R. Hsu, Esq.
James Kosinski, Esq.
Thomas R. Sheets, Esq.

April 24, 2003

TO: Chris Giunchigliani, Chairman
Assembly Committee on Elections, Procedures & Ethics

FROM: Stacy M. Jennings, MPA *Stacy*
Executive Director

RE: Amendments to SB 147

Should the Senate choose to adopt AB 529 as passed by the Assembly, the responsibility for accepting financial disclosure statements of elected public officers and candidates for public office will be transferred to the Secretary of State's office, while the responsibility for accepting financial disclosure statements of appointed public officers will remain with the Commission on Ethics. Enforcement of civil penalties for late filing will be the responsibility of the Secretary of State's office for all filers.

With these considerations, the following amendments to SB 147 could be made:

Page 2, Section 1, delete lines 15-22

Page 15, delete Section 11 in its entirety

Also, since AB 529 leaves intact NRS 281.571, the responsibility for adopting the format of financial disclosure statements remains with the Commission on Ethics. With this in mind, it would be helpful if Section 2 of AB 529 did not include the an actual reproduction of the financial disclosure statement, as the Commission does intend to make some changes over the interim to make the form more user friendly and less confusing to those required to file a statement. Rather, Section 2 could reference the financial disclosure statement form as adopted by the Commission under NRS 281.571.

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ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 5-8-03 ROOM: 3138 EXHIBIT F
SUBMITTED BY: Stacy Jennings

Stacy M. Jennings, MPA
Executive Director

Nancy Lee Varnum
Commission Counsel



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April 29, 2003

TO: Chris Giunchigliani, Chairman
Assembly Committee on Elections, Procedures & Ethics

FROM: Stacy M. Jennings, MPA *56*
Executive Director

RE: Alternative Amendments to SB 147

After hearing from the Secretary of State's office, it remains uncertain as to whether AB 529 will pass out of the Senate with the provisions intact which would transfer to the Secretary of State authority for receiving the financial disclosure statement filings of elected public officers and candidates for public office. Given this consideration, the Commission would provide the following alternative amendment to SB 147. Hopefully by the May 8 hearing date, we will have a better idea regarding the status of AB 529, and can recommend either the adoption of the April 24 amendment or this amendment.

Proposed amendments to SB 147, with the NCOE remaining responsible for financial disclosure statement filings:

Page 15, Section 11, line 17 delete 'willfully'

Page 15, Section 11, line 18 delete 'willfully'

Page 16, Section 11, delete lines 11 and 12

Add a new section to the bill, amending NRS 281.561 as follows:

"NRS 281.561 Filing.

1. Except as otherwise provided in subsection 2 or 3, if a candidate for public office *will be entitled to receive compensation for serving in the office that he is seeking* or if a public officer is entitled to receive compensation for serving in the office in question, he shall file with the commission, and with the officer with whom declarations of candidacy for the office in question are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.

(c) Every public officer, whether appointed or elected, shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires. *The statement shall cover the financial information of the public officer for the preceding calendar year.*

(d) A public officer who leaves office on a date other than the expiration of his term or anniversary of his appointment or election, shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed.

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office in which he is also serving.

4. A person may satisfy the requirements of subsection 1 by filing with the commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571."