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Stacy M. Jennings, MPA
Executive Director

Nancy Lee Varnum, Esq.
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.

Senate Bill 147 Executive Summary

- Remove subjectivity from process of assessing civil penalties for late filing of financial disclosure statements by: 1) lowering the maximum amount of penalties; 2) declaring a statement not timely filed after 45 days late and assessing a flat penalty of \$2,000; and 3) repealing the Commission's authority to reduce penalties. The Commission would retain the authority to waive penalties for good cause.
- Change submission deadline for financial disclosure statements to April 15.
- Require city clerks, county clerks, and representatives of the executive and legislative branch to provide annual lists of public officers to the Commission in electronic format to assist in better enforcement of the requirement to file financial disclosure statements.
- Allow the Commission to provide compliance training on ethics in government law at low or no cost to state, county, and city governments.
- Remove or alter statutory timeframes for third party (ethics) complaints to give public officers more time to respond against complaints filed against them and to provide the Commission with more time to fully investigate complaints.
- Remove sections of statute that have been deemed facially invalid and unenforceable by the U.S. District Court.

Senate Bill 147 has no fiscal impact on state or local government.
Senate Bill 147 is effective upon passage and approval.

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Stacy M. Jennings, Executive Director
775.687.5469 x222
sjennings@ethics.state.nv.us

EXHIBIT E Senate Committee on Gov't Affairs

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Senate Bill 147 Section-by-Section Detail

Section 1: Provides information to update and maintain databases for public officers and candidates for public office, for the purpose of enforcing statutory requirements to file a financial disclosure statement. Adds a new section which requires electronic submission of public officer lists annually by December 1 to the NCOE by city clerks, county clerks, the budget director (for the executive branch), and the director of the Legislative Counsel Bureau (for the legislative branch). Adds a similar requirement for candidates for public office required to file financial disclosure statements. The candidate lists would need to be supplied electronically to the NCOE not later than 10 days after the filing deadline for public office. The electronic format for both submissions would need to be in a format specified by the NCOE.

Section 2: Technical change to include Section 1 in the ethics in government law, NRS 281.411 through 281.581.

Section 3: NRS 281.4635(1)(e) requires the Commission to collect costs associated with ethics in government training conducted by the Executive Director. The change would allow the flexibility to provide training at low or no cost, by changing shall to may.

Section 4: Deletes the requirement that Commission Counsel must issue the Commission's official written opinion within 30 days of a panel decision to forward the matter to the full Commission. This change is made concurrently with changes in section 8 of the bill.

Section 5: Deletes language regarding extension of statutory timeframes for third-party opinion requests consistent with changes in section 8 of the bill.

Section 6: Deletes language which is duplicative to the definition of a person. NRS 0.039 defines a 'person' as:

"NRS 0.039 "Person" defined. Except as otherwise expressly provided in a particular statute or required by the context, "person" means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government."

Nevada District Court found the existing phrase "any other person" unconstitutionally vague, rendering it virtually unenforceable. Thus, the requirement in NRS 281.481(2) should be applicable to a public officer or employee using his position to benefit himself or any person.

Section 7: Deletes a provision of statute which the LCB bill drafter advised was duplicative of provisions under NRS 281.501(3).

Section 8: Requires first-party and third-party opinion requests to be submitted on a form prescribed by the Commission. Deletes language which requires persons submitting a third-party opinion request (ethics complaint) to sign a statement which affirms the information submitted is true and it is not submitted with a vexatious purpose. This language was declared unconstitutional on its face and its enforcement was permanently enjoined by the U.S. District Court.

Removes statutory timeframes for third-party opinion requests (ethics complaints) to give public officers more time to respond to complaints filed against them, and to provide the Commission with more time to fully investigate complaints. See Attachment A for a flow chart describing the process and timeframes for third-party complaints.

Activity	Statutory Timeframe	CY 2001 & 2002 Processing Time
Investigation	15 days	n/a
Public Officer Response	10 days (per NAC)	n/a, generally extended by request
Panel hearing	30 days	54.3 days
Commission hearing	60 days	119 days

Section 9: Deletes language which allowed the Commission to assess a civil penalty of up to \$5,000 for a person who submits a third-party opinion request in bad faith or with a vexatious purpose, and language which guided the Commission in making a determination as to bad faith or vexatious purpose. This language was declared unconstitutional on its face and its enforcement was permanently enjoined by the U.S. District Court.

Section 10: Changes the annual submission date for financial disclosure statements of public officers from March 31 to April 15.

Section 11: Changes the term 'district' to 'county,' to eliminate confusion among public officers as to what a 'district' is.

Section 12: Technical change to clarify that counties with a registrar of voters are required to keep financial disclosure statements on file for 6 years after the date of filing.

Section 13: Technical change to clarify that counties with a registrar of voters must provide candidates for public office with a copy of the financial disclosure statement form.

Section 14: Defines and applies a 'willfull' standard to the failure to timely file a financial disclosure statement for the purposes of assessment of a civil penalty, and clarifies that willfully failing to file a statement also subjects a public officer or a candidate for public office to a civil penalty. Changes the civil penalties for late filing of a financial disclosure statement as follows:

Current	Proposed
1 – 7 days late = \$25 per day	No more than 10 days late = \$25
8 – 15 days late = \$175, plus \$50 per day	11 – 20 days late = \$50
16 + days late = \$575, plus \$100 per day	21 – 30 days late = \$100
	31 – 45 days late = \$250
	46 + days late = Deemed a non-filer, \$2,000

Removes the ability of the Commission to reduce fines, but retains the ability to waive the fine for good cause shown.

Section 15: Repeals NRS 281.437 and NRS 281.525. This language was declared unconstitutional on its face and its enforcement was permanently enjoined by the U.S. District Court.

Section 16: Provides that the bill is effective upon passage and approval.

