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ASSEMBLY BILL NO. 538—COMMITTEE ON ELECTIONS,  
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE COMMISSION ON ETHICS)

MARCH 29, 2005

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Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Makes various changes relating to ethics in  
government. (BDR 23-272)

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

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

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AN ACT relating to ethics in government; revising the restrictions upon the association of a former Commissioner of the Public Utilities Commission of Nevada with a public utility; revising the qualifications and duties for the position of Executive Director of the Commission on Ethics; requiring the Commission on Ethics to adopt certain regulations; revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a state agency; revising the penalty for the acceptance or receipt of an honorarium; revising the requirements relating to the filing of statements of financial disclosure; requiring the Investigation Division of the Department of Public Safety to assist the Commission on Ethics in carrying out certain investigations; 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.** NRS 281.236 is hereby amended to read as follows:  
2       281.236 1. A *former Commissioner of the Public Utilities*  
3 *Commission of Nevada shall not appear before the Public Utilities*  
4 *Commission of Nevada on behalf of a public utility or be employed*  
5 *by a public utility, that is regulated by the Commission or a parent*  
6 *organization or subsidiary of such a public utility [shall not employ*  
7 *a former member of the Public Utilities Commission of Nevada]* for  
8 1 year after the termination of his service on the Commission.  
9       2. A person who holds a license issued pursuant to chapter 463  
10 or 464 of NRS or who is required to register with the Nevada  
11 Gaming Commission pursuant to chapter 463 of NRS shall not  
12 employ a former member of the State Gaming Control Board or the  
13 Nevada Gaming Commission for 1 year after the termination of the  
14 member's service on the Board or Commission.  
15       3. In addition to the prohibitions set forth in subsections 1 and  
16 2, a business or industry whose activities are governed by  
17 regulations adopted by a department, division or other agency of the  
18 Executive Branch of government shall not, except as otherwise  
19 provided in subsection 4, employ a former public officer or  
20 employee of the agency, except a clerical employee, for 1 year after  
21 the termination of his service or period of employment if:  
22       (a) His principal duties included the formulation of policy  
23 contained in the regulations governing the business or industry;  
24       (b) During the immediately preceding year he directly  
25 performed activities, or controlled or influenced an audit, decision,  
26 investigation or other action, which significantly affected the  
27 business or industry which might, but for this section, employ him;  
28 or  
29       (c) As a result of his governmental service or employment, he  
30 possesses knowledge of the trade secrets of a direct business  
31 competitor.  
32       4. A public officer or employee may request the Commission  
33 on Ethics to apply the relevant facts in his case to the provisions of  
34 subsection 3 and determine whether relief from the strict application  
35 of the provisions is proper. If the Commission on Ethics determines  
36 that relief from the strict application of the provisions of subsection  
37 3 is not contrary to:  
38       (a) The best interests of the public;  
39       (b) The continued integrity of state government; and  
40       (c) The code of ethical standards prescribed in NRS 281.481,



1    ➤ it may issue an opinion to that effect and grant such relief. The  
2    opinion of the Commission on Ethics in such a case is subject to  
3    judicial review.

4    5. As used in this section, "regulation" has the meaning  
5    ascribed to it in NRS 233B.038.

6    **Sec. 2.** NRS 281.455 is hereby amended to read as follows:

7    281.455 1. The Commission on Ethics, consisting of eight  
8    members, is hereby created.

9    2. The Legislative Commission shall appoint to the  
10   Commission four residents of the State, at least two of whom are  
11   former public officers, and at least one of whom must be an attorney  
12   licensed to practice law in this State.

13   3. The Governor shall appoint to the Commission four  
14   residents of the State, at least two of whom must be former public  
15   officers or public employees, and at least one of whom must be an  
16   attorney licensed to practice law in this State.

17   4. Not more than four members of the Commission may be  
18   members of the same political party. Not more than four members  
19   may be residents of the same county.

20   5. None of the members of the Commission may:

21   (a) Hold another public office;

22   (b) Be actively involved in the work of any political party or  
23   political campaign; or

24   (c) Communicate directly with a member of the Legislative  
25   Branch on behalf of someone other than himself or the Commission,  
26   for compensation, to influence legislative action,

27   ➤ while he is serving on the Commission.

28   6. *Members of the Commission shall comply with the Nevada*  
29   *Code of Judicial Conduct in carrying out their duties.*

30   7. After the initial terms, the terms of the members are 4 years.  
31   Any vacancy in the membership must be filled by the appropriate  
32   appointing authority for the unexpired term. Each member may  
33   serve no more than two consecutive full terms.

34   **Sec. 3.** NRS 281.462 is hereby amended to read as follows:

35   281.462 1. The Chairman shall appoint one or more panels of  
36   two members of the Commission on a rotating basis to ~~review the~~  
37   ~~determinations of just and sufficient cause made by the Executive~~  
38   ~~Director pursuant to NRS 281.511 and~~ make a ~~[final]~~ determination  
39   regarding whether just and sufficient cause exists for the  
40   Commission to render an opinion.

41   2. The Chairman and Vice Chairman of the Commission may  
42   not serve together on a panel.

43   3. The members of a panel may not be members of the same  
44   political party.



4. If a panel finds just and sufficient cause for the Commission to render an opinion in a matter, the members of the panel shall not participate in any further proceedings of the Commission relating to that matter.

**Sec. 4.** NRS 281.463 is hereby amended to read as follows:

281.463 1. The Commission shall appoint, within the limits of legislative appropriation, an Executive Director who shall perform the duties set forth in this chapter and such other duties as may be prescribed by the Commission.

~~2. [The Executive Director must have experience in administration, law enforcement, investigations or law.~~

~~3.]~~ The Executive Director is in the unclassified service of the State.

~~[4.]~~ 3. The Executive Director shall devote his entire time and attention to the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit that detracts from the full and timely performance of his duties.

~~[5.]~~ 4. The Executive Director may not:

(a) Be actively involved in the work of any political party or political campaign; ~~for]~~

(b) Communicate directly or indirectly with a member of the Legislative Branch on behalf of someone other than himself to influence legislative action, except in pursuit of the business of the Commission ~~[.]~~

*(c) Provide legal advice to the Commission or any person.*

**Sec. 5.** NRS 281.4635 is hereby amended to read as follows:

281.4635 1. In addition to any other duties imposed upon him, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281.511, 294A.345 or 294A.346.

~~(c) [Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the panel appointed pursuant to NRS 281.462 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.~~

~~—(d)]~~ Recommend to the Commission any regulations or legislation that he considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

~~[(e)]~~ (d) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the



Executive Director shall emphasize that he is not a member of the Commission, *that he may not provide legal advice* and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

~~[(f)]~~ (e) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of his duties relating to ~~the~~

~~—(a) The~~ *the* administration of the affairs of the Commission. ~~the~~

~~—(b) The review of statements of financial disclosure; and~~

~~—(c) The investigation of matters under the jurisdiction of the Commission.]~~

**Sec. 6.** NRS 281.465 is hereby amended to read as follows:

281.465 1. The Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of:

(a) This chapter by a public officer or employee or former public officer or employee in any proceeding commenced by ~~the~~

~~—(1) The~~ *the* filing of a request for an opinion with the Commission. ~~the; or~~

~~—(2) The Commission on its own motion.]~~

(b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.

2. The provisions of paragraph (a) of subsection 1 apply to a public officer or employee who:

(a) Currently holds public office or is publicly employed at the commencement of proceedings against him.

(b) Resigns or otherwise leaves his public office or employment:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the alleged violation or reasonable discovery of the alleged violation.

**Sec. 7.** NRS 281.471 is hereby amended to read as follows:

281.471 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; ~~and~~

(d) To facilitate the prompt rendition of opinions by the Commission ~~the~~; *and*



1       (e) *To ensure that any person who is the subject of a request*  
2 *for an opinion of the Commission or who otherwise appears or is*  
3 *the subject of any proceeding before the Commission is afforded*  
4 *due process of law.*

5       2. Prescribe, by regulation, forms for the submission of  
6 statements of financial disclosure and procedures for the submission  
7 of statements of financial disclosure filed pursuant to NRS 281.559  
8 and forms and procedures for the submission of statements of  
9 acknowledgment filed by public officers pursuant to NRS 281.552,  
10 maintain files of such statements and make the statements available  
11 for public inspection.

12       3. *Establish, by regulation, procedures for disqualifying*  
13 *members of the Commission from participating in any matter*  
14 *before a panel or the full Commission pursuant to NRS 281.411 to*  
15 *281.581, inclusive, based on the grounds of bias or prejudice.*  
16 *Such procedures must be substantively similar to the standards for*  
17 *the disqualification of judges for bias or prejudice in the Nevada*  
18 *Code of Judicial Conduct.*

19       4. Cause the making of such investigations *by an investigator*  
20 *of the Investigation Division of the Department of Public Safety*  
21 *pursuant to subsection 10 of NRS 480.460* as are reasonable and  
22 necessary for the rendition of its opinions pursuant to this chapter ~~[-~~  
23 ~~—4. Except as otherwise provided in NRS 281.559, inform the~~  
24 ~~Attorney General or district attorney of all cases of noncompliance~~  
25 ~~with the requirements of this chapter.]~~ *or concerning any other*  
26 *matter under the jurisdiction of the Commission.*

27       5. Recommend to the Legislature such further legislation as the  
28 Commission considers desirable or necessary to promote and  
29 maintain high standards of ethical conduct in government.

30       6. Publish a manual for the use of public officers and  
31 employees that contains:

32       (a) Hypothetical opinions which are abstracted from opinions  
33 rendered pursuant to subsection 1 of NRS 281.511, for the future  
34 guidance of all persons concerned with ethical standards in  
35 government;

36       (b) Abstracts of selected opinions rendered pursuant to  
37 subsection 2 of NRS 281.511; and

38       (c) An abstract of the requirements of this chapter.

39       ➤ The Legislative Counsel shall prepare annotations to this chapter  
40 for inclusion in the Nevada Revised Statutes based on the abstracts  
41 and published opinions of the Commission.

42       **Sec. 8.** NRS 281.475 is hereby amended to read as follows:

43       281.475 1. The Chairman and Vice Chairman of the  
44 Commission may administer oaths.



2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of books and papers. Upon the request of ~~{the Executive Director}~~ *an investigator conducting an investigation pursuant to subsection 3 of NRS 281.471* or the public officer or public employee who is the subject of a request for an opinion, the Chairman or, in his absence, the Vice Chairman, may issue a subpoena to compel the attendance of a witness and the production of books and papers.

3. Before issuing a subpoena to a public officer or public employee who is the subject of a request for an opinion, the ~~{Executive Director}~~ *investigator* shall submit a written request to the public officer or public employee requesting:

(a) His appearance as a witness; or

(b) His production of any books and papers relating to the request for an opinion.

4. Each written request submitted ~~{by the Executive Director}~~ pursuant to subsection 3 must specify the time and place for the attendance of the public officer or public employee or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or public employee fails or refuses to attend at the time and place specified or produce the books and papers requested ~~{by the Executive Director}~~ within 5 business days after receipt of the request, the Chairman may issue the subpoena. Failure of the public officer or public employee to comply with ~~{the}~~ *a* written request ~~{of the Executive Director}~~ *submitted pursuant to subsection 3* shall be deemed a waiver by the public officer or public employee of the time set forth in subsections 3 and 4 of NRS 281.511.

5. If any witness refuses to attend, testify or produce any books and papers as required by the subpoena, the Chairman of the Commission may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

6. Except as otherwise provided in this subsection, upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the



1 order, and then and there show cause why he has not attended,  
2 testified or produced the books or papers before the Commission. If  
3 the witness has been subpoenaed by the Commission in response to  
4 a request for an opinion filed pursuant to NRS 294A.345 or  
5 294A.346, the court shall direct the witness to appear before the  
6 court as expeditiously as possible to allow the Commission to render  
7 its opinion within the time required by NRS 281.477. A certified  
8 copy of the order must be served upon the witness.

9 7. If it appears to the court that the subpoena was regularly  
10 issued by the Commission, the court shall enter an order that the  
11 witness appear before the Commission, at the time and place fixed  
12 in the order, and testify or produce the required books and papers.  
13 Upon failure to obey the order, the witness must be dealt with as for  
14 contempt of court.

15 **Sec. 9.** NRS 281.491 is hereby amended to read as follows:

16 281.491 In addition to the requirements of the code of ethical  
17 standards:

18 1. A member of the executive branch or public employee of the  
19 executive branch shall not accept compensation from any private  
20 person to represent or counsel him on any issue pending before the  
21 agency in which that officer or employee serves, if the agency  
22 makes decisions. Any such officer or employee who leaves the  
23 service of the agency shall not, for 1 year after leaving the service of  
24 the agency, represent or counsel for compensation a private person  
25 upon any issue which was under consideration by the agency during  
26 his service. As used in this subsection, "issue" includes a case,  
27 proceeding, application, contract or determination, but does not  
28 include the proposal or consideration of legislative measures or  
29 administrative regulations.

30 2. A member of the legislative branch, or a member of the  
31 executive branch or public employee whose public service requires  
32 less than half of his time, may represent or counsel a private person  
33 before an agency in which he does not serve. Any other member of  
34 the executive branch or public employee shall not represent a client  
35 for compensation before any state agency of the Executive or  
36 Legislative Branch of government.

37 3. Not later than January ~~10~~ 15 of each year, any Legislator  
38 or other public officer who has, within the preceding year,  
39 represented or counseled a private person for compensation before a  
40 state agency of the Executive Branch shall disclose for each such  
41 representation or counseling during the previous calendar year:

- 42 (a) The name of the client;  
43 (b) The nature of the representation; and  
44 (c) The name of the state agency.





1   ↪ The disclosure must be made in writing and filed with the  
2 Commission, on a form prescribed by the Commission. The  
3 Commission shall retain a disclosure filed pursuant to this  
4 subsection for 6 years after the date on which the disclosure was  
5 filed.

6   **Sec. 10.** NRS 281.511 is hereby amended to read as follows:

7   281.511 1. The Commission shall render an opinion  
8 interpreting the statutory ethical standards and apply the standards to  
9 a given set of facts and circumstances upon request, on a form  
10 prescribed by the Commission, from a public officer or employee  
11 who is seeking guidance on questions which directly relate to the  
12 propriety of his own past, present or future conduct as an officer or  
13 employee. He may also request the Commission to hold a public  
14 hearing regarding the requested opinion. If a requested opinion  
15 relates to the propriety of his own present or future conduct, the  
16 opinion of the Commission is:

17   (a) Binding upon the requester as to his future conduct; and

18   (b) Final and subject to judicial review pursuant to NRS  
19 233B.130, except that a proceeding regarding this review must be  
20 held in closed court without admittance of persons other than those  
21 necessary to the proceeding, unless this right to confidential  
22 proceedings is waived by the requester.

23   2. The Commission may render an opinion interpreting the  
24 statutory ethical standards and apply the standards to a given set of  
25 facts and circumstances:

26   (a) Upon request from a specialized or local ethics committee.

27   (b) Except as otherwise provided in this subsection, upon  
28 request from a person, if the requester submits:

29   (1) The request on a form prescribed by the Commission;  
30 and

31   (2) All related evidence deemed necessary by the ~~Executive~~  
32 ~~Director and the~~ panel to make a determination of whether there is  
33 just and sufficient cause to render an opinion in the matter.

34   (c) Upon the Commission's own motion regarding the propriety  
35 of conduct by a public officer or employee. The Commission shall  
36 not initiate proceedings pursuant to this paragraph based solely upon  
37 an anonymous complaint.

38   ↪ The Commission shall not render an opinion interpreting the  
39 statutory ethical standards or apply those standards to a given set of  
40 facts and circumstances if the request is submitted by a person who  
41 is incarcerated in a correctional facility in this State.

42   3. Upon receipt of a request for an opinion by the Commission  
43 , ~~for upon the motion of the Commission pursuant to subsection 2,~~  
44 ~~the Executive Director shall investigate~~ *the Commission shall*  
45 *cause an investigation of* the facts and circumstances relating to the



1 request to ~~[determine whether there is just and sufficient cause for~~  
2 ~~the Commission to render an opinion in the matter.]~~ *be conducted*  
3 *by an investigator pursuant to subsection 3 of NRS 281.471.* The  
4 public officer or employee that is the subject of the request may  
5 submit to the ~~[Executive Director]~~ *investigator* any information  
6 relevant to the request. The ~~[Executive Director shall complete an~~  
7 ~~investigation and present his recommendation relating to just and~~  
8 ~~sufficient cause to the panel]~~ *investigation must be completed*  
9 within 45 days after the receipt of ~~[or the motion of the Commission~~  
10 ~~for]~~ the request, unless the public officer or employee waives this  
11 time limit. ~~[If the Executive Director determines after an~~  
12 ~~investigation that just and sufficient cause exists for the~~  
13 ~~Commission to render an opinion in the matter, he shall state such a~~  
14 ~~recommendation in writing, including, without limitation, the~~  
15 ~~specific evidence that supports his recommendation. If, after an~~  
16 ~~investigation, the Executive Director does not determine that just~~  
17 ~~and sufficient cause exists for the Commission to render an opinion~~  
18 ~~in the matter, he shall state such a recommendation in writing,~~  
19 ~~including, without limitation, the specific reasons for his~~  
20 ~~recommendation.]~~ Within 15 days after the ~~[Executive Director has~~  
21 ~~provided his recommendation in the matter to the panel,]~~  
22 *completion of the investigation,* the panel shall make a ~~[final]~~  
23 determination regarding whether just and sufficient cause exists for  
24 the Commission to render an opinion in the matter, unless the public  
25 officer or employee waives this time limit. The panel shall not  
26 determine that there is just and sufficient cause for the Commission  
27 to render an opinion unless the panel has provided the public officer  
28 or employee an opportunity to respond to the allegations against  
29 him. The panel shall cause a record of its proceedings in each matter  
30 to be kept, and such a record must remain confidential until the  
31 panel determines whether there is just and sufficient cause for the  
32 Commission to render an opinion in the matter.

33 4. If the panel determines that just and sufficient cause exists  
34 for the Commission to render an opinion requested pursuant to this  
35 section, the Commission shall hold a hearing and render an opinion  
36 in the matter within 30 days after the determination of just and  
37 sufficient cause by the panel, unless the public officer or employee  
38 waives this time limit.

39 5. Each request for an opinion that a public officer or employee  
40 submits to the Commission pursuant to subsection 1, each opinion  
41 rendered by the Commission in response to such a request and any  
42 motion, determination, evidence or record of a hearing relating to  
43 such a request are confidential unless the public officer or employee  
44 who requested the opinion:



1 (a) Acts in contravention of the opinion, in which case the  
2 Commission may disclose the request for the opinion, the contents  
3 of the opinion and any motion, evidence or record of a hearing  
4 related thereto;

5 (b) Discloses the request for the opinion, the contents of the  
6 opinion, or any motion, evidence or record of a hearing related  
7 thereto; or

8 (c) Requests the Commission to disclose the request for the  
9 opinion, the contents of the opinion, or any motion, evidence or  
10 record of a hearing related thereto.

11 6. Except as otherwise provided in this subsection, each  
12 document in the possession of the Commission or its staff that is  
13 related to a request for an opinion regarding a public officer or  
14 employee submitted to ~~for initiated by~~ the Commission pursuant to  
15 subsection 2, including, without limitation, the Commission's copy  
16 of the request and all materials and information gathered in an  
17 investigation of the request, is confidential until the panel  
18 determines whether there is just and sufficient cause to render an  
19 opinion in the matter. The public officer or employee who is the  
20 subject of a request for an opinion submitted ~~for initiated~~ pursuant  
21 to subsection 2 may in writing authorize the Commission to make  
22 its files, material and information which are related to the request  
23 publicly available.

24 7. Except as otherwise provided in paragraphs (a) and (b), the  
25 proceedings of a panel are confidential until the panel determines  
26 whether there is just and sufficient cause to render an opinion. A  
27 person who:

28 (a) Requests an opinion from the Commission pursuant to  
29 paragraph (b) of subsection 2 may:

30 (1) At any time, reveal to a third party the alleged conduct of  
31 a public officer or employee underlying the request that he filed  
32 with the Commission or the substance of testimony, if any, that he  
33 gave before the Commission.

34 (2) After the panel determines whether there is just and  
35 sufficient cause to render an opinion in the matter, reveal to a third  
36 party the fact that he requested an opinion from the Commission.

37 (b) Gives testimony before the Commission may:

38 (1) At any time, reveal to a third party the substance of  
39 testimony that he gave before the Commission.

40 (2) After the panel determines whether there is just and  
41 sufficient cause to render an opinion in the matter, reveal to a third  
42 party the fact that he gave testimony before the Commission.

43 8. Whenever the Commission holds a hearing pursuant to this  
44 section, the Commission shall:



1 (a) Notify the person about whom the opinion was requested of  
2 the place and time of the Commission's hearing on the matter;

3 (b) Allow the person to be represented by counsel; and

4 (c) Allow the person to hear the evidence presented to the  
5 Commission and to respond and present evidence on his own behalf.

6 ➔ The Commission's hearing may be held no sooner than 10 days  
7 after the notice is given unless the person agrees to a shorter time.

8 9. If a person who is not a party to a hearing before the  
9 Commission, including, without limitation, a person who has  
10 requested an opinion pursuant to paragraph (a) or (b) of subsection  
11 2, wishes to ask a question of a witness at the hearing, the person  
12 must submit the question to the ~~[Executive Director]~~ *Chairman of*  
13 *the Commission* in writing. ~~[The Executive Director may submit the~~  
14 ~~question to the Commission if he deems the question relevant and~~  
15 ~~appropriate.]~~ This subsection does not require the Commission to  
16 ask any question submitted by a person who is not a party to the  
17 proceeding.

18 10. If a person who requests an opinion pursuant to subsection  
19 1 or 2 does not:

20 (a) Submit all necessary information to the Commission; and

21 (b) Declare by oath or affirmation that he will testify truthfully,

22 ➔ the Commission may decline to render an opinion.

23 11. For good cause shown, the Commission may take  
24 testimony from a person by telephone or video conference.

25 12. For the purposes of NRS 41.032, the members of the  
26 Commission and its employees shall be deemed to be exercising or  
27 performing a discretionary function or duty when taking an action  
28 related to the rendering of an opinion pursuant to this section.

29 13. A meeting or hearing that the Commission or the panel  
30 holds to receive information or evidence concerning the propriety of  
31 the conduct of a public officer or employee pursuant to this section  
32 and the deliberations of the Commission and the panel on such  
33 information or evidence are not subject to the provisions of chapter  
34 241 of NRS.

35 **Sec. 11.** NRS 281.552 is hereby amended to read as follows:

36 281.552 1. Every public officer shall acknowledge that he  
37 has received, read and understands the statutory ethical standards.  
38 The acknowledgment must be on a form prescribed by the  
39 Commission and must :

40 (a) *If the public officer is required to file a statement of*  
41 *financial disclosure pursuant to NRS 281.559 or 281.561,*  
42 *accompany the first statement of financial disclosure that the public*  
43 *officer is required to file with the Commission pursuant to NRS*  
44 *281.559 or the Secretary of State pursuant to NRS 281.561* ~~[ ]~~ *after*  
45 *the election or appointment of the public officer.*



1     ***(b) If the public officer is not required to file a statement of***  
2     ***financial disclosure pursuant to NRS 281.559, be filed with the***  
3     ***Commission within 30 days after the appointment of the public***  
4     ***officer.***

5     2. The Commission and the Secretary of State shall retain an  
6     acknowledgment filed pursuant to this section for 6 years after the  
7     date on which the acknowledgment was filed.

8     3. Willful refusal to execute and file the acknowledgment  
9     required by this section constitutes nonfeasance in office and is a  
10    ground for removal pursuant to NRS 283.440.

11    **Sec. 12.** NRS 281.553 is hereby amended to read as follows:

12    281.553 1. A public officer or public employee shall not  
13    accept or receive an honorarium.

14    2. An honorarium paid on behalf of a public officer or public  
15    employee to a charitable organization from which the officer or  
16    employee does not derive any financial benefit is deemed not to be  
17    accepted or received by the officer or employee for the purposes of  
18    this section.

19    3. This section does not prohibit:

20    (a) The receipt of payment for work performed outside the  
21    normal course of a person's public office or employment if the  
22    performance of that work is consistent with the applicable policies  
23    of his public employer regarding supplemental employment.

24    (b) The receipt of an honorarium by the spouse of a public  
25    officer or public employee if it is related to the spouse's profession  
26    or occupation.

27    4. As used in this section, "honorarium" means the payment of  
28    money or anything of value for an appearance or speech by the  
29    public officer or public employee in his capacity as a public officer  
30    or public employee. The term does not include the payment of:

31    (a) The actual and necessary costs incurred by the public officer  
32    or public employee, his spouse or his aid for transportation and for  
33    lodging and meals while the public officer or public employee is  
34    away from his residence.

35    (b) Compensation which would otherwise have been earned by  
36    the public officer or public employee in the normal course of his  
37    public office or employment.

38    (c) A fee for a speech related to the officer's or employee's  
39    profession or occupation outside of his public office or employment  
40    if:

41    (1) Other members of the profession or occupation are  
42    ordinarily compensated for such a speech; and

43    (2) The fee paid to the public officer or public employee is  
44    approximately the same as the fee that would be paid to a member



1 of the private sector whose qualifications are similar to those of the  
2 officer or employee for a comparable speech.

3 (d) A fee for a speech delivered to an organization of  
4 legislatures, legislators or other elected officers.

5 5. ~~[A]~~ *In addition to any other penalty imposed pursuant to*  
6 *NRS 281.551, a* public officer or public employee who violates the  
7 provisions of this section ~~[is guilty of a gross misdemeanor and,~~  
8 ~~upon conviction, forfeits]~~ *shall forfeit* the amount of the  
9 honorarium.

10 **Sec. 13.** NRS 281.559 is hereby amended to read as follows:

11 281.559 1. Except as otherwise provided in subsection 2, if a  
12 public officer who was appointed to *fill the unexpired term of an*  
13 *appointed public officer or appointed to* the office for which he is  
14 serving is entitled to receive annual compensation of \$6,000 or more  
15 for serving in that office, he shall file with the Commission a  
16 statement of financial disclosure, as follows:

17 (a) A public officer appointed to fill the unexpired term of an  
18 ~~[elected or]~~ appointed public officer shall file a statement of  
19 financial disclosure within 30 days after his appointment.

20 (b) Each public officer appointed to fill an office shall file a  
21 statement of financial disclosure on or before January 15 of each  
22 year of the term, including the year the term expires.

23 2. If a person is serving in a public office for which he is  
24 required to file a statement pursuant to subsection 1, he may use the  
25 statement he files for that initial office to satisfy the requirements of  
26 subsection 1 for every other public office to which he is appointed  
27 and in which he is also serving.

28 3. A judicial officer who is appointed to fill the unexpired term  
29 of a predecessor or to fill a newly created judgeship shall file a  
30 statement of financial disclosure pursuant to the requirements of  
31 Canon 4I of the Nevada Code of Judicial Conduct. Such a statement  
32 of financial disclosure must include, without limitation, all  
33 information required to be included in a statement of financial  
34 disclosure pursuant to NRS 281.571.

35 4. The Commission shall provide written notification to the  
36 Secretary of State of the public officers who failed to file the  
37 statements of financial disclosure required by subsection 1 or who  
38 failed to file those statements in a timely manner. The notice must  
39 be sent within 30 days after the deadlines set forth in subsection 1  
40 and must include:

41 (a) The name of each public officer who failed to file his  
42 statement of financial disclosure within the period before the notice  
43 is sent;



(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the Commission:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

**Sec. 14.** NRS 281.561 is hereby amended to read as follows:

281.561 1. Each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that he is seeking , *each public officer appointed to fill the unexpired term of an elected public officer* and each public officer who was elected to the office for which he is serving shall file with the Secretary of State 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; ~~{and}~~

(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; and*

(c) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

2. 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



1 of financial disclosure must include, without limitation, all  
2 information required to be included in a statement of financial  
3 disclosure pursuant to NRS 281.571.

4 3. A statement of financial disclosure shall be deemed to be  
5 filed with the Secretary of State:

6 (a) On the date that it was mailed if it was sent by certified mail;  
7 or

8 (b) On the date that it was received by the Secretary of State if  
9 the statement was sent by regular mail, transmitted by facsimile  
10 machine or electronic means, or delivered personally.

11 4. The statement of financial disclosure filed pursuant to this  
12 section must be filed on the form prescribed by the Commission  
13 pursuant to NRS 281.471.

14 5. The Secretary of State shall prescribe, by regulation,  
15 procedures for the submission of statements of financial disclosure  
16 filed pursuant to this section, maintain files of such statements and  
17 make the statements available for public inspection.

18 **Sec. 15.** NRS 480.460 is hereby amended to read as follows:

19 480.460 The Chief of the Investigation Division shall:

20 1. Furnish services relating to the investigation of crimes,  
21 including interrogation with the use of polygraph instruments, upon  
22 the request of the Attorney General or any sheriff, chief of police or  
23 district attorney.

24 2. Disseminate information relating to the dangers of the use of  
25 controlled substances and dangerous drugs.

26 3. Provide and operate a system of recording all information  
27 received by the Division relating to persons who have alleged  
28 connections with organized crime or have some connection with  
29 violations of laws regulating controlled substances or dangerous  
30 drugs.

31 4. Arrange for the purchase of controlled substances and  
32 dangerous drugs when such a purchase is necessary in an  
33 investigation of offenses relating to controlled substances and  
34 dangerous drugs.

35 5. Procure from law enforcement agencies and other reliable  
36 sources information relating to violators of laws which govern  
37 controlled substances and dangerous drugs, including information  
38 about their character, probable motives, circumstances of arrest,  
39 methods of operation and other pertinent information.

40 6. Enforce the provisions of chapter 453 of NRS.

41 7. Maintain the records and other information forwarded to the  
42 Division to assist in locating missing persons or identifying dead  
43 bodies.

44 8. Furnish information relating to any person of whom he  
45 maintains a record to any law enforcement agency.





- 1       9. Assist the Secretary of State in carrying out an investigation
- 2 pursuant to NRS 293.124.
- 3       ***10. Assist the Commission on Ethics in carrying out an***
- 4 ***investigation of a matter under the jurisdiction of the Commission.***







