

Amendment No. 484

Assembly Amendment to Assembly Bill No. 530

(BDR 23-325)

Proposed by: Committee on Elections, Procedures, Ethics, and Constitutional Amendments**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“**Section 1.** Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

Each public officer who is required to file a statement of financial disclosure pursuant to NRS 281.541, 281.559 or 281.561 shall, within 6 months after his initial election or appointment to his office, attend a course on ethics in government that is taught or approved by the Commission.

Sec. 2. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, *and section 1 of this act*, may be cited as the Nevada Ethics in Government Law.

HC/EGO

Date: 4/25/2005

A.B. No. 530—Makes various changes regarding ethics in government.



Sec. 3. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 281.541 is hereby amended to read as follows:

281.541 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Commission for review; and

(2) Upon review, approved by the Commission.

2. *A code of ethical standards established by a specialized or local ethics committee of a county or an incorporated city pursuant to subsection 1 may include, without limitation, a*

provision that prohibits any former public officer of the county or city, as the case may be, from lobbying the governing body of the city or county for a limited period of time after the public officer leaves office. As used in this subsection, “lobbying” means communicating with a member of the board of county commissioners, the governing body of a city or an employee of the county or city on behalf of another person to seek to influence action by the board of county commissioners or the governing body of the city, for consideration or under circumstances in which consideration would ordinarily be paid for such communication.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

~~{3-}~~ 4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

- (a) The public officer or employee acts in contravention of the opinion; or
- (b) The requester discloses the content of the opinion.”.

Amend sec. 5, page 7, line 33, by deleting “chapter;” and inserting:
“chapter ~~{-}~~ *except section 1 of this act;*”.

Amend sec. 5, page 7, line 35, by deleting “chapter;” and inserting:
“chapter ~~{-}~~ *except section 1 of this act;*”.

Amend sec. 5, page 7, line 37, by deleting “chapter.” and inserting:
“chapter ~~{-}~~ *except section 1 of this act.*”.

Amend sec. 5, page 8, by deleting lines 30 through 41 and inserting:

“6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee ~~is~~

~~—(a) Relied]~~ *satisfies all of the following requirements:*

(a) *He relied* in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) ~~[Was]~~ *He was* unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) ~~[Took]~~ *He took* action that was not contrary to a prior published opinion issued by the Commission.”.

Amend sec. 5, page 8, line 42, by deleting “~~7.]~~” and inserting “7.”.

Amend sec. 5, page 9, line 3, by deleting “~~[8.] 7.~~” and inserting “8.”.

Amend sec. 5, page 9, line 8, after “chapter” by inserting:

“, *except section 1 of this act,*”.

Amend sec. 5, page 9, line 12, by deleting “~~[9.] 8.~~” and inserting “9.”.

Amend sec. 5, page 9, line 15, by deleting “~~[10.] 9.~~” and inserting “10.”.

Amend sec. 5, page 9, line 16, after “chapter” by inserting:

“, *except section 1 of this act,*”.

Amend the bill as a whole by deleting sec. 6 and adding a new section, designated sec. 6, following sec. 5, to read as follows:

“**Sec. 6.** The provisions of section 1 of this act do not apply to any public officer elected or appointed to his office before July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to ethics in government; requiring certain public officers to attend a course on ethics in government; clarifying the circumstances under which a violation of the ethical provisions may be found not to be willful; authorizing a specialized or local ethics committee of a county or an incorporated city to prohibit certain former public officers from lobbying; and providing other matters properly relating thereto.”.