

Amendment No. 1109

Senate Amendment to Assembly Bill No. 538 First Reprint	(BDR 23-272)
Proposed by: Committee on Legislative Operations and Elections	
Amendment Box: Replaces Amendments Nos. 983 and 1101.	
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 section 1 and renumbering sec. 2 as section 1.

Amend the bill as a whole by deleting sections 3 and 4, renumbering sec. 5 as sec. 4 and adding new sections designated sections 2 and 3, following sec. 2, to read as follows:

“**Sec. 2.** NRS 281.462 is hereby amended to read as follows:

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

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

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

HC/EGO

Date: 5/27/2005

A.B. No. 538—Makes various changes relating to ethics in government.

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. 3. 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; or

(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.”.

Amend sec. 5, page 4, by deleting lines 32 through 37 and inserting:

“(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”.

Amend sec. 5, page 4, line 41, by deleting “(e)” and inserting “~~{(e)}~~ (d)”.

Amend sec. 5, page 5, line 6, by deleting “(f)” and inserting “~~{(f)}~~ (e)”.

Amend sec. 5, page 5, by deleting lines 10 through 14 and inserting:

“of his duties relating to ~~{~~

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

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

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

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sec. 8 as sec. 5.

Amend sec. 8, page 6, by deleting lines 26 through 29 and inserting:

“3. Cause the making of such investigations *by an investigator of the Investigation Division of the Department of Public Safety pursuant to subsection 10 of NRS 480.460* as are reasonable and necessary for the rendition of its opinions pursuant to this chapter ~~{~~

—~~4. Except as otherwise provided in NRS 281.559, inform the~~”.

Amend sec. 8, page 6, line 32, after “~~5.}~~” by inserting:

“*or concerning any other matter under the jurisdiction of the Commission.*

4.”.

Amend the bill as a whole by deleting sec. 9, renumbering sec. 10 as sec. 7 and adding a new section designated sec. 6, following sec. 8, to read as follows:

“**Sec. 6.** NRS 281.475 is hereby amended to read as follows:

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

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

Amend the bill as a whole by deleting sec. 11 and renumbering sections 12 through 16 as sections 8 through 12.

Amend sec. 12, page 12, by deleting lines 33 and 34 and inserting:

“(2) All related evidence deemed necessary by the ~~[Executive Director and the]~~ panel to make a determination of whether there is”.

Amend sec. 12, page 12, by deleting lines 43 through 45 and inserting:

“is incarcerated in a correctional facility in this State.”.

Amend sec. 12, page 13, by deleting lines 3 through 23 and inserting:

~~“[Executive Director shall investigate]~~ ***Commission shall cause an investigation of*** the facts and circumstances relating to the request to ~~[determine whether there is just and sufficient cause for the Commission to render an opinion in the matter.]~~ ***be conducted by an investigator pursuant to subsection 3 of NRS 281.471.*** The public officer or employee that is the subject of the request may submit to the ~~[Executive Director]~~ ***investigator*** any information relevant to the request. The ~~[Executive Director shall complete an investigation and present his recommendation relating to just and sufficient cause to the panel]~~ ***investigation must be completed*** within 45 days after the receipt of or the motion of the Commission for the request, unless the public officer or employee waives this time limit. ~~[If the Executive Director determines after an investigation that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific evidence that supports his recommendation. If, after an investigation, the Executive Director does not determine that just and sufficient cause exists for the Commission to render an opinion in the matter, he shall state such a recommendation in writing, including, without limitation, the specific reasons for his recommendation.]~~ Within 15 days

after the ~~[Executive Director has provided his recommendation in the matter to the panel,]~~
completion of the investigation, the panel shall make a ~~[final]~~ determination regarding whether just
and”.

Amend sec. 12, page 15, by deleting lines 12 through 14 and inserting:

“must submit the question to the ~~[Executive Director]~~ ***Chairman of the Commission*** in writing. ~~[The
Executive Director may submit the question to the Commission if he deems the question relevant
and appropriate.]~~ This subsection does”.

Amend sec. 13, page 16, by deleting lines 10 and 11 and inserting:

“ground for removal pursuant to NRS 283.440.”.

Amend sec. 16, page 18, by deleting lines 26 through 28 and inserting:

“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***”.

Amend the bill as a whole by deleting sec. 17 and adding a new section, designated sec. 13,
following sec. 16, to read as follows:

“**Sec. 13.** NRS 480.460 is hereby amended to read as follows:

480.460 The Chief of the Investigation Division shall:

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

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

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

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

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

6. Enforce the provisions of chapter 453 of NRS.

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

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

9. Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124.

10. Assist the Commission on Ethics in carrying out an investigation of a matter under the jurisdiction of the Commission.”.

Amend the title of the bill to read as follows:

“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 job duties for the position of Executive Director of the Commission on Ethics; 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.”.