

**Amendment No. 1110**

Senate Amendment to Assembly Bill No. 538 First Reprint (BDR 23-272)

**Proposed by:** Committee on Legislative Operations and Elections**Amendment Box:** Replaces Amendment No. 984. Consistent with Amendment No. 1109.**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 renumbering sections 5 through 17 as sections 7 through 19 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“**Sec. 5.** NRS 281.455 is hereby amended to read as follows:

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

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

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

HC/EGO

Date: 5/27/2005

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

4. Not more than four members of the Commission may be members of the same political party.

Not more than four members may be residents of the same county.

5. None of the members of the Commission may:

(a) Hold another public office;

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

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

↪ while he is serving on the Commission.

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

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

**Sec. 6.** 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. 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. 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 ~~for~~; *or*

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

Amend sec. 5, page 5, line 1, after “Commission” by inserting:

*“, that he may not provide legal advice”.*

Amend sec. 7, page 5, by deleting lines 39 through 42 and inserting:

“officer or employee in any proceeding commenced by ~~for~~

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

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

Amend sec. 8, page 6, line 16, by deleting “and” and inserting “~~and~~”.

Amend sec. 8, page 6, by deleting line 18 and inserting:

“Commission ~~for~~; *and*

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

Amend sec. 8, page 6, line 26, after “3.” by inserting:

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

4.”.

Amend sec. 8, page 6, line 29, by deleting “4. ~~Except~~” and inserting “[4. ~~Except~~”.

Amend sec. 8, page 6, lines 31 and 32, by deleting “~~chapter.~~  
—5.]” and inserting ~~chapter.]~~

5.”.

Amend sec. 8, page 6, line 35, by deleting “[6.] 5.” and inserting “6.”.

Amend sec. 12, page 12, by deleting lines 36 through 39 and inserting:

“~~[(c) Upon the Commission’s own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complain.]~~”.

Amend sec. 12, page 13, line 1, by deleting “Commission” and inserting “Commission ,”.

Amend sec. 12, page 13, by deleting line 2 and inserting:

“~~[for upon the motion of the Commission pursuant to subsection 2,]~~ the”.

Amend sec. 12, page 13, by deleting lines 10 and 11 and inserting:

“sufficient cause to the panel within 45 days after the receipt of ~~[for the motion of the Commission for]~~ the request, unless the public officer”.

Amend sec. 12, page 14, line 14, by deleting:

“or initiated by” and inserting:

~~“for initiated by”~~

Amend sec. 12, page 14, line 20, by deleting “or initiated” and inserting ~~“for initiated”~~.

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; prohibiting the Executive Director of the Commission on Ethics from providing legal advice; revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a state agency; requiring the Commission on Ethics to adopt certain regulations; revising provisions governing abstention from voting for members of a county or city planning commission in larger counties; providing a time limitation for the submission of certain requests for opinions by the Commission on Ethics; revising the penalty for the acceptance or receipt of an honorarium; revising the requirements relating to the filing of statements of financial disclosure; and providing other matters properly relating thereto.”.