

Amendment No. 612

Senate Amendment to Senate Bill No. 430

(BDR 23-918)

Proposed by: Committee on Legislative Operations and Elections**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 5 and renumbering sec. 6 as section 1.

Amend sec. 6, page 5, by deleting lines 15 through 30 and inserting:

“5. ~~If the Commission finds that:~~

~~—(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.~~

~~—(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.~~

LM/BJE

Date: 4/25/2005

S.B. No. 430—Revises provisions governing removal of public officer from office other than by impeachment or accusation.

~~—(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.~~

~~—6.] An action taken by a public officer or employee or former”.~~

Amend sec. 6, page 5, line 42, by deleting “7.” and inserting: “[~~7.]~~ 6.”.

Amend sec. 6, page 6, by deleting line 3 and inserting:

“[~~8.]~~ 7. NRS 281.481 to 281.541, inclusive,”.

Amend sec. 6, page 6, line 13, by deleting “9.” and inserting “[~~9.]~~ 8.”.

Amend sec. 6, page 6, line 15, by deleting “10.” and inserting “[~~10.]~~ 9.”.

Amend the bill as a whole by deleting sections 7 through 14 and the text of the repealed section.

Amend the title of the bill to read as follows:

“AN ACT relating to ethics in government; eliminating the authority of the Commission on Ethics to seek the removal of a public officer; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Eliminates authority of Commission on Ethics to seek removal of public officer.
(BDR 23-918)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law establishes three methods to remove a public officer from office. The public officer may be removed by impeachment, by grand jury presentment and trial by jury or by a summary proceeding. (Nev. Const., Art. 7, §§ 1-4; NRS 283.140-283.290, 283.300-283.430, 283.440) Existing law also directs the Commission on Ethics to file a report with the appropriate person responsible for commencing impeachment proceedings if it finds a willful violation of the Nevada Ethics in Government Law by a person removable from office by impeachment only. (NRS 281.551) Existing law also authorizes the Commission to commence a summary proceeding for the removal of a public officer who may be removed from office in that manner if the Commission finds a willful violation of the Nevada Ethics in Government Law by such a public officer, and requires the Commission to commence such a proceeding if it finds three or more willful violations by such a public officer. (NRS 281.551)

This bill eliminates the requirement that the Commission on Ethics file a report that would result in commencing impeachment proceedings and eliminates the authority of the Commission to commence a summary proceeding for the removal of a public officer who may be removed from office in that manner. The authority of the Commission to impose civil penalties for willful violations of the Nevada Ethics in Government Law is unaffected.