

Amendment No. CA33

First Conference Committee Amendment to Assembly Bill No. 39 Fourth Reprint (BDR 27-560)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Amend sec. 10, page 9, by deleting lines 13 through 20 and inserting:

“1. If a request for an opinion is submitted to or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his own legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the request for the opinion if:”.

Amend the bill as a whole by renumbering sec. 12 as sec. 13 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. The provisions of section 10 of this act do not apply to any present or former state officer or employee concerning to whom a request for an opinion was submitted or initiated by the Commission on Ethics pursuant to NRS 281.411 to 281.581, inclusive, before July 1, 2005.”.

MSM/EGO

Date: 6/6/2005

A.B. No. 39—Makes various changes to provisions governing purchasing by state and local governments and ethics in government.



If this amendment is adopted, the Legislative

Counsel's Digest will be changed to read as follows:

Legislative Counsel's Digest:

Existing law provides a procedure for bidders on state purchasing contracts and public works contracts to appeal or protest the awarding of the contract. (NRS 333.370, 338.142)

This bill provides a procedure for bidders on certain local governmental purchasing contracts to file a notice of protest with the governing body of the local government or its authorized representative concerning the awarding of the contract.

Under existing law, the Local Government Purchasing Act provides procedures and requirements for the purchase of supplies, materials, equipment and services by the governing body of a local government. (Chapter 332 of NRS) In relevant part, the Act provides criteria for awarding purchasing contracts and exempts certain types of purchasing contracts from the requirements of competitive bidding. (NRS 332.065, 332.115)

This bill authorizes a governing body to establish additional criteria for the awarding of a contract in the advertisement or request for bids for the contract. This bill also provides that contracts relating to systems of communication are not subject to the requirements of competitive bidding.

Existing law authorizes the Chief of the Purchasing Division of the Department of Administration, on behalf of the State of Nevada and certain local governments in Nevada, to purchase supplies, materials and equipment from a vendor who has entered into an agreement with the United States General Services Administration or another governmental agency. (NRS 333.480)

This bill provides notice in the Local Government Purchasing Act that the State of Nevada has authority to enter into purchasing contracts with local governments within and outside Nevada.

This bill also provides that if a request for an opinion from the Commission on Ethics has been submitted to or initiated by the Commission against a present or former state officer or employee, unless the state officer or employee retains his own legal counsel to defend himself or the Attorney General tenders the defense of the state officer or employee to an insurer, the Attorney General is required to defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the request for the opinion. The Attorney General's duty to defend the state officer or employee only arises if the state officer or employee submits a written request to the Attorney General and the Attorney General determines that the act or omission on which the alleged violation is based appears to be within the course and scope of public duty or employment of the state officer or employee and appears to have been performed or omitted in good faith. The Attorney General is also required to create a written record setting forth the basis for his determination of whether to defend the state officer or employee. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.