

SENATE BILL NO. 162—SENATORS HORSFORD, TITUS, CARLTON,  
CARE, WIENER, BEERS, CEGAVSKE, HARDY, HECK, LEE,  
MATHEWS, MCGINNESS, NOLAN, RHOADS, SCHNEIDER  
AND TIFFANY

MARCH 3, 2005

JOINT SPONSORS: ASSEMBLYMEN GIUNCHIGLIANI, SHERER,  
OHRENSCHALL, BUCKLEY, GERHARDT, HETTRICK,  
MARVEL, MCCLEARY, PARNELL, PERKINS, PIERCE  
AND SEALE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Prohibits public officer or employee from using  
governmental time, property, equipment or other  
facility for activities relating to political campaigns  
and preparation of certain reports. (BDR 23-912)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ***omitted material*** is material to be omitted.

AN ACT relating to ethics in government; prohibiting a public  
officer or employee from using any governmental time,  
property, equipment or other facility for any activity  
relating to a political campaign or for the preparation of  
certain disclosures or reports; and providing other matters  
properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law regulates political campaign practices and requires public officers
- 2 to prepare campaign finance reports. (Chapter 294A of NRS) Existing law requires
- 3 certain public officers and employees to prepare financial disclosure statements.
- 4 (NRS 281.559-281.581) Existing law also prohibits public officers and employees
- 5 from using government time, property or equipment for their personal interests,
- 6 except under limited circumstances. (NRS 281.481)
- 7 This bill prohibits a public officer or employee from using any government
- 8 time, property or equipment for activities related to a political campaign, the



9 preparation of a financial disclosure statement or the preparation of a campaign  
10 finance report.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** NRS 281.481 is hereby amended to read as follows:  
2     281.481 A code of ethical standards is hereby established to  
3 govern the conduct of public officers and employees:

4     1. A public officer or employee shall not seek or accept any  
5 gift, service, favor, employment, engagement, emolument or  
6 economic opportunity which would tend improperly to influence a  
7 reasonable person in his position to depart from the faithful and  
8 impartial discharge of his public duties.

9     2. A public officer or employee shall not use his position in  
10 government to secure or grant unwarranted privileges, preferences,  
11 exemptions or advantages for himself, any business entity in which  
12 he has a significant pecuniary interest, or any person to whom he  
13 has a commitment in a private capacity to the interests of that  
14 person. As used in this subsection:

15     (a) "Commitment in a private capacity to the interests of that  
16 person" has the meaning ascribed to "commitment in a private  
17 capacity to the interests of others" in subsection 8 of NRS 281.501.

18     (b) "Unwarranted" means without justification or adequate  
19 reason.

20     3. A public officer or employee shall not participate as an agent  
21 of government in the negotiation or execution of a contract between  
22 the government and any private business in which he has a  
23 significant pecuniary interest.

24     4. A public officer or employee shall not accept any salary,  
25 retainer, augmentation, expense allowance or other compensation  
26 from any private source for the performance of his duties as a public  
27 officer or employee.

28     5. If a public officer or employee acquires, through his public  
29 duties or relationships, any information which by law or practice is  
30 not at the time available to people generally, he shall not use the  
31 information to further the pecuniary interests of himself or any other  
32 person or business entity.

33     6. A public officer or employee shall not suppress any  
34 governmental report or other document because it might tend to  
35 affect unfavorably his pecuniary interests.

36     7. A public officer or employee, other than a member of the  
37 Legislature, shall not use governmental time, property, equipment or  
38 other facility to benefit his personal or financial interest. ~~This~~



1 *Except for an activity relating to a political campaign, the*  
2 *preparation of a statement of financial disclosure required*  
3 *pursuant to NRS 281.559 to 281.581, inclusive, or the preparation*  
4 *of a report required pursuant to chapter 294A of NRS, this*  
5 subsection does not prohibit:

6 (a) A limited use of governmental property, equipment or other  
7 facility for personal purposes if:

8 (1) The public officer who is responsible for and has  
9 authority to authorize the use of such property, equipment or other  
10 facility has established a policy allowing the use or the use is  
11 necessary as a result of emergency circumstances;

12 (2) The use does not interfere with the performance of his  
13 public duties;

14 (3) The cost or value related to the use is nominal; and

15 (4) The use does not create the appearance of impropriety;

16 (b) The use of mailing lists, computer data or other information  
17 lawfully obtained from a governmental agency which is available to  
18 members of the general public for nongovernmental purposes; or

19 (c) The use of telephones or other means of communication if  
20 there is not a special charge for that use.

21 ➤ If a governmental agency incurs a cost as a result of a use that is  
22 authorized pursuant to this subsection or would ordinarily charge a  
23 member of the general public for the use, the public officer or  
24 employee shall promptly reimburse the cost or pay the charge to the  
25 governmental agency.

26 8. A member of the Legislature shall not:

27 (a) Use governmental time, property, equipment or other facility  
28 for a nongovernmental purpose or for the private benefit of himself  
29 or any other person. ~~[This]~~ *Except for an activity relating to a*  
30 *political campaign, the preparation of a statement of financial*  
31 *disclosure required pursuant to NRS 281.559 to 281.581,*  
32 *inclusive, or the preparation of a report required pursuant to*  
33 *chapter 294A of NRS, this* paragraph does not prohibit:

34 (1) A limited use of state property and resources for personal  
35 purposes if:

36 (I) The use does not interfere with the performance of his  
37 public duties;

38 (II) The cost or value related to the use is nominal; and

39 (III) The use does not create the appearance of  
40 impropriety;

41 (2) The use of mailing lists, computer data or other  
42 information lawfully obtained from a governmental agency which is  
43 available to members of the general public for nongovernmental  
44 purposes; or



1 (3) The use of telephones or other means of communication  
2 if there is not a special charge for that use.

3 (b) Require or authorize a legislative employee, while on duty,  
4 to perform personal services or assist in a private activity, except:

5 (1) In unusual and infrequent situations where the  
6 employee's service is reasonably necessary to permit the Legislator  
7 or legislative employee to perform his official duties; or

8 (2) Where such service has otherwise been established as  
9 legislative policy.

10 9. A public officer or employee shall not attempt to benefit his  
11 personal or financial interest through the influence of a subordinate.

12 10. A public officer or employee shall not seek other  
13 employment or contracts through the use of his official position.

14 ***11. As used in this section, "activity relating to a political***  
15 ***campaign" means any activity designed to affect the outcome of***  
16 ***any primary, general or special election or question on the ballot.***

17 **Sec. 2.** This act becomes effective on July 1, 2005.

