

ASSEMBLY BILL NO. 79—ASSEMBLYMEN KOIVISTO, ARBERRY, OCEGUERA, CONKLIN, MCCLAIN, ANDERSON, BOBZIEN, BUCKLEY, CLABORN, DENIS, GERHARDT, HOGAN, HORNE, KIHUEN, KIRKPATRICK, LESLIE, MANENDO, MUNFORD, OHRENSCHALL, PARKS, PIERCE, SEGERBLOM AND WOMACK

FEBRUARY 8, 2007

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Prohibits a public officer or employee from using governmental time, property, equipment or other facility for activities relating to political campaigns or the preparation of certain disclosures or reports. (BDR 23-172)

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 This bill prohibits a public officer or employee from using governmental time,
- 2 property, equipment or other facilities for an activity relating to a political
- 3 campaign, the preparation of a statement of financial disclosure or the preparation
- 4 of certain campaign reports. (NRS 281.481)



* A B 7 9 R 1 *

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
39 subsection does not prohibit:

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



* A B 7 9 R 1 *

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

(2) *The use does not include any activity relating to a political campaign or the preparation of a report required pursuant to chapter 294A of NRS;*

(3) *For an elected public officer, the use does not include any activity relating to the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive;*

(4) The use does not interfere with the performance of his public duties;

~~[(3)]~~ (5) The cost or value related to the use is nominal; and

~~[(4)]~~ (6) The use does not create the appearance of impropriety;

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

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

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

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

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

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

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

(III) The use does not create the appearance of impropriety; *and*

(IV) The use does not include any activity relating to a political campaign, the preparation of a statement of financial disclosure required pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report required pursuant to chapter 294A of NRS;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is



1 available to members of the general public for nongovernmental
2 purposes; or

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

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

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

10 (2) Where such service has otherwise been established as
11 legislative policy.

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

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

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

19 **Sec. 2.** This act becomes effective on July 1, 2007.

