

Amendment No. 91

Assembly Amendment to Assembly Bill No. 79	(BDR 23-172)
Proposed by: Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

BJE/KMG



Date: 4/9/2007

A.B. No. 79—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)



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, property,
2 equipment or other facilities for an activity relating to a political campaign, the preparation of
3 a statement of financial disclosure or the preparation of certain campaign reports.
4 (NRS 281.481)

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 govern the
3 conduct of public officers and employees:
4 1. A public officer or employee shall not seek or accept any gift, service,
5 favor, employment, engagement, emolument or economic opportunity which would
6 tend improperly to influence a reasonable person in his position to depart from the
7 faithful and impartial discharge of his public duties.
8 2. A public officer or employee shall not use his position in government to
9 secure or grant unwarranted privileges, preferences, exemptions or advantages for

1 himself, any business entity in which he has a significant pecuniary interest, or any
2 person to whom he has a commitment in a private capacity to the interests of that
3 person. As used in this subsection:

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

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

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

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

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

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

20 7. A public officer or employee, other than a member of the Legislature, shall
21 not use governmental time, property, equipment or other facility to benefit his
22 personal or financial interest. ~~This {Except for an activity relating to a political~~
23 ~~campaign, the preparation of a statement of financial disclosure required~~
24 ~~pursuant to NRS 281.559 to 281.581, inclusive, or the preparation of a report~~
25 ~~required pursuant to chapter 294A of NRS, this}~~ subsection does not prohibit:

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

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

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

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

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

37 ~~[(3)]~~ (5) The cost or value related to the use is nominal; and

38 ~~[(4)]~~ (6) The use does not create the appearance of impropriety;

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

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

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

48 8. A member of the Legislature shall not:

49 (a) Use governmental time, property, equipment or other facility for a
50 nongovernmental purpose or for the private benefit of himself or any other person.

51 ~~This {Except for an activity relating to a political campaign, the preparation of a~~
52 ~~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, 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 available to members of the general public for nongovernmental purposes; or

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

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

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

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

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

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

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

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