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During business hours, the record shall be open to public inspection without fee or reward.

2. Any person mentioned in subsection 1 who refuses or neglects to comply with the requirements of this section shall:

(a) Be punished by a fine of not more than \$500; and

(b) Be liable on his official bond in damages to any person injured by such refusal or neglect to the extent of the injury sustained by reason of the refusal or neglect mentioned in this subsection.

[1:32:1869; B § 315; BH § 2662; C § 2730; RL § 1098; NCL § 1559] + [2:32:1869; B § 316; BH § 2663; C § 2731; RL § 1099; NCL § 1560]—(NRS A 1967, 548)

281.190 Unlawful withholding or destruction of records; penalties.

1. If any officer whose office is abolished by law, or who, after the expiration of the term for which he is appointed or elected, or after he has resigned, or when legally removed from office, willfully or unlawfully withholds or detains from his successor, or other person entitled thereto by law, the records, papers, documents or other writings pertaining or belonging to his office, or mutilates, destroys or takes away any such writing, the person so offending shall be punished by imprisonment in the state prison for a term of not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000.

2. The provisions of this section apply to any person who has such records, documents, papers or other writings in his possession, and willfully mutilates, withholds or detains them.

[63:108:1866; B § 2661; BH § 1698; C § 1844; RL § 2819; NCL § 4819]—(NRS A 1979, 1464)

MISCELLANEOUS PROVISIONS AND PROHIBITIONS**281.210 Officers of state, political subdivision and University of Nevada prohibited from employing relatives; exceptions; penalties.**

1. Except as provided in this section, it is unlawful for any individual acting as a school trustee, state, township, municipal or county official, or as an employing authority of the University of Nevada, any school district or of the state, any town, city or county, or for any state or local board, agency or commission, elected or appointed, to employ in any capacity on behalf of the State of Nevada, or any county, township, municipality or school district thereof, or the University of Nevada, any relative of such individual or of any member of such board, agency or commission, within the third degree of consanguinity or affinity.

2. This section does not apply:

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(a) To school districts, when the teacher or other school employee so related is not related to more than one of the trustees or person who is an employing authority by consanguinity or affinity and shall receive a unanimous vote of all members of the board of trustees and approval by the state department of education.

(b) To school districts, when the teacher or other school employee so related has been employed by an abolished school district or educational district, which constitutes a part of the employing county school district, and the county school district for 4 years or more prior to April 1, 1957.

(c) To the wife of the warden of an institution or manager of a facility of the department of prisons.

(d) To the wife of the superintendent of the Nevada girls training center.

(e) To relatives of blind officers and employees of the bureau of services to the blind of the rehabilitation division of the department of human resources when such relatives are employed as automobile drivers for such officers and employees.

3. Nothing in this section:

(a) Prevents any officer in this state, employed under a flat salary, from employing any suitable person to assist in any such employment, when the payment for any such service shall be met out of the personal funds of such officer.

(b) Disqualifies any widow with a dependent or dependents as an employee of any officer or board in this state, or any of its counties, townships, municipalities or school districts.

4. A person employed contrary to the provisions of this section shall not be compensated for such employment.

5. Any person violating any provisions of this section is guilty of a gross misdemeanor.

[1:75:1925; A 1927, 43; 1935, 172; 1951, 22] + [2:75:1925; NCL § 4852] + [3:75:1925; NCL § 4853]—(NRS A 1957, 704; 1960, 369; 1963, 1178; 1967, 549; 1969, 227; 1973, 563, 1406; 1975, 554; 1977, 870)

281.221 Contracts in which state officer has interest prohibited; exceptions; penalties.

1. Except as otherwise provided in subsection 2, it is unlawful for any state officer who is not a member of the legislature to:

(a) Become a contractor under any contract or order for supplies or other kind of contract authorized by or for the state or any of its departments, or the legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so authorized.

(b) Be interested in any contract made by him or to be a purchaser or

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interested in any purchase under a sale made by him in the discharge of his official duties.

2. Any member of any board or commission created under the provisions of Title 54 of NRS who is engaged in the profession, occupation or business regulated by such board or commission may supply or contract to supply, in the ordinary course of his business, goods, materials or services to any state or local agency except the board or commission of which he is a member.

3. Any contract made in violation of this section may be declared void at the instance of the state or of any other person interested in the contract except an officer prohibited from making or being interested in the contract.

4. Any person violating this section is guilty of a gross misdemeanor and shall forfeit his office.

(Added to NRS by 1977, 1109)

281.230 Unlawful commissions, personal profit and compensation of public officers and employees; void contracts; penalties.

1. The following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind inconsistent with loyal service to the people resulting from any contract or other transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. Any contract or transaction prohibited by this section entered into with any of the persons designated in subsection 1, with the knowledge of the party so entering into the same, is void.

3. Every person violating any of the provisions of this section shall be punished as provided in NRS 197.230 and:

(a) Where the commission, personal profit or compensation is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(b) Where the commission, personal profit or compensation is less than \$100, for a misdemeanor.

[1:107:1927; NCL § 4855] + [2:107:1927; NCL § 4856] + [3:107:1927; NCL § 4857]—(NRS A 1957, 363; 1963, 477; 1965, 410; 1967, 550; 1975, 932; 1977, 1110; 1979, 1464)

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281.240 Grant of authority to discharge duties of public office unlawful; giving consideration for grant unlawful; penalties.

1. Every person holding or exercising any office under the laws or constitution of this state, who shall, for any reward or gratuity paid, or agreed to be paid, grant to another the right or authority to discharge any of the duties of such office (except his lawful deputies), shall be punished by a fine not exceeding \$5,000, and shall be removed from office.

2. Every person who shall give, or make any agreement to give, any reward or gratuity in consideration of such grant or authority, shall be punished by a fine of not more than \$5,000.

[69:108:1866; B § 2667; BH § 1704; C § 1850; RL § 2822; NCL § 4822]—(NRS A 1967, 551)

281.250 Administration of oaths and affirmations by officers.

Every officer authorized to take testimony or to decide upon the evidence in any proceeding shall have power to administer oaths or affirmations.

[Part 1911 CPA § 541; RL § 5483; NCL § 9030]

281.260 Fees for returns prohibited; computation of mileage; penalty.

1. No officer shall be allowed to charge or receive any fee or compensation whatever for the return written upon any summons, subpoena, writ of attachment, execution, order of sale or other paper. Any officer violating the terms of this subsection shall be fined not more than \$500, and shall be removed from office.

2. Where mileage is chargeable it shall be for the actual distance traveled, and every fraction of a mile shall be computed as a mile. Where mileage is chargeable by a sheriff, it shall be computed as provided in NRS 248.400.

[38:49:1883; BH § 2379; C § 2503; RL § 2040; NCL § 2971] + [Part 39:49:1883; BH § 2380; C § 2504; RL § 2041; NCL § 2972]—(NRS A 1967, 551)

281.270 Officer to prevent duel: Penalty. If any officer bound to preserve the public peace shall have knowledge of an intention, on the part of any two persons, to fight with a deadly weapon or weapons, and such officer shall not use and exert his official authority to arrest the persons and prevent the deed, every such officer shall be fined in a sum not exceeding \$1,000.

[Part 70:108:1866; B § 2668; BH § 1705; C § 1851; RL § 2823; NCL § 4823]

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281.280 Officer refusing to receive or arrest person charged with criminal offense: Penalties. If any officer shall willfully refuse to receive or arrest any person charged with a criminal offense, such officer is guilty of a gross misdemeanor and shall be removed from office.

[Part 67:108:1866; B § 2665; BH § 1702; C § 1848; RL § 2820; NCL § 4820]—(NRS A 1967, 551)

281.290 Officer executing process may command assistance when resistance made.

1. When a public officer authorized to execute process finds or has reason to apprehend that resistance will be made to the execution of his process, he may command as many inhabitants of his county as he thinks proper, and may call upon the governor for military aid in the manner provided by law, to assist him in overcoming the resistance, and, if necessary, in seizing, arresting and confining the resisters and their aiders and abettors, to be punished according to law.

2. The officer shall certify, to the court from which the process issued, the names of the resisters and their aiders and abettors, to the end that they be proceeded against for their contempt of court.

[Part 83:108:1866; B § 2681; BH § 1718; C § 1864; RL § 2833; NCL § 4833] + [84:108:1866; B § 2682; BH § 1719; C § 1865; RL § 2834; NCL § 4834]—(NRS A 1967, 1341; 1981, 461)

281.310 Audits and allowances of accounts of state officers: Affidavits; oaths and affirmations. In all cases where officers are called upon to audit and allow the accounts of state officers, they shall take and file affidavits of the officers that they have not violated any of the provisions of law. For that purpose all officers, authorized by law to audit and allow accounts, are empowered and required to administer oaths and affirmations, which shall have the same force and validity in all actions for perjury as if administered by a judicial officer.

[Part 97:108:1866; B § 2695; BH § 1732; C § 1878; RL § 2844; NCL § 4844]

281.320 Withholding of settlement and payment of accounts of public officers. Any officer charged with the disbursement of any public moneys or any evidence of public indebtedness, when informed by affidavit of the violation of any provisions of law by any officer whose account is to be settled, audited or paid by him, shall withhold any settlement or payment of the same and cause the officer to be prosecuted.

[Part 100:108:1866; B § 2698; BH § 1735; C § 1881; RL § 2847; NCL § 4847]

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281.330 Advocating overthrow of government cause for dismissal of public employee. It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is a member of an organization which advocates overthrow of the Government of the United States or of the state by force, violence or other unlawful means.

[Part 1:20:1955]

281.340 Obtaining appointment by false letter or certificate: Penalty. Every person who shall obtain appointment to any office or place of trust by color or aid of any false or forged letter or certificate of recommendation shall be guilty of a misdemeanor.

[Part 1911 C&P § 522; RL § 6787; NCL § 10468]

281.350 Grafting by public officer or employee: Penalty. Every public officer or public employee who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that he shall act in any particular manner in connection with his official duties or the public service; or who, being authorized to purchase or contract for materials, supplies or other articles or to employ servants or labor for the state or any county or municipality, or for the public service, shall ask or receive, directly or indirectly, for himself or another, a commission, percentage, discount, bonus or promise thereof from any person with whom he may deal in relation to such matters, shall be guilty of a gross misdemeanor.

[Part 1911 C&P § 521; RL § 6786; NCL § 10467]—(NRS A 1963, 17)

281.360 Failure by public officer or employee to perform duty: Penalty. Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their willful neglect to perform such duty, except where otherwise specifically provided for, shall be a misdemeanor.

[1911 C&P § 24; RL § 6289; NCL § 9973]

281.370 Actions concerning personnel to be based on merit and fitness; discrimination prohibited.

1. All personnel actions taken by state, county or municipal departments, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because

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of his race, creed, color, national origin, sex, age, political affiliation or physical, aural or visual handicap, except when based upon a bona fide occupational qualification or as provided in NRS 284.3781.

(Added to NRS by 1959, 137; A 1973, 980; 1985, 1561)

281.375 Application for employment: Volunteer work must be considered. Every application form for employment with the State of Nevada, any of its political subdivisions or any agency of the state must indicate that volunteer work relevant to the position applied for is considered in the evaluation of the applicant's qualifications for employment and must provide space for the applicant to list any volunteer work he considers appropriate.

(Added to NRS by 1981, 350)

281.380 Public officers and employees required to accept reproductions of business records for examination and other purposes. If any business, institution or member of a profession or calling has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event and has caused any or all of such records to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, such reproduction shall be accepted by all public officers and employees for examination, filing, copying or any other purpose as if it were the original, whether or not the original is then in existence.

(Added to NRS by 1963, 523)

281.390 Sick leave of public employees: Election of benefits; amount limited when eligible for benefits for industrial or occupational disease.

1. When any public employee is eligible at the same time for benefits for temporary total disability under chapter 616 or 617 of NRS and for any sick leave benefit, he may, by giving notice to his employer, elect to continue to receive his normal salary instead of the benefits under chapter 616 or 617 of NRS until his accrued sick leave time is exhausted. The employer shall notify the state industrial insurance system of the election. The employer shall continue to pay the employee his normal salary but charge against the employee's accrued sick leave time as taken during the pay period an amount which represents the difference between his normal salary and the amount of any benefit for temporary total disability received, exclusive of reimbursement or payment of medical or hospital expenses under chapter 616 or 617 of NRS for that pay period.

2. When the employee's accrued sick leave time is exhausted, payment of his normal salary under subsection 1 must be discontinued and

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the employer shall promptly notify the state industrial insurance system so that it may begin paying the benefits to which the employee is entitled directly to the employee.

3. An employee who declines to make the election provided in subsection 1, may use all or part of the sick leave benefit normally payable to him while directly receiving benefits for temporary total disability under chapter 616 or 617 of NRS, but the amount of sick leave benefit paid to the employee for any pay period must not exceed the difference between his normal salary and the amount of any benefit received, exclusive of reimbursement or payment of medical or hospital expenses under chapter 616 or 617 of NRS for that pay period.

4. If the amount of the employee's sick leave benefit is reduced pursuant to subsection 3 below the amount normally payable, the amount of sick leave time charged against the employee as taken during that pay period must be reduced in the same proportion.

5. The public employee may decline to use any or part of the sick leave benefit normally payable to him while receiving benefits under chapter 616 or 617 of NRS. During that period of time the employee shall be considered on leave of absence without pay.

(Added to NRS by 1969, 439; A 1975, 205; 1981, 497, 1538)

281.400 Coercion respecting membership in organizations of aged, blind or disabled prohibited. No officer or employee of the state or any county, city or district who is concerned with the administration of any program for the aged, blind or disabled shall, in his official capacity, attempt to coerce or coerce any aged, blind or disabled person to join or refrain from joining any organization of the aged, blind or disabled.

(Added to NRS by 1971, 174)

ETHICS IN GOVERNMENT**GENERAL PROVISIONS**

281.411 Short title. NRS 281.411 to 281.581, inclusive, may be cited as the Nevada Ethics in Government Law.

(Added to NRS by 1977, 1103)

281.421 Legislative declaration and findings.

1. It is hereby declared to be the public policy of this state that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer or employee must commit himself to avoid conflicts between his private interests and those of the general public whom he serves.

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2. The legislature finds that:

(a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.

(b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.

(Added to NRS by 1977, 1103)

281.431 Definitions. As used in NRS 281.411 to 281.581, inclusive, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4365, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1977, 1103; A 1985, 1216, 2122)

281.432 "Business entity" defined. "Business entity" means any proprietorship, partnership, corporation or other enterprise doing business in the State of Nevada.

(Added to NRS by 1985, 2120)

281.4325 "Commission" defined. "Commission" means the commission on ethics.

(Added to NRS by 1985, 2120)

281.433 "Decision" defined. The making of a "decision" is the exercise of governmental power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy or determine questions involving substantial discretion. The term does not include the functions of the judiciary.

(Added to NRS by 1985, 2121)

281.4335 "Financial interest" defined. "Financial interest" means:

1. Ownership of 10 percent or more of the capital stock or assets of any business entity, directly or through a member of the interested person's household.

2. Income amounting to 10 percent or more of the gross income of the interested person.

(Added to NRS by 1985, 2121)

281.434 "Household" defined. "Household" means an association of persons who live in the same home or dwelling, sharing its expenses, and who are related by blood, adoption or marriage.

(Added to NRS by 1985, 2121)

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281.4345 "Legislative function" defined. "Legislative function" means introducing or voting upon any ordinance or resolution, or voting upon:

1. The appropriation of public money;
2. The issuance of a license or permit; or
3. Any proposed subdivision of land or special exception or variance from zoning regulations.

(Added to NRS by 1985, 2121)

281.435 "Member of the executive branch" defined. "Member of the executive branch" means any public officer who is not a member of the legislative branch.

(Added to NRS by 1985, 2121)

281.4355 "Member of the legislative branch" defined. "Member of the legislative branch" means any member of the legislature or any member of a board of county commissioners or governing body of a city or other political subdivision who performs a legislative function.

(Added to NRS by 1985, 2121)

281.436 "Public employee" defined. "Public employee" means any person who performs public duties under the direction and control of a public officer for compensation paid by the state, a county or an incorporated city.

(Added to NRS by 1985, 2121)

281.4365 "Public officer" defined. "Public officer" means a person elected or appointed to a position which is established by the constitution of the State of Nevada, a statute of this state or an ordinance of any of its counties or incorporated cities and which involves the exercise of a public power, trust or duty, except:

1. Any justice, judge or other officer of the court system;
2. A commissioner of deeds; and
3. Any member of a board, commission or other body whose function is advisory.

(Added to NRS by 1985, 2121)

COMMISSION ON ETHICS

281.455 Creation; appointment, terms and qualifications of members; vacancies.

1. The commission on ethics, consisting of six members, is hereby created.
2. The legislative commission shall appoint to the commission:

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- (a) One former legislator;
- (b) One former public officer of a county; and
- (c) One former public officer of a city.

3. The governor shall appoint to the commission three residents of the state, one of whom must be, if available and willing to serve, a retired justice or judge of this state who was not removed or retired from that office for cause.

4. Not more than three members of the commission may be members of the same political party. Not more than three members may be residents of the same county. None of the members may hold another public office while he is serving on the commission.

5. After the initial terms, the members shall serve terms of 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.

(Added to NRS by 1985, 2121)

281.461 Chairman; meetings; compensation; assistance for clerical functions; employees and facilities.

1. The commission shall:

(a) At its first meeting and annually thereafter elect a chairman from among its members.

(b) Meet regularly at least once in each calendar quarter and at other times upon the call of the chairman.

2. Members of the commission are entitled to receive a salary of \$60 per day while engaged in the business of the commission.

3. The secretary of state shall designate a member of his staff to assist the commission in performing the clerical functions related to the review of statements of financial disclosure pursuant to NRS 281.561, including the keeping of all necessary records related thereto.

4. The commission may, within the limits of legislative appropriation:

(a) Employ such persons as are necessary to carry out any of its duties relating to the administration of its affairs, other than those relating to the review of statements of financial disclosure; and

(b) Maintain such facilities as are required to carry out its functions.

(Added to NRS by 1977, 1105; A 1981, 1979; 1983, 1440; 1985, 391, 2123)

281.471 Duties of commission. The commission shall:

1. Adopt procedural regulations to facilitate the receipt of inquiries and prompt rendition of its opinions.

2. Prescribe, by regulation, forms and procedures for the submission of statements of financial disclosure, maintain files of the statements and make the statements available for public inspection.

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3. Inform the attorney general or district attorney of all cases of noncompliance with the requirements for disclosure.

4. Recommend to the legislature such further legislation as the commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

(Added to NRS by 1977, 1105; A 1985, 2124)

CODE OF ETHICAL STANDARDS

281.481 General requirements. A code of ethical standards is hereby established as a guide for the conduct of public officers and employees:

1. No public officer or employee may seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. No public officer or employee may use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any member of his household, any business entity in which he has a financial interest, or any other person.

3. No public officer or employee may approve, disapprove, vote, abstain from voting, or otherwise act upon any matter in which he has a financial interest without disclosing the full nature and extent of his interest. Such a disclosure shall be made before the time when he is to perform his duty or concurrently with that performance. If the officer or employee is a member of a body which makes decisions, he shall make disclosure to the chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make disclosure to the supervisory head of his organization or if he holds an elective office, to the general public in the area from which he is elected.

4. No public officer or employee may participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a financial interest. Unless specifically prohibited by law, a public officer or employee, as such, is not precluded from making a bid on a government contract if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.

5. No public officer or employee may accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

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6. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he may not use the information to further the economic interests of himself or any other person or business entity.

7. No public officer or employee may suppress any governmental report or other document because it might tend to affect unfavorably his private financial interests.

(Added to NRS by 1977, 1105)

281.491 Additional standards: Representation and counseling of private person before public agency. In addition to the general requirements of the code of ethical standards:

1. No member of the executive branch or public employee of the executive branch may accept compensation from any private person to represent or counsel him on any issue pending before the agency in which that officer or employee serves, if the agency makes decisions. No such officer or employee who leaves the service of the agency may represent or counsel a private person upon any issue which was under consideration by the agency during his service.

2. A member of the legislative branch, or a member of the executive branch or public employee whose public service requires less than half of his time, may represent or counsel a private person before an agency in which he does not serve.

(Added to NRS by 1977, 1106)

281.501 Additional standards: Voting; effect of abstention from voting on quorum.

1. In addition to the general requirements of the code of ethical standards, a member of the legislative branch should not vote upon but may otherwise participate in the consideration of a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

- (a) His acceptance of a gift or loan;
- (b) His private financial interest; or
- (c) His commitment in a private capacity to the interests of others.

2. A member of the legislative branch may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a business profession, occupation or group, is not greater than that accruing to any other member of the business, profession, occupation or group.

3. If a member of the legislative branch declares to the legislative body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the

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matter, as fixed by any statute, ordinance or rule of a board of county commissioners or governing body of a city, is reduced as though the member abstaining were not a member of the body or committee.

(Added to NRS by 1977, 1106)

281.511 Commission to render advisory opinions and publish abstracts; confidentiality; notice and hearing.

1. The commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances upon request from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of his own future conduct as an officer or employee.

2. The commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee; or

(b) Upon the commission's own motion regarding the propriety of conduct by a public officer or employee, if the commission first determines in an adopted motion that there is just and sufficient cause to render an opinion concerning the conduct of that public officer or employee,

on the condition that any public officer or employee about whom an opinion is requested or authorized must be notified immediately by certified mail that an opinion has been requested or authorized and that he has a right to appear before the commission and present evidence and argument.

3. The commission shall render the opinion requested pursuant to this section as expeditiously as possible in light of the circumstances of the public officer or employee about whom the opinion is requested, so as to minimize any adverse consequences to him that may result from any delay in issuing the opinion.

4. Each opinion rendered by the commission and any motion relating to the opinion is confidential unless:

(a) The public officer or employee acts in contravention of the opinion, in which case the commission may disclose the contents of the opinion and any motion related thereto;

(b) It is an opinion requested pursuant to subsection 1 and the requester discloses the content of the opinion;

(c) It is an opinion requested or issued pursuant to paragraph (b) of subsection 2 and the person about whom the opinion was requested discloses the content of the opinion, the request or any motion or action related thereto; or

(d) It is an opinion requested pursuant to subsection 2, the commission determines that there is insufficient basis to render an opinion and the person about whom the opinion was requested has asked the commission to make public the reasons for not rendering the opinion.

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5. If an opinion is requested pursuant to paragraph (b) of subsection 2 and a motion that there is just and sufficient cause to render an opinion has been adopted by the commission, the commission shall:

- (a) Notify the person about whom the opinion was requested of the place and time of the commission's hearing on the matter;
- (b) Allow him to be represented by counsel; and
- (c) Allow him to hear the evidence presented to the commission and to respond and present evidence on his own behalf.

The commission's hearing may be held no sooner than 2 weeks after the notice is given.

6. If any person requesting an opinion pursuant to subsection 1 or 2 does not:

- (a) Submit all necessary information to the commission; and
 - (b) Declare by oath or affirmation that he will testify truthfully,
- the commission may decline to render an opinion.

7. For the purposes of NRS 41.032, the members of the commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking any action related to the rendering of an opinion pursuant to this section.

8. The commission shall publish hypothetical opinions which are abstracted from the opinions rendered under subsection 1 or 2, for the future guidance of all persons concerned with ethical standards in government.

9. Any meeting held by the commission to receive information concerning the propriety of the conduct of any public officer or employee is not subject to any provision of chapter 241 of NRS.

(Added to NRS by 1977, 1107; A 1985, 2124)

281.521 Questions which advisory opinions may address. The commission's opinions may include guidance to a public officer or employee on questions whether:

1. A conflict exists between his personal interest and his official duty.
2. His official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.
3. The conflict would materially affect the independence of the judgment of a reasonable person in his situation.
4. He possesses special knowledge which is an indispensable asset of his public agency and is needed by it to reach a sound decision.
5. It would be appropriate for him to withdraw or abstain from participation, disclose the nature of his conflicting personal interest or pursue some other designated course of action in the matter.

(Added to NRS by 1977, 1107; A 1985, 2126)

GENERAL PROVISIONS

281.551

281.525 Use of false or misleading statement regarding advisory opinion of commission; penalty.

1. It is unlawful for any person to make, use, publish or disseminate any statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce the commission to render an opinion or to take any action related to the rendering of an opinion.

2. Any person who knowingly violates the provisions of subsection 1 is guilty of a misdemeanor.

3. The commission shall inform the attorney general or the district attorney of any case involving a violation of subsection 1.

(Added to NRS by 1985, 2122)

281.531 Duties of attorney general. The attorney general is the legal adviser to the commission. For each opinion he shall prepare at the direction of the commission the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct.

(Added to NRS by 1977, 1107; A 1985, 2126)

281.541 Specialized or local ethics committee: Establishment; functions; restrictions.

1. Any department, board, commission or other agency of the state or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the commission. Such a committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the commission. Any public officer or employee under such a committee shall direct his inquiry to that committee instead of the commission.

2. Such a committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

(Added to NRS by 1977, 1107; A 1985, 2126)

281.551 Effect of code of ethical standards upon criminal law. NRS 281.481 to 281.541, inclusive, are intended to be preventive rather than punitive. These sections do not abrogate or decrease the effect of any of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees.

(Added to NRS by 1977, 1108)

281.561**GENERAL PROVISIONS****DISCLOSURE**

281.561 Financial disclosure statement: Filing with secretary of state. Every candidate for public office and every public officer shall file with the secretary of state, for review by the commission, a statement of financial disclosure, as follows:

1. A candidate for nomination or election shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

2. A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 6 months after his appointment.

3. A public officer who holds an elective office shall file a statement of financial disclosure within 6 months before the expiration of his term.

4. A public officer who holds an appointive office shall file statements of financial disclosure:

(a) Within 6 months after his appointment; and

(b) Within 6 months before the expiration of his term, or if he serves at the pleasure of the appointing authority, within 6 months before the expiration of the term of the appointing authority, or if the appointing authority has no fixed term, within such period as the commission prescribes.

(Added to NRS by 1977, 1108; A 1985, 2126)

281.571 Financial disclosure statement: Contents; distribution of forms. Statements of financial disclosure must be made in such form as the commission prescribes and must contain the following information concerning the candidate or public officer:

1. His length of residence in the State of Nevada and the district in which he is registered to vote.

2. Each source of his income, or that of any member of his household, which constitutes 10 percent or more of the person's gross income for the preceding taxable year. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

3. A list of the general location and normal use of any real estate, other than a personal residence:

(a) In which he or a member of his household has a legal or beneficial interest;

(b) Whose fair market value is \$2,500 or more; and

(c) Which is located in this state or any adjacent state.

4. The name of each creditor to whom he or a member of his household owes \$5,000 or more, except for:

GENERAL PROVISIONS**281.581**

(a) A debt secured by a mortgage or deed of trust of real property which is not required to be listed under subsection 3; and

(b) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

The commission shall distribute or cause to be distributed any forms required for such a statement to each candidate and public officer who is required to file one.

(Added to NRS by 1977, 1108; A 1985, 2127)

281.575 Financial disclosure statement: Candidates to receive form; instructions for completion. The secretary of state and each county or city clerk who receives a declaration of candidacy, acceptance of candidacy or affidavit of candidacy shall give to the candidate the form prescribed by the commission for the making of a statement of financial disclosure, accompanied by instructions on how to complete the form, where it must be filed and the time by which it must be filed.

(Added to NRS by 1985, 2122)

281.581 Penalty for failure to disclose. A willful failure to file a statement of financial disclosure as required by the provisions of NRS 281.561 and 281.571 or regulations adopted thereunder is a misdemeanor.

(Added to NRS by 1977, 1109; A 1985, 2128)

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