

CONFLICTS OF INTEREST

Bulletin No. 107



**LEGISLATIVE COMMISSION
LEGISLATIVE COUNSEL BUREAU**

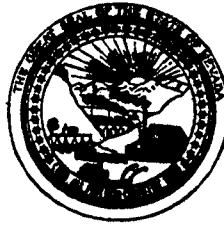
STATE OF NEVADA

December 1972

Carson City, Nevada

FINAL REPORT OF THE SUBCOMMITTEE
FOR STUDY OF
CONFLICTS OF INTEREST

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Table of Contents

	<u>Page</u>
I. Assembly Concurrent Resolution No. 39 - 56th Session of the Nevada Legislature (1971)	i
II. Report of the Legislative Commission	ii
III. Acknowledgments	iii
IV. Summary of Recommendations	v
V. Report of the Legislative Commission's Subcommittee for Study of Conflicts of Interest	1
VI. Laws Relating to Ethical Conduct, Public Officers and Employees--Exhibit A	
Suggested Legislation--Exhibit B	
Chairman M. Kent Hafen's Letter to Assemblyman Lawrence E. Jacobsen--Exhibit C	

* * * * *

LEGISLATIVE COMMISSION

B. Mahlon Brown
Carl F. Dodge
James I. Gibson
Warren L. Monroe
Archie Pozzi, Jr.
C. Clifton Young

Keith Ashworth
Joseph E. Dini, Jr.
Virgil M. Getto
Zelvin D. Lowman
Donald R. Mello
Roy L. Torvinen

Assembly Concurrent Resolution No. 39—Messrs. Lowman, Smith, Frank
Young, Wilson, Ronzone, Hafen and Swallow

FILE NUMBER.. 99

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the problem of conflicts of interest at all levels of government and to make a report of the results of the study and recommendations for proposed legislation to the next regular session of the legislature.

WHEREAS, There is a crisis of confidence in government and in the established institutions of our land; and

WHEREAS, The survival of this democracy rests not upon force but upon consensus which results when the people have continued faith and confidence in the integrity and judgment of their public officers and employees at all levels of government; and

WHEREAS, Public officers and employees are the servants and agents of the people who are bound by the constitution of this great state to enact, execute and interpret the laws for the protection, security and benefit of the people; and

WHEREAS, The faith and confidence of the people in their government and institutions is jeopardized whenever public officers and employees are involved in conflicts between their private interests and those of the general public whom they serve; and

WHEREAS, Public officers and employees in the State of Nevada are presently without adequate guidelines for separating their roles as private citizens from their roles as public servants, and the laws regarding conflict of interest are an uncoordinated patchwork; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is directed to make a study of the important problem of conflicts of interest in all levels of government, including the legislature of the State of Nevada, and to report the results of such study and any recommendations for proposed legislation to the 57th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 57th SESSION OF THE NEVADA LEGISLATURE:

In order to comply with Assembly Concurrent Resolution No. 39 of the 56th session of the Nevada legislature, the legislative commission appointed a subcommittee to study the important problem of conflicts of interest in all levels of government including the legislature of the State of Nevada. The members of the subcommittee were:

Assemblyman M. Kent Hafen, Chairman
Pahrump, Nevada

Senator Lee E. Walker, Vice Chairman
Las Vegas, Nevada

Assemblyman Nick Lauri
Reno, Nevada

Senator C. Clifton Young
Reno, Nevada

After extensive investigation and deliberation, the subcommittee submitted its report with suggested legislation to the legislative commission, which accepted the report. The report is transmitted to you for your possible action. The legislative commission expresses its thanks to the subcommittee members and their advisors for their contributions of time and knowledge.

Respectfully submitted,

Legislative Commission
State of Nevada

December 21, 1972

ACKNOWLEDGMENTS

The legislative commission's subcommittee for the study of conflicts of interest in government would like to express its appreciation to the following individuals and the organizations they represent for their assistance to the subcommittee in the capacity of advisors in the preparation of this report:

Northern Nevada Advisory Committee:

Richard L. Morgan
Nevada State Education Association
Carson City, Nevada

Merle Snider
AFL-CIO
Reno, Nevada

Joe Midmore
Builders Association of Northern Nevada
Reno, Nevada

Robert Bowers
Nevada Association of Realtors
Reno, Nevada

John Hawkins
Nevada School Superintendents Association
Carson City, Nevada

Roy Bankofier
Nevada Municipal Association
Reno, Nevada

John Meder
Nevada Association of County Commissioners
Carson City, Nevada

Southern Nevada Advisory Committee:

Prince L. Smith
AFL-CIO
Las Vegas, Nevada

Colonel Jack Libby
Southern Nevada Home Builders, Inc.
Las Vegas, Nevada

Vincent Sanacore
Nevada State Education Association
Las Vegas, Nevada

John Orr
Nevada School Superintendents Association
Las Vegas, Nevada

Ed Jory
Nevada Association of Realtors
Las Vegas, Nevada

C. R. "Bud" Cleland
Nevada Municipal Association
North Las Vegas, Nevada

Chester Oxborrow
Nevada Association of County Commissioners
Caliente, Nevada

In addition, the subcommittee would like to acknowledge the contributions of Robert Weld (Las Vegas), who represented Colonel Jack Libby at the subcommittee's meeting on April 11, 1972; Evelyn Hilsabeck of the Nevada State Medical Association; Oma L. Rose of the Nevada League of Women Voters; and Robert Gagnier of the State of Nevada Employees' Association, Inc.; as well as the valuable comment of numerous citizens and public officials appearing before the subcommittee in a private capacity.

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee for study of conflict of interest in government submits the following [findings and] recommendations for the consideration of the 57th Session of the Nevada Legislature:

1. Promulgation of a Code of Ethical Conduct. The subcommittee recommends the adoption of a Code of Ethical Conduct to lend statutory dignity to certain ethical principles as they apply to public officials and employees. The code will provide and define guidelines useful in separating the public and private interests of persons encompassed by its provisions.

2. Creation of a State Ethics Commission. The subcommittee recommends the creation of a five-member State Ethics Commission, composed of disinterested representatives of the general public, to interpret the Code of Ethical Conduct as it applies to specific situations. Appointing authorities are to be drawn from state, county and municipal offices and organizations. Opinions of the State Ethics Commission are to be rendered upon request of a public official or employee directly involved in the application of the code to his conduct or proposed conduct. Such opinions are to remain confidential unless released by the requester, although portions may be abstracted for use in hypothetical opinions for the future guidance of other public officers or employees. Advisory opinions may also be rendered upon the request of a local or agency ethics committee.

3. Creation of Local or Specialized Ethics Committees. In order to lighten the administrative responsibilities of the State Ethics Commission, recognize the diversity and uniqueness of ethics problems within various jurisdiction, and maintain traditional prerogatives of Nevada's political subdivisions, the subcommittee recommends enactment of permissive legislation to enable state and local agencies, departments, boards and commissions to create their own ethics committees. Such committees would serve the advisory needs of the public officials and employees within their jurisdiction and function in the same manner as the State Ethics Commission. Ethics committees would handle all requests at their level, although they could refer a request to the State Ethics Commission if circumstances warranted such action.

4. Promulgating Supplemental Codes of Ethical Conduct.
Local or specialized ethics committees should, in the opinion of the subcommittee, be empowered to promulgate codes of ethical conduct at least as stringent as the state code, but tailored to the particular requirements of the agency or department to be served.

CONFLICTS OF INTEREST

The Council of State Governments recently surveyed the various states regarding its conflict of interest legislation. In its findings, the council pointed out that,

The subject of ethics and personal conduct of public officials is a broad, controversial area apparently subject to as many views as there are theories of moral, political and personal conduct. There has been considerable activity in this area in the past two decades as well as during the just completed biennium and in sessions this year. Interest, as judged by inquiries, is as extensive as the disagreement on actual specific content.¹

The Nevada Legislative Commission's Subcommittee for Study of Conflicts of Interest in Government also examined existing statutory provisions relating to governmental ethics in all 49 other states. Several meetings and public hearings were held in Reno, Las Vegas and Carson City, producing voluminous testimony. Exhaustive review of the alternative approaches to the problem of conflicts of interest preceded the final adoption of the subcommittee's recommendations, which are discussed below.

Separating the Public From the Private

One of the reasons for the wide disparity in approaches to the problem of conflicts of interest in various states is that the enactment of ethics legislation frequently places additional burdens upon the public officeholder which he does not share in common with his fellow citizens. In Nevada, as in many other states, most elected officials serve on a part-time basis. Legislators, county supervisors, mayors and councilmen, all receive relatively low salaries. Their primary livelihood is usually derived from income sources outside of the government. Hence, the potential for a conflict of interest between their official duties and their private interests is sui generis--an occupational hazard for the ethical, an opportunity for graft for the less scrupulous.

The potential for private gain in public life does not customarily result in the enrichment of individual officeholders.

More often, the reverse is true, i.e., men in public service frequently subsidize the government by using their private incomes to sustain them while performing their roles within the government. Remuneration is too low to normally justify the assumption that a public official is being compensated at a level commensurate with his expenditures of time and effort.

Legislation should not be so ill-considered that it would unduly hamper a part-time public official in the private pursuit of legitimate economic gain, nor should it force additional sacrifices of privacy upon officials who have already relinquished all but a few vestiges of solitude to the demands of political leadership. As long as the concepts of the citizen-legislator and the part-time public official survive, individual officeholders must be permitted to earn their living outside of the governmental framework.

Circumstances may, indeed, require the forfeiture of economic opportunities or a contraction of the recognized realm of privacy for public officials; but if circumstances do not warrant such restriction as an essential concomitant of a legislative remedy to a serious abuse, the result may be a diminution in the willingness of citizens to accept the responsibilities of office. The costs and benefits of restrictive legislation must be carefully measured to avoid hardship, for government requires the ability to recruit competent and qualified personnel to its ranks.

In attempting to maximize the benefits of conflict of interest legislation without simultaneously increasing the individual and public costs, difficulties arise in the delineation of the proper separation between the public and private functions of a government official. In theory distinct, the roles in practice are less simply severed. For example, is a farmer-legislator involved in a conflict of interest when he sits upon the agricultural committee of his house or when he votes in favor of the passage of legislation beneficial to the agricultural community as a whole?

Many proponents of conflict of interest legislation would argue that a legislator in such a position should not serve on a committee concerned with his occupational interests and that he should abstain from voting on measures which might affect his private income.

Others, however, assert that a farmer-legislator (or any government official similarly situated) should act on matters which

might benefit the occupational class of which he is a member. Where one's interest is general and indirect, absenteeism, in this view, would deprive one's fellow decisionmakers of the counsel and expertise necessary to render a sound judgment. Who but a farmer, they aver, knows better the problems of the farmer and the types of governmental actions required to maintain the agricultural community in a healthy economic and social condition?

Legislators are expected to represent their constituents. Indeed, recent court decisions in reapportionment suits have turned upon the concept that "communities of interest" should be protected, rather than submerged unnecessarily in a large, polycentric district. To prevent part-time legislators or other public officials from having any role in matters within their occupational competence would frequently deny economic segments of the population a form of representation traditionally available to them.

Ideally, the public servant should approach his decisionmaking responsibilities dispassionately, without considering the personal economic ramifications of his actions. For the individual officeholder, however, separating the public from the private realms of his life may not always be an easy practice to follow. Gross forms of corruption are readily discernible. Few public officials would have difficulty recognizing the immorality of bribery or nepotism. Yet these obvious forms of conflicts of interest are the least common types encountered in the daily arena of governmental activities. Usually, the ethical questions which arise are less clear-cut. They are entertained in the vast gray penumbra between outright brigandage and virtuous conduct. In the shadows of ill-defined rectitude, even the most conscientious man may stumble. Reason may be clouded by bias, so that the judicious path is obscured.

For example, should a government official participate in the negotiation of contracts with a business in which he owns a controlling interest? Normally, this involvement would be a clear case of a conflict of interest; yet the situation becomes less clear when that official holds only a handful of stocks in a large corporation, or when his brother-in-law owns shares in a subsidiary company, or when the official's participation only extends to the acceptance of competitive bids under non-discretionary mandate. The situation can become further obfuscated when the official is the sole source of supply for a necessary commodity, or when the commodity desired can be obtained more cheaply through contract with his firm than through

contract with a competing firm which might use his company's disqualification as a signal to artificially raise the cost of contract services. Another variation on this theme is the public official who supervises an employee who must negotiate a contract with his superior's firm. Without guidelines, how does the ethical official determine the proper action in each individual circumstance?

To merely suggest that certain actions are "legal" does not necessarily imply that they are "ethical." Conflicts of interest legislation should reach beyond the limited concept of criminality of conduct and strive to provide principles capable of aiding public officials in the exercise of their moral judgment. A code of ethical conduct is required to illuminate the gray areas separating the public from the private interests of public officers and employees.

Promoting Integrity in Government

Nevada already has a wealth of statutes directed against the more odious manifestations of conflicts of interest in government. For example, any legislator asking or receiving a bribe may be punished by imprisonment for up to 10 years and/or a fine of up to \$5,000 (NRS 218.600). A county official interested in any contract made by him is liable to forfeiture of office and the normal penalties attaching to a gross misdemeanor (NRS 245.080). Bank examiners making unauthorized disclosures of confidential information are deemed guilty of misdemeanors (NRS 668.085). Similar examples may be cited throughout the Nevada Revised Statutes, State Administrative Manual, Standing Rules of the Nevada Legislature and other documents. Major relevant ethics laws, rules and regulations for state and local officials and employees have been compiled by the Legal Division of the Legislative Counsel Bureau and are attached to this report as Exhibit A. The volume of this material is convincing testimony of the sufficiency of Nevada's criminal statutes dealing with conflicts of interest. The need for strengthening the existing criminal statutes governing conflicts of interest is not great, although more vigorous enforcement of current sanctions may be desirable in certain circumstances.

There is, however, a grave need for clarifying the status of noncriminal, albeit unethical, actions by public officials and employees which constitute a less menacing, but perhaps more pervasive, form of conflict of interest. It is in response to this need that the Legislative Commission's Subcommittee for Study of Conflicts of Interest in Government recommends the

enactment of a Code of Ethical Conduct encompassing all state and local officials and employees involved in direct formulation or implementation of public policy. The code is embodied in Section 5 of the draft legislation appended to this report as Exhibit B. Hopefully, the Code of Ethical Conduct will promote integrity in Nevada's governmental system by establishing standards against which the doubtful official or employee may measure his contemplated action. Some of the standards reiterate existing criminal statutes, but do not abrogate them; others posit new principles to govern situations in which criminal sanctions would be inappropriate but for which some guidelines are necessary.

On the theory that prevention is more desirable than punishment of unethical conduct, the subcommittee has featured the code in its proposed legislation. Consideration of the contents of the code should avert unintentional wrongdoing before the harm occurs, without reducing the available sanctions applicable in cases of deliberate violation of existent conflict of interest statutes. A codification of principles of ethical conduct should also serve to minimize the ethical uncertainties of public life.

Eliminating Bias from Ethical Decisions

Recognizing that a detached perspective is sometimes necessary to objectively assess the proper course of action in a given situation, the Subcommittee for Study of Conflicts of Interest in Government recommends the creation of a bipartisan State Ethics Commission to be composed of five members from throughout the state who are not involved with the state or its subdivisions as officers, employees or contractors. All members are to be appointed from the public at large, but each member is to be appointed by a different appointing authority, so that the commission cannot be unduly influenced by a single source. One member each is to be appointed by the Governor, Attorney General, State Employees' Association, Association of County Commissioners and the Nevada Municipal Association, thereby giving some indirect representation to the most prominent elements of the governmental system affected by the code.

The State Ethics Commission is to serve chiefly as an advisory forum, applying the Code of Ethical Conduct to specific situations upon the request of a public official or employee who does not have access to an intermediary ethics committee, or upon the request of an ethics committee serving a particular agency or jurisdiction.

To encourage public officials and employees to seek the advice and counsel of the State Ethics Commission, opinions of the commission are to remain confidential unless released by the requester. Nonetheless, the commission may issue hypothetical opinions abstracted from its advisory decisions for the general guidance of all public servants.

Where experience indicates a need for additional ethics legislation, the commission may recommend statutory change.

Acknowledging Diverse Local Requirements

According to the U.S. Department of Commerce census of public employment in 1971, Nevada has a total full-time equivalent of 27,846 employees working for the state and local governments. Of this number, 7,389 persons are in state employment, with the remaining 20,457 people working for political subdivisions of the state.

While no one can predict the volume of advisory opinions the suggested State Ethics Commission may be expected to render, the mere size of Nevada's public work force indicates a potentially heavy burden upon the ethics commissioners.

Rather than suggesting the creation of a vast administrative machinery to handle the maximum potential, the subcommittee attempted to encourage the erection of subsidiary ethics committees to serve the immediate advisory needs of public officials and employees working for various state agencies and local units of government. This approach is reflected in the permissive authorization for such committees contained in the suggested draft legislation appended as Exhibit B.

In the view of the subcommittee, specialized and local ethics committees could help alleviate the potential workload of the State Ethics Commission without sacrificing the value of an advisory forum. Local and specialized ethics committees would be more readily available, more familiar with the generic problems unique to a particular agency or level of government, and sufficiently detached to be able to objectively review the circumstances of a case submitted for their evaluation.

Under the draft legislation, agencies and local units of government would not be required to establish their own ethics committees, but could do so if they wished. Local autonomy and diversity would be recognized, without forcing any governmental entity to accept the envisioned advisory responsibility

if limitations of circumstance or resources did not indicate a need for the assumption of this obligation. Coverage of all public officers and employees, however, would be preserved, inasmuch as the State Ethics Commission would continue to serve persons who would not have access to a specialized or local ethics committee.

Wherever an ethics committee is established, public officers and employees would be required to approach such a committee for an advisory opinion, instead of seeking the counsel of the State Ethics Commission. Noting, however, that situations may sometimes occur in which the impartiality or expertise of the ethics committee would be inadequate to the responsibility, the subcommittee has recommended authority for such a committee to refer advisory requests to the State Ethics Commission.

A state Code of Ethical Conduct for public officials must, of necessity, address itself to the problem of conflicts of interest in general terms. Yet each governmental unit has unique functional and structural peculiarities which provide the opportunity for novel expressions of unethical behavior. Frequently, general ethical principles are inappropriate or inadequate as guidelines for regulating such behavior. To remedy this apparent gap in the proposed ethics legislation, the subcommittee has recommended the adoption of permissive legislation to authorize local and specialized ethics committees to adopt specific codes of ethical conduct to govern public officials and employees within their jurisdiction. Under the proposed statute, such specific codes must be at least as strict as the state code.

The proposed draft legislation exempts the judicial branch of government from any of its provisions. Coverage was not extended to the judiciary and its employees because adequate machinery already exists for the enforcement of ethical conduct among judges and employees of Nevada's court structure. The Nevada Supreme Court Rules permit disciplinary proceedings against members of the bar and other methods of maintaining the integrity and dignity of the judicial system.

At the time of the subcommittee's deliberation, a proposed constitutional amendment was pending before the electorate. This amendment would have further strengthened the ability of the court system to discipline its officials and employees. While the amendment was not ratified by the voters in November, 1972, the subcommittee remains confident that the judiciary can continue to supervise ethical conduct among its members without the imposition of any additional legislative mandate.

The subcommittee considered a special legislative ethics committee, but determined that the permissive legislation suggested for adoption was broad enough to encompass such a committee without a specific requirement. But, in order to preserve the constitutional authority of the legislature to judge the qualifications of its own members, the subcommittee recommends and endorses the creation of a joint legislative committee on ethics under the latitude granted by the provisions of the draft legislation.

Thus, the subcommittee believes that its proposed draft legislation provides a firm basis for promoting integrity in government, while acknowledging diverse local requirements, preventing the abrogation of traditional prerogatives and avoiding the necessity for a bureaucratic infrastructure of cumbersome proportions. The only direct costs to the state will be the \$25 per day salary provided for members of the State Ethics Commission, plus per diem and expenses. Appropriations for facility rental and a modest staff may eventually be necessary based upon the initial experience of the commission, but expenditures will, in any event, be minimal. It is anticipated that the heaviest burden of administrative costs will voluntarily be borne by those governmental units establishing subsidiary ethics committees. The decentralized approach recommended by the subcommittee will diffuse the costs, so that the share of each participating unit of government will be relatively inconsequential.

Regulating Legislative Advocates

Legislative advocates have long been subjected to vilification. The reputation of lobbyists, however, is a gross distortion of the facts. As Keefe and Ogul have argued,

Pressure groups have come to be indispensable sources of information in the legislative process. *** No lawmaker brings to his job the technical knowledge requisite to an intelligent evaluation of all legislation; neither is the legislature as a whole geared to supply the necessary quantity of expert help. Accordingly, legislators turn to pressure groups and executive agencies for pertinent opinions, data, and analysis--and the information they provide may not be available anywhere else. The view that information conveyed by lobbyists

is biased and not to be trusted is popular but probably misleading. If the information should later prove to be false, or biased to the point of serious distortion, the decision maker is publicly embarrassed and is likely to retaliate by cutting off further access sought by the delinquent lobbyist.²

In truth, lobbyists are vital adjuncts of the legislative process--not only because of the educational function they perform, but also due to their representative role. The lobbyist gives voice to the sentiments of his organizational constituency. He provides the linkage between the decision-makers and those affected by the decisions made. He generates support for legislative proposals, educating the public as well as the legislature. He presents alternatives, produces countervailing pressures to balance legislative assessment of potential statutory impact and facilitates the mediation of compromise solutions when deadlock seems otherwise inevitable.

Nevada is fortunate in having a cadre of well-known, professional lobbyists of high integrity. Experience has not demonstrated a need for severe restrictions on lobbyists in the Silver State. Yet past performance is no assurance of future constancy. Thus, the subcommittee believes that some attempt should be made to regulate the activities of lobbyists. There are, undoubtedly, some difficulties in defining who is and who is not a lobbyist, and the scope of appropriate legislative control is subject to varying interpretations. It would seem, however, that some form of acceptable registration could accommodate the desired safeguards without impeding the vital role of legitimate legislative advocates.

Regulation of lobbyists, in most states, has been achieved through the internal procedural mechanisms of the legislatures themselves. Viewing this form of regulation to be the proper means of addressing the problem, the subcommittee has referred the question to the subcommittee on legislative rules for further consideration. The registration suggestion was transmitted to the subcommittee on legislative rules on August 14, 1972, and is included in the text of the communication from Chairman Hafen appended to this report as Exhibit C.

Footnotes:

¹Committee on Legislative Rules of the National Legislative Conference, Conflict of Interest and Related Regulations for State Legislatures, Council of State Governments, Lexington, Kentucky, 1971, p. 1.

²William J. Keefe and Morris S. Ogul, The American Legislative Process: Congress and the States, Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1964, p. 367.

ETHICS LAW

COMPILATION OF NEVADA CONSTITUTIONAL PROVISIONS,
STATUTES AND RULES RELATING TO
CONFLICTS OF INTEREST

OUTLINE

NEVADA REVISED STATUTES:

197.010 through 197.080

197.100 and 197.110

198.010

199.010 through 199.050

199.240 and 199.250

199.330

218.580 through 218.600

245.080 through 245.120

266.440 and 266.445

266.575

268.330 through 268.400

269.045 through 269.080

281.210 through 281.230

309.150

315.400

344.030

386.400

396.130

403.150

408.890

450.190

463.060

466.040 and 466.060

467.020 and 467.050

512.020

539.100

583.543

645.120 and 645.130

668.085 and 668.095

703.040 and 703.050

ADDITIONAL (NON-GOVERNMENT):

207.290

614.140 and 614.150

707.120

LEGISLATIVE RULES:

Senate Standing Rules 43 and 47

Assembly Standing Rule 26

SUPREME COURT RULES:

39

80

86 (subsections 6 and 7)

99

104; subsections 1 and 8

105, subsections 1 and 2

106

109

126 and 127

132 and 133

166 through 171

179

183

216

218

229 through 234

237

NEVADA CONSTITUTION:

Art. 3, section 1

Art. 4, sections 8, 9, 10 and 27

Art. 6, sections 10 and 11

Art. 7, sections 1 through 4

PROPOSED CONSTITUTIONAL AMENDMENT
(SJR 23 of 55th Session):

Section 6, subsections 1 through 8

STATE DEPARTMENT OF ADMINISTRATION:

Personnel Rules; Prohibitions & Penalties;

Incompatible activities, etc. (Rule XVI)

Enabling Legislation

284.013 through 284.020

284.025 and 284.030

284.065

284.155

Prohibitions & Offenses

284.415

284.425

284.430

CHAPTER 197

CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THE STATE

197.010 Bribery of executive or administrative officer. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any executive or administrative officer of the state, with intent to influence him with respect to any act, decision, vote, opinion or other proceeding, as such officer, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.
[Part 1911 C&P § 46; RL § 6311; NCL § 9995]—(NRS A 1967, 460)

197.020 Bribery of other public officers. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a public officer other than as specified in NRS 197.010, 199.010 and 218.590, with intent to influence him with respect to any act, decision, vote or other proceeding in the exercise of his powers or functions, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[Part 1911 C&P § 46; RL § 6311; NCL § 9995]—(NRS A 1967, 460)

197.030 Asking or receiving bribes by executive or administrative officers. Every executive or administrative officer or person elected or appointed to an executive or administrative office who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[Part 1911 C&P § 47; RL § 6312; NCL § 9996]—(NRS A 1967, 460)

197.040 Asking or receiving bribes by public officers, employees. Every person who executes any of the functions of a public office not specified in NRS 197.030, 199.020 or 218.600, and every person employed by or acting for the state or for any public officer in the business of the state, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding shall be influenced thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[Part 1911 C&P § 47; RL § 6312; NCL § 9996]—(NRS A 1967, 460)

197.050 Rebates, divisions of salaries unlawful: Penalty.

1. It shall be unlawful for any state, county or municipal officer to offer or agree to appoint, or for any person whatever to offer to procure,

or to offer to aid in procuring, the appointment of any deputy officer or attache of the state, county or municipal government of this state, for any consideration contemplating any division or rebate of the salary of such deputy or attache during his term of office, or for any monetary or other valuable consideration whatsoever, or, after such appointment is made, to receive or to accept any portion of the salary of such deputy or attache, or to receive any money or other valuable reward whatsoever, as a consideration for retaining such deputy or attache, or as a consideration for procuring, or for aid in obtaining the procuring of, the retention of such deputy or attache in any position to which he may be or shall have been appointed, or for any purpose whatsoever except in payment of a bona fide debt as provided in NRS 197.070.

2. Any person violating any of the provisions of subsection 1 commits bribery, and shall be punished by a fine of not more than \$5,000, or by imprisonment in the state prison for not less than 1 nor more than 6 years, or by both fine and imprisonment.

[1911 C&P § 48; RL § 6313; NCL § 9997] + [Part 1911 C&P § 51; RL § 6316; NCL § 10000]—(NRS A 1967, 461)

197.060 Unlawful to agree to divide salaries.

1. It shall be unlawful for any deputy officer or attache of the state, county or municipal government of this state to rebate, refund, pay or divide, to or with his principal or to or with any person whatever, any part or portion of his salary or compensation now fixed, or that may hereafter be fixed or established, by law, as a consideration either for the making or for the procuring of such appointment, or for aid in procuring the same, or for the retention, or for the procuring or aid in procuring the retention, of such an appointment as deputy or attache, or to make any division or payment out of his salary to this end, except in payment of a bona fide debt as provided in NRS 197.070.

2. Any person violating any of the provisions of subsection 1 commits bribery, and shall be punished by a fine of not more than \$5,000, or by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

[1911 C&P § 49; RL § 6314; NCL § 9998] + [Part 1911 C&P § 51; RL § 6316; NCL § 10000]—(NRS A 1967, 461)

197.070 Payment of bona fide debts by deputies, attaches. Nothing in NRS 197.050 and 197.060 shall be construed to relieve any deputy officer or attache from the payment of a bona fide debt, contracted for value received, for which a civil action would lie in a court of law, or to prevent such deputy officer or attache from paying the same out of his salary.

[1911 C&P § 50; RL § 6315; NCL § 9999]

197.080 Offering reward for appointment. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward, in consideration that he or another person shall be appointed to a public office or to a clerkship, deputation or other subordinate position in such office, or that he or any other person shall be permitted to exercise, perform or discharge any prerogative or duty or receive any emolument of such office, shall be guilty of a gross misdemeanor.

[1911 C&P § 52; RL § 6317; NCL § 10001]

197.100 Influencing public officers.

1. Every person who shall ask or receive any compensation, gratuity or reward, or any promise thereof:

(a) Upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, to refuse, neglect, or defer the performance of any official duty; or

(b) The right to retain or receive which shall be conditioned that such person shall, directly or indirectly, successfully influence by any means whatever any executive, administrative or legislative officer, in respect to any act, decision, vote, opinion or other proceeding, as such officer; or

(c) Upon the representation that he can, directly or indirectly, or in consideration that he shall, or shall attempt to, directly or indirectly, influence any public officer, whether executive, administrative, judicial or legislative, in respect to any act, decision, vote, opinion or other proceeding, as such officer, unless it be clearly understood and agreed in good faith between the parties thereto, on both sides, that no means or influence shall be employed except explanation and argument upon the merits,

shall be guilty of a gross misdemeanor.

2. In any prosecution under paragraph (c) of subsection 1, evidence of the means actually employed to influence such officer shall be admitted as proof of the means originally contemplated by the defendant.

[1911 C&P § 65; RL § 6330; NCL § 10014]

197.110 Misconduct of public officer. Every public officer who shall:

1. Ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or

2. Be beneficially interested, directly or indirectly, in any contract, sale, lease or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested therein; or

3. Employ or use any person, money or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another,

shall be guilty of a gross misdemeanor, and any contract, sale, lease or purchase mentioned in subsection 2 shall be void.

[1911 C&P § 66; RL § 6331; NCL § 10015]

CHAPTER 198

CRIMES AGAINST THE LEGISLATIVE POWER

198.010 Influencing member of legislative body: Gross misdemeanor. Every person who obtains or seeks to obtain money or other thing of value from another person upon a pretense, claim or representation that he can or will improperly influence in any manner the action of any member of a legislative body in regard to any vote or legislative action, is guilty of a gross misdemeanor.

[1911 C&P § 53; RL § 6318; NCL § 10002]—(NRS A 1967, 463)

CHAPTER 199

CRIMES AGAINST PUBLIC JUSTICE

BRIBERY AND CORRUPTION

199.010 Bribery of judicial officer. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a judicial officer, juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, proceeding or controversy, with intent to influence his action, vote, opinion or decision thereupon, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[Part 1911 C&P § 46; RL § 6311; NCL § 9995]—(NRS A 1967, 463)

199.020 Asking or receiving bribes by judicial officers. Every judicial officer who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding shall be influenced thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[Part 1911 C&P § 47; RL § 6312; NCL § 9996]—(NRS A 1967, 463)

199.030 Jurors and others accepting bribes. Every juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, controversy or proceeding, who shall ask or receive, directly or indirectly, any compensation, gratuity or

reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, action, judgment or decision shall be influenced thereby, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by fine of not more than \$5,000.

[1911 C&P § 55; RL § 6320; NCL § 10004]—(NRS A 1967, 463)

199.040 Influencing juror, arbitrator, referee, prospective juror.

Every person who shall influence, or attempt to influence, improperly, in their respective capacities as such, a juror or any person drawn or summoned as a prospective juror in a civil or criminal action or any proceeding, or any person chosen or appointed as an arbitrator or referee, in respect to his verdict, judgment, report, award or decision in any cause or manner pending or about to be brought before him, or which may prospectively be brought before him, in any case or in any manner not provided for by law, shall be guilty of a gross misdemeanor.

[1911 C&P § 58; RL § 6323; NCL § 10007]—(NRS A 1965, 621)

199.050 Juror, arbitrator or referee promising verdict or decision, or receiving communication. Every juror and every person chosen or appointed arbitrator or referee who shall make any promise or agreement to give a verdict, judgment, report, award or decision for or against any party, or who shall willfully receive any communication, book, paper, instrument or information relating to a cause or matter pending before him, except according to the regular course of proceeding upon the trial or hearing of such cause or matter, shall be guilty of a gross misdemeanor.

[1911 C&P § 59; RL § 6324; NCL § 10008]

199.240 Bribing witness. Every person who shall give, offer or promise, directly or indirectly any compensation, gratuity or reward to any witness or person who may be called as a witness, upon an agreement or understanding that the testimony of such witness shall be thereby influenced, or who shall willfully attempt by any other means to induce any witness or person who may be called as a witness to give false testimony, or to withhold true testimony, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[1911 C&P § 56; RL § 6321; NCL § 10005]—(NRS A 1967, 465)

199.250 Witness accepting bribe. Every person who is or may be a witness upon a trial, hearing, investigation or other proceeding before any court, tribunal or officer authorized to hear evidence or take testimony, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing or other proceeding, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

[1911 C&P § 57; RL § 6322; NCL § 10006]—(NRS A 1967, 465)

199.330 Buying or promising reward by justice or constable. Every justice of the peace or constable who shall, directly or indirectly, buy or be interested in buying anything in action for the purpose of commencing a suit thereon before a justice of the peace, or who shall give or promise any valuable consideration to any person as an inducement to bring, or as a consideration for having brought, a suit before a justice of the peace, shall be guilty of a misdemeanor.

[1911 C&P § 102; RL § 6367; NCL § 10051]

CHAPTER 218

STATE LEGISLATURE

218.580 Legislators: Interest in contracts made in official capacity prohibited; contracts void; exceptions; penalties.

1. It shall be unlawful for any member of the legislature to become a contractor under any contract or order for supplies or any other kind of contract authorized by the legislature of which he is a member for the state or any department thereof, or the legislature or either house thereof, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

2. It shall be unlawful for any member of the legislature to be interested in any contract made by the legislature of which he is a member, or to be a purchaser or to be interested in any purchase or sale made by the legislature of which he is a member.

3. Notwithstanding the provisions of subsections 1 and 2, any member of the legislature may sell, or enter into a contract to sell, to the state or any department thereof any item or commodity if such member is the only source of supply of such item or commodity within the state.

4. Any contract made in violation of the provisions of subsection 1 or 2 may be declared void at the instance of the state or of any other person interested in the contract except the member of the legislature prohibited in subsection 1 or 2 from making or being interested in the contract.

5. Any person violating the provisions of subsection 1 or 2, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 75:108:1866; B § 2673; BH § 1710; C § 1856; RL § 2827; NCL § 4827] + [Part 76:108:1866; B § 2674; BH § 1711; C § 1857; RL § 2828; NCL § 4828] + [Part 77:108:1866; B § 2675; BH § 1712; C § 1858; RL § 2829; NCL § 4829] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 8; 1963, 27; 1967, 532)

218.590 Bribery of legislative member. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a member of the legislature, or attempt, directly or indirectly, by menace, deceit, suppression of truth or other corrupt means, to influence such member to give or withhold his vote or to absent himself from the house of which he is a member or from any committee thereof, shall be punished by imprisonment in the state prison for not more than 10 years, or by a fine of not more than \$5,000, or by both.

[Part 1911 C&P § 46; RL § 6311; NCL § 9995]

218.600 Asking or receiving bribes by legislative members. Every member of either house of the legislature of the state who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity, shall be punished by imprisonment in the state prison for not more than 10 years, or by a fine of not more than \$5,000, or by both.

[Part 1911 C&P § 47; RL § 6312; NCL § 9996]

CHAPTER 245
COUNTY OFFICERS AND EMPLOYEES
GENERALLY

245.080 Unlawful purchases, sales; contracts may be void; penalties.

1. It shall be unlawful for any county officer to be interested in any contract made by him, or be a purchaser or be interested in any purchase of a sale made by him in the discharge of his official duties.

2. All contracts made in violation of subsection 1 may be declared void at the instance of the county interested, or of any other party interested in such contract, except the officer prohibited from making or being interested in such contract.

3. Any person violating the provisions of this section, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 76:108:1866; B § 2674; BH § 1711; C § 1857; RL § 2828; NCL § 4828] + [Part 77:108:1866; B § 2675; BH § 1712; C § 1858; RL § 2829; NCL § 4829] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 111; 1967, 536)

245.090 Purchasing county warrants, scrip unlawful.

1. The several county officers of this state are expressly prohibited from purchasing or selling, or in any manner receiving to their own use or benefit, or to the use and benefit of any person or persons whatever, any county warrants, scrip, orders, demands, claim or claims, or other evidences of indebtedness against the county.

2. Any county officer who violates any of the provisions of this section shall be guilty of a gross misdemeanor. A conviction shall operate as a forfeiture of office, and the party convicted shall forever be disqualified from holding any office of honor, profit or trust in this state.

[Part 71:108:1866; B § 2669; BH § 1706; C § 1852; RL § 2824; NCL § 4824]—(NRS A 1959, 111; 1967, 537)

245.100 Purchasing evidences of indebtedness unlawful.

1. All county officers are prohibited from purchasing or being interested, or receiving, or selling, or transferring, or causing to be purchased, received, sold or transferred, either in person or by agent, or attorney, or by or through the agency or means of any person or persons whatever, any interest, claim, demand or other evidences of indebtedness against the county, either directly or indirectly. No clerk or employee of any such officer or officers, nor the commissioners employed or to be employed to fund any county indebtedness shall be allowed to make any such purchase, sale or transfer, or to receive any agency from other parties to purchase, sell, transfer or bargain in any manner, for any county warrants, scrip, demands or other evidences of indebtedness, against the county.

2. Any person who violates any of the provisions of this section shall be guilty of a gross misdemeanor. A conviction shall operate as a forfeiture of office, and the party convicted shall forever be disqualified from holding any office of honor, profit or trust in this state.

[Part 71:108:1866; B § 2669; BH § 1706; C § 1852; RL § 2824; NCL § 4824] + [Part 72:108:1866; B § 2670; BH § 1707; C § 1853; RL § 2825; NCL § 4825]—(NRS A 1959, 111; 1967, 537)

245.110 Construction of NRS 245.090 and 245.100. The provisions of NRS 245.090 and 245.100 shall not be construed so as to prohibit any county officer from purchasing the warrants of the state or of any other county, or to prevent any county officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.
[Part 74:108:1866; B § 2672; BH § 1709; C § 1855; RL § 2826; NCL § 4826]

245.120 County officers may sell indebtedness for personal services rendered. All county officers referred to in any of the sections of this chapter shall have the right to sell or transfer any evidences of public indebtedness which may be issued according to law, for services rendered by them to the county, legally and justly due, and the provisions of this chapter shall not be deemed to prevent the purchase, sale or transfer of any funded public indebtedness whatever of the state, or any county, city or town corporation.
[Part 99:108:1866; B § 2697; BH § 1734; C § 1880; RL § 2846; NCL § 4846]

CHAPTER 266

GENERAL LAW FOR INCORPORATION OF CITIES AND TOWNS

266.440 Officers not to be pecuniarily interested. No officer shall be directly or indirectly interested in:

1. Any contract, work or business of the city.
2. The sale of any articles the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance.
3. The purchase of any real estate or any other property belonging to the city, or which shall be held for taxes or assessments or by virtue of legal process, at the suit of the corporation, mayor or other officer of the city.

[45:125:1907; RL § 811; NCL § 1146]

266.445 Penalties for officers participating in contracts, receiving consideration for vote. Any officer of the city or member of the city council who shall by himself or agent become a party to or in any way interested in any contract work or letting, under the authority of the city, or who shall, either directly or indirectly by himself or another, accept or receive any valuable consideration or promise for his influence or vote, shall be fined in any sum not exceeding \$1,000.

[46:125:1907; RL § 812; NCL § 1147]

266.575 Disqualification of police judge; justice of peace to act when police judge unable to act. In all cases in which the police judge shall be disqualified by reason of being a party, or being interested therein, to any proceeding pending in the municipal court, or related to either defendant or plaintiff or complaining witness therein, as the case may be, by consanguinity or affinity within the third degree, or in case of his sickness, absence or inability to act, any justice of the peace of the county, on the written request of the mayor, shall act in place and stead of the police judge. The council shall have power to apportion ratably the salary of such police judge to such justice of the peace so serving, and deduct the sum so apportioned from the salary of such police judge.
[70:125:1907; RL § 836; NCL § 1171]

CHAPTER 268

POWERS AND DUTIES COMMON TO CITIES AND TOWNS INCORPORATED UNDER GENERAL OR SPECIAL LAWS

OFFICERS AND EMPLOYEES

268.330 Officer prohibited from having interest in contract.

1. It shall be unlawful for any member of a city council or other governing body of any city in this state to become a contractor under any contract or order for supplies or any other kind of contract authorized by or for the city council or other governing body of which he is a member, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

2. Any person violating the provisions of this section, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 75:108:1866; B § 2673; BH § 1710; C § 1856; RL § 2827; NCL § 4827] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 112; 1967, 543; 1971, 883)

268.340 Officer prohibited from having interest in purchase, sale.

1. It shall be unlawful for any city officer to be interested in any contract made by such officer, or be a purchaser or be interested in any purchase of a sale made by such officer in the discharge of his official duties.

2. Any person violating the provisions of this section, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 76:108:1866; B § 2674; BH § 1711; C § 1857; RL § 2828; NCL § 4828] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 112; 1967, 543)

268.350 Contracts may be declared void. All contracts made in violation of the provisions of NRS 268.330 and 268.340, or either of them, may be declared void at the instance of the city interested, or of any other party interested in such contract, except the officers prohibited from making or being interested in such contract.

[Part 77:108:1866; B § 2675; BH § 1712; C § 1858; RL § 2829; NCL § 4829]

268.360 Officers prohibited from purchasing warrants, scrip.

1. The several city officers of this state are expressly prohibited from purchasing or selling, or in any manner receiving to their own use or benefit, or to the use and benefit of any person or persons whatever, any city warrants, scrip, orders, demands, claim or claims, or other evidences of indebtedness against the city.

2. Any officer who violates any of the provisions of this section shall be guilty of a gross misdemeanor. A conviction shall operate as a forfeiture of office, and the party convicted shall forever be disqualified from holding any office of honor, profit or trust in this state.

[Part 71:108:1866; B § 2669; BH § 1706; C § 1852; RL § 2824; NCL § 4824]—(NRS A 1959, 113; 1967, 543)

268.370 Officers prohibited from purchasing evidences of indebtedness.

1. All city officers are prohibited from purchasing or being interested in, or receiving, or selling, or transferring, or causing to be purchased, received, sold or transferred, either in person, or by agent, or attorney, or by or through the agency or means of any person or persons whatever, any interest, claim, demand or other evidences of indebtedness against the city, either directly or indirectly. No clerk or employee of any such officer or officers, nor the commissioners employed, or to be employed, to fund any city indebtedness shall be allowed to make any such purchase, sale, or transfer, or to receive any agency from other parties to purchase, sell, transfer or bargain, in any manner, for any city warrants, scrip, demands or other evidences of indebtedness against the city.

2. Any person who violates any of the provisions of this section shall be guilty of a gross misdemeanor. A conviction shall operate as a forfeiture of office, and the party convicted shall forever be disqualified from holding any office of honor, profit or trust in this state.

[Part 71:108:1866; B § 2669; BH § 1706; C § 1852; RL § 2824; NCL § 4824] + [Part 72:108:1866; B § 2670; BH § 1707; C § 1853; RL § 2825; NCL § 4825]—(NRS A 1959, 113; 1967, 544)

268.380 Construction of NRS 268.360 and 268.370. The provisions of NRS 268.360 and 268.370 shall not be construed so as to prohibit any city officer from purchasing the warrants of the state or of any other city or county, or to prevent any city officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

[Part 74:108:1866; B § 2672; BH § 1709; C § 1855; RL § 2826; NCL § 4826]

268.390 City treasurer may refuse to redeem warrants. The several city treasurers of the state shall refuse to redeem any warrants, scrip, orders or other evidences of indebtedness against the city whenever it shall come to their knowledge that such warrants, scrip or other evidences of indebtedness have been purchased, sold, received or transferred in violation of any provision of law.

[Part 98:108:1866; B § 2696; BH § 1733; C § 1879; RL § 2845; NCL § 4845]

268.400 Officers may sell indebtedness for personal services rendered. All city officers referred to in any section of this chapter shall have the right to sell or transfer any evidence of public indebtedness which may be issued according to law, for services rendered by them to the city, legally and justly due, and the provisions of this chapter shall not be deemed to prevent the purchase, sale or transfer of any funded public indebtedness whatever of the state, or of any county, city or town corporation.

[Part 99:108:1866; B § 2697; BH § 1734; C § 1880; RL § 2846; NCL § 4846]

CHAPTER 269

UNINCORPORATED CITIES AND TOWNS

269.045 Board member prohibited from having interest in contract.

1. It shall be unlawful for any member of a town board or board of county commissioners acting for any town to become a contractor under any contract or order for supplies or any other kind of contract authorized by or for the board of which he is a member, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

2. Any person violating the provisions of subsection 1, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 75:108:1866; B § 2673; BH § 1710; C § 1856; RL § 2827; NCL § 4827] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 600; 1967, 544, 1724)

269.050 Town officer prohibited from having interest in purchase, sale.

1. It shall be unlawful for any town officer to be interested in any contract made by such officer, or be a purchaser or be interested in any purchase of a sale made by such officer, in the discharge of his official duties.

2. Any person violating the provisions of subsection 1, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 76:108:1866; B § 2674; BH § 1711; C § 1857; RL § 2828; NCL § 4828] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 600; 1967, 544)

269.055 Contracts may be declared void. All contracts made in violation of the provisions of NRS 269.045 and 269.050, or either of them, may be declared void at the instance of the town or village interested, or of any other party interested in such contract, except the officers prohibited from making or being interested in such contract.

[Part 77:108:1866; B § 2675; BH § 1712; C § 1858; RL § 2829; NCL § 4829]

269.060 Town officers prohibited from purchasing warrants, scrip.

1. The several town officers of this state are expressly prohibited from purchasing or selling, or in any manner receiving to their own use or benefit, or to the use and benefit of any person or persons whatever, any town warrants, scrip, orders, demands, claim or claims, or other evidences of indebtedness against the town.

2. Any town officer who violates any of the provisions of this section shall be guilty of a gross misdemeanor. A conviction shall operate as a forfeiture of office, and the person convicted shall forever be disqualified from holding any office of honor, profit or trust in this state.

[Part 71:108:1866; B § 2669; BH § 1706; C § 1852; RL § 2824; NCL § 4824]—(NRS A 1959, 601; 1967, 544)

269.065 Town officers prohibited from purchasing evidences of indebtedness.

1. All town officers are prohibited from purchasing or being interested in, or receiving, or selling, or transferring, or causing to be purchased, received, sold or transferred, either in person or by agent or

attorney, or by or through the agency or means of any person or persons whatever, any interest, claim, demand, or other evidences of indebtedness against the town, either directly or indirectly. No clerk or employee of any such officer or officers, nor the commissioners employed, or to be employed, to fund any town corporation indebtedness, shall be allowed to make any such purchase, sale or transfer, or to receive any agency from other persons to purchase, sell, transfer or bargain in any manner, for any town warrants, scrip, demands or other evidences of indebtedness against the town.

2. Any person who violates any of the provisions of this section shall be guilty of a gross misdemeanor. A conviction shall operate as a forfeiture of office, and the person convicted shall forever be disqualified from holding any office of honor, profit or trust in this state.

[Part 72:108:1866; B § 2670; BH § 1707; C § 1853; RL § 2825; NCL § 4825] + [Part 71:108:1866; B § 2669; BH § 1706; C § 1852; RL § 2824; NCL § 4824]—(NRS A 1959, 601; 1967, 545)

269.070 Construction of NRS 269.060 and 269.065. The provisions of NRS 269.060 and 269.065 shall not be construed so as to prohibit any town officer from purchasing the warrants of the state or of any other city, town or county, or to prevent any town officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

[Part 74:108:1866; B § 2672; BH § 1709; C § 1855; RL § 2826; NCL § 4826]

269.075 Town treasurer may refuse to redeem warrants. The several town treasurers of the state shall refuse to redeem any warrants, scrip, orders or other evidences of indebtedness against the town whenever it shall come to their knowledge that such warrants, scrip or other evidences of indebtedness have been purchased, sold, received or transferred in violation of law.

[Part 98:108:1866; B § 2696; BH § 1733; C § 1879; RL § 2845; NCL § 4845]

269.080 Officers may sell indebtedness for personal services rendered. All town officers shall have the right to sell or transfer any evidences of public indebtedness which may be issued according to law, for services rendered by them to the town, legally and justly due, and this chapter shall not be deemed to prevent the purchase, sale or transfer of any funded public indebtedness whatever of the state, or of any county, city or town.

[Part 99:108:1866; B § 2697; BH § 1734; C § 1880; RL § 2846; NCL § 4846]

CHAPTER 281
GENERAL PROVISIONS AS TO OFFICERS
AND EMPLOYEES

MISCELLANEOUS PROVISIONS AND PROHIBITIONS

281.210 Officers of state and political subdivisions prohibited from employing relatives; exceptions; penalties.

1. Except as provided in this section, it shall be unlawful for any individual acting as a school trustee, state, township, municipal or county official, or for any board, elected or appointed, to employ in any capacity on behalf of the State of Nevada, or any county, township, municipality or school district thereof, any relative of such individual or of any member of such board, within the third degree of consanguinity or affinity.

2. This section shall not be construed to apply:

(a) To school districts, when the teacher or other school employee so related is not related to more than one of the trustees 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 the Nevada state prison.

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

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

3. Nothing in this section shall:

(a) Prevent 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) Be deemed to disqualify 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. No person employed contrary to the provisions of this section shall be entitled to or allowed compensation for such employment.

5. Any person violating any provisions of this section shall be 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)

281.220 State officers prohibited from having interest in state contracts; penalties.

1. It is unlawful for any officer of this state to become a contractor under any contract or order for supplies, or any other kind of contract

authorized by or for the state, or any department thereof, or the legislature or either branch thereof, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

2. It is unlawful for any state officer to be interested in any contract made by such officer, or to be a purchaser or be interested in any purchase of a sale made by him in the discharge of his official duties.

3. All contracts made in violation of the provisions of this section may be declared void at the instance of the state or of any other party interested in such contract, except the officer prohibited from making or being interested in the contract.

4. Any person violating the provisions of this section, directly or indirectly, is guilty of a gross misdemeanor and shall forfeit his office.

[Part 75:108:1866; B § 2673; BH § 1710; C § 1856; RL § 2827; NCL § 4827] + [Part 76:108:1866; B § 2674; BH § 1711; C § 1857; RL § 2828; NCL § 4828] + [Part 77:108:1866; B § 2675; BH § 1712; C § 1858; RL § 2829; NCL § 4829] + [Part 78:108:1866; B § 2676; BH § 1713; C § 1859; RL § 2830; NCL § 4830]—(NRS A 1959, 6; 1967, 550)

281.230 Unlawful commissions, personal profit, 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 or nature 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, shall be void.

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

(a) Where such 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 \$5,000, or by both fine and imprisonment.

(b) Where such 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)

CHAPTER 309
LOCAL IMPROVEMENT DISTRICTS

309.150 Directors and officers not to be interested in contracts; penalties.

1. No director or any other officer named in this chapter shall in any manner be interested, directly, in any contract awarded by the board or in the profits to be derived therefrom.

2. For any violation of this section such director or officer shall be deemed guilty of a gross misdemeanor, and shall suffer a forfeiture of his office.

[13:24:1928; NCL § 3467]—(NRS A 1967, 552)

CHAPTER 315
HOUSING AUTHORITIES

315.400 Interested commissioners or employees.

1. No commissioner or employee of the authority shall voluntarily acquire any interest, direct or indirect, in any housing project or in any property included or planned to be included in any housing project, or in any contract or proposed contract in connection with any housing project. Where the acquisition is not voluntary, such commissioner or employee shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Upon such disclosure such commissioner or employee shall not participate in any action by the authority involving such housing project, property or contract, respectively. If any commissioner or employee of the authority previously owned or controlled an interest, direct or indirect, in any housing project or in any property included or planned to be included in any housing project, or in any contract or proposed contract in connection with any housing project, he shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Upon such disclosure such commissioner or employee shall not participate in any action by the authority involving such housing project, property, or contract, respectively.

2. Any violation of the provisions of this section shall constitute misconduct in office.

3. This section shall not be applicable to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project or the execution of agreements by banking institutions for the deposit or handling of funds in connection with a housing project or to act as trustee under any trust indenture.

[5:253:1947; A 1951, 8]

CHAPTER 344
STATE PRINTING

344.019 "Superintendent" defined. "Superintendent" means the superintendent of the department of state printing.
(Added to NRS by 1969, 1512)

344.030 Superintendent prohibited from having interest in contracts. The superintendent shall not, during his continuance in office, have any interest, direct or indirect, in any contract for furnishing paper, or other printing stock, or material connected with the state printing.
[6:129:1879; BH § 1865; C § 1505; RL § 4331; NCL § 7475]

CHAPTER 386
LOCAL ADMINISTRATIVE ORGANIZATION

386.400 Trustee not to be financially interested in contracts. No member of any board of trustees shall be financially interested in any contract made by the board of trustees of which he is a member.
[85:32:1956]

CHAPTER 396
UNIVERSITY OF NEVADA SYSTEM

396.130 Regent prohibited from having interest in contract, expenditure. No member of the board of regents shall be interested, directly or indirectly, as principal, partner, agent or otherwise, in any contract or expenditure created by the board of regents, or in the profits or results thereof.
[4:80:1869; B § 2890; BH § 1387; C § 1389; RL § 4651; NCL § 7738]—(NRS A 1957, 168)

CHAPTER 403

COUNTY ROADS, HIGHWAYS AND BRIDGES

403.150 County road supervisor's interest in contracts made in official capacity prohibited; contracts void; penalties.

1. No county road supervisor shall:

(a) Act, directly or indirectly, as agent of, or in any way whatever represent or act for, any manufacturing concern or corporation or individual selling or handling machinery, implements, material or any thing which may be used in road work. No machinery, implements, material or thing, except such as cost less than \$50 and is usually kept in stock and sold at usual prices, shall be purchased in any manner whatever from any manufactory or store or any concern of any kind in which the county road supervisor is interested directly or indirectly.

(b) Receive any gift or reward or other thing for recommending or suggesting or in any manner influencing the expenditure of money for any thing.

2. Every contract made in violation of this section shall be void.

3. Any county road supervisor who violates this section shall be removed from office and forfeit his bond and shall be punished:

(a) Where paragraph (b) of subsection 1 is violated, by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$5,000.

(b) Where paragraph (a) of subsection 1 is violated, for a gross misdemeanor.

[Part 1:Art. 6:257:1913; 1919 RL p. 2905; NCL § 5388]—(NRS A 1967, 568)

CHAPTER 408

HIGHWAYS AND ROADS LAW

408.035 "Board" defined. "Board" means the board of directors of the department of highways.

(Added to NRS by 1957, 663)

408.890 Contracts: Unlawful interests; void contracts; penalties.

1. No director of the board, no engineer and no employee or officer of the department shall be interested, directly or indirectly, in any contract of any kind or character for the construction, reconstruction, improvement, supervision or maintenance of any highway, and such contract shall be void.

2. Any director of the board, any engineer, or any officer or employee who shall become interested, directly or indirectly, in any contract for the construction, reconstruction, improvement, supervision, or maintenance of any highway shall be guilty of a gross misdemeanor, and shall be further punished as provided in NRS 197.230.

(Added to NRS by 1957, 684; A 1967, 573)

CHAPTER 450
COUNTY HOSPITALS; COUNTY
HOSPITAL DISTRICTS

450.190 Pecuniary interest of trustee in contract prohibited; exception. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for the hospital, unless the same are purchased by competitive bidding.
[Part 4:169:1929; A 1937, 194; 1943, 17; 1955, 194]

CHAPTER 463
LICENSING AND CONTROL OF GAMING

463.060 Board members to devote full time; no political activity; oaths.

1. Each member shall devote his entire time and attention to the business of the board and shall not pursue any other business or occupation or hold any other office of profit.

2. No member shall be:

(a) A member of any political convention.

(b) A member of any committee of any political party, or engage in any party activities.

3. No member shall be pecuniarily interested in any business or organization holding a gaming license under this chapter or doing business with any person or organization licensed under this chapter.

4. Before entering upon the duties of his office, each member shall subscribe to the constitutional oath of office and, in addition, swear that he is not pecuniarily interested in any business or organization holding a gaming license or doing business with any such person or organization. The oath of office shall be filed in the office of the secretary of state.

[6:429:1955]—(NRS A 1959, 431)

CHAPTER 466
HORSE RACING

466.020 "Commission" defined. As used in this chapter, "commission" means the Nevada racing commission.
[Part 1:321:1951]

466.040 Commission members: Appointment; qualifications; terms; oaths; removal.

1. The commission shall consist of five members, all of whom shall be appointed by the governor. Not more than three of the members shall be of the same political party. One of the members shall be designated by the governor to be chairman of the commission.

2. Each member of the commission at the time of his appointment and qualification shall be a resident of the State of Nevada and shall have resided in this state for a period of at least 5 years next preceding his appointment and qualification, and shall be a qualified voter therein and not less than 35 years of age. No person shall be eligible for appointment as a member or shall hold the office of member of the commission who:

(a) Holds any official relation to any association or corporation engaged in or conducting racing within the State of Nevada; or

(b) Holds stock or bonds therein; or

(c) Has any pecuniary interest therein.

3. Two of the members of the commission shall hold office for 2 years from the beginning of their terms of office and until their successors shall qualify. Two of the members of the commission shall hold office for 4 years from the beginning of their terms of office and until their successors shall qualify. One of the members of the commission shall hold office for 1 year from the beginning of his term of office and until his successor shall qualify. The term of office of each member of the commission shall begin within 30 days from April 1, 1951. The governor, at the time of making and announcing the appointment of the 5 members of the commission, as well as in the commission issued by him to each of them, shall designate which of the members shall serve for the term of 1 year, which shall serve for the term of 2 years, and which shall serve for the term of 4 years, and also which member shall be the chairman of the commission.

4. Upon being appointed or reappointed after the terms designated in subsection 3, each member of the commission shall serve for a term of 4 years.

5. Before entering upon the discharge of the duties of his office each member of the commission shall take an oath that he will well and faithfully execute all and singular the duties pertaining to his office according to the laws of the State of Nevada and the rules and regulations adopted in accordance therewith.

6. The governor may remove any member of the commission for inefficiency, neglect of duty or misconduct in office.

[Part 2:321:1951] + [3:321:1951]

466.060 Commission secretary and other officers and employees; commission records.

1. The commission shall appoint a secretary of the commission who shall serve during the pleasure of the commission. The secretary shall keep a record of all proceedings of the commission, and shall preserve all books, maps, documents and papers belonging to the commission or entrusted to its care. The records of the commission shall be open for inspection at all reasonable times. The secretary shall perform such other duties as the commission may prescribe.

2. The commission may appoint such other officers, clerks, stenographers, inspectors, experts, attorneys and employees as may be necessary, all of whom shall serve during the pleasure of the commission.

3. No person shall be eligible for appointment or be appointed by the commission, or hold any office or position under the commission, who:
- (a) Holds any official relation to any association or corporation engaged in or conducting racing within the State of Nevada; or
 - (b) Holds stock or bonds therein; or
 - (c) Has any pecuniary interest therein.
- [Part 2:321:1951] + [Part 4:321:1951] + [Part 7:321:1951]

CHAPTER 467

BOXING AND WRESTLING

NEVADA ATHLETIC COMMISSION

467.020 Nevada athletic commission: Members, terms, quorum; members not to promote contests or have financial interest therein.

1. The Nevada athletic commission, consisting of five members appointed by the governor, is hereby created.
2. Each member shall hold office at the pleasure of the governor, but in no event shall a member hold office in excess of 4 years except by reappointment of the governor.
3. Three members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon the commission, and a concurrence of at least three of the members shall be necessary to render a choice or a decision by the commission.
4. No member shall at any time during his service as a member of the commission promote or sponsor any boxing contest, wrestling exhibition or combination of such events, or have any financial interest in the promotion or sponsorship of such contests or exhibitions.

[Part 1:40:1941; 1931 NCL § 905]—(NRS A 1960, 424)

467.050 Inspectors: Appointment; not to promote contests.

1. For each county of the state the commission may appoint one or more official representatives to be designated as inspectors, and shall appoint one chief inspector in each county having a population of 100,000 or more. The chief inspectors shall supervise the work of all other inspectors appointed by the commission. Each inspector shall receive from the commission a card authorizing him to act as an inspector for the county designated. He shall hold office as an inspector at the pleasure of the commission.
2. No inspector shall at any time during his service as an inspector promote or sponsor any boxing contest, wrestling exhibition or combination of such events.

[Part 1:40:1941; 1931 NCL § 905] + [6:40:1941; 1931 NCL § 905.05]—(NRS A 1960, 426; 1969, 1544)

CHAPTER 512

INSPECTOR OF MINES

512.020 Qualifications of inspector of mines.

1. The inspector of mines shall not at the time of his election, or at any time during the term of his office, be an officer, director or employee in or of any mining corporation in this state, or in or of any milling corporation in the state engaged in the business of smelting or reducing ores.

2. The inspector of mines shall have had at least 7 years' experience in mines, mills, beneficiation plants or smelters, at least 3 years of which shall be in underground mining.

[Part 3:176:1909; RL § 4200; NCL § 4210]—(NRS A 1969, 1002)

CHAPTER 539

IRRIGATION DISTRICTS

539.063 Officers of district. The officers of an irrigation district shall consist of three, five or seven directors, a president and a vice president elected from their number, and a secretary and treasurer.

[Part 9:64:1919; A 1921, 118; 1923, 289; 1927, 309; 1933, 271; 1931 NCL § 8016]

539.100 Directors, officers not to be interested in contracts awarded by board; penalty.

1. No director or any other officer named in this chapter shall in any manner be interested, directly or indirectly, in any contract awarded by the board, or in the profits to be derived therefrom.

2. For any violation of this section such officer shall be guilty of a gross misdemeanor, and upon conviction thereof shall suffer a forfeiture of his office.

[13:64:1919; 1919 RL p. 3275; NCL § 8024]—(NRS A 1967, 610)

CHAPTER 583

MEAT, FISH, PRODUCE, POULTRY AND EGGS

583.543 Acceptance of bribes: Penalties. If any inspector or the officer accepts any money, gift or other thing of value from any person, firm or corporation with the knowledge that such money, gift or other thing of value is to influence his official duty pursuant to NRS 583.255 to 583.565, inclusive, he shall be guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, and by imprisonment of not less than 1 year nor more than 3 years.

(Added to NRS by 1971, 889)

CHAPTER 645

REAL ESTATE BROKERS AND SALESMEN

645.120 Administrator: Qualifications; bond. The administrator shall:

1. Possess a broad knowledge of generally accepted real estate practice and be reasonably well informed on laws governing real estate agency contracts.

2. Furnish a surety bond in the amount of \$25,000.

3. Not be interested in any real estate or brokerage firm, nor shall he act as a broker or salesman or agent therefor.

[Part 6:150:1947; A 1949, 433; 1955, 131]—(NRS A 1957, 337; 1959, 394; 1963, 664; 1967, 931)

645.130 Employees, legal counsel of real estate division; salaries.

1. The real estate division may employ, without regard to the provisions of chapter 284 of NRS, legal counsel, investigators and other professional consultants, and, pursuant to the provisions of chapter 284 of NRS, may employ such other employees as are necessary to the discharge of its duties. Employees in the unclassified service of the state shall receive annual salaries in the amounts determined pursuant to the provisions of NRS 284.182.

2. No employee of the real estate division shall be interested in any real estate or brokerage firm, nor shall any employee act as a broker or salesman or agent therefor.

[Part 6:150:1947; A 1949, 433; 1955, 131]—(NRS A 1963, 162, 664; 1967, 1503; 1971, 1442)

CHAPTER 668

PROHIBITED PRACTICES AND PENALTIES

668.085 Unauthorized disclosure of confidential information; penalty.

If any person fails to keep secret the facts and information obtained in the course of, or as a result of, an examination of a bank, except when the duty of such examiner or employee requires him to report upon or take official action regarding the affairs of such bank, he is guilty of a misdemeanor.

(Added to NRS by 1971, 1007)

668.095 Making false, fraudulent report; penalty.

1. If any bank examiner knowingly and willfully makes any false or fraudulent report of the condition of any bank which has been examined by him, with the intent to aid or abet the officers or agents of such bank in continuing to operate an insolvent bank, or if any such examiner keeps or accepts any bribe or gratuity given for the purpose of inducing him not to file any report of examination of any bank examined by him, or neglects to make an examination of any bank because of having received or accepted any bribe or gratuity, he is guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for not less than 1 year nor more than 10 years.

2. Any person who knowingly aids or abets a bank examiner or any other person in doing or performing any of the acts prohibited in subsection 1 is guilty of a felony and upon conviction thereof shall be imprisoned in the state prison for not less than 1 year nor more than 10 years.

3. Any person, having knowledge of a report made by a bank examiner of the condition of any bank, who falsifies, changes, alters or suppresses any such report with the intent to aid or abet the officers or agents of a bank in continuing to operate an insolvent bank, or if any such person keeps or accepts any bribe or gratuity given for the purpose of inducing him not to file any such report of examination or to falsify, change, alter or suppress any such report of examination, is guilty of a felony and upon conviction thereof shall be imprisoned in the state prison for not less than 1 year nor more than 10 years.

(Added to NRS by 1971, 1008)

CHAPTER 703

PUBLIC SERVICE COMMISSION OF NEVADA

703.040 Qualifications of commissioners.

1. One of the commissioners shall be generally familiar with the operation of transportation facilities, and one commissioner shall have a general knowledge of fares and freights and tolls and charges levied and collected by public utilities as defined in chapter 704 of NRS.

2. No commissioner shall be pecuniarily interested in any public utility in this state or elsewhere.

3. The commissioners shall give their entire time to the business of the commission and shall not pursue any other business or vocation or hold any other office of profit.

4. No commissioner shall be a member of any political convention or a member of any committee of any political party.

[Part 2:109:1919; A 1947, 29; 1953, 252] + [Part 3:109:1919; A 1953, 252] + [Part 4:109:1919; A 1953, 252]—(NRS A 1957, 332)

703.050 Oaths of commissioners.

1. Before entering upon the duties of his office, each commissioner shall subscribe to the constitutional oath of office, and shall in addition swear that he is not pecuniarily interested in any public utility in this state as defined in chapter 704 of NRS.

2. The oath of office shall be filed in the office of the secretary of state.

[Part 4:109:1919; A 1953, 252]

CHAPTER 207

MISCELLANEOUS CRIMES

207.290 Giving, accepting bribes to influence outcome of sporting events; punishment. Every person who:

1. Gives, offers or promises to give, or attempts to give or offer, any compensation, gratuity or thing of value, or any promise thereof, to any participant or player or any judge, referee, manager or other official of a sporting event or contest; or

2. Asks or receives or offers to receive directly or indirectly any compensation, gratuity, reward or thing of value or any promise thereof, as a participant or player, or as a judge, referee, manager or other official of a sporting event or contest,

with the intention, understanding or agreement that the player or participant or judge, referee, manager or other official of the sporting event will not use his best efforts to win, or will so conduct himself as to limit his or his team's margin of victory, or will corruptly judge, referee, manage or otherwise officiate the sporting event or contest with the intention or purpose that the result of the sporting event will be affected thereby, is guilty of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(Added to NRS by 1965, 553; A 1967, 523)

CHAPTER 614

ORGANIZED LABOR AND LABOR DISPUTES

614.140 Bribery of labor representative unlawful. Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any duly constituted representative of a labor organization, with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, shall be guilty of a gross misdemeanor.

[1911 C&P § 529; RL § 6794; NCL § 10475]

614.150 Penalty for labor representative asking for or receiving bribe. Every person who, being the duly constituted representative of a labor organization, shall ask for or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon any agreement or understanding that any of his acts, decisions or other duties as such representative, or that any act to prevent or cause a strike of the employees of any person or corporation, shall be influenced thereby, shall be guilty of a gross misdemeanor.

[1911 C&P § 530; RL § 6795; NCL § 10476]

CHAPTER 707

TELEPHONES AND TELEGRAPH

707.120 Bribery of operator, agent or employee; penalty. If any person shall, by the payment or promise of any bribe, inducement or reward, procure, or attempt to procure, any telegraph agent, operator or employee to disclose any private message, or the contents, purport, substance or meaning thereof; or shall offer to any such agent, operator or employee any bribe, compensation or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator or employee; or shall use, or attempt to use, any such information so obtained, the person so offending shall be guilty of a gross misdemeanor.

[7:86:1864; B § 3503; BH § 928; C § 1058; RL § 4609; NCL § 7651]
—(NRS A 1967, 665)

LEGISLATIVE RULES

Senate Standing Rules:

Rule 43

In cases of breaches of decorum or propriety any Senator, officer or other person shall be liable to such censure or punishment as the Senate may deem proper * * *.

Rule 47

* * * No Senator shall be allowed to vote * * * upon any question in which he is in any way personally or directly interested * * *.

Assembly Standing Rules:

Rule 26

* * * No person shall do any lobbying upon the floor of the Assembly at any time * * *.

CHAPTER 2

SUPREME COURT

2.120 Rules of supreme court.

1. The supreme court may make rules not inconsistent with the constitution and laws of the state for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the supreme court which in no event shall be less than 30 days after entry of an order adopting such rules.

2. The supreme court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the state, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the supreme court which in no event shall be less than 60 days after entry of an order adopting such rules.

[Part 8:19:1865; A 1913, 274; 1919 RL § 4835; NCL § 8377] + [1:40:1951] + [2:40:1951]—(NRS A 1963, 384; 1967, 112)

PART III. GOVERNMENT OF THE LEGAL PROFESSION

A. GENERAL PROVISIONS

Rule 39. Inherent powers of courts. Attorneys being court officers and essential aids in the administration of justice, the government of the legal profession is a judicial function. Authority to admit to practice and to discipline is inherent and exclusive in the courts. The supreme court rules set forth in this Part III are the exclusive rules for the governing of the legal profession in Nevada.

Rule 80. Board of governors: Government of state bar. The state bar shall be governed by a board of governors, which shall have the powers and duties conferred in Rules 85 and 86.

Rule 86. Powers of board of governors.

6. With the approval of the supreme court, the board shall have the power to formulate and enforce rules of professional conduct for all members of the state bar in this state.

7. The board of governors shall have the power to reprimand publicly or privately any member for unethical conduct and to recommend to the supreme court the suspension or disbarment of any member for unethical conduct. The board may also recommend probation in an appropriate case. In disciplinary proceedings the board of governors may assess costs and disbursements and may impose a fine not exceeding \$500 on a disciplinee and may recommend to the supreme court that the disciplinee be fined by the supreme court in an amount not to exceed \$1,000. All fines, assessments and costs shall be paid to the state bar treasury.

D. DISCIPLINARY PROCEEDINGS; DISBARMENT

Rule 99. Disbarment or suspension of attorney; fines and costs.

1. An attorney and counselor may be disbarred or suspended by the supreme court, and by no other court or body in this state, for any of the following causes arising after his admission to practice:

(a) Upon his being convicted of a felony or misdemeanor involving moral turpitude, in either of which cases the record of his conviction shall be conclusive evidence.

(b) For willful disobedience or violation of the order of a court requiring him to do or forbear the doing of an act connected with or in the course of his profession.

(c) For breach of a rule of professional conduct or canon of professional ethics.

(d) For unprofessional conduct, or for other good cause shown.

2. In disciplinary proceedings, an attorney and counselor may be fined by the supreme court in an amount not to exceed \$1,000, and the supreme court may in addition assess costs and disbursements, including costs of depositions, to the discipline. All such fines, assessments and costs shall be paid to the state bar treasury.

Rule 104. Disciplinary proceedings before board of governors or supreme court; show cause order. Notwithstanding the rules governing disciplinary proceedings before local administrative committees as provided in Rules 126 to 148, inclusive, disciplinary proceedings may be instituted by or in the supreme court or by or before the board of governors without reference to a local administrative committee. If the disciplinary proceedings are in the supreme court or before the board of governors, the following rules shall apply:

1. If the proceedings are upon the information of another, the accusation shall be in writing and shall be presented to the supreme court or to the board of governors.

8. The supreme court, or the board of governors may, in its discretion, order a reference to a committee to take depositions in the matter, and to report to it before proceeding to try the accused.

Rule 105. Board of governors' power to discipline; local administrative committees.

1. The board of governors shall have the power, for any of the causes set forth in these rules warranting disbarment, suspension, reproof or fine, to discipline members by a private or public reprimand or to impose a fine not exceeding \$500 on a discipline, to assess costs and disbursements in a disciplinary proceeding to the accused, and to recommend to the supreme court the disbarment or suspension from practice of a member, or the imposition of a fine on a discipline not to exceed \$1,000, or the assessment of costs and disbursements to the accused.

2. The board of governors shall have the power to constitute local administrative committees to investigate and hear grievances and complaints of unprofessional or unethical conduct against members, to take evidence on its behalf, to conduct disciplinary proceedings, and to forward their recommendation to the board of governors.

Rule 106. Local administrative committees' power to administer private reprimands, impose fines.

1. A local administrative committee, after a formal or informal hearing in a disciplinary action for any of the causes set forth in these rules warranting discipline, has the power to administer appropriate punishment not to exceed a private reprimand or a monetary fine not to exceed \$100 without further reference to the board of governors.

2. Nothing in this rule shall preclude a local administrative committee from recommending to the board of governors that a member be disciplined as elsewhere provided in these rules.

Rule 109. Procedure at hearing. Subject to the provisions of Rules 105 to 113, inclusive, and Rules 126 to 162, inclusive, the procedure at the hearing before local administrative committees or the board of governors in all cases of complaints against members under Rules 105 and 107 shall be as hereinafter set forth in Rules 126 to 162, inclusive.

F. LOCAL ADMINISTRATIVE COMMITTEES

Rule 126. Local administrative committees: Creation, members and terms.

1. The board of governors shall have power to create such local administrative committees as it may deem advisable.

2. Such committees shall be composed of active members of the state bar, and each member of the board of governors, unless he declines to act, shall be ex officio a member of the local administrative committee of the state bar district or administrative committee district where he maintains his principal office for the practice of law.

3. The members of the local administrative committees (except ex officio members of the board of governors) shall hold office at the pleasure of the board of governors.

Rule 127. Local administrative committees: Powers and duties.

1. Each local administrative committee shall have the power and the duty to:

(a) Receive and investigate complaints as to the conduct of a member of the state bar.

(b) Appoint one or more examiners to investigate the conduct of members of the state bar and to prosecute grievances against members of the state bar as is provided for in Rule 134.

(c) Conduct informal hearings regarding matters in which no formal complaints have been filed.

(d) Receive formal written complaints regarding the conduct of a member of the state bar.

(e) Make findings and recommendations.

(f) Forward its report to the board of governors for action.

The board of governors may either act upon the report or take additional evidence or set aside the report and hear the whole case de novo, as it may elect.

(g) Impose punishment as is provided for in Rule 106.

2. Each local administrative committee shall perform such other duties as the board of governors may direct.

[As amended; effective February 6, 1969.]

Rule 132. Investigations, hearings, records are confidential.

1. Unless otherwise ordered by the board of governors or the supreme court, or unless requested by the accused, any preliminary investigation or hearing of a disciplinary matter before a local administrative committee, or proceedings before the board of governors, or records thereof, shall be confidential and shall not be public.

2. The records of a preliminary investigation or a proceeding in a disciplinary matter shall not be open for inspection except to officers and governors of the state bar, to members of the local administrative committee before whom the matter was heard, to an examiner appointed by such committee, to parties to the proceeding and to their attorneys.

3. Except when ordered by the board of governors or the supreme court, no information concerning the pendency or status of a preliminary investigation or formal proceeding shall be given unless and until the recommendation of the board of governors is filed with the clerk of the supreme court and a decision is rendered thereon by the supreme court or until a public reproof has been administered by the board of governors, but the complaining witness may be advised by the appropriate committee or the executive secretary of the state bar of the status of a preliminary investigation or formal proceeding.

4. The files and records of all preliminary investigations and formal proceedings are the property of the state bar and are confidential and no information concerning them and the matters to which they relate shall be given to any person except upon order of the supreme court or the board of governors or as provided in these rules.

Rule 133. Investigation; informal and formal hearings.

1. In any matter involving a question as to the conduct of a member of the state bar, local administrative committees may:

- (a) Make a preliminary investigation;
- (b) Appoint an examiner to conduct an investigation;
- (c) Hold an informal hearing; or
- (d) If a formal written complaint is filed, proceed to hold hearings

upon the complaint.

2. A member of the state bar against whom a grievance is charged shall be given the opportunity to appear and be heard before the local administrative committee before a punishment is imposed, as provided for in Rule 106, and before findings and recommendations recommending punishment are forwarded by the local administrative committee to the board of governors.

3. A preliminary investigation or an informal hearing by the local administrative committee may follow the presentation of charges to the state bar or to any local administrative committee, whether such charges are formal or informal, verified or unverified, written or oral.

4. Nothing in this rule shall limit the authority of the executive secretary of the state bar, the board of governors or local administrative committees to decline to entertain, without preliminary investigation by a local administrative committee, charges which appear to be unfounded or frivolous.

5. The board of governors or a local administrative committee, may of its own motion, and in the absence of a charge, order a preliminary investigation and may appoint an examiner to act therein.

[As amended; effective February 6, 1969.]

G. RULES OF PROFESSIONAL CONDUCT

Rule 166. Acquisition of interest adverse to client. A member of the state bar shall not acquire an interest adverse to a client.

Rule 167. Acceptance of employment adverse to client, former client. A member of the state bar shall not accept employment adverse to a client or a former client, relating to a matter in reference to which he has obtained confidential information by reason of or in the course of his employment by such client or former client.

Rule 168. Disclosure of relation with adverse party, interest in subject matter of employment. A member of the state bar shall not accept professional employment without first disclosing his relation, if any, with the adverse party, and his interest, if any, in the subject matter of the employment.

Rule 169. Representation of conflicting interests; consent. A member of the state bar shall not represent conflicting interests, except with the consent of all parties concerned.

Rule 170. Representation of conflicting interests by attorneys where certain relationships exist. Attorneys may not represent conflicting interests nor appear, represent or advise on opposite sides, even in formal or uncontested matters, when the relationship between the attorneys is that of:

1. Law partners;
2. Associates;
3. Employer and employee;
4. Office holder and deputy; or
5. Consanguinity within the third degree.

Rule 171. Disclosure of employment when communicating with, appearing before public officer, board, committee or body. A member of the state bar shall not communicate with, or appear before, a public officer, board, committee or body, in his professional capacity, without first disclosing that he is an attorney representing interests that may be affected by action of such officer, board, committee or body.

Rule 179. Confidences of client.

1. It is the duty of a member of the state bar to preserve his client's confidences and this duty outlasts the lawyer's employment. The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of employment from others in matters adversely affecting any interests of the former client and concerning which he has acquired confidential information, unless he obtains the consent of all concerned.

2. A member of the state bar accused by his client can disclose the truth in respect to the accusation. The announced intent of the client to commit a crime is not included within the confidences which he is bound to respect. He may properly make such disclosures as may be necessary to prevent the act or protect those against whom it is threatened.

Rule 183. Acquiring interest in litigation and advancing expenses of litigation. A member of the state bar should never purchase or otherwise acquire, directly or indirectly, any interest in the subject matter of the litigation which he is conducting, but nothing herein shall prohibit a just and reasonable contingent fee contract. A lawyer may not properly agree with a client that the lawyer shall pay or bear the expenses of litigation; he may temporarily and in good faith advance expenses as a matter of convenience, but subject to reimbursement.

PART IV. CANONS OF JUDICIAL ETHICS

Rule 216. Unprofessional conduct of attorneys and counsel. A judge should utilize his opportunities to criticize and correct unprofessional conduct of attorneys and counselors brought to his attention, and, if adverse comment is not a sufficient corrective, should send the matter at once to the proper investigating and disciplinary authorities.

Rule 218. Kinship or influence.

1. A judge is prohibited by law from acting in an action or proceeding when he is related to either party by consanguinity or affinity within the third degree.

2. A judge should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoin his favor, or that he is affected by the kinship, rank, position or influence of any party or other person.

Rule 229. Inconsistent obligations. A judge should not accept inconsistent duties, nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

Rule 230. Business promotions and solicitations for charity. A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.

Rule 231. Personal investments and relations.

1. A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

2. He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

Rule 232. Executorships and trusteeships. While a judge is not disqualified from holding executorships or trusteeships, he should not accept or continue to hold any fiduciary or other position if the holding of it would interfere or seem to interfere with the proper performance of his judicial duties, or if the business interests of those represented require investments in enterprises that are apt to come before him judicially, or to be involved in questions of law to be determined by him.

Rule 233. Partisan politics.

1. While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another. He should avoid making political speeches, making or soliciting payment of assessments or contributions to party funds, the public endorsement of candidates for political office and participation in party conventions.

2. He should neither accept nor retain a place on any party committee nor act as party leader, nor engage generally in partisan activities.

Rule 234. Self-interest. A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

Rule 237. Gifts and favors. A judge should not accept any presents or favors from litigants, or from lawyers practicing before him, or from others whose interests are likely to be submitted to him for judgment.

THE CONSTITUTION OF THE STATE OF NEVADA

ARTICLE 3.

DISTRIBUTION OF POWERS

Section. 1. **Three separate departments; separation of powers.** The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases herein expressly directed or permitted.

Art. 4,

Sec: 8. **Senators and assemblymen ineligible to certain offices.** No Senator or member of Assembly shall, during the term for which he shall have been elected, nor for one year thereafter be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by elections by the people.

Sec: 9. **Federal officers ineligible to state office; exceptions.** No person holding any lucrative office under the Government of the United States or any other power, shall be eligible to any civil office of Profit under this State; Provided, that Post-Masters whose compensation does not exceed Five Hundred dollars per annum, or commissioners of deeds, shall not be deemed as holding a lucrative office.

Sec: 10. **Embezzler of public funds ineligible to office; disqualification for bribery.** Any person who shall be convicted of the embezzlement, or defalcation of the public funds of this State or who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this State; and the Legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery, or embezzlement as a felony.

Sec: 27. **Disqualification of jurors; elections.** Laws shall be made to exclude from serving on juries, all persons not qualified electors of this State, and all persons who shall have been convicted of bribery, perjury, forgery [forgery,] larceny or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Art. 6,

Sec: 10. **Fees or perquisites of judicial officers.** No Judicial Officer, except Justices of the Peace and City Recorders shall receive to his own use any fees or perquisites of Office[.]

Sec. 11. **Judges ineligible to other offices.** The justices of the supreme court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected or appointed; and all elections or appointments of any such judges by the people, legislature, or otherwise, during said period, to any office other than judicial, shall be void.

[Amended in 1950. Proposed and passed by the 1947 legislature; agreed to and passed by the 1949 legislature; and approved and ratified by the people at the 1950 general election. See: Statutes of Nevada 1947, p. 878; Statutes of Nevada 1949, p. 684.]

ARTICLE. 7.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Section. 1. **Impeachments: Trial; conviction.** The Assembly shall have the sole power of impeaching. The concurrence of a majority of all the members elected, shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon Oath or Affirmation, to do justice according to Law and Evidence. The Chief Justice of the Supreme Court, shall preside over the Senate while sitting to try the Governor or Lieutenant Governor upon impeachment. No person shall be convicted without the concurrence of two thirds of the Senators elected.

Sec: 2. **Who may be impeached.** The Governor and other State and Judicial Officers, except Justices of the Peace shall be liable to impeachment for Misdemeanor or Malfeasance in Office; but judgment in such case shall not extend further than removal from Office and disqualification to hold any Office of honor, profit, or trust under this State. The party whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

Sec: 3. **Removal of supreme court justices, district judges.** For any reasonable cause to be entered on the journals of each House, which may, or may not be sufficient grounds for impeachment, the Chief Justice and Associate Justices of the Supreme Court and Judges of the District Courts shall be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature, and the Justice or Judge complained of, shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defense, Provided, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

Sec: 4. **Removal of other civil officers.** Provision shall be made by law for the removal from Office of any Civil Officer other than those in this Article previously specified, for Malfeasance, or Nonfeasance in the Performance of his duties.

Senate Joint Resolution No. 23 of the 55th Session—Committee on Judiciary
FILE NUMBER.....

SENATE JOINT RESOLUTION—Proposing to change the state's constitution to create a simplified and unified court system, by amending article 6 of the constitution in its entirety, amending section 2 of article 7, sections 8 and 12 of article 15 and section 22 of article 17 of the constitution, and repealing sections 15, 16 and 17 of article 17 of the constitution.

ARTICLE. 6.

Judicial Department.

Sec. 6. 1. *A justice of the supreme court or a judge of the district court or a county court may, in addition to the provision of article 7 for impeachment, be censured, retired or removed by the commission on judicial discipline. A justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.*

2. *The commission is composed of:*

- (a) Two justices or judges appointed by the supreme court;*
- (b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and*
- (c) Three persons, not members of the legal profession, appointed by the governor.*

The commission shall elect a chairman from among its three lay members.

3. *The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of the permanent commission on judicial selection.*

4. The supreme court shall make appropriate rules for:
 - (a) The confidentiality of all proceedings before the commission, except a decision to censure, retire or remove a justice or judge.
 - (b) The grounds of censure.
 - (c) The conduct of investigations and hearings.
5. No justice or judge may by virtue of this section be:
 - (a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office, or habitual intemperance; or
 - (b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.
6. Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.
7. If a proceeding is brought against a justice of the supreme court, no justice may sit on the commission for that proceeding. If a proceeding is brought against a judge of the district court or a county court, no judge from the same geographical division of the district court may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.
8. The commission may:
 - (a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;
 - (b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;
 - (c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and
 - (d) Exercise such further powers as the legislature may from time to time confer upon it.

CLASSIFIED PERSONNEL

8200

RULES FOR PERSONNEL ADMINISTRATION

8205

RULE I

GENERAL PROVISIONS

A. Purpose

In accordance with the provisions of Chapter 284 of Nevada Revised Statutes creating a Personnel System, it is the purpose of these rules to establish policy and standards for administrative action whereby the intent of the statute can be carried out.

CHAPTER 284

STATE PERSONNEL SYSTEM

284.013 Inapplicability of chapter to legislative, judicial departments, Nevada gaming commission and state gaming control board.

1. The provisions of this chapter do not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the legislative department or the judicial department of state government; or

(b) Members of the Nevada gaming commission or members of the state gaming control board.

2. Terms and conditions of employment of all persons referred to in subsection 1, including salaries and leaves of absence (including, without limitation, annual leave and sick and disability leave), shall be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations; but such leaves of absence so prescribed shall not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter.

(Added to NRS by 1963, 485; A 1971, 768)

284.015 Definitions. As used in this chapter:

1. "Chief" means the chief of the personnel division of the department of administration.

2. "Commission" means the advisory personnel commission.
 3. "Director" means the director of the department of administration.
 4. "Handicap" includes physical disability, mental retardation and mental or emotional disorder.
 5. "Personnel division" means the personnel division of the department of administration.
 6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the executive department of the state government operating by authority of the constitution or law, and supported in whole or in part by any public funds, whether such public funds are funds received from the Government of the United States or any branch or agency thereof, or from private or any other sources.
- [2:351:1953]—(NRS A 1963, 485, 1282; 1965, 674)

284.020 Duties of state officers and employees in executive department; construction of chapter.

1. All officers and employees in the executive department of the state government shall:
 - (a) Conform to, comply with and aid in all proper ways in carrying into effect the provisions of this chapter and the rules and regulations prescribed hereunder.
 - (b) Furnish any records or information which the chief or the commission may request for any purpose of this chapter.
 2. This chapter shall not be construed to limit the power and authority of elective officers and heads of departments to conduct and manage the affairs of their departments as they see fit.
- [57:351:1953]—(NRS A 1963, 486, 1283)

ADMINISTRATION

284.025 Administration of chapter. The personnel division shall administer the provisions of this chapter, subject to administrative supervision by the director.

[4:351:1953]—(NRS A 1963, 1035)

284.030 Advisory personnel commission: Creation; membership. There is hereby created in the personnel division an advisory personnel commission composed of five members appointed by the governor.

[Part 5:351:1953]—(NRS A 1963, 1035)

284.065 Powers and duties of commission.

1. The commission shall have only such powers and duties as are authorized by law.

2. In addition to the powers and duties set forth elsewhere in this chapter, the commission shall have the following powers and duties:

(a) To advise the chief concerning the organization and administration of the personnel division.

(b) To report to the governor biennially on all matters which the commission may deem pertinent to the personnel division and concerning any specific matters previously requested by the governor.

(c) To advise and make recommendations to the governor or the legislature relative to the personnel policy of the state.

(d) To advise the chief with respect to the preparation and amendment of rules and regulations to give effect to the provisions of this chapter.

(e) To foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards in the state service.

(f) To exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

[Part 8:351:1953] + [Part 9:351:1953]—(NRS A 1963, 1036)

284.155 Regulations for classified service: Force and effect; amendments.

1. The chief shall prescribe a code of rules and regulations for the classified service, which, upon approval of the commission after public notice and opportunity for public hearing, shall have the force and effect of law.

2. Rules concerning certifications, appointments, layoffs and reemployment shall be prescribed for positions involving unskilled or semi-skilled labor. These rules may be different from the rules concerning certifications, appointments, layoffs and reemployment for other positions in the classified service.

3. Upon recommendation of the chief, amendments to rules and regulations may be made in the same manner required for the adoption of rules and regulations.

[20:351:1953]—(NRS A 1963, 1041)

PROHIBITIONS AND OFFENSES

284.415 Receipt or payment of consideration for appointment, promotion. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

[70:351:1953]

284.425 Members of subversive organizations ineligible to appointment in public service.

1. Any person who has been or remains a member of any subversive organization, as defined by the Attorney General of the United States, composed of two or more members, which directly or indirectly advocates, advises, teaches or practices the duty, necessity or propriety of controlling, conducting, seizing or overthrowing the Government of the United States, the government of this state, or the government of any political subdivision thereof, by force or violence, shall be ineligible for appointment to or employment in a position in the public service; and if he is an officer or employee of the state, he shall forfeit his office or position.

2. This chapter shall not be construed to prohibit the existence of an organization of state employees, or to prohibit any state officer or employee from becoming a member of such an organization.

[72:351:1953]

284.430 Penalties.

1. Any person who willfully violates any provision of this chapter or any provision of the rules and regulations prescribed hereunder shall be guilty of a misdemeanor.

2. Any person who is convicted of a misdemeanor under this chapter shall, for a period of 5 years, be ineligible for appointment to or employment in a position in the public service, and if he is an officer or employee of the state, he shall forfeit his office or position.

[73:351:1953]—(NRS A 1967, 552)

RULE XVI

PROHIBITIONS AND PENALTIES

A. Incompatible Activities

1. Employees shall not engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible or in conflict with their duties as State officers and employees, or with the duties, functions or responsibilities of their appointing authorities or agencies by which they are employed.
2. Each appointing authority shall determine and describe in writing, subject to the approval of the Commission, those specific activities which, for employees under his jurisdiction, will be

considered inconsistent, incompatible or in conflict with their duties as employees, and shall provide a copy to each such employee. In making this determination, the appointing authority shall give consideration to any employment, activity, or enterprise which involves:

- a. The use for private gain or advantage of the State's time, facilities, equipment and supplies; or the badge, uniform, prestige or influence of his State position or employment.
- b. The receipt or acceptance by the employee of any money or other consideration from anyone other than the State for the performance of an act which the employee would be required or expected to render in the regular course or hours of his State employment or as a part of his duties as an employee.
- c. The performance of an act in other than his capacity as an employee, which act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such employee or the agency by which he is employed.

B. Full-Time Service Required

Each employee shall during his hours of duty as an employee and subject to such other laws, rules or regulations as pertain thereto, devote his full time, attention and efforts to State employment.

C. Political Activity

Employees shall have the right to vote as they choose and to express their political opinions on all subjects without recourse, except that no employee shall:

1. Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution, or political service, whether voluntary or involuntary for any political purpose from anyone on any employment list or holding any position in the classified service.

2. Engage in political activity during the hours of his State employment with the purpose of improving the chances of a political party or individual seeking office; or at any time engaging in political activity for the purpose of securing preference for promotion, transfer or salary advancement.
3. While off duty, engage in political activity to an extent that it impairs his attendance or efficiency as an employee.
4. As an employee in an agency administering federally aided programs, engage in political activities at any time which are forbidden by federal law.

CHAPTER 233B

NEVADA ADMINISTRATIVE PROCEDURE ACT

233B.126 Limitations on communications of agency members, employees assigned to render decision, make findings of fact and conclusions of law. Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity to all parties to participate. An agency member may, subject to the provisions of NRS 233B.123:

1. Communicate with other members of the agency.
 2. Have the aid and advice of one or more personal assistants.
- (Added to NRS by 1967, 809)

SUMMARY--Provides standards of ethical conduct for public officers and employees and establishes a state ethics commission.
Fiscal Note: No. (BDR 23-59)

AN ACT relating to ethics in government; providing a code of ethical conduct for public officers and employees; establishing a state ethics commission; and providing other matters properly relating thereto.

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

Section 1. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. Sections 3 to 11, inclusive, may be cited as the Ethics in Government Act.

Sec. 3. It is hereby declared to be the public policy of this state that a public office is a public trust and shall be held for the sole benefit of the people. A public officer or employee must commit himself to avoid conflicts between his private interests and those of the general public whom he serves. The increasing complexity of government at all levels, with its pervasive intervention into the private sectors of life, makes potential conflicts almost inevitable. To enhance the faith of the people in the integrity and impartiality of all public officers and employees, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants.

Sec. 4. As used in this act:

1. "Commission" means the state ethics commission.

2. "Decision-making" means exercising public 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.

3. "Public officer or employee":

(a) "Public officer" means a person elected or appointed to a position which is established by the constitution or a statute of this state, or by a charter or ordinance of a political subdivision of this state and which involves the exercise of a public power, trust or duty. The term does not include any justice, judge, magistrate, court commissioner, court clerk or other publicly paid officer in the judicial system. The term does not include any member of a board, commission or other body with a purely advisory function but does include any member of a decision-making body.

(b) "Public employee" means any person performing public duties under the direction and control of a public officer for compensation paid by the government of this state or any of its political subdivisions.

Sec. 5. A code of ethical conduct is hereby promulgated, as follows:

1. No public officer or employee should seek or accept any gift, service, favor, employment, engagement, emolument, or economic opportunity that 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 should 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 with which he or a member of his household is associated, or any other person.

3. No public officer or employee should approve, disapprove, vote, abstain from voting, or otherwise act upon any matter in which he has a direct financial interest without disclosing the full nature and extent of his interest. Such a disclosure should be made before the time for him to perform his duty or concurrently with that performance. If the officer or employee is a member of a decision-making body, he should make disclosure to the chairman and other members of the body. Otherwise, a disclosure would be appropriately addressed by an appointed officer or employee to the supervisory head of his organization or by an elected officer to the general public in the area from which he is elected.

4. No public officer or employee should 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 provided 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 person serving as a public officer or employee in a decision-making agency should accept compensation from private persons to represent or counsel them on any issues pending before that agency. Nor should any public officer or employee represent private persons for compensation before any decision-making agency with which he must associate in the course of his official duties, except that the opportunity to engage in such representation before other agencies than his own is not hereby denied if his public employment and pay are specifically limited to part-time service.

6. During legislative sessions, no legislator should represent persons for private compensation before any executive or independent, decision-making agency of the state government, and if he extends such representation gratuitously, it should be only to his constituents. However, nothing herein shall be deemed to preclude inquiries as to the facts concerning any case or program.

7. No public officer or employee should 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.

8. 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 the people generally, he should not use such information to further the private economic interests of himself or anyone else.

9. No public officer or employee should suppress any government report or other document because it might tend to unfavorably affect his private financial interests.

Sec. 6. There is hereby established a state ethics commission to consist of five members, as follows:

1. One member shall be appointed by the governor from the public at large for a term of 5 years.

2. One member shall be appointed by the attorney general from the public at large for a term of 4 years.

3. One member shall be appointed by the Nevada State Employees' Association from the public at large for a term of 3 years.

4. One member shall be appointed by the Nevada Association of County Commissioners from the public at large for a term of 2 years.

5. One member shall be appointed by the Nevada Municipal Association from the public at large for a term of 1 year.

Sec. 7. 1. Upon the expiration of the terms of the original members of the commission, appointments by the respective appointing authorities shall thereafter be for terms of 5 years.

2. Any vacancy in the membership of the commission shall be filled by the appropriate appointing authority for the remaining portion of the unexpired term.

3. Members of the commission shall be residents of the State of Nevada.

4. No member of the commission may be a full or part-time public officer or employee or be a contractor with the state or local government.

5. Not more than three members of the commission may be members of the same political party.

6. Not more than three members of the commission may be residents of the same county.

7. The commission shall elect a chairman annually from among its membership.

8. Members of the commission shall receive a salary of \$25 per day while engaged in the business of the commission, in addition to the per diem and expense allowances provided by law.

Sec. 8. The commission shall:

1. Render advisory opinions interpreting the code of ethical conduct set forth in section 5 of this act and applying the code to given sets of facts and circumstances upon requests of ethics committees established pursuant to section 10 of this act or public officers or employees seeking guidance on questions directly related to the propriety of their own conduct as office holders or employees. Each such opinion shall be confidential unless released by the requester.

2. Recommend legislation concerning ethics in government.
3. Issue such regulations as are necessary to establish procedures for receipt of inquiries and prompt rendition of advisory opinions and for its internal organization and governance.
4. Publish hypothetical opinions, abstracted from the advisory opinions rendered under subsection 1, for the future guidance of persons concerned with ethical standards in government.
5. Employ such personnel, under the unclassified service of the state, and obtain such facilities as are required to carry out the functions of the commission. The salaries of persons so employed shall be within the limits of appropriations made by law.

Sec. 9. The commission's advisory opinions may include guidance to any public officer or employee on questions as to:

1. Whether an identifiable conflict exists between his personal interests or obligations and his official duties.
2. Whether his participation in his official capacity would involve discretionary judgment with significant effect on the disposition of the matter in conflict.
3. What degree his personal interest exceeds that of other persons who belong to the same economic group or general class.
4. Whether the nature of the potential conflict is substantial and constitutes a real threat to the independence of his judgment.
5. Whether he possesses certain knowledge or know-how which the government agency he serves will require to achieve a sound decision.

6. What effect his participation under the circumstances would have on the confidence of the people in the impartiality of their public officers and employees.

7. Whether a disclosure of his personal interest would be advisable, and, if so, how such disclosure should be made so as to safeguard the public interest.

8. Whether it would operate in the best interest of the people for him to withdraw or abstain from participation or to direct or pursue a particular course of action in the matter.

Sec. 10. Any department, board, commission or other agency of the state or any of its political subdivisions may establish a specialized or local ethics committee to complement the functions of the state ethics commission. Such a committee may:

1. Promulgate a code of ethics adapted to the particular situations encountered in its sphere of activity. Standards may not be less restrictive than the state-wide standards set forth in this act.

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

Sec. 11. This act is designed to be preventive rather than punitive.
It shall not be construed to repeal either expressly or by implication,
to abrogate or decrease the effect of any NRS provisions which define
crimes or prescribe punishments in connection with the conduct of
public officers or employees.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
CARSON CITY, NEVADA 89701

LEGISLATIVE COMMISSION
JOHN FRANSWAY, Senator, Chairman
INTERIM FINANCE COMMITTEE
ROY YOUNG, Assemblyman, Chairman



ARTHUR J. PALMER, Director

CLINTON E. WOOSTER, Legislative Counsel
EARL T. OLIVER, Fiscal Analyst

August 14, 1972

Chairman Lawrence E. Jacobsen
Legislative Commission
Subcommittee on Legislative Rules
P. O. Box 367
Minden, Nevada 89423

Dear Chairman Jacobsen:

At the 1971 session of the Nevada Legislature, the Legislative Commission was directed to study conflicts of interest at all levels of Nevada's government, pursuant to the terms of A.C.R. 39 (File No. 99). Shortly after adjournment sine die, the Legislative Commission appointed a subcommittee to carry out the mandate of A.C.R. 39. I was designated as Chairman of that subcommittee, which also consists of Senators C. Clifton Young and Lee E. Walker, and Assemblyman Nick Lauri.

The Subcommittee to Study Conflicts of Interest in Government has deliberated at length on the difficult questions relating to ethical conduct by public officers and employees. It is now at the point of formulating certain recommendations for submittal to the Legislative Commission. In doing so, the Subcommittee has been guided by the philosophy that public officers and employees are entitled to assistance in the resolution of personal ethical questions arising out of the performance of their official functions. But the Subcommittee did not feel that suggested legislation should obstruct the recruitment of qualified personnel to government service or prevent them from exercising their right to pursue legitimate means of supplementing their livelihood. Therefore, the Subcommittee is recommending the statutory creation of a State Ethics Commission to advise public officers and employees on

Chairman Lawrence E. Jacobsen
August 14, 1972
Page 2

potential conflicts of interest and to interpret a suggested Code of Ethical Conduct. In addition, to relieve the state commission of the burden of resolving every question which might arise, and to further permit the various jurisdictions involved to serve their own natural constituencies, the Subcommittee is recommending the enactment of permissive legislation to allow the creation of ethics committees by any agency, department, or bureau of the state government or its local subdivisions. These committees, where created, would discharge the responsibilities of the State Ethics Commission, with the option of referring matters to the Commission in difficult cases.

Because the Legislature has constitutionally and by tradition always exercised the right to judge the qualifications of its own members, the Subcommittee felt it proper to recommend the creation of a joint committee on ethics under the joint rules of the Legislature, so that the legislative branch might avail itself of the prerogative of continuing to serve its members in the traditional fashion. Of course, the recommended legislation would not infringe upon that right, since the State Ethics Commission would be essentially an advisory forum. Nonetheless, the Subcommittee has decided to recommend to the judgment of your subcommittee the suggestion that it incorporate such a joint committee on ethics in its proposed revisions to the Standing Rules of the Legislature. This concept carries with it the unanimous endorsement of the Subcommittee.

In addition, the Subcommittee would like to draw your attention to Senate Rules 43 and 47 and Assembly Rule 26. In the view of the Subcommittee, consideration should be given to the lack of uniformity between the two houses concerning these provisions.

Finally, the Subcommittee is of the opinion that some attempt should be made to control the activities of lobbyists, but that this matter more rightfully belongs within the purview of your subcommittee. We recognize the difficulties of defining who is and who is not a lobbyist and feel that any regulation should seek to avoid the necessity for defining the term. The Subcommittee is of the opinion that self-definition is perhaps

Chairman Lawrence E. Jacobsen
August 14, 1972
Page 3

the most practical approach to any program of registration, with some inducement being given to those persons who voluntarily register themselves as lobbyists. It may be, for example, that restricting access to the interior corridors of the first floor solely to legislators, staff, guests, and registered lobbyists would encourage a program of voluntary registration. At any rate, we commend the concept to your attention.

All of these matters are, of course, suggestions made in deference to what our Subcommittee deemed to be the special competence of your subcommittee. We trust that you will judge them on the basis of whatever merits they might possess. Please accept these comments as an affirmation of our continued respect for you and your fellow subcommittee members.

Sincerely,

M. Kent Hafen, Chairman
Subcommittee to Study Conflicts
of Interest in Government

JTH:ca