ASSEMBLY BILL NO. 63–COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE COMMISSION ON ETHICS)

PREFILED NOVEMBER 16, 2026

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises various provisions relating to the Nevada Ethics in Government Law. (BDR 23-181)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: May have Fiscal Impact.
Effect on the State Highway Fund: No.

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

AN ACT relating to ethics in government; defining the term "appearance of impropriety"; revising provisions relating to gifts; prohibiting a public officer or employee from using his or her position or power in government to take certain actions; revising provisions relating to the activities of certain public officers or employees after the public officer or employee leaves the service of an agency; requiring a public officer to complete a training course which instructs the public officer on certain requirements relating to the code of ethical standards; revising provisions relating to the confidentiality of certain persons who file an ethics complaint; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, the Nevada Ethics in Government Law (Ethics Law) governs the conduct of public officers and employees, and in certain situations, former public officers and employees after the end of their period of public service or employment. (Chapter 281A of NRS) The Ethics Law sets forth various provisions relating to the acceptance of gifts and prohibits a public officer or employee from seeking or accepting any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and

impartial discharge of the public officer's or employee's public duties. (NRS 281A.400) **Section 3** of this bill defines the term "gift" for the purposes of such provisions. **Section 5** of this bill requires the Commission on Ethics, in determining whether a public officer or employee has sought or accepted a gift or engagement that would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties, to consider certain factors. **Section 10** of this bill makes the provisions of **section 5** applicable to proceedings concerning an ethics complaint.

Section 7 of this bill adds to the statutory ethical standards by prohibiting public officers and employees from using their position or power in government to cause unwarranted harm or damage to another person to benefit a significant pecuniary or personal interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

Existing law prohibits a public officer or employee from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity but does not prohibit a limited use of state property and resources for personal purposes under certain circumstances, including that the limited use does not create the appearance of impropriety. Existing law further prohibits a State Legislator from using governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of the State Legislator or any other person but does not prohibit a limited use of state property and resources for personal purposes under certain circumstances, including that the limited use does not create the appearance of impropriety. (NRS 281A.400) **Section 2** of this bill defines "appearance of impropriety" for this purpose.

Under existing law a public officer or employee is not allowed to use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. "Unwarranted" is defined under existing law to mean without justification or adequate reason. (NRS 281A.400) **Section 4** of this bill reorganizes the definition of "unwarranted" into a separate section of the Nevada Revised Statutes.

Section 6 of this bill applies the definitions set forth in **sections 2-4** to the Ethics Law.

Existing law requires each public officer to: (1) acknowledge certain actions and duties relating to the statutory ethical standards; and (2) execute and file with the Commission such an acknowledgment. (NRS 281A.500) **Section 9** of this bill additionally requires each public officer to: (1) complete a training course which instructs the public officer on certain provisions of the Ethics Law; and (2) include that he or she has completed such training in the acknowledgment. **Section 9** requires certain persons and entities to inform a public officer of the requirements of **section 9** on or before the date on which the public officer swears or affirms the oath of office. **Section 12** of this bill provides that **section 9** applies to a public officer who is elected or appointed to the position on or after October 1, 2027.

Existing law prohibits a public officer or employee who serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision from, for 1 year after leaving the service of the agency, representing or counseling for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. (NRS 281A.410) **Section 8** of this bill instead prohibits such a public officer or

employee from performing such actions for 1 year upon any issue before the agency.

Existing law establishes procedures governing the submission, consideration and disposition of an ethics complaint, including procedures for the confidentiality of the identity of a person who files an ethics complaint. (NRS 281A.700-281A.790) Under such procedures, if such a person asks that his or her identity as the requester is kept confidential, existing law: (1) requires the Commission to keep his or her identity confidential if he or she is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint; and (2) authorizes the Commission to keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will subject the requester or a member of his or her household to a bona fide threat of physical violence. (NRS 281A.750) **Section 11** of this bill additionally: (1) requires the Commission to keep the identity of the requester confidential if he or she is a public officer or employee who worked for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint at the time the conduct alleged in the complaint occurred; and (2) authorizes the Commission to keep the identity of a requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will result in substantial economic harm to the requester or a member of his or her household.

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

Section 1. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Appearance of impropriety" means a reasonable person would find, based on the given set of facts and circumstances, that a public officer's or employee's limited use of governmental property, equipment or other facilities for personal purposes is inappropriate, disproportionate, excessive or unreasonable under that given set of facts and circumstances.***

Sec. 3. ***1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.***

2. The term does not include:

(a) Food and refreshments provided outside of a meal which are of modest value, including, without limitation, soft drinks, coffee and donuts.

(b) Items with little to no intrinsic value, including, without limitation, greeting cards or any plaques, certificates or trophies presented to a person for ceremonial purposes.

(c) Any commercially reasonable loans from banks and other financial institutions that are made on terms that are generally available to the public.

(d) Opportunities and benefits, including, without limitation, favorable rates, price reductions or discounts or free attendance or participation at events, which are available to the public or to members of specified groups or organizations, including, without limitation, employees of the government or uniformed military personnel.

(e) Rewards and prizes awarded to competitors of events or contests, including, without limitation, random drawings which are open to the public.

Sec. 4. *"Unwarranted" means without justification or adequate reason.*

Sec. 5. *1. The Commission, in determining whether a public officer or employee has sought or accepted a gift or engagement that would tend improperly to influence a reasonable person to depart from the faithful and impartial discharge of the public officer's or employee's public duties, shall consider the following, if applicable, and without limitation:*

(a) The value of the gift or engagement;

(b) Whether the public officer or employee has power in his or her capacity as a public officer or employee to make official decisions that may involve the person or entity offering the gift or engagement;

(c) Whether the person or entity offering the gift or engagement has a substantial interest in any matter which the public officer or employee has power over in his or her capacity as a public officer or employee;

(d) Whether the engagement primarily provides educational information or opportunities for collaboration on matters which clearly relate to the duties of the public officer or employee;

(e) Whether there is any existing relationship between the person or entity offering the gift or engagement that is not based on the public officer or employee's status as a public officer or employee;

(f) Any verbal or written language relating to the offer of the gift or engagement, including, without limitation:

(1) Any invitation;

(2) Any request from the public officer or employee; and

(3) Any other exchange or communication related to the gift or engagement;

(g) Whether the gift or engagement is for ceremonial purposes and such a purpose is clear; and

(h) The extent to which attendance at an event is available to the general public and media outlets, including, without limitation, consideration of the duration or scope of attendance at the event that is offered to the general public and media outlets.

2. The factors set forth in this section are not exclusive or exhaustive and the Commission or review panel, as appropriate, may consider other factors in the determination of the matter if the factors bear a reasonable relationship to the determination of whether a violation occurred.

Sec. 6. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 281A.400 is hereby amended to read as follows:

281A.400 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. ~~[As used in this subsection, "unwarranted" means without justification or adequate reason.]~~

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, for the performance of the public officer's or employee's duties as a public officer or employee.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other official document because it might tend to affect unfavorably a significant pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity. This subsection does not prohibit:

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

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

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

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

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

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

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

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

8. A State Legislator shall not:

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

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

(I) The use does not interfere with the performance of the State Legislator's public duties;

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

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

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

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

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

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

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

9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

11. A public officer or employee shall not use the public officer's or employee's position or power in government to take any actions or compel a subordinate to take any actions that would cause unwarranted harm or damage to another person to benefit a significant personal or pecuniary interest of the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity.

Sec. 8. NRS 281A.410 is hereby amended to read as follows:

281A.410 In addition to the requirements of the code of ethical standards and the other provisions of this chapter:

1. Except as otherwise provided in NRS 678A.360, if a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(a) Shall not accept compensation from any private person to represent or counsel the private person on any issue pending before

the agency in which that public officer or employee serves, if the agency makes decisions; and

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue ~~[which was under consideration by]~~ ***before*** the agency ***.*** ~~[during the public officer's or employee's service.]~~ As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

2. Except as otherwise provided in subsection 3, a State Legislator or a member of a local legislative body, or a public officer or employee whose public service requires less than half of his or her time, may represent or counsel a private person before an agency in which he or she does not serve.

3. A member of a local legislative body shall not represent or counsel a private person for compensation before another local agency if the territorial jurisdiction of the other local agency includes any part of the county in which the member serves. The Commission may relieve the member from the strict application of the provisions of this subsection if:

(a) The member files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

(1) The best interests of the public;

(2) The continued ethical integrity of each local agency affected by the matter; and

(3) The provisions of this chapter.

4. For the purposes of subsection 3, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

5. Unless permitted by this section, a public officer or employee shall not represent or counsel a private person for compensation before any state agency of the Executive or Legislative Department.

Sec. 9. NRS 281A.500 is hereby amended to read as follows:

281A.500 1. On or before the date on which a public officer swears or affirms the oath of office, the public officer must be informed of the statutory ethical standards ***, the duty to complete the training required by subsection 6,*** and the duty to file an acknowledgment of the statutory ethical standards ***and completion of such training*** in accordance with this section by:

(a) For an appointed public officer, the appointing authority of the public officer; and

(b) For an elected public officer of:

(1) The county and other political subdivisions within the county except cities, the county clerk;

(2) The city, the city clerk;

(3) The Legislative Department of the State Government, the Director of the Legislative Counsel Bureau; and

(4) The Executive Department of the State Government, the Director of the Department of Administration, or his or her designee.

2. Within 30 days after a public employee begins employment:

(a) The Director of the Department of Administration, or his or her designee, shall provide each new public employee of a state agency with the information prepared by the Commission concerning the statutory ethical standards; and

(b) The manager of each local agency, or his or her designee, shall provide each new public employee of the local agency with the information prepared by the Commission concerning the statutory ethical standards.

3. Each public officer shall acknowledge that the public officer:

(a) Has received, read and understands the statutory ethical standards; ~~[and]~~

(b) Has a responsibility to inform himself or herself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature ~~[.]~~ ***; and***

(c) Has completed the training required by subsection 6.

4. The acknowledgment must be executed on a form prescribed by the Commission and must be filed with the Commission ~~[:~~

~~(a) If the public officer is elected to office at the general election, on or before January 15 of the year following the public officer's election.~~

~~(b) If the public officer is elected to office at an election other than the general election or is appointed to office,~~] on or before the ~~[30th]~~ ***90th*** day following the date on which the public officer swears or affirms the oath of office.

5. Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after the public officer swears or affirms the oath of office in accordance with subsection 4, shall execute and file the

acknowledgment on or before January 15 of each even-numbered year while the public officer holds that office.

6. ***Each public officer shall, on or before the 90th day following the date on which the public officer swears or affirms the oath of office, complete a training course which instructs the public officer on the provisions of NRS 281A.400 to 281A.550, inclusive.***

7. For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:

(a) Delivered in person to the principal office of the Commission in Carson City.

(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.

(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.

(d) Transmitted to the Commission by facsimile machine or other electronic means authorized by the Commission. Filing by facsimile machine or other electronic means is complete upon receipt of the transmission by the Commission.

~~[7.]~~ ***8.*** If a public officer is serving in a public office ***, completes the training required by this section*** and executes and files the acknowledgment for that office as required by the applicable provisions of this section, the public officer shall be deemed to have satisfied the requirements of this section for any other office held concurrently by him or her.

~~[8.]~~ ***9.*** The form for making the acknowledgment must contain:

(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a copy of the standards; and

(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a printed copy of the statutory ethical standards from the Commission.

~~[9.]~~ ***10.*** Whenever the Commission, or any public officer or employee as part of the public officer's or employee's official duties, provides a public officer with a printed copy of the form for making the acknowledgment, a printed copy of the statutory ethical standards must be included with the form.

~~[10.]~~ ***11.*** The Commission shall retain each acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~[11.]~~ ***12.*** Willful refusal to ***complete the training required by this section or to*** execute and file the acknowledgment required by this section shall be deemed to be:

(a) A willful violation of this chapter for the purposes of NRS 281A.785 and 281A.790; and

(b) Nonfeasance in office for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440, the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.

~~[12. As used in this section, "general election" has the meaning ascribed to it in NRS 293.060.]~~

Sec. 10. NRS 281A.700 is hereby amended to read as follows:

281A.700 The provisions of NRS 281A.700 to 281A.790, inclusive, ***and section 5 of this act*** apply to proceedings concerning an ethics complaint.

Sec. 11. NRS 281A.750 is hereby amended to read as follows:

281A.750 1. Except as otherwise provided in this section and NRS 281A.755, all information, communications, records, documents or other materials in the possession of the Commission, the review panel or their staff that are related to an ethics complaint are confidential and are not public records pursuant to chapter 239 of NRS until:

(a) The review panel determines whether there is just and sufficient cause for the Commission to render an opinion in the matter and serves written notice of its determination on the public officer or employee who is the subject of the ethics complaint; or

(b) The public officer or employee who is the subject of the ethics complaint authorizes the Commission, in writing, to make the information, communications, records, documents or other materials that are related to the ethics complaint publicly available,

➥ whichever occurs first.

2. Except as otherwise provided in subsection 3, if a person who files an ethics complaint asks that his or her identity as the requester be kept confidential, the Commission:

(a) Shall keep the identity of the requester confidential if he or she is a public officer or employee who ~~[works]~~ ***:***

(1) Works for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint ~~[.]~~ ***; or***

(2) Worked for the same public body, agency or employer as the public officer or employee who is the subject of the ethics complaint at the time the conduct alleged in the complaint occurred.

(b) May keep the identity of the requester confidential if he or she offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of his or her identity will ~~[subject]~~ ***:***

(1) Subject the requester or a member of his or her household to a bona fide threat of physical force or violence.

(2) Result in substantial economic harm to the requester or a member of his or her household.

3. If the Commission keeps the identity of the requester confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the testimony of the requester to consider the propriety of the conduct of the public officer or employee who is the subject of the ethics complaint. If the Executive Director intends to present the testimony of the requester as evidence for consideration by the Commission at the adjudicatory hearing or in rendering an opinion in the matter and the public officer or employee who is the subject of the ethics complaint submits a written discovery request to the Commission pursuant to NRS 281A.755, the Commission shall disclose the name of the requester only as a proposed witness within a reasonable time before the adjudicatory hearing on the matter.

Sec. 12. 1. The provisions of section 9 of this act apply to a public officer who is elected or appointed to the position on or after October 1, 2027.

2. As used in this section, "public officer" has the meaning ascribed to it in NRS 281A.160.

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