

ASSEMBLY BILL NO. 442—ASSEMBLYMEN KIRKPATRICK,
SEGERBLOM; CONKLIN, GOICOECHEA, MUNFORD, PIERCE
AND SMITH

MARCH 16, 2009

JOINT SPONSORS: SENATORS CEGAVSKE; AND HORSFORD

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

SUMMARY—Revises provisions concerning lobbying.
(BDR 31-176)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: No.

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

AN ACT relating to lobbying; prohibiting an entity of the
Executive, Legislative or Judicial Department of State
Government, and local governments, from expending
money for lobbying activities; prohibiting certain persons
from receiving compensation or reimbursement for
engaging in lobbying activities; prohibiting a person from
expending money from a legislative appropriation or
authorization for lobbying activities; providing a penalty;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits an agency, board, bureau, commission,
department, division, institution, officer or employee of the Executive Department,
the Legislative Department or the Judicial Department of State Government from
compensating or reimbursing a person to act as a lobbyist or making an expenditure
in connection with lobbying activities that must be reported pursuant to existing
law. (NRS 218.926) **Section 2** of this bill extends the same prohibitions to local
governments.

Section 5 of this bill prohibits employees of the Legislative Branch and
members, officers and employees of the Judicial and Executive Branches of the
State Government, and local governments, from receiving compensation or



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reimbursement for engaging in lobbying activities. **Section 5** also prohibits a person from using money from a legislative appropriation or authorization to compensate or reimburse a person for acting as a lobbyist or to make an expenditure in connection with lobbying activities that must be reported pursuant to existing law. (NRS 218.942)

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An entity of State Government shall not, directly or indirectly:

(a) Compensate or reimburse a person for acting as a lobbyist; or

(b) Make an expenditure in connection with lobbying activities that must be reported pursuant to NRS 218.926.

2. As used in this section:

(a) "Entity of State Government" includes, without limitation, an agency, board, bureau, commission, department, division, institution, officer or employee of the Executive Department, including, without limitation, the Nevada System of Higher Education and the Public Employees' Retirement System, the Legislative Department or the Judicial Department of State Government.

(b) "Expenditure" has the meaning ascribed to it in NRS 218.906.

(c) "Lobbyist" has the meaning ascribed to it in NRS 218.912.

Sec. 2. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An entity of local government shall not, directly or indirectly:

(a) Compensate or reimburse a person for acting as a lobbyist; or

(b) Make an expenditure in connection with lobbying activities that must be reported pursuant to NRS 218.926.

2. As used in this section:

(a) "Entity of local government" includes, without limitation, an agency, board, bureau, commission, department, division, institution, officer or employee of a local government.

(b) "Expenditure" has the meaning ascribed to it in NRS 218.906.

(c) "Lobbyist" has the meaning ascribed to it in NRS 218.912.

(d) "Local government" means any political subdivision of this State, including, without limitation, any county, city, town, board,



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airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function.

Sec. 3. NRS 354.59803 is hereby amended to read as follows:

354.59803 1. In each year in which the Legislature convenes, a local government which expends more than \$6,000 on activities designed to influence the passage or defeat of any legislation shall file with the Department of Taxation within 30 days after the close of the legislative session a report supplemental to its final budget which includes separate items for expenses relating to that activity, including, without limitation:

(a) Transportation.

(b) The amount of money spent on:

(1) The lodging and meals of its officers ~~{, lobbyists}~~ and employees; *and*

(2) The salary or wages paid to its officers and employees . ~~{~~ *and*

~~—(3) Compensation paid to any lobbyists, to the extent that such information does not duplicate the information required pursuant to subparagraphs (1) and (2).~~

~~—(c) The amount of money spent on entertainment, gifts or other expenses which are required to be reported pursuant to NRS 218.900 to 218.944, inclusive.~~

~~—(d)}~~ (c) The amount of money spent in Carson City on supplies, equipment and facilities and other personnel and services needed to support the activity.

~~{(e)}~~ (d) An identification of the fund, account or other source against which the expenses were charged.

2. The local government shall make a copy of the supplemental report available for inspection within 30 days after the close of the legislative session.

Sec. 4. NRS 218.912 is hereby amended to read as follows:

218.912 1. “Lobbyist” means, except as limited by subsection 2, a person who:

(a) Appears in person in the legislative building or any other building in which the Legislature or any of its standing committees hold meetings; and

(b) Communicates directly with a member of the Legislative Branch on behalf of someone other than himself to influence legislative action whether or not any compensation is received for the communication.

2. “Lobbyist” does not include:

(a) Persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying.



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(b) Employees of a bona fide news medium who meet the definition of "lobbyist" only in the course of their professional duties and who contact members of the Legislature for the sole purpose of carrying out their news gathering function.

(c) Employees of departments, divisions or agencies of the state *or a local* government who appear before legislative committees only to explain the effect of legislation related to their departments, divisions or agencies.

(d) *Legislators.*

(e) Employees of the Legislature, ~~{Legislators,}~~ legislative agencies or legislative commissions ~~;~~

~~—(e)}~~ *who appear before legislative committees only to explain the effect of legislation.*

(f) Elected *or appointed* officers of this State and its political subdivisions who confine their lobbying activities to *appearing before legislative committees concerning* issues directly related to the scope of the office to which they were elected ~~;~~

~~—(f)}~~ *or appointed.*

(g) Persons who contact the members of the Legislature who are elected from the district in which they reside.

Sec. 5. NRS 218.942 is hereby amended to read as follows:

218.942 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence him in his official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not give to a member of the Legislative Branch or a member of his staff or immediate family gifts that exceed \$100 in value in the aggregate in any calendar year.

3. A member of the Legislative Branch or a member of his staff or immediate family shall not solicit anything of value from a registrant or accept any gift that exceeds \$100 in aggregate value in any calendar year.

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218.918, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. ~~{Except as otherwise provided in subsection 7, a member}~~
An employee of the Legislative *Branch and a member, officer or employee of the Judicial* or Executive Branch of the State Government and an ~~{elected}~~ officer or employee of a political subdivision shall not receive compensation or reimbursement ~~{other~~



~~than from the State or the political subdivision~~ for personally engaging in lobbying.

~~7. [An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.~~

~~—8.]~~ A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition thereto.

~~[9.]~~ 8. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

9. A person shall not, directly or indirectly, use money from a legislative appropriation or authorization to:

(a) Compensate or reimburse a person for acting as a lobbyist; or

(b) Make an expenditure in connection with lobbying activities that must be reported pursuant to NRS 218.926.

Sec. 6. This act becomes effective on July 1, 2009.

