

ASSEMBLY BILL NO. 273—ASSEMBLYMAN HICKEY

MARCH 12, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires a cooling-off period before a former State Legislator may act as a paid lobbyist before the Legislature. (BDR 17-760)

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 the Legislature; requiring a cooling-off period before a former State Legislator may act as a paid lobbyist before the Legislature; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature
2 and is administered by the Director of the Legislative Counsel Bureau. (Chapter
3 218H of NRS) Under the Nevada Lobbying Disclosure Act, a paid lobbyist is a
4 person who receives any compensation to: (1) appear in person in the Legislative
5 Building or any other building in which the Legislature or any of its standing
6 committees hold meetings; and (2) communicate directly on behalf of someone
7 other than himself or herself with a Legislator, member of a Legislator’s staff or
8 other person employed with reference to a Legislator’s legislative duties to
9 influence legislative action. (NRS 218H.080, 218H.500) However, a paid lobbyist
10 does not include: (1) a person who confines his or her activities to formal
11 appearances before legislative committees and who clearly identifies himself or
12 herself and the interest or interests for whom he or she is testifying; (2) an
13 employee of a bona fide news medium who is acting in the course of his or her
14 professional duties and news gathering function; (3) certain state and local officers
15 and employees who confine their activities to matters related to their public offices
16 or agencies; (4) a current Legislator or legislative employee; and (5) a person who
17 contacts the Legislators elected from the districts in which such person resides.
18 (NRS 218H.080)

19 **Sections 1 and 3** of this bill make it a misdemeanor for a former State
20 Legislator, with one exception, to act as a paid lobbyist before the Legislature for a
21 cooling-off period beginning on the date on which the former Legislator leaves



22 office as a member of the Legislature and ending on the date of final adjournment
23 of the next regular session during which the former Legislator is not a member of
24 the Legislature. The one exception to this prohibition is if: (1) the former Legislator
25 is required, as part of his or her full-time employment to act as a lobbyist for his or
26 her employer; (2) the former Legislator does not act as a lobbyist for any other
27 employer, client or client of his or her employer; and (3) the primary duties of the
28 former Legislator's employment include significant duties other than acting as a
29 lobbyist.

30 Under existing law, a person who acts as a lobbyist is required, within 2 days
31 after the beginning of that activity, to file a registration statement with the Director
32 of the Legislative Counsel Bureau. (NRS 218H.200) The Director is required under
33 existing law to furnish an identification badge to each lobbyist who files a
34 registration statement. (NRS 218H.300) **Section 2** of this bill prohibits the Director
35 from accepting a registration statement from a former Legislator who was a
36 member of the Legislature during the immediately preceding regular session in the
37 classification of paid lobbyist unless the former Legislator certifies in writing,
38 under penalty of perjury, that the former Legislator qualifies under the exception to
39 the cooling-off period set forth in **section 1**.

40 **Section 4** of this bill provides that the cooling-off period applies only to
41 Legislators who are elected or appointed to office on or after November 8, 2016.
42 **Section 5** of this bill provides that the provisions of this bill become effective on
43 November 8, 2016.

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

1 **Section 1.** Chapter 218H of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *1. Except as otherwise provided in this section, a former*
4 *Legislator shall not receive compensation or other consideration*
5 *to act as a lobbyist for the period beginning on the date on which*
6 *the former Legislator leaves office as a member of the Legislature*
7 *and ending on the date of final adjournment of the next regular*
8 *session during which the former Legislator is not a member of the*
9 *Legislature.*

10 *2. The provisions of this section do not apply to a former*
11 *Legislator if:*

12 *(a) The former Legislator is required, as part of his or her full-*
13 *time employment, to act as a lobbyist for his or her employer;*

14 *(b) The former Legislator does not act as a lobbyist for any*
15 *other employer, client or client of his or her employer; and*

16 *(c) The primary duties of the employment of the former*
17 *Legislator include significant duties other than acting as a*
18 *lobbyist.*

19 *3. As used in this section, "consideration" means a gift,*
20 *salary, payment, distribution, loan, advance or deposit of money or*
21 *anything of value and includes, without limitation, a contract,*
22 *promise or agreement, whether or not legally enforceable.*



1 **Sec. 2.** NRS 218H.200 is hereby amended to read as follows:
2 218H.200 **1.** Every person who acts as a lobbyist shall, not
3 later than 2 days after the beginning of that activity, file a
4 registration statement with the Director in such form as the Director
5 prescribes.

6 **2.** *The Director shall not accept a registration statement from*
7 *a former Legislator who was a member of the Legislature during*
8 *the immediately preceding regular session in the classification set*
9 *forth in NRS 218H.500 of a lobbyist who receives any*
10 *compensation for his or her lobbying activities unless the former*
11 *Legislator certifies in writing, under penalty of perjury, that he or*
12 *she qualifies under the exception set forth in subsection 2 of*
13 *section 1 of this act.*

14 **Sec. 3.** NRS 218H.960 is hereby amended to read as follows:
15 218H.960 A person who is subject to any provision in NRS
16 218H.900 or 218H.930 *or section 1 of this act* and who violates or
17 otherwise refuses or fails to comply with the provision is guilty of a
18 misdemeanor.

19 **Sec. 4.** This act applies only to a person who is elected to
20 office as a State Legislator for a term commencing on or after
21 November 8, 2016, or a person who is appointed to serve the
22 remainder of such an unexpired term.

23 **Sec. 5.** This act becomes effective on November 8, 2016.

