GUIDE FOR THE LEGISLATIVE BRANCH OF NEVADA STATE GOVERNMENT

LOBBYING AND FINANCIAL DISCLOSURE: GIFTS, EDUCATIONAL AND INFORMATIONAL MEETINGS, EVENTS AND TRIPS AND RELATED MATTERS

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Legal Division
Legislative Counsel Bureau
Please direct any questions or suggestions pertaining to this publication to:

Legal Division
Legislative Counsel Bureau
401 South Carson Street
Carson City, Nevada  89701
(775) 684-6830

Visit: www.nevadalegislature.com
or
www.leg.state.nv.us

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PART 1

INTRODUCTION TO GUIDE

1.01 Overview.

This Guide discusses several changes made during the 2015 Regular Legislative Session to Nevada’s laws governing: (1) gifts from lobbyists to Legislators, members of their immediate families and households and members of legislative staff; and (2) financial disclosure statements. This Guide also includes answers to some frequently asked questions to help illustrate the application of the laws to certain circumstances.

Although this Guide is intended to provide information and guidance to assist the reader in understanding the laws, this Guide does not have the force and effect of a law. Therefore, in conjunction with this Guide, the reader is advised to review the most recently enacted or adopted laws and regulations that apply to the matters discussed in this Guide to ensure that the reader is apprised of the current state of the laws and regulations.

In addition, this Guide is intended primarily to provide information and guidance to Legislators, members of their immediate families and households and members of legislative staff. The Nevada Lobbying Disclosure Act, which is administered by the Legislative Commission and the Director of the Legislative Counsel Bureau (LCB), applies only to the Legislative Branch of State Government. However, the reader is advised that the Financial Disclosure Act, which is administered by the Office of the Secretary of State, applies generally to almost all public officers and candidates at the state and local level and members of their households. Therefore, all public officers and candidates at the state and local level may seek information and guidance from the Office of the Secretary of State regarding interpretation and enforcement of the Financial Disclosure Act.

1.02 Legislative purposes and policies underlying S.B. 307 (2015).

During the 2015 Regular Legislative Session, the Legislature made policy decisions that revised the laws governing: (1) prohibitions on gifts from lobbyists under the Nevada Lobbying Disclosure Act in NRS Chapter 218H; and (2) disclosures required to be made by public officers and candidates who file financial disclosure statements under NRS 281.556 to 281.581, inclusive, which is commonly referred to as the Financial Disclosure Act. See Senate Bill No. 307 (S.B. 307), chapter 320, Statutes of Nevada 2015, at p. 1711 (Appendix 1); Hearing on S.B. 307 before Senate Comm. on Legis. Operations and Elections, at pp. 6-9, 78th Leg. (Nev. Apr. 1, 2015) (Appendix 2); Hearing on S.B. 307 before Assembly Comm. on Legis. Operations and Elections, at pp. 6-15, 78th Leg. (Nev. Apr. 23, 2015) (Appendix 3).

As a result of these legislative policy decisions, many practices that were allowed in the past are no longer permitted under the revised laws. For example, the revised laws in S.B. 307 (2015) prohibit most gifts from lobbyists, regardless of the value of the gifts, whether or not the Legislature is in a regular or special session. The revised laws also require financial
disclosure statements to disclose information concerning educational or informational meetings, events or trips if the Legislator or a member of the Legislator’s household receives anything of value to undertake or attend the meeting, event or trip from a lobbyist or any other person who has a substantial interest in the legislative, administrative or political action of the Legislator.

Because the 2015 legislative changes revised the laws governing lobbyists and financial disclosure statements, the revised laws must be interpreted to carry out the legislative purposes and policies underlying the Legislature’s revisions. Based on the legislative committee testimony regarding S.B. 307 (2015), one legislative purpose and policy of the revised laws is to “ban gifts from lobbyists, period.” Hearing on S.B. 307 before Senate Comm. on Legis. Operations and Elections, at p. 8, 78th Leg. (Nev. Apr. 1, 2015) (Appendix 2). Consequently, under the revised laws, “[t]here are going to be tighter limitations on receipt of gifts.” Hearing on S.B. 307 before Assembly Comm. on Legis. Operations and Elections, at p. 12, 78th Leg. (Nev. Apr. 23, 2015) (Appendix 3).

Another legislative purpose and policy of the revised laws is to “promote more openness, transparency and clarity in Nevada’s reporting requirements.” Hearing on S.B. 307 before Senate Comm. on Legis. Operations and Elections, at p. 7, 78th Leg. (Nev. Apr. 1, 2015) (Appendix 2). To carry out this legislative purpose and policy, the revised laws “foster the transparency of letting the public know who is paying for our [Legislators’] trips to go places but would not categorize them as gifts on the FDS [financial disclosure statement].” Hearing on S.B. 307 before Assembly Comm. on Legis. Operations and Elections, at p. 9, 78th Leg. (Nev. Apr. 23, 2015) (Appendix 3). To determine whether such a trip must be disclosed, “the key is that the funds are being paid by someone who has an interest in the legislative process.” Id. at p. 8. Because the legislative purpose and policy is to promote disclosure, “[i]t is best to err on the side of transparency and disclose.” Id. at p. 9.

1.03 Under rules of statutory construction, any uncertainty or doubt should be resolved in favor of the legislative purposes and policies underlying S.B. 307 (2015).

As a general rule of statutory construction, if a statute is intended to promote integrity or transparency in government or otherwise protect the public interest, the statute should be liberally construed and broadly interpreted to achieve its intended public benefits. See Dewey v. Redev. Agency of Reno, 119 Nev. 87, 94 (2003) (“a statute promulgated for the public benefit such as a public meeting law should be liberally construed and broadly interpreted to promote openness in government.”) (quoting Op. Nev. Att’y Gen. No. 85-19 (Dec. 17, 1985)); Nev. Comm’n on Ethics v. JMA/Lucchesi, 110 Nev. 1, 7 (1994) (“the stated policy of the Legislature, to prevent conflicts of interest, militates towards a more expansive reading of the [statute].”); Colello v. Adm’r of Real Estate Div., 100 Nev. 344, 347 (1984) (“Statutes with a protective purpose should be liberally construed in order to effectuate the benefits intended to be obtained.”). Additionally, such statutes should be “given a reasonable construction with a view to promoting rather than defeating the legislative policy behind them.” State Dep’t of Mtr. Vehs. v. Brown, 104 Nev. 524, 526 (1988). As a result, such statutes should not be construed “in a manner which will bring about an unreasonable result, or a result contrary to the legislature’s purpose,” or which “would thwart the clear intent of the legislature.” NL Indus. v. Eisenman Chem. Co., 98 Nev. 253, 260 (1982).
Because the revised laws in S.B. 307 (2015) are intended to promote integrity and transparency in government and protect the public interest, the revised laws should be liberally construed and broadly interpreted to achieve their intended public benefits and to promote rather than defeat the legislative purposes and policies behind them. As a result, if there is any uncertainty or doubt regarding whether a gift from a lobbyist is prohibited, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of banning gifts from lobbyists, and the gift should be prohibited. Similarly, if there is any uncertainty or doubt regarding whether a gift or an educational or informational meeting, event or trip should be disclosed on a financial disclosure statement, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the gift or the meeting, event or trip should be disclosed on the financial disclosure statement.

Therefore, any interpretation and application of the revised laws in S.B. 307 (2015) should be governed by the foregoing legal principles and rules of statutory construction in order to carry out the legislative purposes and policies underlying the Legislature’s revisions to the Nevada Lobbying Disclosure Act in NRS Chapter 218H and the Financial Disclosure Act in NRS 281.556 to 281.581, inclusive.
PART 2

LOBBYING

2.01 Overview.

The Nevada Lobbying Disclosure Act (Lobbying Act) in NRS Chapter 218H establishes requirements and restrictions on the conduct of lobbyists when they lobby members of the Legislative Branch of State Government. See NRS 218H.020, 218H.070, 218H.080 and 218H.090. However, the Lobbying Act generally does not apply to lobbyists when they lobby members of the Executive Branch of State Government or members of local governments, unless such lobbying also involves communications directly with a member of the Legislative Branch in a manner that meets the definition of “lobbyist” in NRS 218H.080.


2.02 Administration and interpretation of the Lobbying Act.

The Lobbying Act is administered by the Legislative Commission and the Director of the Legislative Counsel Bureau (LCB). NRS 218H.500 to 218H.530, inclusive. In administering the Lobbying Act, the Legislative Commission is authorized to adopt regulations to carry out the provisions of the Lobbying Act. NRS 218H.500. In addition, because the Legislative Commission and the Director of the LCB are charged with administering the Lobbying Act, they are clothed with the power to interpret the Lobbying Act as a necessary incident to the power of administration. See Clark County Sch. Dist. v. Local Gov’t Employee-Mgmt. Relations Bd., 90 Nev. 442, 446 (1974) (“An agency charged with the duty of administering an act is impliedly clothed with power to construe it as a necessary precedent to administrative action.”).

As a general rule, an agency’s interpretation of a statute will be given deference and will not be readily disturbed by the courts if the interpretation is reasonable, meaning that it is within the language of the statute and is consistent with legislative intent. See City of Reno v. Reno Police Prot. Ass’n, 118 Nev. 889, 900 (2002); State Indus. Ins. Sys. v. Miller, 112 Nev. 1112, 1118 (1996). This is especially true when the agency’s interpretation of the statute is “nearly contemporaneous” with the enactment of the statute. Roberts v. State, 104 Nev. 33, 39 (1988). However, the agency’s interpretation of the statute will not be given deference if the interpretation conflicts with the plain meaning of the statutory language. United States v. State Eng’r, 117 Nev. 585, 589-90 (2001). Therefore, even though the agency has the power—in the first instance—to interpret the statute, the agency “may not under the guise of interpretation . . . give the statute any greater effect than its language allows.” Boulware v. State
Dep’t of Human Res., 103 Nev. 218, 220 (1987). Furthermore, even though the agency’s interpretation of the statute is entitled to a presumption of correctness and validity, because the interpretation of a statute is an issue of law that is reviewed de novo by the courts, it is the judiciary, and not the agency, that has the final power to interpret the statute and determine its meaning. United States v. State Eng’r, 117 Nev. 585, 589-90 (2001).

2.03 Types of potential recipients who are subject to the gift prohibitions in the Lobbying Act.

The types of potential recipients who are subject to the gift prohibitions in the Lobbying Act are a “member of the Legislative Branch” or a member of his or her “immediate family.” NRS 218H.930. To determine the scope of the gift prohibitions, each category of potential recipients must be discussed separately.

(1) Definition of “member of the Legislative Branch.”

The Lobbying Act defines the term “member of the Legislative Branch” broadly to mean “any Legislator, any member of the Legislator’s staff or any assistant, employee or other person employed with reference to the legislative duties of the Legislator.” NRS 218H.090. Because the Lobbying Act defines the term “member of the Legislative Branch” broadly, the term should be given an expansive rather than a narrow interpretation. See Nev. Comm’n on Ethics v. JMA/Lucchesi, 110 Nev. 1, 7 (1994); Stockmeier v. Nev. Dep’t of Corr., 122 Nev. 385, 394 (2006), overruled in part on other grounds by State Bd. of Parole Comm’rs v. Morrow, 127 Nev. 265, 272-75 (2011).

(a) Elected and appointed Legislators.

The definition of “member of the Legislative Branch” includes “any Legislator.” The Lobbying Act is part of NRS Title 17, and the term “Legislator” is defined for that title to mean “a person elected or appointed as a member of the Senate or the Assembly.” NRS 218A.072. Therefore, the gift prohibitions in the Lobbying Act apply to every member of the Senate or Assembly, whether the member is elected or appointed.

Elected members of the Senate or Assembly begin their terms of office “the day next after their election.” Nev. Const. art. 4, §§ 3 and 4; Child v. Lomax, 124 Nev. 600, 611 (2008) (“a State Assembly member-elect begins serving in office on the day after the election, and his or her predecessor is no longer a member of the Legislature after that date.”). Therefore, for each newly elected member of the Senate or Assembly, the gift prohibitions in the Lobbying Act apply beginning on the day after the general election, regardless of whether the member-elect has taken and subscribed to the official oath of office or has been seated by the Senate or Assembly.

Appointed members of the Senate or Assembly begin their terms of office “from the time of their qualification.” NRS 282.010. To qualify, appointed members of the Senate or Assembly must receive a certificate of appointment issued by the appointing authority and must take and subscribe to the official oath of office. Nev. Const. art. 4, § 12 and art. 15, § 2; NRS 218A.220, 218A.260, 282.010 and 283.130. Therefore, for each newly appointed member of the Senate or
Assembly, the gift prohibitions in the Lobbying Act apply beginning at the time of the appointed member’s qualification, regardless of whether the appointed member has been seated by the Senate or Assembly.

(b) Legislative staff.

The definition of “member of the Legislative Branch” includes “any member of the Legislator’s staff.” Id. Because the definition does not specify that a member of the Legislator’s staff must be employed, paid or compensated to be considered such a staff member, the gift prohibitions in the Lobbying Act apply to all members of the Legislator’s staff, whether or not they are employed, paid or compensated to serve in their positions. Id. Therefore, the gift prohibitions in the Lobbying Act apply broadly to both part-time and full-time paid employees and unpaid volunteers and interns on the Legislator’s staff.

In addition, the definition of “member of the Legislative Branch” includes “any assistant, employee or other person employed with reference to the legislative duties of the Legislator.” Id. This broad category includes all officers and employees who are employed by or for a Legislator, legislative office or legislative caucus. This broad category also includes all officers and employees who are employed by or for the Legislature, its Houses or committees, the Legislative Counsel Bureau or the Legislative Branch of State Government. For example, such officers and employees include, without limitation: (1) all persons employed by the Administrative, Legal, Research, Fiscal Analysis and Audit Divisions of the Legislative Counsel Bureau; (2) the Secretary of the Senate and his or her staff; (3) the Chief Clerk of the Assembly and his or her staff; (4) committee managers and secretaries; (5) legislative assistants and attaches; (6) proof readers; (7) sergeants at arms; and (8) law clerks and interns.

Therefore, as used in this Guide, the term “legislative staff” is used broadly and collectively to include: (1) all members of a Legislator’s staff, whether or not they are employed, paid or compensated to serve in their positions; (2) all officers and employees who are employed by or for a Legislator, legislative office or legislative caucus; and (3) all officers and employees who are employed by or for the Legislature, its Houses or committees, the Legislative Counsel Bureau or the Legislative Branch of State Government.

(2) Definition of “immediate family.”

The Lobbying Act does not define the term “immediate family.” Because the term is not defined in the Lobbying Act, the term should be given a plain and ordinary meaning that is consistent with legislative purpose and intent. See Jones v. Golick, 46 Nev. 10, 23 (1922). As stated by the Nevada Supreme Court, “[t]he word ‘family’ is a word of great flexibility, and when used in a statute or written instrument it must be given an interpretation in keeping with the idea sought to be expressed.” Id.

Thus, although the term “family” can have different meanings depending on the purpose and intent of the statute, the Nevada Supreme Court has explained that, as ordinarily understood, the term “family” consists of persons who live together as a family and who are dependent, in
whole or in part, upon the head of the family for support. *Id.* at 23-24. As stated by the Nevada Supreme Court:

“To constitute one or more persons, with another, living together in the same house, a family, it must appear that they are being supported by that other in whole or in part, and are dependent on him therefor, and, further, that he is under a natural or moral obligation to render such support.” * * * Words and Phrases, Corpus Juris, and other works contain citation to many cases wherein the word “family” is defined, but no two of them are alike. While the word is one of great flexibility, we think it may be said that the underlying principle running through the mass of authorities, is that there must be a head to a family, upon whom the other members are wholly or partially dependent.

*Id.* at 23-24 (quoting *Sheeby v. Scott*, 104 N.W. 1139, 1140 (Iowa 1905)).

By prohibiting a lobbyist from knowingly or willfully giving any gift to a Legislator or a member of his or her immediate family, the legislative purpose and intent is to guard against the potential for undue influence or favoritism that may arise from such gift-giving. With regard to a Legislator’s family, the potential for such undue influence or favoritism is greatest if a lobbyist gives gifts to members of a Legislator’s family who live together with the Legislator as a family and who are dependent, in whole or in part, upon the head of the family for support because, under such circumstances, the monetary or financial benefits stemming from the gifts have their greatest and most influential impact on the Legislator’s immediate family.

Therefore, because the plain and ordinary meaning of the term “family,” as defined by the Nevada Supreme Court in *Jones v. Golick*, is consistent with the legislative purpose and intent of the Lobbying Act, the term “immediate family” in the Lobbying Act should be given that plain and ordinary meaning. Consequently, as applied to a Legislator’s “immediate family,” the gift prohibitions in the Lobbying Act apply to all members of a Legislator’s family who live together with the Legislator as a family and who are dependent, in whole or in part, upon the head of the family for support.

2.04 Gifts from lobbyists to Legislators, members of their immediate families and members of legislative staff are prohibited, regardless of the value of the gifts, with certain specific exceptions.

Under prior law, the Lobbying Act prohibited a lobbyist from giving one or more gifts that exceeded $100 in value in the aggregate in any calendar year to a Legislator, a member of his or her immediate family or a member of legislative staff. NRS 218H.930 (2013). The Lobbying Act also prohibited those persons from soliciting anything of value from a lobbyist or accepting from a lobbyist one or more gifts that exceeded $100 in value in the aggregate in any calendar year. *Id.* Finally, because the Lobbying Act excluded the cost of entertainment, including the cost of food or beverages, from the definition of the term “gift,” there was no limit on the amount of expenditures for entertainment, food or beverages that a lobbyist could make for a Legislator, a member of his or her immediate family or a member of legislative staff. NRS 218H.060 (2013).
S.B. 307 (2015) amended the Lobbying Act to remove the provision that allowed gifts of less than $100 in value in the aggregate in any calendar year. Section 12 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1717 (amending NRS 218H.930). In addition, S.B. 307 (2015) amended the Lobbying Act to remove the provision that excluded the cost of entertainment, including the cost of food or beverages, from the definition of the term “gift.” Section 9 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1714 (amending NRS 218H.060).

As a result of these legislative changes, the Lobbying Act now prohibits a lobbyist from knowingly or willfully giving any gift, including the cost of entertainment, food or beverages, to a Legislator, a member of his or her immediate family or a member of legislative staff, regardless of the value of the gift, with certain specific exceptions discussed below. NRS 218H.930. In addition, the Lobbying Act also prohibits a Legislator, a member of his or her immediate family or a member of legislative staff from knowingly or willfully soliciting or accepting any gift, including the cost of entertainment, food or beverages, from a lobbyist, regardless of the value of the gift, with certain specific exceptions discussed below. Id. Thus, unless one of the specific exceptions is applicable, a lobbyist is prohibited from knowingly or willfully giving a gift of any kind or value to those persons, and those persons are prohibited from knowingly or willfully soliciting or accepting a gift of any kind or value from a lobbyist.

For example, under prior law, a lobbyist was allowed to pay for entertainment, food or beverages provided to a Legislator without violating the Lobbying Act because the cost of entertainment, food or beverages was expressly excluded from the definition of the term “gift.” Now, because the cost of entertainment, food or beverages is no longer excluded from the definition of the term “gift,” a lobbyist is not allowed to pay for entertainment, food or beverages provided to a Legislator, unless one of the specific exceptions is applicable. One specific exception is that a lobbyist may pay for entertainment, food or beverages provided to a Legislator at an educational or informational meeting, event or trip that is excluded from the definition of the term “gift.” NRS 218H.060(2)(c). Another specific exception is that a lobbyist may pay for entertainment, food or beverages provided to a Legislator at a party, meal, function or other social event to which every Legislator is invited. NRS 218H.060(2)(d).

Additionally, the definition of the term “gift” excludes any item or service for which “consideration of equal or greater value is received.” NRS 218H.060(1). Therefore, if a Legislator provides “consideration of equal or greater value” to a lobbyist in return for entertainment, food or beverages provided to the Legislator, those items or services would not constitute a gift under the definition in the Lobbying Act. If the consideration is not of equal or greater value than the items or services received, the unmet cost would constitute a gift under the definition in the Lobbying Act.
2.05 The gift prohibitions in the Lobbying Act apply to a lobbyist, not to a client of the lobbyist, but the lobbyist cannot directly or indirectly give any gift, including any gift from a client, or otherwise directly or indirectly arrange, facilitate or serve as a conduit for any gift from a client.

The gift prohibitions in the Lobbying Act apply to a “lobbyist.” NRS 218H.930. To fully understand the gift prohibitions, it is important to understand that a lobbyist is a person who meets the definition of “lobbyist” in the Lobbying Act and who is required to register as a lobbyist under the Lobbying Act, whether or not the person has filed a registration statement with the Legislative Counsel Bureau as required by the Lobbying Act. The Lobbying Act defines the term “lobbyist” as follows:

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 or herself 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.
   (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 Legislators for the sole purpose of carrying out their news gathering function.
   (c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the effect of legislation related to their departments, divisions or agencies.
   (d) Employees of the Legislature, Legislators, legislative agencies or legislative commissions.
   (e) Elected officers of this State and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.
   (f) Persons who contact the Legislators who are elected from the district in which they reside.

NRS 218H.080 (emphasis added). The Lobbying Act also provides that “[e]very person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes.” NRS 218H.200 (emphasis added).

Under the Lobbying Act, unless a client of a lobbyist independently meets the definition of a “lobbyist” in the Lobbying Act and acts as a lobbyist, the client is not a lobbyist, and the client is not required to register as a lobbyist. As a result, the client is not subject to the gift prohibitions in the Lobbying Act, and the client may give a gift to a Legislator, a member of his or her immediate family or a member of legislative staff without violating the Lobbying Act.
However, if such a gift is given by the client to the Legislator or a member of the Legislator’s household, the Legislator may be required to report the gift, depending on its value, when the Legislator files his or her financial disclosure statement under the Financial Disclosure Act as explained in Part 3 of this Guide.

Although the Lobbying Act does not prohibit a client of a lobbyist from giving any gift, the lobbyist remains subject to the gift prohibitions in the Lobbying Act, and the lobbyist cannot directly or indirectly give “any” gift under NRS 218H.930, including any gift from a client. It is well established that an act which cannot be done directly, because it is contrary to law, cannot be accomplished indirectly. See Shipman v. District of Columbia, 119 U.S. 704, 712 (1886) (“It is too clear for argument that what it did was an attempt to do indirectly what the law forbade it to do directly, which a familiar rule of law makes an impossibility.”); United States ex rel. U.S. Borax Co. v. Ickes, 98 F.2d 271, 278 (D.C. Cir. 1938) (“the construction which the appellant puts upon the statutory provisions primarily involved would permit the accomplishment indirectly . . . of what cannot be accomplished directly.”). Therefore, under the Lobbying Act, a lobbyist cannot directly or indirectly give any gift, including any gift from a client, or otherwise directly or indirectly arrange, facilitate or serve as a conduit for any gift from a client.

For example, if a casino owner does not independently meet the definition of a “lobbyist” in the Lobbying Act and the casino owner gives free tickets to a show to a Legislator and the lobbyist for the casino is not directly or indirectly involved in giving the gift to the Legislator, the casino owner may give the gift to the Legislator without violating the Lobbying Act. It should be noted, though, that if the gift from the casino owner meets the definition of “gift” under the Financial Disclosure Act, the Legislator must report the gift when the Legislator files his or her financial disclosure statement under the Financial Disclosure Act as explained in Part 3 of this Guide.

By contrast, if the lobbyist for the casino is directly or indirectly involved in giving the casino owner’s gift to the Legislator, such as directly or indirectly arranging, facilitating or serving as a conduit for the casino owner’s gift, the gift would be deemed to be given by the lobbyist and would be prohibited by the Lobbying Act. This is because an act which cannot be done directly by the lobbyist, because it is contrary to the Lobbying Act, cannot be accomplished indirectly by the lobbyist.

2.06 The gift prohibitions in the Lobbying Act apply at all times, whether or not the Legislature is in a regular or special session.

S.B. 307 (2015) amended the Lobbying Act to make the gift prohibitions apply “whether or not the Legislature is in a regular or special session.” Section 12 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1717 (amending NRS 218H.930). Therefore, based on the plain language of the statute, the Legislature intended to make the gift prohibitions apply at all times, including during the legislative interim between regular or special sessions of the Legislature.

To carry out the plain language of the Lobbying Act and the legislative intent to make the gift prohibitions apply at all times, the Legislative Commission adopted a Regulation on Lobbying at its meeting on December 21, 2015, pursuant to its statutory authority under
NRS 218H.500 to adopt regulations to carry out the provisions of the Lobbying Act. See Minutes of Legis. Comm’n, at pp. 7-8 and Ex. J (Nev. Dec. 21, 2015) (Appendix 6). The Regulation on Lobbying provides that:

A person who is required to register as a lobbyist during a regular or special legislative session of the Legislature is a lobbyist for the purposes of NRS 218H.930, as amended by section 12 of Senate Bill No. 307 (2015), ch. 320, Statutes of Nevada, 2015 at p. 1717, until the next regular session of the Legislature regardless of whether the person registered as a lobbyist and regardless of whether the person files a notice required pursuant to NRS 218H.230, unless the person is no longer employed to represent the interests of a client to the Legislature.


Accordingly, a person who is required to register as a lobbyist or is registered as a lobbyist during a regular or special session continues to be considered a lobbyist for purposes of the gift prohibitions in the Lobbying Act at all times during the legislative interim until the next regular session. The only exception is if the person is no longer employed to represent the interests of a client to the Legislature.

2.07 Definition of “gift” and specific exceptions from the definition.

(1) Definition of “gift.”

S.B. 307 (2015) changed the definition of the term “gift” in the Lobbying Act to mirror in substance the new definition of the term “gift” added to the Financial Disclosure Act. Sections 9 and 19 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1714-15 and 1719 (amending NRS 218H.060 and enacting NRS 281.5585). As a result, the definition of the term “gift” is substantively similar in both acts. Id.

Under the Lobbying Act, the term “gift” is now defined as “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.” NRS 218H.060(1). Except to the extent that one of the specific exceptions applies, this definition of “gift” makes virtually any item or service a gift if it has value, unless the person who receives the item or service provides consideration of equal or greater value in exchange for the item or service.

For example, if a lobbyist is also a lawyer and a Legislator hires the lobbyist-lawyer and pays fair market value for private legal services, such as representing the Legislator in administrative or judicial proceedings, the private legal services would not be included within the definition of the term “gift” because the Legislator provided consideration of equal or greater value in exchange for the private legal services. By contrast, if the Legislator hires the lobbyist-lawyer for such a purpose but the lobbyist-lawyer provides the private legal services to the Legislator for free or “pro bono,” the free private legal services would be included within the
definition of the term “gift,” unless one of the specific exceptions applies. For example, the free private legal services would not be included within the definition of the term “gift” if the lobbyist-lawyer is a member of the Legislator’s household or a relative of the Legislator within the third degree of consanguinity or affinity.

It should be noted, however, that a lobbyist-lawyer who provides legal services as part of the legislative process on behalf of his or her private client who is not a Legislator, such as proposing, drafting or reviewing bills or amendments on behalf of his or her private client, is not providing legal services to a Legislator. Instead, the lobbyist-lawyer is providing legal services to his or her private client, and those legal services would not be considered a gift to a Legislator.

(2) If a public or private employer provides money, services or anything else of value to an employee or independent contractor who is a Legislator, a member of his or her immediate family or a member of legislative staff, it is not a “gift” because a bona fide employment or contractual relationship provides adequate consideration.

Under the Lobbying Act, the definition of the term “gift” excludes money, services or anything else of value for which “consideration of equal or greater value is received.” NRS 218H.060(1). In the context of a bona fide employment or contractual relationship, it is presumed that when a public or private employer provides an employee or independent contractor who is a Legislator, a member of his or her immediate family or a member of legislative staff with money, services or anything else of value, the employer is doing so in exchange for the services of the employee or independent contractor. Therefore, money, services or anything else of value provided by the employer to the employee or independent contractor is not a “gift” because the bona fide employment or contractual relationship provides adequate consideration.

Accordingly, if a public or private employer provides an employee or independent contractor with any of the following, it is presumed that the employer is doing so in exchange for the services of the employee or independent contractor:

- Free meals, drinks, snacks, desserts or other food or beverages.
- Advances, payments or reimbursements for job-related travel expenses, including, without limitation, airfare, ground transportation, mileage costs, lodging, incidentals, meals, per diem and other travel expenses.
- Job-related training, education, instruction and information.

The following are some examples to illustrate these principles, but the examples are not intended to be exhaustive or exclusive:

- If a public or private employer provides coffee, snacks or other food or beverages at the workplace for its employees and independent contractors, the employer is doing so in exchange for the services of its employees and independent contractors, so the food or beverages are not a gift.
• If a public or private employer pays for a holiday party or other celebratory event for its employees and independent contractors, the employer is doing so in exchange for the services of its employees and independent contractors, so any food, beverages, awards or prizes provided at the party or event are not a gift.
• If the State reimburses a Legislator for legislative-related travel expenses, the State is doing so in exchange for the services of the Legislator, and the reimbursement is not a gift.
• If a Legislator is an accountant and his or her private employer reimburses the Legislator as an accountant for job-related travel expenses, the private employer is doing so in exchange for the services of the Legislator as an accountant, and the reimbursement is not a gift.
• If a public or private employer pays or provides for job-related training, education, instruction or information, whether in-house or outsourced, the employer is doing so in exchange for the services of its employees and independent contractors, and the training, education, instruction or information is not a gift.

(3) Specific exceptions from the definition of the term “gift.”

S.B. 307 (2015) provided certain specific exceptions from the definition of the term “gift” in the Lobbying Act. NRS 218H.060(2). The term “gift” does not include:

(a) Any political contribution of money or services related to a political campaign.
(b) Any commercially reasonable loan made in the ordinary course of business.
(c) Anything of value provided for an educational or informational meeting, event or trip.
(d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event.
(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.
(f) Anything of value received from a person who is:
   (1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or
   (2) A member of the recipient’s household.

NRS 218H.060(2). Each of these specific exceptions from the definition of the term “gift” in the Lobbying Act is outlined in the following discussion.

(a) Exception for political contributions of money or services.

The Lobbying Act excludes “a political contribution of money or services related to a political campaign” from the definition of the term “gift.” NRS 218H.060(2)(a). This exception existed before the enactment of S.B. 307 (2015) and means that a Legislator may accept from lobbyists political contributions of money or services related to the Legislator’s political
campaign without violating the Lobbying Act. However, the Legislator must report the contributions on his or her campaign contributions and expenses report required pursuant to NRS Chapter 294A.

(b) Exception for commercially reasonable loans.

The Lobbying Act excludes “[a] commercially reasonable loan made in the ordinary course of business” from the definition of the term “gift.” NRS 218H.060(2)(b). This exception existed before the enactment of S.B. 307 (2015) and means that a lobbyist may make a commercially reasonable loan in the ordinary course of business to a Legislator, a member of his or her immediate family or a member of legislative staff in the same manner as any other person without violating the Lobbying Act. The loan must require repayment on commercially reasonable terms, including at an interest rate that is considered commercially reasonable, and the loan must be made in the ordinary course of business in the same manner as similar loans to any other person.

(c) Exception for educational or informational meetings, events or trips undertaken or attended by a Legislator.

The Lobbying Act excludes from the definition of the term “gift” anything of value provided by a lobbyist to a Legislator to undertake or attend an “educational or informational meeting, event or trip,” which is explained in greater detail below. NRS 218H.045 and 218H.060(2)(c). This exception extends to anything of value provided by the lobbyist to a member of the Legislator’s household to undertake or attend the educational or informational meeting, event or trip. Id. This exception does not apply to legislative staff members.

It should be noted, however, that the Legislator is required to report the educational or informational meeting, event or trip when the Legislator files his or her financial disclosure statement under the Financial Disclosure Act as explained in Part 3 of this Guide. An educational or informational meeting, event or trip must be reported on the financial disclosure statement even if every Legislator is invited to the meeting, event or trip. This is because the exception for the cost of a party, meal, function or other social event to which every Legislator is invited cannot be used to circumvent the requirement to report an educational or informational meeting, event or trip on a Legislator’s financial disclosure statement even if every Legislator is invited to the educational or informational meeting, event or trip. Therefore, if a lobbyist pays for or reimburses, in whole or in part, any expenses of a Legislator or a member of the Legislator’s household to undertake or attend a party, meal, function or other social event to which every Legislator is invited and, at any point, the event includes any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement.

As a general rule, if there are only informational displays posted and informational materials available at the social event to which every Legislator is invited but there is no affirmative presentation or action to inform or educate the Legislators, then the event should not
be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. However, if the informational displays or materials are accompanied by any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, then the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. If there is any uncertainty or doubt regarding whether an event is a social event or an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.

It also should be noted that if the expenditures for an educational or informational meeting, event or trip are made by a lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act. NRS 218H.050 and 218H.400.

An educational or informational meeting, event or trip must meet the following requirements under the Lobbying Act:

1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:
   (a) The Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and
   (b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator’s household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator’s household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator’s household undertakes or attends the meeting, event or trip during which the Legislator or a member of the Legislator’s household travels to or from the meeting, event or trip.
Based on the plain language of the statute, an educational or informational meeting, event or trip qualifies for the exception only if: (1) the Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and (2) the Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator. *Id.*

For purposes of the exception, the Lobbying Act defines the term “member of the Legislator’s household” to include the following persons:

- The spouse or domestic partner of the Legislator.
- A person who lives in the same home or dwelling as the Legislator and who is related to the Legislator, or to the spouse or domestic partner of the Legislator, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.
- A person, regardless of whether the person is related to the Legislator, who:
  1. Lives in the same home or dwelling as the Legislator and who is dependent on and receiving substantial support from the Legislator;
  2. Does not live in the same home or dwelling as the Legislator but who is dependent on and receiving substantial support from the Legislator; or
  3. Lived in the same home or dwelling as the Legislator for 6 months or more during the immediately preceding calendar year or other period for which a financial disclosure statement is being filed and who was dependent on and receiving substantial support from the Legislator during that period.

Sections 5 and 21 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1714 and 1719-20 (codified as NRS 218H.092 and 281.5587 and defining the terms “member of the Legislator’s household” and “member of the public officer’s or candidate’s household”).

Accordingly, a Legislator may accept an invitation from a lobbyist to attend an educational or informational meeting, event or trip that is conducted, sponsored, hosted or requested by an organization for educational or informational purposes, and the lobbyist may pay or reimburse, in whole or in part, any expenses of the Legislator or a member of the Legislator’s household to undertake or attend the meeting, event or trip. NRS 218H.045 and 218H.060(2)(c). Under such circumstances, the Legislator must report the educational or informational meeting, event or trip on his or her financial disclosure statement under the Financial Disclosure Act as explained in Part 3 of this Guide. In addition, if the lobbyist makes the expenditures for the educational or informational meeting, event or trip while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau.

However, it is important to note that the definition of an “educational or informational meeting, event or trip” does not include “a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license...
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held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.” NRS 218H.045(3). Therefore, a lobbyist cannot pay for or reimburse, in whole or in part, any expenses of a Legislator or a member of the Legislator’s household when the Legislator undertakes or attends a meeting, event or trip for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip. Id.

In other words, if a Legislator undertakes or attends a meeting, event or trip for his or her own personal reasons or reasons relating to any professional or occupational license held by the Legislator, the meeting, event or trip will not fall within the definition of an “educational or informational meeting, event or trip,” unless the Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip and the Legislator is a primary speaker, instructor or presenter at the meeting, event or trip. If the Legislator undertakes or attends a meeting, event or trip solely for personal or professional reasons, a lobbyist cannot pay for or reimburse, in whole or in part, any expenses of the Legislator or a member of the Legislator’s household because the payment or reimbursement would be prohibited as a gift under the Lobbying Act.

(d) Exception for the cost of a party, meal, function or other social event to which every Legislator is invited.

The Lobbying Act excludes the following from the definition of the term “gift”: “The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event.” NRS 218H.060(2)(d). This exception applies whether or not every Legislator actually attends the party, meal, function or other social event.

Therefore, a lobbyist may pay for entertainment, food and beverages provided at a party, meal, function or other social event to which every Legislator is invited. NRS 218H.060(2)(d). Because such a party, meal, function or other social event is excluded from the definition of the term “gift,” the lobbyist may pay for entertainment, food and beverages provided to Legislators, members of their immediate families, members of legislative staff and anyone else who attends the event without violating the Lobbying Act.

In addition, because such a party, meal, function or other social event is also excluded from the definition of the term “gift” for purposes of the Financial Disclosure Act, the Legislator is not required to report the party, meal, function or other social event when the Legislator files his or her financial disclosure statement under the Financial Disclosure Act as explained in Part 3 of this Guide. However, if the expenditures for the party, meal, function or other social event are made by the lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act. NRS 218H.050 and 218H.400.
It should be noted that the exception for the cost of a party, meal, function or other social event to which every Legislator is invited cannot be used to circumvent the requirement to report an educational or informational meeting, event or trip on a Legislator’s financial disclosure statement even if every Legislator is invited to the educational or informational meeting, event or trip. Therefore, if a lobbyist pays for or reimburses, in whole or in part, any expenses of a Legislator or a member of the Legislator’s household to undertake or attend a party, meal, function or other social event to which every Legislator is invited and, at any point, the event includes any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement.

As a general rule, if there are only informational displays posted and informational materials available at the social event but there is no affirmative presentation or action to inform or educate the Legislators, then the event should not be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. However, if the informational displays or materials are accompanied by any affirmative presentation or action which educates or informs the Legislators on legislative, administrative or political action of the Legislators, then the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. If there is any uncertainty or doubt regarding whether an event is a social event or an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.

(e) Exception for ceremonial gifts received from persons who are not lobbyists.

The Lobbying Act excludes the following from the definition of the term “gift”: “Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.” NRS 218H.060(2)(e) (emphasis added). Thus, if the person who gives the ceremonial gift is not a lobbyist, the gift is not subject to the gift prohibitions in the Lobbying Act.

In addition, if the person who gives the ceremonial gift is not an “interested person” under the Financial Disclosure Act, the Legislator is not required to report the gift when the Legislator files his or her financial disclosure statement under the Financial Disclosure Act as explained in Part 3 of this Guide. However, if the person who gives the ceremonial gift is an “interested person” and the ceremonial gift meets the definition of “gift” under the Financial Disclosure Act, the Legislator must report the gift when the Legislator files his or her financial disclosure statement. Under the Financial Disclosure Act, an “interested person” is defined to mean “a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.” Section 20 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1719 (codified as NRS 281.5586).
(f) Exception for gifts received from relatives within the third degree of consanguinity or affinity or household members.

The Lobbying Act excludes the following from the definition of the term “gift”:

(f) Anything of value received from a person who is:

(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient’s household.

NRS 218H.060(2)(f).

This exception applies whether the recipient of the gift is a Legislator, a member of his or her immediate family or household, or a member of legislative staff. Under this exception, if the recipient of the gift is a Legislator, the term “member of the recipient’s household” would include the following persons who are considered to be a member of the Legislator’s household as explained in section 2.07(3)(c) of this Guide:

- The spouse or domestic partner of the Legislator.
- A person who lives in the same home or dwelling as the Legislator and who is related to the Legislator, or to the spouse or domestic partner of the Legislator, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.
- A person, regardless of whether the person is related to the Legislator, who:
  1. Lives in the same home or dwelling as the Legislator and who is dependent on and receiving substantial support from the Legislator;
  2. Does not live in the same home or dwelling as the Legislator but who is dependent on and receiving substantial support from the Legislator; or
  3. Lived in the same home or dwelling as the Legislator for 6 months or more during the immediately preceding calendar year or other period for which a financial disclosure statement is being filed and who was dependent on and receiving substantial support from the Legislator during that period.

Sections 5 and 21 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1714 and 1719-20 (codified as NRS 218H.092 and 281.5587 and defining the terms “member of the Legislator’s household” and “member of the public officer’s or candidate’s household”).

In applying this exception to gifts from lobbyists to recipients, if a lobbyist is related to the recipient, or to the spouse or domestic partner of the recipient, within the third degree of consanguinity or affinity or if the lobbyist is a member of the recipient’s household, the gift is not subject to the gift prohibitions in the Lobbying Act. For example, a lobbyist may give gifts to a Legislator and the Legislator may accept those gifts from the lobbyist without violating the Lobbying Act if the lobbyist is related to the Legislator as a spouse, domestic partner, parent, grandparent, great-grandparent, child, grandchild, great-grandchild, brother, sister, uncle, aunt, nephew or niece, either by blood, adoption, marriage or domestic partnership.
2.08 Enforcement, remedies and penalties regarding violations of the gift prohibitions in the Lobbying Act.

The Lobbying Act provides for enforcement through criminal, civil and administrative proceedings, remedies and penalties. With regard to criminal enforcement, the Lobbying Act provides that a lobbyist, a Legislator, a member of the Legislator’s immediate family or a member of legislative staff who violates or otherwise refuses or fails to comply with the gift prohibitions in the Lobbying Act is guilty of a misdemeanor. NRS 218H.960.

With regard to civil and administrative enforcement, the Lobbying Act authorizes the Director of the Legislative Counsel Bureau to suspend or revoke the registration of a lobbyist who violates any provision of the Lobbying Act. NRS 218H.530. In addition, the Lobbying Act provides that “[t]he district courts may issue injunctions to enforce the provisions of this chapter upon application by the Attorney General.” NRS 218H.540.

2.09 Selected questions and answers relating to the gift prohibitions in the Lobbying Act with respect to Legislators and members of their immediate families and households.

Q1: When did the new gift prohibitions in the Lobbying Act become effective?


Q2: Do the new gift prohibitions in the Lobbying Act apply during the interim between legislative sessions?

A2: Yes. The gift prohibitions in the Lobbying Act apply at all times, including during any regular or special session of the Legislature and during the interim period between legislative sessions.

Q3: When may a Legislator or a member of his or her immediate family or household accept a cup of coffee offered by a lobbyist?

A3: Because the term “gift” does not include a de minimus exception, the Lobbying Act prohibits a lobbyist from providing a gift of any value, including a cup of coffee, to a Legislator or a member of his or her immediate family, unless one of the specific exceptions is applicable. For example, a Legislator or a member of his or her immediate family or household may accept a cup of coffee offered by a lobbyist if: (1) the coffee is offered at a party, meal, function or other social event to which every Legislator is invited; or (2) the coffee is offered in connection with an educational or informational meeting, event or trip that is conducted, sponsored, hosted or requested by an organization for educational or informational purposes. In those cases, the cup of coffee would not constitute a gift and would not be prohibited. However, if the cup of coffee is offered in connection with an educational or informational meeting, event or trip, the educational or informational meeting, event or trip must be reported on the Legislator’s financial disclosure statement as explained in Part 3 of this Guide. In addition, if the expenditure for the cup of coffee is made by the lobbyist while the Legislature is in a regular or special session, the lobbyist must include the expenditure on the report of lobbying activities submitted by the
lobbyist to the Legislative Counsel Bureau under the Lobbying Act. By comparison, if the recipient of the cup of coffee provides consideration of equal or greater value in exchange for the cup of coffee, the cup of coffee would not constitute a gift, and it would not need to be reported on the Legislator’s financial disclosure statement or the lobbyist’s report of lobbying activities.

Q4: Would it be a violation of the Lobbying Act for a lobbyist to take a Legislator to lunch at a restaurant, pay the bill and then ask the Legislator to contribute $5 towards a $250 bill?

A4: Yes. As a general rule, any item or service of value, including food, beverages or entertainment, is included within the definition of “gift.” However, if the Legislator or other recipient of the item or service of value provides consideration of equal or greater value in exchange for the item or service, then the item or service would not constitute a gift. By contrast, if the Legislator or other recipient of the item or service of value provides only partial consideration that is not of equal or greater value in exchange for the item or service, such as $5 towards a $250 bill, the partial consideration would not exclude the item or service from the definition of the term “gift,” and it would be a violation of the Lobbying Act.

Q5: If a lobbyist purchases a table at a charitable event that qualifies as an educational or informational meeting, event or trip, may a Legislator accept a ticket from the lobbyist to attend the event and sit at the table, and if so, what is the value of the ticket that must be reported on the Legislator’s financial disclosure statement?

A5: Unless one of the specific exceptions is applicable, a Legislator is prohibited by the Lobbying Act from accepting a ticket from a lobbyist to attend a charitable event because the ticket has a value and therefore would be a gift and the lobbyist would be prohibited from giving the ticket as a gift. However, if the charitable event qualifies as an educational or informational meeting, event or trip, it would be excluded from the definition of “gift,” and the Legislator could accept the ticket. For example, if a speaker at the charitable event is providing information on a matter that relates to the legislative, administrative or political action of the Legislator, then the Legislator would be allowed to accept the ticket but would be required to report the value of the ticket on his or her financial disclosure statement as part of an educational or informational meeting, event or trip as explained in Part 3 of this Guide.

With regard to the value of the ticket, if the lobbyist pays $8,000 for a table with 8 seats and $7,200 of the total payment is donated to the charity and $800 of the total payment is attributed to the cost of food and beverages for the 8 seats, the value of each ticket is $100, and the Legislator should report the $100 value on his or her financial disclosure statement as part of the educational or informational meeting, event or trip. However, if the Legislator reimburses the lobbyist for the $100 value of the ticket by giving consideration of equal or greater value in exchange for the ticket, the Legislator would not be required to report the $100 value on his or her financial disclosure statement.
Q6: May a Legislator accept, as a gift, a ticket to attend a charitable or civic event if the ticket is offered by an organization or person who is not a lobbyist?

A6: Yes. A Legislator may accept, as a gift, a ticket to attend a charitable or civic event if the ticket is offered by an organization or person who is not a lobbyist, so long as a lobbyist does not directly or indirectly give the gift to the Legislator or otherwise directly or indirectly arrange, facilitate or serve as a conduit for the gift to the Legislator from the organization or person who is not a lobbyist. However, depending on the value of the ticket, the Legislator may be required to report the ticket as a gift when the Legislator files his or her financial disclosure statement as explained in Part 3 of this Guide. For example, if the organization or person meets the definition of an “interested person” and no exception applies under the Financial Disclosure Act, the Legislator would be required to report the gift on his or her financial disclosure statement if the value of the gift exceeds $200 or if the Legislator has received gifts from the organization or person in an aggregate amount for the calendar year that exceeds $200.

Q7: May a lobbyist pay for or reimburse, in whole or in part, the expenses of a Legislator to attend an informational conference which is conducted or sponsored by an association representing a business or industry and which involves matters of concern before the Legislature?

A7: Yes. A lobbyist may pay for or reimburse, in whole or in part, the expenses of a Legislator to attend such an informational conference because the expenses of an educational or informational meeting, event or trip are excluded from the definition of “gift” in the Lobbying Act. However, the Legislator would be required to report the conference on his or her financial disclosure statement as explained in Part 3 of this Guide, regardless of the value of the expenses paid for or reimbursed by the lobbyist. Unlike the $200 aggregate threshold for reporting gifts on a financial disclosure statement, there is no minimum monetary threshold for reporting the aggregate value of an educational or informational meeting, event or trip on a financial disclosure statement. Because there is no threshold or de minimus amount or exception, the Legislator must report, in the aggregate, any expenses or anything else of value paid for or reimbursed by the lobbyist for the meeting, event or trip. In addition, if the expenses paid for or reimbursed by the lobbyist are expenditures that are made by the lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act.

Q8: A Legislator and a lobbyist who are not related have been friends for many years, and their families annually have Thanksgiving dinner together at one of their residences. If the lobbyist invites the Legislator and the Legislator’s family to have Thanksgiving dinner at the lobbyist’s residence, may the Legislator accept the invitation?

A8: If the lobbyist provides Thanksgiving dinner to the Legislator and the Legislator’s immediate family, the dinner would constitute a gift under the Lobbying Act because anything of value, including food, beverages or entertainment, is included within the definition of “gift,” unless the Legislator provides consideration of equal or greater value in exchange for the dinner. If such consideration is provided, the dinner would not constitute a gift. To meet this exception
from the definition “gift,” the consideration provided must be reasonably believed to be equal to or exceed the cost of the food and beverages served. Because the value of the dinner may be difficult to determine, the Legislator should use his or her best judgment to estimate the value and provide appropriate consideration.

**Q9:** A Legislator is employed by a law firm that employs many attorneys, including some who are lobbyists. Several times each year, the firm offers free in-house training for its attorneys to help them meet the requirements for continuing legal education. One of the presenters at the current in-house training is a lobbyist at the firm. May the Legislator attend the training?

**A9:** A law firm that employs a lobbyist does not itself become a lobbyist. The Legislator may attend free in-house training that is offered by the law firm to meet continuing legal education requirements, even if one of the presenters at the in-house training is a lobbyist at the firm, because it is the law firm, not the lobbyist, that is offering the in-house training and paying for the costs in time and resources for its attorneys and staff to prepare, present and attend the in-house training. Therefore, because it is the law firm, not the lobbyist, that is providing something of value to the Legislator through the in-house training, the in-house training does not constitute a gift from the lobbyist.

The in-house training also does not constitute a gift from the law firm. In the context of a bona fide employment or contractual relationship, it is presumed that when a public or private employer provides an employee or independent contractor with money, services or anything else of value, such as job-related training, education, instruction or information, whether in-house or outsourced, the employer is doing so in exchange for the services of its employees and independent contractors, and the training, education, instruction or information is not a gift because the bona fide employment or contractual relationship provides adequate consideration.

**Q10:** A Legislator is employed by a law firm that employs many attorneys, including some who are lobbyists. The firm routinely provides free food and beverages to its employees. May the Legislator accept the free food and beverages? If a lobbyist at the firm organizes the holiday party thrown by the firm, may the Legislator attend?

**A10:** A law firm that employs a lobbyist does not itself become a lobbyist. Because the law firm itself is not a lobbyist, the firm may offer and the Legislator may accept free food and beverages provided by the firm to its employees because it is the law firm, not the lobbyist, that is providing something of value to the Legislator. The free food and beverages also do not constitute a gift from the law firm. If a public or private employer provides food and beverages at the workplace for its employees and independent contractors, the employer is doing so in exchange for the services of its employees and independent contractors, so the food and beverages are not a gift because the bona fide employment or contractual relationship provides adequate consideration.

In addition, the Legislator may attend the holiday party thrown by the firm, even if it is organized by a lobbyist employed by the firm, because it is the law firm, not the lobbyist, that is providing something of value to the Legislator through the holiday party. Furthermore, if a
public or private employer pays for a holiday party or other celebratory event for its employees and independent contractors, the employer is doing so in exchange for the services of its employees and independent contractors, so any food, beverages, awards or prizes provided at the party or event are not a gift. However, if the lobbyist organizes his or her own holiday party that is not thrown by the firm, the Legislator may be prohibited from accepting anything of value at the holiday party, unless one of the specific exceptions is applicable, such as the exception for a party, meal, function or other social event to which every Legislator is invited.

Q11: A lobbyist wishes to date a Legislator and invites the Legislator to a concert and dinner. May the Legislator accept the offer? May the lobbyist pay for or reimburse, in whole or in part, any expenses of the Legislator to go on the date?

A11: There is no prohibition against a Legislator dating a lobbyist. However, the gift prohibitions in the Lobbying Act apply even to dating situations. Therefore, the Legislator may accept the offer to go on the date, but the lobbyist cannot pay for or reimburse, in whole or in part, any expenses of the Legislator to go on the date. Instead, the Legislator would be required to pay for: (1) his or her own concert ticket, food, beverages and other expenses of the date; or (2) at least one-half of the total cost of the date.

If, at some point, the Legislator and the lobbyist were to move in together and the lobbyist were to become a member of the Legislator’s household as defined in the Lobbying Act, then the exception for gifts provided by a member of the Legislator’s household would apply to the situation, and the lobbyist could pay for expenses of the Legislator without violating the Lobbying Act.

Q12: A business owner has employed a lobbyist to represent the interests of the business before the Legislature. The owner invites a Legislator to the owner’s residence for dinner. May the Legislator accept the offer? What if the owner only wants to buy the Legislator a cup of coffee instead?

A12: A business owner does not become a lobbyist by hiring a lobbyist to represent the owner’s interests before the Legislature. Therefore, the Legislator may accept the owner’s offer of dinner or a cup of coffee, so long as the owner’s lobbyist does not directly or indirectly arrange, facilitate or serve as a conduit for the owner’s gift of dinner or a cup of coffee to the Legislator. However, depending on the value of the owner’s gift of dinner or a cup of coffee, the Legislator may be required to report the gift when the Legislator files his or her financial disclosure statement as explained in Part 3 of this Guide. For example, if no other exception applies under the Financial Disclosure Act, the Legislator would be required to report the gift of dinner or a cup of coffee on his or her financial disclosure statement if the value of the gift exceeds $200 or if the Legislator has received gifts from the owner in an aggregate amount for the calendar year that exceeds $200.
Q13: A Legislator is holding an end-of-session party to congratulate the members of the committee chaired by the Legislator. The Legislator invites each member of the committee, committee staff and certain lobbyists and does not request any reimbursement for the cost of the party, but rather intends to pay for it with his or her campaign funds. Has the Legislator violated the Lobbying Act? May the other Legislators, committee staff and lobbyists attend the party? What if a lobbyist offers to pay for a portion of the party?

A13: A Legislator may hold an end-of-session party and invite other Legislators, legislative staff and lobbyists without violating the Lobbying Act. But if a lobbyist offers to pay for a portion of the cost of the party, it would be considered a gift unless the amount did not exceed the value of the lobbyist’s participation in the event. However, a lobbyist may fund the cost of an end-of-session party if every Legislator is invited to the party under the exception for a party, meal, function or other social event to which every Legislator is invited. This exception applies whether or not every Legislator actually attends the party. If expenditures for such a party are made by a lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act.

Q14: A lobbyist reserves a room in the Legislative Building and provides a buffet breakfast or lunch that is open to all Legislators. In the room, the lobbyist has set up displays with information and materials about matters of concern before the Legislature. Has the lobbyist violated the Lobbying Act?

A14: The Lobbying Act allows a lobbyist to pay for the cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. This exception applies whether or not every Legislator actually attends the party, meal, function or other social event. Therefore, a lobbyist may offer a buffet breakfast or lunch to all Legislators, and any Legislator may accept such an offer. If the expenditures for the breakfast or lunch are made by the lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act.

Because the breakfast or lunch would be excluded from the definition of “gift” under the Lobbying Act and the Financial Disclosure Act, any Legislator who attended the breakfast or lunch would not be required to report the value of the breakfast or lunch when the Legislator files his or her financial disclosure statement as explained in Part 3 of this Guide, unless the breakfast or lunch could be considered an educational or informational meeting, event or trip. The exception for the cost of a party, meal, function or other social event to which every Legislator is invited cannot be used to circumvent the requirement to report an educational or informational meeting, event or trip on a Legislator’s financial disclosure statement even if every Legislator is invited to the educational or informational meeting, event or trip.

As a general rule, if there are only informational displays posted and informational materials available at the breakfast or lunch but there is no affirmative presentation or action to inform or educate the Legislators, then the breakfast or lunch should not be considered an
educational or informational meeting, event or trip that must be reported on the financial disclosure statement. However, if the informational displays or materials are accompanied by any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, then the breakfast or lunch should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. If there is any uncertainty or doubt regarding whether an event is a social event or an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.
PART 3

FINANCIAL DISCLOSURE

3.01 Overview.

The Financial Disclosure Act requires Legislators and other state and local public officers and candidates to report certain information on financial disclosure statements filed with the Secretary of State. NRS 281.556 to 281.581, inclusive. With regard to Legislators, on or before January 15 of each year of the term of office of a Legislator, including the year in which a Legislator leaves office and the year immediately following the year in which a Legislator leaves office, a Legislator is required to file with the Secretary of State an annual financial disclosure statement that reports certain information from the previous calendar year relating to the Legislator and certain members of the Legislator’s household. NRS 281.561. In addition, if a Legislator files candidacy papers for reelection to his or her office or for election to a different office, the Legislator is also required to file a financial disclosure statement that covers the period from January 1 of the year in which the election will be held through the last day to qualify as a candidate for the office that the Legislator is seeking. Id.

S.B. 307 (2015) did not change most of the information that the Financial Disclosure Act requires to be included on a financial disclosure statement. However, the bill made changes to the Financial Disclosure Act with regard to reporting gifts and educational and informational meetings, events or trips on a financial disclosure statement. Section 27 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1722-24 (amending NRS 281.571).

Although the effective date for these new reporting requirements was January 1, 2016, the requirements did not apply to the annual financial disclosure statements filed with the Secretary of State on or before January 15, 2016. Section 40 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1727. Rather, the new reporting requirements apply to the following financial disclosure statements: (1) if a Legislator filed candidacy papers for office for an election held in 2016, the financial disclosure statement filed on or before the 10th day after the last day to qualify as a candidate for the office, covering the period from January 1, 2016, to the last day to qualify as a candidate for the office; (2) the annual financial disclosure statement which must be filed with the Secretary of State on or before January 15, 2017, covering the period from January 1, 2016, to December 31, 2016; and (3) each financial disclosure statement which must be filed thereafter. NRS 281.561.

3.02 Administration and interpretation of the Financial Disclosure Act.

The Financial Disclosure Act is administered by the Secretary of State. NRS 281.556 to 281.581, inclusive. In administering the Financial Disclosure Act, the Secretary of State is authorized to adopt regulations to carry out the provisions of the Financial Disclosure Act. NRS 281.5745. In addition, because the Secretary of State is charged with administering the Financial Disclosure Act, the Secretary of State is clothed with the power to interpret the Financial Disclosure Act as a necessary incident to the power of administration. See Clark
County Sch. Dist. v. Local Gov’t Employee-Mgmt. Relations Bd., 90 Nev. 442, 446 (1974) (“An agency charged with the duty of administering an act is impliedly clothed with power to construe it as a necessary precedent to administrative action.”).

As a general rule, an agency’s interpretation of a statute will be given deference and will not be readily disturbed by the courts if the interpretation is reasonable, meaning that it is within the language of the statute and is consistent with legislative intent. See City of Reno v. Reno Police Prot. Ass’n, 118 Nev. 889, 900 (2002); State Indus. Ins. Sys. v. Miller, 112 Nev. 1112, 1118 (1996). This is especially true when the agency’s interpretation of the statute is “nearly contemporaneous” with the enactment of the statute. Roberts v. State, 104 Nev. 33, 39 (1988). However, the agency’s interpretation of the statute will not be given deference if the interpretation conflicts with the plain meaning of the statutory language. United States v. State Eng’r, 117 Nev. 585, 589-90 (2001). Therefore, even though the agency has the power—in the first instance—to interpret the statute, the agency “may not under the guise of interpretation . . . give the statute any greater effect than its language allows.” Boulware v. State Dep’t of Human Res., 103 Nev. 218, 220 (1987). Furthermore, even though the agency’s interpretation of the statute is entitled to a presumption of correctness and validity, because the interpretation of a statute is an issue of law that is reviewed de novo by the courts, it is the judiciary, and not the agency, that has the final power to interpret the statute and determine its meaning. United States v. State Eng’r, 117 Nev. 585, 589-90 (2001).

3.03 Definition of “interested person.”

Unlike the Lobbying Act, which applies primarily to the Legislative Branch of State Government, the Financial Disclosure Act applies generally to almost all public officers and candidates at the state and local level and members of their households. As a result, the disclosure requirements in the Financial Disclosure Act extend beyond a Legislator’s interaction with lobbyists and also encompass other interested persons who have a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected. Sections 14 to 31, inclusive, of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1718-26 (codified as NRS 281.556 to 281.581, inclusive).

As used in the Financial Disclosure Act, the term “interested person” is defined broadly as follows:

1. “Interested person” means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.
   2. The term includes, without limitation:
      (a) A lobbyist as defined in NRS 218H.080.
      (b) A group of interested persons acting in concert, whether or not formally organized.

Section 20 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1719 (codified as NRS 281.5586).
As a general rule, when the term “person” is used in a statute, the term usually “signifies inclusiveness, not limitation.” In re Nev. State Eng’r Ruling No. 5823, 128 Nev. Adv. Op. 22, 277 P.3d 449, 454 (2012). Thus, because the Financial Disclosure Act defines the term “interested person” broadly, the term should be given an expansive rather than a narrow interpretation. See Nev. Comm’n on Ethics v. JMA/Lucchesi, 110 Nev. 1, 7 (1994); Stockmeier v. Nev. Dep’t of Corr., 122 Nev. 385, 394 (2006), overruled in part on other grounds by State Bd. of Parole Comm’rs v. Morrow, 127 Nev. 265, 272-75 (2011). For example, the term “interested person” includes any type of business entity or enterprise, any type of nonprofit or social organization or association or any other type of legal entity that has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected. See W. Sur. Co. v. ADCO Credit, Inc., 127 Nev. 100, 104 (2011) (“based on the plain language of the phrase ‘any person’ as used in [the statute], we conclude that its meaning is clear and unambiguous, and includes corporate entities such as ADCO.”).

3.04 Reporting gifts on financial disclosure statements.

Before S.B. 307 (2015) was enacted, the Financial Disclosure Act generally required a Legislator, with certain limited exceptions, to report on his or her financial disclosure statement a list of any gifts that the Legislator received from a donor during the previous calendar year when the aggregate value of the gifts from that donor exceeded $200 for the calendar year. NRS 281.571 (2013). In addition, the Legislator was required to list the name of the donor and the value of each such gift. Id. However, the term “gift” was not defined by statute or regulation for purposes of the financial disclosure statement. See Legis. Counsel’s Digest to S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1712 (Appendix 1). Instead, the Financial Disclosure Act excluded certain types of gifts from the reporting requirements. NRS 281.571 (2013).

S.B. 307 (2015) added a definition of the term “gift” to the Financial Disclosure Act for purposes of determining which gifts must be reported on a financial disclosure statement. Section 19 of S.B. 307, chapter 320, Statutes of Nevada 2015, at p. 1719 (codified as NRS 281.5585). The term “gift” in the Financial Disclosure Act is defined in the same manner as the term “gift” in the Lobbying Act as discussed in section 2.07 of this Guide. Sections 9 and 19 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1714-15 and 1719 (amending NRS 218H.060 and enacting NRS 281.5585). In addition, the same specific exceptions to the term “gift” were included in both definitions. Id.

Because the term “gift” is now defined by statute, a Legislator must report on his or her financial disclosure statement a list of anything of value—within the statutory definition of “gift”—that the Legislator receives from a donor during the reporting period when the aggregate value of the gifts from that donor exceeds $200 for the reporting period, unless one of the specific exceptions to the definition of “gift” is applicable. NRS 281.5585 and 281.571. For purposes of the Financial Disclosure Act, a donor is not limited to a lobbyist or an interested person. Instead, a donor is any person who gives anything of value to a Legislator, unless one of the specific exceptions to the definition of “gift” is applicable. Id.
3.05 Definition of “gift” and specific exceptions from the definition.

(1) Definition of “gift.”

Under the Financial Disclosure Act, the term “gift” is now defined as “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.” NRS 281.5585(1). Except to the extent that one of the specific exceptions applies, this definition of “gift” makes virtually any item or service a gift if it has value, unless the person who receives the item or service provides consideration of equal or greater value in exchange for the item or service.

For example, if a Legislator hires a lawyer and pays fair market value for private legal services, such as representing the Legislator in administrative or judicial proceedings, the private legal services would not be included within the definition of the term “gift” because the Legislator provided consideration of equal or greater value in exchange for the private legal services. By contrast, if the Legislator hires the lawyer for such a purpose but the lawyer provides the private legal services to the Legislator for free or “pro bono,” the free private legal services would be included within the definition of the term “gift,” unless one of the specific exceptions applies. For example, the free private legal services would not be included within the definition of the term “gift” if the lawyer is a member of the Legislator’s household or a relative of the Legislator within the third degree of consanguinity or affinity.

It should be noted, however, that a lawyer who provides legal services as part of the legislative process on behalf of his or her private client who is not a Legislator, such as proposing, drafting or reviewing bills or amendments on behalf of his or her private client, is not providing legal services to a Legislator. Instead, the lawyer is providing legal services to his or her private client, and those legal services would not be considered a gift to a Legislator.

(2) If a public or private employer provides money, services or anything else of value to an employee or independent contractor who is a Legislator or other public officer or candidate, it is not a “gift” because a bona fide employment or contractual relationship provides adequate consideration.

Under the Financial Disclosure Act, the definition of the term “gift” excludes money, services or anything else of value for which “consideration of equal or greater value is received.” NRS 281.5585(1). In the context of a bona fide employment or contractual relationship, it is presumed that when a public or private employer provides money, services or anything else of value to an employee or independent contractor who is a Legislator or other public officer or candidate, the employer is doing so in exchange for the services of the employee or independent contractor. Therefore, money, services or anything else of value provided by the employer to the employee or independent contractor is not a “gift” because the bona fide employment or contractual relationship provides adequate consideration.
Accordingly, if a public or private employer provides an employee or independent contractor with any of the following, it is presumed that the employer is doing so in exchange for the services of the employee or independent contractor:

- Free meals, drinks, snacks, desserts or other food or beverages.
- Advances, payments or reimbursements for job-related travel expenses, including, without limitation, airfare, ground transportation, mileage costs, lodging, incidentals, meals, per diem and other travel expenses.
- Job-related training, education, instruction and information.

The following are some examples to illustrate these principles, but the examples are not intended to be exhaustive or exclusive:

- If a public or private employer provides coffee, snacks or other food or beverages at the workplace for its employees and independent contractors, the employer is doing so in exchange for the services of its employees and independent contractors, so the food or beverages are not a gift.
- If a public or private employer pays for a holiday party or other celebratory event for its employees and independent contractors, the employer is doing so in exchange for the services of its employees and independent contractors, so any food, beverages, awards or prizes provided at the party or event are not a gift.
- If the State reimburses a Legislator for legislative-related travel expenses, the State is doing so in exchange for the services of the Legislator, and the reimbursement is not a gift.
- If a Legislator is an accountant and his or her private employer reimburses the Legislator as an accountant for job-related travel expenses, the private employer is doing so in exchange for the services of the Legislator as an accountant, and the reimbursement is not a gift.
- If a public or private employer pays or provides for job-related training, education, instruction or information, whether in-house or outsourced, the employer is doing so in exchange for the services of its employees and independent contractors, and the training, education, instruction or information is not a gift.

(3) Specific exceptions from the definition of the term “gift.”

S.B. 307 (2015) provided certain specific exceptions from the definition of the term “gift” in the Financial Disclosure Act. NRS 281.5585(2). The term “gift” does not include:

(a) Any political contribution of money or services related to a political campaign.
(b) Any commercially reasonable loan made in the ordinary course of business.
(c) Anything of value provided for an educational or informational meeting, event or trip.
(d) Anything of value excluded from the term “gift” as defined in NRS 218H.060.
(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer’s or candidate’s household.

NRS 281.5585(2). Each of these specific exceptions from the definition of the term “gift” is outlined in the following discussion.

(a) Exception for political contributions of money or services.

The Financial Disclosure Act excludes “a political contribution of money or services related to a political campaign” from the definition of the term “gift.” NRS 281.5585(2)(a). This exception means that a Legislator may accept political contributions of money or services related to the Legislator’s political campaign without reporting the contributions on the Legislator’s financial disclosure statement. However, the Legislator must report the contributions on his or her campaign contributions and expenses report required pursuant to NRS Chapter 294A.

(b) Exception for commercially reasonable loans.

The Financial Disclosure Act excludes “[a] commercially reasonable loan made in the ordinary course of business” from the definition of the term “gift.” NRS 281.5585(2)(b). This exception means that a person may make a commercially reasonable loan in the ordinary course of business to a Legislator in the same manner as any other person, and the loan would not be considered a gift. The loan must require repayment on commercially reasonable terms, including at an interest rate that is considered commercially reasonable, and the loan must be made in the ordinary course of business in the same manner as similar loans to any other person.

(c) Exception for educational or informational meetings, events or trips undertaken or attended by a Legislator.

The Financial Disclosure Act excludes from the definition of the term “gift” anything of value provided by an interested person to a Legislator to undertake or attend an educational or informational meeting, event or trip, which is explained in greater detail below. Sections 17 and 19 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1718-19 (codified as NRS 281.5583 and 281.5585). This exception extends to anything of value provided by the interested person to a member of the Legislator’s household to undertake or attend the educational or informational meeting, event or trip. Id. This exception does not apply to legislative staff members if the interested person is a lobbyist under the Lobbying Act.

Although an educational or informational meeting, event or trip is excluded from the definition of the term “gift,” S.B. 307 (2015) added a new subsection to NRS 281.571 which now requires each educational or informational meeting, event or trip to be listed separately on
the financial disclosure statement, *regardless of the value attributed to attending the meeting, event or trip*. An educational or informational meeting, event or trip must be reported on the financial disclosure statement *even if every Legislator is invited to the meeting, event or trip*. This is because the exception for the cost of a party, meal, function or other social event to which every Legislator is invited cannot be used to circumvent the requirement to report an educational or informational meeting, event or trip on a Legislator’s financial disclosure statement *even if every Legislator is invited to the educational or informational meeting, event or trip*. Therefore, if a lobbyist or other interested person pays for or reimburses, in whole or in part, any expenses of a Legislator or a member of the Legislator’s household to undertake or attend a party, meal, function or other social event to which every Legislator is invited and, at any point, the event includes any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement.

As a general rule, if there are only informational displays posted and informational materials available at the social event to which every Legislator is invited but there is no affirmative presentation or action to inform or educate the Legislators, then the event should not be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. However, if the informational displays or materials are accompanied by any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, then the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. If there is any uncertainty or doubt regarding whether an event is a social event or an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.

It also should be noted that if the expenditures for an educational or informational meeting, event or trip are made by a lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act. NRS 218H.050 and 218H.400.

As defined in the Financial Disclosure Act, the term “educational or informational meeting, event or trip” is substantively similar to the definition given to that term in the Lobbying Act as discussed in section 2.07(3)(c) of this Guide. Sections 4 and 17 of S.B. 307, chapter 320, Statutes of Nevada 2015, at pp. 1713-14 and 1718-19 (codified as NRS 218H.045 and 281.5583). The definition in the Financial Disclosure Act provides:

1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:
(a) The public officer or candidate or a member of the public officer’s or candidate’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer’s or candidate’s household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer’s or candidate’s household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer’s or candidate’s household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer’s or candidate’s household travels to or from the meeting, event or trip.


With regard to a Legislator, an educational or informational meeting, event or trip qualifies for the exception only if: (1) the Legislator or a member of the Legislator’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and (2) the Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator. Id.

For purposes of the exception, the Financial Disclosure Act defines the members of the Legislator’s household to include the following persons:

1. “Member of the public officer’s or candidate’s household” means:
   (a) The spouse or domestic partner of the public officer or candidate;
   (b) A relative who lives in the same home or dwelling as the public officer or candidate; or
   (c) A person, whether or not a relative, who:
      (1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;
(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, “relative” means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.


Accordingly, to determine whether an educational or informational meeting, event or trip must be reported on a Legislator’s financial disclosure statement, the Legislator must decide whether a lobbyist or other interested person who has a substantial interest in the legislative, administrative or political action of the Legislator has provided anything of value in connection with the meeting, event or trip to the Legislator or a member of the Legislator’s household. If there is any uncertainty or doubt regarding whether an event qualifies as an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.

However, it is important to note that an educational or informational meeting, event or trip does not include “a meeting, event or trip undertaken or attended by a [Legislator] for personal reasons or for reasons relating to any professional or occupational license held by the [Legislator], unless the [Legislator] participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.” NRS 281.5583(3). In other words, if a Legislator undertakes or attends a meeting, event or trip for his or her own personal reasons or reasons relating to any professional or occupational license held by the Legislator, the meeting, event or trip will not fall within the definition of an “educational or informational meeting, event or trip,” unless the Legislator or a member of the Legislator’s household receives anything of value from a lobbyist or other interested person to undertake or attend the meeting, event or trip and the Legislator is a primary speaker, instructor or presenter at the meeting, event or trip.

For each educational or informational meeting, event or trip that a Legislator is required to report on his or her financial disclosure statement, the Legislator must include:

- The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip.
• The identity of each lobbyist or other interested person who has a substantial interest in the legislative, administrative or political action of the Legislator and who provided anything of value to the Legislator or a member of the Legislator’s household to undertake or attend the meeting, event or trip.

• The aggregate value of everything provided by those lobbyists or other interested persons who have a substantial interest in the legislative, administrative or political action of the Legislator to the Legislator or a member of the Legislator’s household to undertake or attend the meeting, event or trip.

NRS 281.571(5).

(d) Exception for anything of value excluded from the term “gift” as defined in NRS 218H.060 of the Lobbying Act.

The Financial Disclosure Act excludes the following from the definition of the term “gift”: “Anything of value excluded from the term ‘gift’ as defined in NRS 218H.060 [of the Lobbying Act].” This exception from the definition of the term “gift” in the Financial Disclosure Act captures the following exception from the Lobbying Act: “The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event.” NRS 218H.060(2)(d). This exception applies whether or not every Legislator actually attends the party, meal, function or other social event.

For example, a lobbyist may pay for entertainment, food and beverages provided at a party, meal, function or other social event to which every Legislator is invited. NRS 218H.060(2)(d). Because such a party, meal, function or other social event is excluded from the definition of the term “gift,” the lobbyist may pay for entertainment, food and beverages provided to Legislators, members of their immediate families, members of legislative staff and anyone else who attends the event without violating the Lobbying Act.

In addition, because such a party, meal, function or other social event is also excluded from the definition of the term “gift” for purposes of the Financial Disclosure Act, the Legislator is not required to report the party, meal, function or other social event when the Legislator files his or her financial disclosure statement. However, if the expenditures for the party, meal, function or other social event are made by the lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act. NRS 218H.050 and 218H.400.

It should be noted that the exception for the cost of a party, meal, function or other social event to which every Legislator is invited cannot be used to circumvent the requirement to report an educational or informational meeting, event or trip on a Legislator’s financial disclosure statement even if every Legislator is invited to the educational or informational meeting, event or trip. Therefore, if a lobbyist or other interested person pays for or reimburses, in whole or in part, any expenses of a Legislator or a member of the Legislator’s household to undertake or attend a party, meal, function or other social event to which every Legislator is invited and, at
any point, the event includes any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement.

As a general rule, if there are only informational displays posted and informational materials available at the social event but there is no affirmative presentation or action to inform or educate the Legislators, then the event should not be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. However, if the informational displays or materials are accompanied by any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, then the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. If there is any uncertainty or doubt regarding whether an event is a social event or an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.

(e) Exception for ceremonial gifts received from a donor who is not an interested person.

The Financial Disclosure Act excludes the following from the definition of the term “gift”: “Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.” NRS 281.5585(2)(e) (emphasis added). Thus, if the person who gives the ceremonial gift to the Legislator is not an “interested person,” the Legislator is not required to report the gift on the financial disclosure statement. Conversely, if the person who gives the ceremonial gift is an “interested person” and the ceremonial gift meets the definition of “gift” under the Financial Disclosure Act, the Legislator must report the gift when the Legislator files his or her financial disclosure statement.

(f) Exception for gifts received from relatives within the third degree of consanguinity or affinity or household members.

The Financial Disclosure Act excludes the following from the definition of the term “gift”:

(f) Anything of value received from a person who is:
   (1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or
   (2) A member of the public officer’s or candidate’s household.

NRS 281.5585(2)(f).

For this exception, the term “member of the public officer’s or candidate’s household” is defined in NRS 281.5587 as follows:
1. “Member of the public officer’s or candidate’s household” means:
   (a) The spouse or domestic partner of the public officer or candidate;
   (b) A relative who lives in the same home or dwelling as the public officer or candidate; or
   (c) A person, whether or not a relative, who:
      (1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;
      (2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or
      (3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, “relative” means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

NRS 281.5587.

In applying this exception to gifts to Legislators, if the donor of the gift is related to the Legislator-recipient, or to the spouse or domestic partner of the Legislator-recipient, within the third degree of consanguinity or affinity or if the donor is a member of the Legislator-recipient’s household, the Legislator is not required to report the gift on the financial disclosure statement. For example, under this exception, the donor may give gifts to the Legislator as a spouse, domestic partner, parent, grandparent, great-grandparent, child, grandchild, great-grandchild, brother, sister, uncle, aunt, nephew or niece, either by blood, adoption, marriage or domestic partnership.

3.06 Selected questions and answers relating to financial disclosure statements with respect to Legislators.

Q1: If the National Conference of State Legislatures (NCSL) or the Council of State Governments (CSG) invites a Legislator to attend one of its conferences, seminars, leadership institutes or other events and pays for or reimburses, in whole or in part, hotel, travel, meal or other expenses of the Legislator, is the Legislator required to report the conference, seminar or other event on his or her financial disclosure statement?

A1: Yes. Given that NCSL and CSG each have their own agendas on issues, they are interested persons under the Financial Disclosure Act because they have a substantial interest in the legislative, administrative or political action of the Legislators that they invite to attend their conferences. Therefore, a Legislator who accepts anything of value to attend a conference...
OFFERED BY NCSL OR CSG WOULD BE REQUIRED TO REPORT THE CONFERENCE AS AN EDUCATIONAL OR INFORMATIONAL MEETING, EVENT OR TRIP ON HIS OR HER FINANCIAL DISCLOSURE STATEMENT.

Q2: If a Legislator attends a conference offered by NCSL or CSG and pays for his or her own hotel, travel, meal and other expenses with money from campaign funds, is the Legislator required to report the conference or seminar on his or her financial disclosure statement?

A2: No. Under these facts, if the Legislator did not receive anything of value in connection with that specific conference from a lobbyist or other interested person who has a substantial interest in the legislative, administrative or political action of the Legislator (including NCSL and CSG), the Legislator will not be required to report the conference on his or her financial disclosure statement. However, because the Legislator paid for the expenses with money from campaign funds, the Legislator must report the expenses on his or her campaign contributions and expenses report required pursuant to NRS Chapter 294A.

Q3: If an industry advocacy organization invites every Legislator to attend an educational seminar relating to the industry and offers to pay for or reimburse, in whole or in part, their hotel, travel, meal or other expenses, is each Legislator who attends the seminar required to report the seminar on his or her financial disclosure statement?

A3: Yes. A Legislator who attends the seminar would be required to report the seminar on his or her financial disclosure statement if the industry advocacy organization has a substantial interest in the legislative, administrative or political action of the Legislator. Because it is likely that the industry advocacy organization meets that standard, the Legislator should report the seminar on his or her financial disclosure statement as an educational or informational meeting, event or trip. An educational or informational meeting, event or trip must be reported on the financial disclosure statement even if every Legislator is invited to the meeting, event or trip. In addition, if any expenses for the educational or informational meeting, event or trip are paid for or reimbursed, in whole or in part, by a lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act.

Q4: If a group representing an industry invites every Legislator to attend an event, free of charge, which includes live music, food and beverages along with informational displays and materials about the industry, may the Legislator accept the invitation and attend the event?

A4: The definition of “gift” excludes the cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. This exception applies whether or not every Legislator actually attends the party, meal, function or other social event. Therefore, if the event qualifies as a party, meal, function or other social event to which every Legislator is invited, a Legislator may accept the invitation and attend the event, and the Legislator is not required to report the event as a gift on the Legislator’s financial disclosure statement. However, the exception for the cost of a party, meal, function or other social event to which every Legislator is invited cannot be used to circumvent the requirement to report an
educational or informational meeting, event or trip on a Legislator’s financial disclosure statement even if every Legislator is invited to the educational or informational meeting, event or trip.

As a general rule, if there are only informational displays posted and informational materials available at the social event but there is no affirmative presentation or action to inform or educate the Legislators, then the event should not be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. However, if the informational displays or materials are accompanied by any affirmative presentation or action which educates or informs the Legislators on matters relating to the legislative, administrative or political action of the Legislators, then the event should be considered an educational or informational meeting, event or trip that must be reported on the financial disclosure statement. If there is any uncertainty or doubt regarding whether an event is a social event or an educational or informational meeting, event or trip, that uncertainty or doubt should be resolved in favor of the legislative purpose and policy of disclosure, and the event should be considered an educational or informational meeting, event or trip that must be disclosed on the financial disclosure statement.

Finally, if any expenditures for an educational or informational meeting, event or trip—or for a party, meal, function or other social event to which every Legislator is invited—are made by a lobbyist while the Legislature is in a regular or special session, the lobbyist must include those expenditures on the report of lobbying activities submitted by the lobbyist to the Legislative Counsel Bureau under the Lobbying Act.

Q5: If one or more Legislators are invited to visit Greece on an economic development tour for which all or part of the expenses are covered by the government of Greece, is a Legislator who accepts the invitation and attends the tour required to report the trip on his or her financial disclosure statement?

A5: Yes. A trip to Greece is something of value, and the government of Greece is presumed to be an interested person given the likelihood that it would not offer to pay such significant expenses unless it had a substantial interest in the Legislator’s legislative, administrative or political action. Thus, a Legislator who accepts the invitation and attends the tour would be required to report the trip on his or her financial disclosure statement as an educational or informational meeting, event or trip. By contrast, if the government of Greece invited the Legislators to come enjoy the beaches and did not provide any type of information intended to influence their legislative, administrative or political action, then a Legislator who accepts the invitation would be required to report the trip on his or her financial disclosure statement as a gift.
Q6: An organization invites a Legislator to participate in an educational or informational meeting, event or trip outside this State, and the organization offers to pay the expenses of the Legislator and another person selected by the Legislator. The Legislator selects a friend. What does the Legislator report on the financial disclosure statement? Would the answer change if the Legislator selected his or her son instead?

A6: In addition to reporting anything of value provided to the Legislator on the financial disclosure statement, the Legislator is also required to report anything of value provided to a member of the Legislator’s household by a lobbyist or other interested person who has a substantial interest in the legislative, administrative or political action of the Legislator in connection with the educational or informational meeting, event or trip. Depending on the facts, the Legislator may be required to report on his or her financial disclosure statement anything of value provided to the Legislator’s friend or son if either qualifies as a member of the Legislator’s household as defined in the Financial Disclosure Act.

Q7: If a Legislator receives only one free meal and cup of coffee during an educational or informational meeting, event or trip, is the Legislator required to report the value of the free meal and cup of coffee on his or her financial disclosure statement?

A7: Yes. Unlike the $200 aggregate threshold for reporting gifts on a financial disclosure statement, there is no minimum monetary threshold for reporting an educational or informational meeting, event or trip on a financial disclosure statement. Therefore, the Legislator must report, in the aggregate, everything of value, such as the one free meal and cup of coffee, that is received by the Legislator or a member of the Legislator’s household to undertake or attend the meeting, event or trip from a lobbyist or other interested person who has a substantial interest in the legislative, administrative or political action of the Legislator.

Q8: A business owner has employed a lobbyist to represent the interests of the business before the Legislature. The owner invites a Legislator to meet for lunch to discuss matters of concern before the Legislature. Is the Legislator required to report the lunch on his or her statement of financial disclosure?

A8: A business owner does not become a lobbyist by hiring a lobbyist to represent the owner’s interests before the Legislature. Therefore, the Legislator may accept the owner’s offer of lunch, so long as the owner’s lobbyist does not directly or indirectly arrange, facilitate or serve as a conduit for the owner’s gift of lunch to the Legislator. However, depending on the value of the owner’s gift of lunch, the Legislator may be required to report the gift when the Legislator files his or her financial disclosure statement. For example, if no other exception applies under the Financial Disclosure Act, the Legislator would be required to report the gift of lunch on his or her financial disclosure statement if the value of the gift exceeds $200 or if the Legislator has received gifts from the owner in an aggregate amount for the calendar year that exceeds $200.
APPENDIX 1

SENATE BILL NO. 307 (S.B. 307)

CHAPTER 320, STATUTES OF NEVADA 2015, AT P. 1711
— (a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and
— (b) A description of the factors that affect the risk of developing breast cancer.

4. If the statement of the category of the patient’s breast density which is provided pursuant to subsection 1 indicates that the breast tissue is dense, the report described in subsection 1 must also include a notice in the following form:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your physician. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.

3. Nothing in this section shall be construed to:
   (a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.
   (b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. This act becomes effective on July 1, 2015.

Senate Bill No. 307–Senator Roberson

CHAPTER 320

[Approved: June 1, 2015]

AN ACT relating to public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff any gifts that exceed $100 in value in the aggregate in any calendar year and prohibits these persons from soliciting or accepting any such gifts. (NRS 218H.930) In defining the term “gift,” the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.060)
In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of $200 from a donor during a calendar year on financial disclosure statements filed with the Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the Financial Disclosure Act does not define the term “gift,” but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that “[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and traveling to Europe for that purpose, constitutes a gift.” (In re Phillips, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift “[t]ravel, lodging, food or registration expenses as part of a ‘fact-finding’ trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer.” (Nev. Sec’y of State, Financial Disclosure Statement Guide, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; State Farm Mut. Auto. Ins. v. Comm’r of Ins., 114 Nev. 535, 543-44 (1998); Labor Comm’r v. Littlefield, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term “gift” that is similar for both acts. Sections 4 and 17 of this bill also establish a definition for the term “educational or informational meeting, event or trip” that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under sections 4, 8 and 11 of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under sections 17, 20 and 27 of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.
Finally, section 41 of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, section 40 of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year.

(NRS 281.559, 281.561)

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. “Domestic partner” means a person in a domestic partnership.

Sec. 3. “Domestic partnership” means:
1. A domestic partnership as defined in NRS 122A.040; or
2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 4. 1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:
(a) The Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and
(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.
2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.
3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.
4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the
Legislator or a member of the Legislator’s household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator’s household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator’s household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator’s household travels to or from the meeting, event or trip.

Sec. 5. “Member of the Legislator’s household” means a person who is a member of the Legislator’s household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

Sec. 6. “Registrant” means a person who is registered as a lobbyist pursuant to this chapter.

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, and sections 2 to 6, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 1. “Expenditure” means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of the following acts by a lobbyist while the Legislature is in a regular or special session:

(a) Any payment, conveyance, transfer, distribution, deposit, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.100, and any; or
(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any such expenditure, while the Legislature is in a regular or special session.

2. The term includes, without limitation:
(a) Anything of value provided for an educational or informational meeting, event or trip.
(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:
(a) A prohibited gift.
(b) A lobbyist’s personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. “Gift” means any payment, subscription, advance, any payment, conveyance, transfer, distribution, deposit, loan, forbearance, subscription, pledge or rendering or deposit of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:
(a) Any political contribution of money or services related to a political campaign.
(b) Any commercially reasonable loan made in the ordinary course of business.
(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) The cost of entertainment, a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from:
   (1) A member of the recipient’s immediate family; or
   (2) A relative of a person who is:
       (1) Related to the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or from the spouse of any such relative; or
       (2) A member of the recipient’s household.

Sec. 10. NRS 218H.210 is hereby amended to read as follows:

218H.210  The registration statement of a lobbyist must contain the following information:
1. The registrant’s full name, permanent address, place of business and temporary address while lobbying.
2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.
3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a statement of financial disclosure made by a candidate for public office or a public officer or candidate pursuant to NRS 281.571.
4. The name of any current Legislator for whom:
   (a) The registrant; or
   (b) Any person by whom the registrant is retained or employed, has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.
5. A description of the principal areas of interest on which the registrant expects to lobby.
6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.
7. A declaration under penalty of perjury that none of the registrant’s compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Sec. 11. NRS 218H.400 is hereby amended to read as follows:

218H.400  1. Each registrant shall file with the Director:
   (a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant’s lobbying activities; and
(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant’s lobbying activities during the previous month, whether or not any expenditures were made.

2. Each report must:
   (a) Be on a form prescribed by the Director; and
   (b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant’s express or implied consent or were ratified by the registrant.

3. Except as otherwise provided in subsection 6, the report:
   (a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;
   (b) Must be itemized with respect to each such Legislator and organization; and
   (c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

4. If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission, in the following categories:
   (a) Entertainment;
   (b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;
   (c) Gifts and loans, including money, services and anything of value provided to a Legislator, an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and
   (d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.

5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:
   (a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.
   (b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist’s compliance with the reporting requirements of this section.

6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a party, meal, function or other social event to which every Legislator was invited. For the purposes of this subsection, “function” means a party, meal or other social event.
Sec. 12. NRS 218H.930 is hereby amended to read as follows:

218H.930  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 the member in his or her official actions.
(b) In a registration statement or report concerning lobbying activities filed with the Director.
2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family that exceed $100 in value in the aggregate in any calendar year, whether or not the Legislature is in a regular or special session.
3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit anything of value from a registrant or accept any gift that exceed $100 in aggregate value in any calendar year from a lobbyist, whether or not the Legislature is in a regular or special session.
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 218H.200, 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 of the Legislative 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 officials.
8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.
9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:
(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;
(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:
(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or
(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or
(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 15. “Domestic partner” means a person in a domestic partnership.

Sec. 16. “Domestic partnership” means:

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 17. 1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:

(a) The public officer or candidate or a member of the public officer’s or candidate’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer’s or candidate’s household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer’s or
candidate’s household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer’s or candidate’s household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer’s or candidate’s household travels to or from the meeting, event or trip.

Sec. 18. “Financial disclosure statement” or “statement” means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.

Sec. 19. 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) Any political contribution of money or services related to a political campaign.
   (b) Any commercially reasonable loan made in the ordinary course of business.
   (c) Anything of value provided for an educational or informational meeting, event or trip.
   (d) Anything of value excluded from the term “gift” as defined in NRS 218H.060.
   (e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.
   (f) Anything of value received from a person who is:
      (1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or
      (2) A member of the public officer’s or candidate’s household.

Sec. 20. 1. “Interested person” means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.

2. The term includes, without limitation:
   (a) A lobbyist as defined in NRS 218H.080.
   (b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. 1. “Member of the public officer’s or candidate’s household” means:
   (a) The spouse or domestic partner of the public officer or candidate;
   (b) A relative who lives in the same home or dwelling as the public officer or candidate; or
   (c) A person, whether or not a relative, who:
      (1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;
(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or
(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, “relative” means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. 1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 1. As used in NRS 281.558 to 281.581, inclusive, “candidate” means any person:
(a) Who seeks to be elected to a public office and:
(b) Who files a declaration of candidacy; or
(c) Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in subsections 2 and 3 of this section and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a financial disclosure statement, as follows:
(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a financial disclosure statement within 30 days after the public officer’s appointment.
(b) Each public officer appointed to fill an office shall file a financial disclosure statement on or before January 15 of:
   (1) Each year of the term, including the year in which the public officer leaves office; and
   (2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.
The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4A of the Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.

5. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 26. NRS 281.561 is hereby amended to read as follows:

281.561  1. Except as otherwise provided in subsections 2 and 3 of this section and NRS 281.572, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualifies as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

The statement must disclose the required information for the full calendar year immediately preceding the date of filing.
2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a financial disclosure statement for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a financial disclosure statement relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a financial disclosure statement pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without limitation, all information required to be included in a financial disclosure statement pursuant to NRS 281.571.

5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.

6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 27. NRS 281.571 is hereby amended to read as follows:

281.571 Each financial disclosure statement, as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:

(a) The candidate's or candidate's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.

(b) Each source of the candidate's income, or that of any member of the candidate's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(i) In which the candidate or candidate's house has a legal or beneficial interest;

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

(iii) That is located in this State or an adjacent state.

(d) The name of each creditor to whom the candidate for public office or public officer or candidate owes $5,000 or more, except for:
(a) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c);

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

4. If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:

(a) The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;

(b) The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip;

(c) The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.

5. If the candidate for public office or public officer or candidate has received any gifts in excess of an aggregate value of $200 from a donor during the immediately preceding taxable calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

6. A list of each business entity with which the candidate for public office or public officer or candidate or a member of the candidate's or public officer's or candidate's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

7. A list of all public offices presently held by the candidate for public office or public officer or candidate for which this financial disclosure statement is required.

The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

As used in this section, "member of the candidate's or public officer's household" includes:

(a) The spouse of the candidate for public office or public officer;

(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and
(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

Sec. 28. NRS 281.572 is hereby amended to read as follows:

281.572  1. A candidate or public officer or candidate who is required to file a financial disclosure statement with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the candidate or public officer or candidate has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The candidate or public officer or candidate does not own or have the ability to access the technology necessary to file electronically the financial disclosure statement; and

(b) The candidate or public officer or candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the financial disclosure statement.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate or public officer or candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate or public officer or candidate had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the financial disclosure statement is required to be filed.

3. A candidate or public officer or candidate who is not required to file the financial disclosure statement electronically may file the financial disclosure statement by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A financial disclosure statement transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a financial disclosure statement electronically.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573  1. Except as otherwise provided in subsection 2, financial disclosure statements required by the provisions of NRS 281.558 to 281.572, inclusive, and sections 14 to 23, inclusive, of this act must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last financial disclosure statement for the last public office held.

Sec. 30. NRS 281.574 is hereby amended to read as follows:

281.574  1. A list of each public officer who is required to file a financial disclosure statement must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:
(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;
(b) Each city clerk for all public officers of the city;
(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and
(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 31. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a candidate for public office or public officer or candidate willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to that person or entity, the public officer or candidate, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate for public office or public officer or candidate who willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney’s fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:
(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.
(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.
(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.
(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.
(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:
(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and
(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, “willfully” means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:
(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.
(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer’s or employee’s own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer’s or employee’s inquiry to that committee instead of the Commission.
(c) Require the filing of financial disclosure statements by public officers on forms prescribed by the committee or the city clerk if the form has been:
(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and
(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a financial disclosure statement pursuant to NRS 281.571.
2. The Secretary of State is not responsible for the costs of producing or distributing a financial disclosure statement pursuant to the provisions of subsection 1.
3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.
4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:
(a) The public officer or employee acts in contravention of the opinion; or
(b) The requester discloses the content of the opinion.

Sec. 33. NRS 293.186 is hereby amended to read as follows:
293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:
1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a financial disclosure statement.
2. If the candidate is not a candidate for judicial office and is required to file electronically the financial disclosure statement, access to the electronic form prescribed by the Secretary of State; or
3. If the candidate is not a candidate for judicial office, is required to submit the financial disclosure statement electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State, accompanied by instructions on how to complete the form and the time by which it must be filed.

Secs. 34-39. (Deleted by amendment.)

Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.

Sec. 41. This act becomes effective:
1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On January 1, 2016, for all other purposes.

Senate Bill No. 327—Senators Farley, Harris and Hardy

CHAPTER 321

[Approved: June 1, 2015]

AN ACT relating to air ambulances; providing for the minimum number of attendants and qualifications of those attendants for an air ambulance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law provides for the issuance of a permit for the operation of an air ambulance by the Division of Public and Behavioral Health of the Department of Health and Human Services or by the district board of health of a county whose population is 700,000 or more (currently Clark County). (NRS 450B.200) Section 3 of this bill provides for the minimum number of attendants and qualifications for those attendants aboard an air ambulance. Section 5 of this bill revises the training requirements for a licensed physician, registered nurse or licensed physician assistant to be certified as an attendant. Section 6 of this bill authorizes an emergency medical services registered nurse to perform certain procedures.

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

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. “Emergency medical services registered nurse” means a registered nurse who is issued a certificate to serve as an attendant by the State Board of Nursing pursuant to subsection 8 of NRS 450B.160.
APPENDIX 2

HEARING ON S.B. 307 BEFORE SENATE COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS
78TH LEG. (NEV. APR. 1, 2015)
MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

Seventy-Eighth Session
April 1, 2015

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:37 p.m. on Wednesday, April 1, 2015, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Patricia Farley, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Greg Brower
Senator Kelvin Atkinson
Senator Tick Segerblom

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senatorial District No. 2
Senator Aaron D. Ford, Senatorial District No. 11
Senator Pete Goicoechea, Senatorial District No. 19
Senator Scott Hammond, Senatorial District No. 18
Senator Ruben J. Kihuen, Senatorial District No. 10
Senator Michael Roberson, Senatorial District No. 20
Assemblyman Nelson Araujo, Assembly District No. 3
Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Assemblywoman Olivia Diaz, Assembly District No. 11
Assemblyman Edgar Flores, Assembly District No. 28

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Brenda Erdoes, Legislative Counsel
Haley Johnson, Committee Secretary
OTHERS PRESENT:

Bruce Fuh, Director General, Taipei Economic and Cultural Office, San Francisco
Janine Hansen, President, Nevada Families for Freedom; Independent American Party
Norm Halliday, Secretary-Treasurer, Nevada Alliance for Retired Public Safety Officers
Bonnie McDaniel
Jim Sallee
Joannah Schumacher
Richard Ellis, Communication Workers of America
Tom Jones, Chairman, Independent American Party, Clark County
Kevin Ranft, American Federation of State, County and Municipal Employees, AFL-CIO Local 4041
Peter Long, Deputy Administrator, Division of Human Resource Management, Department of Administration
Karen Masters, Deputy Director, Administrative Services, Department of Health and Human Services
Elvira Díaz, Campaign Manager, Immigration Reform for Nevada
Jahahi Mazariego
Jaime Edrosa
Otto Merida, President, Latin Chamber of Commerce, Nevada, Inc.
Leo Murrieta, Latino Leadership Council
Amanda Cuevas
Ivon Padilla-Rodriguez
Jacki Ramirez
Andres Ramirez
Cory Hernandez
Alex Turner
Rolando R. Velasquez, National Federation of Filipino American Associations; Filipiniana Dance Company of Las Vegas
Rozita Lee, Asian Pacific American Advocates; National Federation of Filipino American Associations; Bamboo Bridges; Filipino American Chamber of Commerce of Greater Nevada
Fernando Romero, President, Hispanics in Politics
Jim Hindle, Chair, Storey County Republican Party
Alex Ortiz, Clark County
Sue Merriwether, Clerk/Recorder, Carson City
Liane Lee, Washoe County
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Joe Gloria, Registrar of Voters, Clark County  
Doug Goodman  
Richard Winger  
Tom Jones, Chairman, Independent American Party, Clark County  
Juanita Cox, Citizens in Action

Senator Farley:  
We will begin the meeting with Senate Joint Resolution (S.J.R.) 20.

**SENATE JOINT RESOLUTION 20:** Urges the President and Congress of the United States to support the participation of the Republic of China on Taiwan in the Trans-Pacific Partnership. (BDR R-1264)

Senator Scott Hammond (Senatorial District No. 18):  
Senate Joint Resolution 20 represents a collaborative effort between Nevada and the Republic of China on Taiwan. I have submitted my prepared testimony (Exhibit C).

Bruce Fuh (Director General, Taipei Economic and Cultural Office, San Francisco):  
I am honored to have the opportunity to speak before you to request your kind endorsement of the proposed resolution, S.J.R. 20, urging the U.S. Congress and the President to support the Republic of China, Taiwan’s participation in the Trans-Pacific Partnership. I have submitted my prepared testimony (Exhibit D).

Janine Hansen (President, Nevada Families for Freedom):  
My opposition to S.J.R. 20 has nothing to do with Taiwan because I have been a lifelong supporter. I oppose the Trans-Pacific Partnership (TPP).

Nevada Families for Freedom is the state affiliate of the National Eagle Forum, which has opposed the TPP for many years. We are concerned about the drop in potential jobs for Americans. When the U.S. government passed the U.S.-Korea Free Trade Agreement (KORUS), the President predicted that it would create 70,000 jobs for Americans who would then pay taxes and not have the need for government assistance.

The adverse effect upon its passage was immediate. In the first year after KORUS took effect, the U.S. trade deficit with South Korea increased by $5.8 billion, costing 40,000 American jobs, mostly in manufacturing, according
Ms. Hansen also said several things that we are also concerned about, one being the reduction of the standard of living for Americans. We are being hard hit here in Nevada with the TPP.

Richard Ellis (Communication Workers of America):
We have no problem with Taiwan; however, we are opposed to the TPP. This will be the third time that this has been tried. The North American Free Trade Agreement cost us 700,000 jobs, and the North Korea agreement cost us another 60,000 jobs. I would like to echo the remarks of the others who have spoken before me in opposition.

Senator Hammond:
I appreciate the opposition to S.J.R. 20. This resolution urges Congress and the President to consider the inclusion of Taiwan in the arrangement and not just the TPP specifically.

If there is going to be an arrangement, we encourage them to allow Taiwan to participate. For the stated reasons illustrated by Mr. Fuh, the importance of being a trade partner and trading in general for the island of Taiwan is of grave importance. A large percent of Taiwan’s GDP is connected to trade; therefore, it is important that if we are going to have a trade association, then we should include Taiwan.

Senator Settlemeyer:
Looking online, I gather the United States has been an original signatory to the Trans-Pacific Partnership since February 2008; it is not necessarily a new concept.

Senator Hammond:
Exactly. We are urging the participation of a country that we have a long and deep relationship with, that we care about, that we have been a sister state to for 30 years.

Chair Farley:
I will close the hearing on S.J.R. 20 and open the hearing on Senate Bill (S.B.) 307.

SENATE BILL 307: Revises provisions relating to public officers and candidates for public office. (BDR 17-768)
Senator Michael Roberson (Senatorial District No. 20):
It is an honor to introduce S.B. 307 which addresses a number of important lobbying disclosure and campaign finance issues to promote more openness, transparency and clarity in Nevada’s reporting requirements. I have submitted my prepared testimony (Exhibit E).

Senator Segerblom:
You have to disclose the value of educational trips or meetings?

Senator Roberson:
Yes, you would have to disclose the value of those. What it would require is a change to the financial disclosure form to include a section for educational trips.

Senator Segerblom:
But it would not be listed on the contribution forms? It would be on a different form?

Senator Roberson:
It would be listed, I believe, on the financial disclosure form. Legally, if it is not a gift today, it will not be a gift tomorrow. If it is not a gift, there is no place on the financial disclosure form to list it. This would require listing of those trips; they would just not be categorized as gifts.

Senator Segerblom:
I think that clarifies what I perceive as a real problem as far as how it is done now. Are you doing anything with the way our reporting system seems to never balance out because we carry money forward?

Senator Roberson:
Senate Bill 307 does not address that, but of course this bill as any other bill can be amended. If that is something that you are interested in, we can certainly talk about it.

Senator Settelmeyer:
Within the concept it says “soliciting or accepting any gifts in any amount from lobbyists.” I would assume that does not mean we are all in trouble for all of the Christmas cards we get sent?
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Senator Roberson:
If you go to the bill, section 9 says “any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonal occasion from a donor who is not a lobbyist” would be excluded from the definition of a gift. But that is from someone who is not a lobbyist, so if it is a lobbyist, I believe that they cannot give a gift whether it is ceremonal or not. The intent of this bill is to ban gifts from lobbyists, period.

Senator Segerblom:
Is this taking away the current provision where if all Legislators are invited, then we do not have to report the cost of a ...

Senator Roberson:
Senator Segerblom, no. There is an exception under the definition of expenditure in the instance that you are referring to where a lobbyist can provide food and beverages and invite everyone at the Legislature. Only if every Legislator is invited to the event will it not be considered a gift. It would be an expenditure that the lobbyist would have to disclose, but it would not be considered a gift.

Ms. Hansen (Independent American Party):
We support most of this bill. The only problem we have begins on page 20, sections 35 to 38. We are concerned about having additional reporting requirements. Right now there are five requirements for candidates during the election season between filing in March and the election. This bill would make candidates file every single month.

This is a burden, especially on minor party candidates who are challengers. This is particularly favorable to incumbents who have plenty of staff, money and accountants. It is difficult for other people who want to run to file these reports every single month.

Those who are really interested in this information are the opponents of candidates and the news media, not the general public. I doubt they ever even look up the expenditures. It will discourage good people from running for office with more regulations, requirements and reporting that is required.
Tom Jones (Chairman, Independent American Party, Clark County):
I echo the comments made by Ms. Hansen. On the reporting requirements, if a candidate has to report campaign expenses every month, it puts an undue hardship on the smaller candidates. Instead of making more reports, there should be three: one at the beginning of the year, one after the primary and one at the end of the year. It creates extra work on the Secretary of State’s Office that has to compile and look at all of the reports.

Chair Farley:
I will close the hearing on S.B. 307 and open the hearing on S.B. 315.

SENATE BILL 315: Revises provisions concerning pay for certain state employees for legal holidays. (BDR 23-508)

Senator Michael Roberson (Senatorial District No. 20):
It is an honor to introduce Senate Bill 315, upon the request of one of my constituents, which ensures fairness for State employees who work a nontraditional workweek. I have submitted my written testimony (Exhibit F).

Kevin Ranft (American Federation of State, County and Municipal Employees, AFL-CIO Local 4041):
I represent State employees, and the Majority Leader had it correct. This issue has gone back and forth for a long time. We feel the inequity occurs when someone has to use annual leave for a holiday that either falls on one of his or her days off or a State holiday. This is a strong bill that we support.

This bill will affect approximately 1,200 State employees who work 10-hour shifts, so there may need to be a minor adjustment.

Peter Long (Deputy Administrator, Division of Human Resource Management, Department of Administration):
We are testifying neutral today on S.B. 315 because we do have some concerns about the bill.

Section 1 of the bill addresses employees who work 10-hour days, 4 days a week. As Mr. Ranft pointed out, agencies try very hard to work with employee schedules. We have a lot of employees who do not strictly work 4 days of 10-hour shifts. They might work 4 days at 9 hours and 1 day at 4 hours or 4 days at 8.5 hours and 1 day at 6 hours, whatever they work out with their
INTRODUCTORY STATEMENT FOR
Senator Michael Roberson

SENATE COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

April 1, 2015

Good afternoon Madam Chair and members of the Committee. For the record, I am Michael Roberson, State Senator representing Senate District No. 20. It is an honor to be here today to introduce Senate Bill 307, which addresses a number of important lobbying disclosure and campaign finance issues to promote more openness, transparency, and clarity in Nevada’s reporting requirements. I believe this bill is long overdue, as it finally provides consistency in language and form between the Nevada Lobbying Disclosure Act and Nevada’s Financial Disclosure Act. It gives much-needed guidance on how to report matters such as travel expenses and costs associated with educational or informational meetings. While the bill may seem a bit lengthy, a number of the sections are housekeeping in nature to change simple terminology or replicate provisions between the two Acts.

If I may, Madam Chair, I would like to explain the major provisions of the bill:

- First, Senate Bill 307 amends the Lobbying Disclosure Act in Chapter 218H of the Nevada Revised Statutes by amending the definition of “expenditure”
to clarify that an expenditure can be “anything of value provided for an educational or informational meeting, event or trip.” The definition removes references to “entertainment” and instead makes such activity specific to “the cost of a party, meal, function or other social event to which every legislator is invited.”

- The definition of “gift” is also clarified to not include “anything of value provided for an educational or informational meeting, event or trip” or “the cost of a party, meal, function or other social event to which every legislator is invited.” Under the bill, the existing gift exclusion also now includes anything of value received from a domestic partner as defined in Section 3 of the bill.

- To provide consistency in the law, this definition of gift found in Nevada’s lobbying laws is included as Section 19 of the bill for Nevada’s Financial Disclosure Act. This should help eliminate confusion across the board and requires all of us to work under the same definition.

- Also, I might add, the new definition of “educational or informational meeting, event or trip” is the same in both Acts as they apply to legislators, public officers, and candidates.

- In terms of reporting regarding these educational and informational meetings, S.B. 307 clarifies in the Lobbyist Disclosure Act that lobbyists must disclose expenditures made for educational or informational meetings, events, or trips provided to State legislators. Moreover, and again to
provide consistency, public officers and candidates must disclose on their financial disclosure statements any educational or informational meeting, event, or trip that have been provided by persons having a substantial interest in legislative, administrative or political action of the public officer or the candidate. No longer will the public be kept "in the dark" regarding sponsored "fact finding" trips we often hear about in the news. These trips must be reported by lobbyists or disclosed by public officers and candidates on their financial disclosure statements.

- The definitional changes set forth in S.B. 307 comport with the changes proposed in Section of 11 of the bill, which remove the categorical reporting of expenditures made by a registered lobbyist in favor of the reporting based on regulations adopted by the Legislative Commission. These regulations already categorize reportable expenditures for entertainment, group events, gifts, loans, and other expenditures.

- Senate Bill 307 also removes the $100 threshold on the prohibition of lobbyists giving or receiving gifts and instead provides that a lobbyist shall not "knowingly or willfully" give *any gift* to a member of the Legislative Branch; nor shall a member of the Legislative Branch accept *any gift* from a lobbyist. The bill clarifies that such prohibition applies "whether or not the Legislature is in a regular or special session."

- Section 22 of S.B. 307 further streamlines the filing of financial disclosure statements for each public officer or candidates which, as you know, can already be filed electronically. Section 22 clarifies that the Secretary of
State must provide access through a secure Internet website for the purpose of filing these statements electronically. Sections 25 and 26 of the bill make housekeeping changes to comport with this requirement.

- The measure also specifies that a financial disclosure statement is deemed to be filed on the date filed if such filing occurs no later than 11:59 p.m. on that date.

- The bill expands the definition of candidate for the purposes of Chapter 281 of the NRS to also mean any person “who seeks to be elected to a public office” and clarifies that the term does not include a candidate for judicial office who is subject to the requirements of the *Nevada Code of Judicial Conduct*. Several sections of the bill jointly refer to the terms “public officer” and “candidate” since financial disclosure reporting is required for both.

- Finally, Senate Bill 307 makes a few changes to Chapter 294A as they relate to the timing of filing campaign contribution and expenses reports both during an election year and during nonelection years. To provide clarity, the terms “election year” and “nonelection year” are defined, respectively, to mean the entire calendar year an election is held and the calendar year when an election is not held.

- The measure provides that the required nonelection contribution and expenses reports must be filed 15 days after the end of that nonelection
year and clarifies that the reporting time period covers the entire year. This timeline also applies to the disposition of unspent contributions report.

- For election year reporting, the measure removes the sometimes-confusing language that requires four reporting times during the election year and, instead, requires a monthly contribution and expenses report throughout the election year to be filed 15 days after the end of each month.

- Madam Chair and members of the Committee, I know these remarks were a bit lengthy, but S.B. 307 has many critical components and I wanted to make sure you understand the many provisions of this important bill.

  [SENATOR ROBERSON—Feel free to add further comments of a personal nature supporting the passage of S.B. 307]

CONCLUDING REMARKS

Thank you for your consideration and support of S.B. 307. I believe there are others here today who will also be testifying in support of this important measure.
APPENDIX 3
HEARING ON S.B. 307 BEFORE ASSEMBLY COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS
78TH LEG. (NEV. APR. 23, 2015)
MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

Seventy-Eighth Session
April 23, 2015

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4 p.m. on Thursday, April 23, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and also available on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau’s Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Lynn D. Stewart, Chair
Assemblywoman Shelly M. Shelton, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Michele Fiore
Assemblyman John Moore
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Becky Harris, Senate District No. 9
Senator Michael Roberson, Senate District No. 20
Senator Pete Goicoechea, Senate District No. 19
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STAFF MEMBERS PRESENT:

Carol M. Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Patricia Hartman, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Alan Glover, Special Assistant, Office of the Secretary of State
John Wagner, State Chairman, Independent American Party
Janine Hansen, President, Nevada Families for Freedom
Lynn Chapman, Washoe County Chairman, Independent American Party
Andrew Zaninovich, representing the Nevada Conservation League
Alex Tanchek, representing the Nevada Cattlemen's Association
Juanita Clark, Private Citizen, Las Vegas, Nevada

Chair Stewart:
[Roll was taken.] We have two bills and a Senate joint resolution today. First, Ms. Stonefield will address cleanup matters.

Carol M. Stonefield, Committee Policy Analyst:
The Chair has asked me to provide you with information about the plans for next Tuesday's Committee meeting. This past year, the National Conference of State Legislatures (NCSL) has been conducting an elections technology project. Nevada was one of eight states that participated in this project. On Tuesday, April 28, Wendy Underhill, who is a program manager with NCSL, is going to be here to talk about elections equipment and the Help America Vote Act.

In addition, there will be representatives from the Office of the Secretary of State as well as county clerks and registrars of voters to discuss the status of election equipment in the counties. This same presentation will be held in the Senate Legislative Operations and Elections Committee on Monday, April 27, in case any of this Committee's members want to attend. Following that presentation, the Senate Legislative Operations and Elections Committee will take a tour of the Carson City Elections Office, as members of this Committee did a month ago. Those who were not able to take that tour are invited and those who did go on the tour are welcome to do it again.

Chair Stewart:
We will open the hearing on Senate Bill 322.
in their campaigns. The disclaimer has to be put in the correct font and posted on the signage.

Chair Stewart:  
Is anyone in favor of this bill? [There was no one.] Is anyone opposed to the bill? [There was no one.] Is anyone neutral on the bill? [There was no one.] We will close the hearing on S.B. 322 and open the hearing on S.B. 307.

Senate Bill 307: Revises provisions relating to public officers and candidates for public office. (BDR 17-768)

Senator Michael Roberson, Senate District No. 20:  
Senate Bill 307 addresses a number of important lobbying disclosure and campaign finance issues to promote openness, transparency, and clarity in Nevada’s reporting requirements. I believe this bill is long overdue as it finally provides consistency in language and form between the Nevada Lobbying Disclosure Act and Nevada’s Financial Disclosure Act. It gives much needed guidance on how to report matters such as travel expenses and costs associated with educational or informational meetings. While the bill may seem lengthy, a number of the sections are housekeeping in nature to change simple terminology or replicate provisions between the two acts.

Senate Bill 307 addresses the Nevada Lobbying Disclosure Act in Nevada Revised Statutes NRS Chapter 218H by amending the definition of "expenditure" to clarify that an expenditure can be anything of value provided for in an educational or informational meeting, event, or trip. The definition removes references to entertainment and instead makes such activities specific to the cost of a party, meal, function, or other social event to which every legislator is invited.

The definition of "gift" is also clarified to not include anything of value provided for in an educational or information meeting, event, or trip, or the cost of a party, meal, function, or other social event to which every legislator is invited. Under the bill, the existing gift exclusion also now includes anything of value received from a domestic partner as defined in section 3 of the bill. To provide consistency in the law, this definition of gift found in Nevada’s lobbying laws is included in section 19 of the bill for Nevada’s Financial Disclosure Act. This should eliminate confusion and requires all of us to work under the same definition.

The new definition of "educational or informational meeting, event or trip" is the same in both acts as they apply to legislators, public officers, and candidates.
Regarding educational and informational meetings, S.B. 307 clarifies in the Nevada Lobbying Disclosure Act that lobbyists must disclose expenditures made for educational or informational meetings, events, or trips provided to state legislators. Moreover, and again to provide consistency, public officers and candidates must disclose on their financial disclosure statements any educational or informational meeting, event, or trip that has been provided by persons having a substantial interest in legislative, administrative, or public action of the public officer or the candidate. No longer will the public be kept in the dark regarding sponsored fact-finding trips we hear about in the news. These trips must be reported by lobbyists or disclosed by public officers and candidates on their financial disclosure statements.

The definitional changes set forth in S.B. 307 comport with the changes proposed in section 11 of the bill, which removed the categorical reporting of expenditures made by a registered lobbyist in favor of the reporting based on regulations adopted by the Legislative Commission. These regulations already categorize reportable expenditures for entertainment, group events, gifts, loans, and other expenditures.

Senate Bill 307 also removes the $100 on the prohibition of lobbyists giving or receiving gifts and instead provides that a lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch, nor shall a member of the Legislative Branch accept any gift from a lobbyist. The bill clarifies that such prohibition applies whether or not the Legislature is in regular or special session.

Section 22 of S.B. 307 further streamlines the filing of financial disclosure statements for each public officer or candidate, which can already be filed electronically. Section 22 also clarifies that the Secretary of State must provide access through a secure Internet website for the purpose of filing these statements electronically. Sections 25 and 26 of the bill make housekeeping changes to comport with this requirement.

The measure specifies that a financial disclosure statement (FDS) is deemed to be filed on the date filed if such filing occurs no later than 11:59 p.m. on that date. The bill also expands the definition of "candidate" for the purpose of NRS Chapter 281 to also mean any person who seeks to be elected to a public office and clarifies that the term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct. Several sections of the bill jointly refer to the terms "public officer or candidate" since financial disclosure reporting is required for both.
Finally, Senate Bill 307 makes a few changes to NRS Chapter 294A as they relate to the timing of filing of campaign contribution and expense reports both during election and nonelection years. To provide clarity, the terms "election year" and "nonelection year" are defined respectively to mean the entire calendar year an election is held and the calendar year when an election is not held. The measure provides that the required nonelection contribution and expense reports must be filed 15 days after the end of that nonelection year and clarifies that the reporting time period covers the entire year. This timeline also applies to the disposition of unspent contributions reports.

For election year reporting, the measure removes the sometimes confusing language that requires four reporting times during the election year and instead requires a monthly contribution and expense report through the election year to be filed 15 days after the end of each month.

Senate Bill 307 has many critical components, and I wanted to make sure this Committee understood the many provisions of this important bill.

Assemblyman Thompson:
We, as legislators, want to enhance our skills to make us better legislators in order to serve our constituents. If you are going to a conference or are accepted in a leadership academy, is the lobbyist the trigger for reporting?

Senator Roberson:
Yes, the key is that the funds are being paid by someone who has an interest in the legislative process.

Assemblyman Thompson:
If it is the various organizations that legislators may support, such as a scholarship or fellowship, would that be okay?

Senator Roberson:
You would need to report those. I know Senator Atkinson raised the issue around the Council of State Governments (CSG) and National Conference of State Legislators (NCSL), so yes, if those organizations are paying for your expenses, you would need to report those expenditures. The issue is clarity because what happened prior to this session was that the Legislative Counsel Bureau's (LCB) legal position has always been that expenses incurred in fact-finding trips are not gifts and, in fact, the Ethics Commission has ruled they are not gifts. On the FDS, there is no category other than gifts to list these expenditures. The Secretary of State, at the time, came out with an advisory opinion of sorts that did not have the force of law that said, no, we consider them gifts and they are required to be reported. So, there was a disagreement
between LCB and the Secretary of State. This bill would foster the transparency of letting the public know who is paying for our trips to go places but would not categorize them as gifts on the FDS. There will be one section for gifts and another section for fact-finding trips for which expenses have been paid on your behalf. The purpose of the bill is to eliminate the confusion over identifying the expense and also to foster transparency so the public knows who is paying for us to do certain things, such as educational trips.

Assemblyman Ohrenschall:
I appreciate that in section 4 we are trying to add more clarity to the statute. Section 4, subsection 3 states "The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors, or presenters at the meeting, event or trip." As a scenario, you or I went to an NCSL or CSG meeting that was sponsored for all legislators and there was a symposium which included a continuin education credit that could be earned by practicing attorneys in attendance. How would that expense be classified? Because then the legislator who is also a practicing attorney could be earning continuin education credit toward his or her requirements for the bar license but is there as a legislator and also getting a professional benefit.

Senator Roberson:
It is best to err on the side of transparency and disclose that expense, but if that needs to be clarified in the bill, I am open to working with you and others to clarify any instances that would create a gray area. When there is a question, we contact our Legislative Counsel, Brenda Erdoes, and ask her for the solution. I do not think that is going to change. They are there for us as attorneys for advice on whether nor not these types of expenses should be disclosed.

Assemblyman Ohrenschall:
My concern is new candidates who are interested in running for an office and want to get more involved in the community. Would this give them one more reason for not getting involved?

Senator Roberson:
I believe there should be a minimum level of competency for people to file for office. If someone is not willing to go online to show the public the amount of money they raise monthly, how much dedication and diligence will they put forward in representing those constituents in the Legislature? I think it is a low bar to exceed.
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**Assemblyman Ohrenschall:**  
I understand, but I think new candidates may be dissuaded by red tape and paperwork.

**Assemblyman Moore:**  
Is there any reason the contribution and expense reports do not include political action committees (PAC) in this bill?

**Senator Roberson:**  
The way this bill is structured, it requires candidates who are up for election in a given election year to file a report on a monthly basis. A candidate would not have to file on a monthly basis in a year they are not running for election. Since political action committees are not running and are not candidates, I am not sure that would make sense. I think the point is for our constituents to know who is giving money to candidates on a regular basis for elective office and how those dollars are spent. I think to the extent that a candidate receives money from the PACs, there is disclosure on activities of a political action committee because if a candidate receives money from a PAC, the candidate has to disclose receiving that money along with the $50 received from his or her neighbor. Perhaps $50 is a bad example because we only require the report to be filed if it is more than $100, but I think you see my point.

**Kevin Powers, Committee Counsel:**  
I agree with Senator Roberson. As this bill is structured, the bill is based on the candidate and whether he is running for office in an election or nonelection year. If the decision was made to expand the monthly reporting to the PAC, the determination would have to be made if the reporting was every month of every year or every month of every election year. Political action committees cover every election year versus candidates who may have four-year terms and have one election year during that four-year term. It would be a different approach, but it could be done.

**Assemblyman Moore:**  
My point is to have more accountability on PACs for reporting of their contributions.

**Senator Roberson:**  
I have no problem with your suggestion if you chose to add it to the bill.

I would like to go back and address the question Assemblyman Ohrenschall had regarding section 4. In reviewing it again, in section 4, subsection 1, an educational or informational meeting, event, or trip is limited to the extent it would have to be disclosed. Under section 4, subsection 1, paragraph (a), it is
an event in which the legislator or a member of the legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event, or trip. Subsection 1, paragraph (b) states "and" the legislator provides or receives any education or information on matters relating to the legislative, administrative, or political action of the legislator. Unless the trip and those expenses are being funded by a registered lobbyist, I do not believe with the way this bill is structured that it would necessitate disclosure on the FDS. So, the question is who is funding the trip to the event, is it the CSG or NSCL, or a lobbyist who may or may not be registered as a lobbyist? We are talking about lobbyists who are funding trips even if they are educational. The idea is letting the public know that the legislator is going on a trip funded by a lobbyist, but it is not being categorized as a gift because under the law it is not a gift. It is advising the voters that this is an educational trip the legislator has attended.

Assemblyman Elliot T. Anderson:
I have a question on section 20 regarding the definition of "interested person." I need clarity on that definition. I see that you defined lobbyist as a part of that, and I think it is straightforward and easy to understand. I am looking for a broader and more inclusive definition in terms of a person who has substantial interest in the legislative, administrative, or political action of a public officer or a candidate if elected. I do not understand that reference because I tell my constituents they should care about what happens at the state Legislature since they have a stake in what happens here. Would you explain the intent of the language and where it originated?

Senator Roberson:
I have the same question. My original intent and request of the Legal Division was to draft a bill that would ban gifts from lobbyists. In section 20, subsection 2, paragraph (a), it specifically designates a lobbyist but also under subsection 2, paragraph (b), it states a group of interested persons acting in concert, whether or not formally organized. I see your point on the definition of "interested person." It may be something this Committee needs to clarify.

Kevin Powers:
The source of this language is in the existing financial disclosure statute [NRS Chapter 281]. The persons who are defined are those whose gifts fall under a certain category. It is the exact language that an "interested person" means a person who has a substantial interest in the legislative, administrative, or political action of a public officer or a candidate if elected. That type of person is who the legislator would disclose receiving a gift from. This language would extend to the educational and informational meetings, events, or trips. If that person gave the legislator a gift under the existing law, it would have to
be disclosed if its value was over $200. Under this bill, if that same person funded the legislator's educational meeting, event, or trip, then it would be the same kind of person the legislator would have to disclose receiving that funding from. The key here was trying to provide consistency in the law by taking the existing gift requirements for those interested persons and applying them to the educational and informational meetings and trips.

The first part of the bill applies only to registered lobbyists who lobby at the Legislature during the legislative session. The financial disclosure provisions of the bill are broader and apply to all public officers and candidates at the state and local levels. This is the reason this definition is broader because the FDS goes beyond registered lobbyists. They are included in this type of person, but the definition has to be broader because at the state and local levels outside of the Legislature, there are going to be public officers who are not included in the Lobbying Disclosure Act.

Assemblyman Elliot T. Anderson:
As a hypothetical situation, I am back in my other life at William S. Boyd School of Law at the University of Nevada, Las Vegas. Someone is working on a project who is involved in a nonprofit organization and that person gives me a ticket to a Rebel game. Would I be in violation under current law?

Kevin Powers:
Under existing law, if a legislator received a ticket to a basketball game and its cost exceeded $200, and that person or organization that gifted it had an interest in your legislative affairs, then that legislator would have to disclose the amount on his or her FDS as a gift exceeding $200. It is the same under this bill and would not qualify as an informational or educational fact-finding meeting, event, or trip. Under this bill, if someone sent the legislator to a conference involving legislative matters, then that cost would have to be disclosed on the FDS. This does not change the gift requirement as it still has to be disclosed on the FDS.

Senator Roberson:
There have been good questions today. This is an additional burden on all of us legislators and candidates. There are going to be tighter limitations on receipt of gifts, more disclosure requirements on the FDS, and more frequent reporting requirements on the contribution and expense reports. I believe we are privileged to hold these positions. I do not think it is too much to ask of any of us or any candidates running for public office to be willing to do this so that Nevada can be seen as a transparent state with good governmental policies. One of the reasons is because over the last several years, organizations rate the
states on how open and transparent their governments are, and Nevada is too far at the bottom of that list. This bill would make that change.

Chair Stewart:
Is anyone in favor of A.B. 307? [There was no one.] Is there anyone who is opposed to the bill?

John Wagner, State Chairman, Independent American Party:
We oppose this legislation. Monthly reporting is going to be a hassle for us. The only person who cares about how much money the candidate received or where it originated is the candidate's opponent. If the Secretary of State (SOS) conducted a survey about where money originates for various candidates, the results would be minimum. If a candidate's source of income is eliminated, that candidate loses. The monthly disclosure is ridiculous. I think the number of times we now have to complete a disclosure report is enough.

Janine Hansen, President, Nevada Families for Freedom:
I have been working on the candidate disclosure issues and campaign reporting since the mid-1990s, and I am concerned about how the increased reporting requirements suppress participation in the election process. The reporting also suppresses opposition to those who are in control of the major political parties, challengers who are trying to get into the process, and minor parties.

When I ran for office, there were people who were enthusiastic about my campaign but were concerned about the amount of their contribution because they did not want it to be reported by the SOS. They did not want it publicized that they were supporting someone who was not a member of their party.

Because the threshold in the law is $100, it suppresses this kind of participation. It suppresses free speech because without money in campaigns, there is no free speech. The dollar threshold has been extended up to $1,000 if the candidate is participating in an initiative petition campaign. So, unless the candidate has been given more than $1,000, that person's name is not reported to the SOS. We were able to do that with the PACs, but the reporting continues to be a suppression on those who are running for office and who do not have big money backing them.

Years ago, we were in the "Ax the Tax" petition campaign and one of our members gave money to it. As a result, he lost all of his contracts with the casinos. People are retaliated against financially in the political process when others disagree with them. These laws, rather than providing transparency, provide opportunities for those with the power to suppress opposition.
It is a burden to be required to report monthly. When I ran for the state Senate, I campaigned to Pahrump from my home for weeks at a time and was not able to complete the report. Some people may not have accountants to do the reporting, or a lawyer to help with the stipulations. It is becoming increasingly oppressive to have more rules and reporting. This monthly reporting is unnecessary. We have not seen anyone report illegal money or any of the other problems we are trying to address except for those who want to know if people are giving the candidate money. I received an email from a candidate who was not a favorite candidate and she said this happened to her. Her funds were suppressed by those who disagreed with what she was doing. This probably has even happened to some of you. Candidates could be eliminated because they would be unable to raise funds because of the tight rules. Monthly reporting would make it even more difficult. I do not oppose the rest of the bill; I am only concerned about monthly reporting.

**Lynn Chapman, Washoe County Chairman, Independent American Party:**
We are not concerned about the lobbyist information regarding gifts. I am concerned about the monthly reporting. There are members in our organization who do not have computers, which makes it difficult for them to complete their reporting requirement. There was a candidate running for a county office who had to leave town and was having difficulty getting his report sent. He was penalized for a situation that was out of his control. It was ultimately resolved, but it created difficulties. The monthly reporting will create even more hardships because there is neither the time nor the resources to complete them, so we are not in favor of them. Do more reports equal more transparency? I say no because if it is a good report in the first place, the four reports required during the campaign should be enough.

**John Wagner:**
I was also involved in helping people in our organization who had problems with reporting. In some cases, I did the reporting for them.

**Chair Stewart:**
Are there others in opposition to A.B. 307? [There was no one.] Is anyone neutral on the bill? [There was no one.]

**Assemblyman Thompson:**
Because I believe that people want to do the right thing, if this bill is passed, what type of communication will the SOS distribute or have on the website?
Alan Glover:
I am not the best expert in that area because I have never been involved with it. I know there will be regulations adopted and Secretary of State Cegavske will be working on it. Also, I know your input would be appreciated.

Assemblyman Thompson:
We need to make it as clear as possible not only in the language of the bill, but also to clarify the dos and don’ts because I do not think a candidate or a legislator wants to be in violation. They want to be true to the bill.

Alan Glover:
I agree and I know Ms. Cegavske is interested. The SOS does not want to prosecute anyone. It is better to get the information to the candidates ahead of time so they know the rules. We will get the information on the website as well as distribute handouts to the candidates. We will make sure the county clerks also get the information.

Assemblyman Ohrenschantl:
Is there any data under existing reporting with the Aurora System about compliance for all candidates versus new candidates or candidates from minor parties who might find it difficult to comply with monthly reporting? I know it is easier than the old system.

Alan Glover:
I do not have that information, but I would be interested in knowing it. I do not know if it could be separated from those who are first-time candidates or those who have previously been in office. We will get that information to you.

Chair Stewart:
I will now close the hearing on Senate Bill 307, and open the hearing on Senate Joint Resolution 2.

Senate Joint Resolution 2: Urges Congress to require the sharing of federal receipts from commercial activity on certain public lands with the State of Nevada and its counties. (BDR R-452)

Senator Pete Goicoeche, Senate District No. 19:
Since 2005, there was an opportunity for the state and the county to share in geothermal receipts. In 2009, when we swept the budgets, we took that ability away from local governments and the counties. They previously received 25 percent of whatever geothermal receipts were returned to the state and counties from the federal government.
APPENDIX 4
NEVADA LOBBYING DISCLOSURE ACT
NRS CHAPTER 218H (2015)
CHAPTER 218H

LOBBYING

GENERAL PROVISIONS

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NRS 218H.020 Legislative declaration.
NRS 218H.030 Definitions.
NRS 218H.035 “Domestic partner” defined.
NRS 218H.036 “Domestic partnership” defined.
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NRS 218H.200 Registration statement required; filing with Director. [Effective through November 7, 2016.]
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NRS 218H.210 Contents of registration statement.
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NRS 218H.410 Fee for late filing; waivers and exemptions.
CH. 218H LOBBYING

ADMINISTRATION AND ENFORCEMENT

NRS 218H.500 Regulations; fees; classification of lobbyists; forms; accounting and reporting methods; filing system; public inspection; retention of records; list of registrants.

NRS 218H.510 Inspection of registration statements and reports of lobbying activities; notice of noncompliance.

NRS 218H.520 Publication of reports regarding lobbying activities; release of name of noncomplying lobbyist; sanctions for noncompliance.

NRS 218H.530 Investigations of irregularities and noncompliance; grounds and procedure for suspension or revocation of registration; hearing and appeal; renewal of registration after suspension or revocation.

NRS 218H.540 Injunctive relief.

UNLAWFUL ACTS; PENALTIES

NRS 218H.900 Unlawful for lobbyist to misrepresent Legislator’s authorization to request professional services from Legislative Counsel Bureau.

NRS 218H.930 Unlawful acts involving lobbyists and lobbying.

NRS 218H.950 Unlawful for former Legislator to act as lobbyist under certain circumstances; exceptions. [Effective November 8, 2016.]

NRS 218H.960 Criminal penalties.

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CHAPTER 218H

LOBBYING

CROSS REFERENCES

Definitions—
County, NRS 0.033
Director, NRS 218A.021
House, NRS 218A.033
Legislative Auditor, NRS 218A.051
Legislative Commission, NRS 218A.054
Legislative Counsel Bureau, NRS 218A.060
Legislative Fund, NRS 218A.066
Legislator, NRS 218A.072
Legislature, NRS 218A.075
Regular session, NRS 218A.078
Special session, NRS 218A.090
Local government lobbying, reports, NRS 354.59803

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GENERAL PROVISIONS

NRS 218H.010 Short title. This chapter may be cited as the Nevada Lobbying Disclosure Act.
(Added to NRS by 1975, 1170; A 1977, 1528)—(Substituted in revision for NRS 218.900)

NRS 218H.020 Legislative declaration. The Legislature declares that the operation of responsible representative government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual Legislators and to legislative committees their opinions on legislation.
(Added to NRS by 1975, 1170; A 2011, 3251)—(Substituted in revision for NRS 218.902)

NRS 218H.030 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.035 to 218H.110, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 1975, 1170; A 1979, 1322; 2003, 2530; 2011, 3251; 2015, 1714)—(Substituted in revision for NRS 218.904)

NRS 218H.035 “Domestic partner” defined. “Domestic partner” means a person in a domestic partnership.
(Added to NRS by 2015, 1713)

NRS 218H.036 “Domestic partnership” defined. “Domestic partnership” means:
1. A domestic partnership as defined in NRS 122A.040; or
2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.
(Added to NRS by 2015, 1713)

NRS 218H.045 “Educational or informational meeting, event or trip” defined.
1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:
   (a) The Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and
   (b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.
2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.
3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

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4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator’s household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator’s household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator’s household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator’s household travels to or from the meeting, event or trip.

(Added to NRS by 2015, 1713)

NRS 218H.050 “Expenditure” defined.
1. “Expenditure” means any of the following acts by a lobbyist while the Legislature is in a regular or special session:
   (a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value; or
   (b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any such expenditure.
2. The term includes, without limitation:
   (a) Anything of value provided for an educational or informational meeting, event or trip.
   (b) The cost of a party, meal, function or other social event to which every Legislator is invited.
3. The term does not include:
   (a) A prohibited gift.
   (b) A lobbyist’s personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

(Added to NRS by 1975, 1170; A 2011, 3251; 2015, 1714)—(Substituted in revision for NRS 218.906)

NRS 218H.060 “Gift” defined.
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) Any political contribution of money or services related to a political campaign.
   (b) Any commercially reasonable loan made in the ordinary course of business.
   (c) Anything of value provided for an educational or informational meeting, event or trip.
   (d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event.
   (e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.
   (f) Anything of value received from a person who is:

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(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient’s household.

(Added to NRS by 1975, 1171; A 1993, 2587; 2015, 1714)—(Substituted in revision for NRS 218.908)

NRS 218H.070 “Legislative action” defined. “Legislative action” means introduction, sponsorship, debate, voting and any other official action on any bill, resolution, amendment, nomination, appointment, report and any other matter pending or proposed in a legislative committee or in either House, or on any matter which may be the subject of action by the Legislature.

(Added to NRS by 1975, 1171; A 2011, 3251)—(Substituted in revision for NRS 218.910)

NRS 218H.080 “Lobbyist” defined. 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 or herself 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.

(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 Legislators for the sole purpose of carrying out their news gathering function.

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

(d) Employees of the Legislature, Legislators, legislative agencies or legislative commissions.

(e) Elected officers of this State and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(f) Persons who contact the Legislators who are elected from the district in which they reside.

(Added to NRS by 1975, 1171; A 1977, 1528; 1991, 2324; 2011, 3251)—(Substituted in revision for NRS 218.912)

NRS 218H.090 “Member of the Legislative Branch” defined. “Member of the Legislative Branch” means any Legislator, any member of the Legislator’s staff or any assistant, employee or other person employed with reference to the legislative duties of the Legislator.

(Added to NRS by 1975, 1171; A 1981, 1204; 2011, 3252)—(Substituted in revision for NRS 218.914)
NRS 218H.092 “Member of the Legislator’s household” defined. “Member of the Legislator’s household” means a person who is a member of the Legislator’s household for the purposes of NRS 281.556 to 281.581, inclusive. (Added to NRS by 2015, 1714)

NRS 218H.100 “Person” defined. “Person” includes a group of persons acting in concert, whether or not formally organized. (Added to NRS by 1975, 1171; A 1981, 1204)—(Substituted in revision for NRS 218.916)

NRS 218H.110 “Registrant” defined. “Registrant” means a person who is registered as a lobbyist pursuant to this chapter. (Added to NRS by 2015, 1714)

REGISTRATION

NRS 218H.200 Registration statement required; filing with Director. [Effective through November 7, 2016.] Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes. (Added to NRS by 1975, 1171; A 1979, 1322)—(Substituted in revision for NRS 218.918)

1. Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes.
2. The Director shall not accept a registration statement from a former Legislator who was a member of the Legislature during the immediately preceding regular session in the classification set forth in NRS 218H.500 of a lobbyist who receives any compensation for his or her lobbying activities unless the former Legislator certifies in writing, under penalty of perjury, that he or she qualifies under the exception set forth in subsection 2 of NRS 218H.950. (Added to NRS by 1975, 1171; A 1979, 1322; 2015, 1012, effective November 8, 2016)—(Substituted in revision for NRS 218.918)

NRS 218H.210 Contents of registration statement. The registration statement of a lobbyist must contain the following information:
1. The registrant’s full name, permanent address, place of business and temporary address while lobbying.
2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.
3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a financial disclosure statement made by a public officer or candidate pursuant to NRS 281.571.
4. The name of any current Legislator for whom:
(a) The registrant; or
(b) Any person by whom the registrant is retained or employed,
    has, in connection with a political campaign of the Legislator, provided
    consulting, advertising or other professional services since the beginning of the
    preceding regular session.
5. A description of the principal areas of interest on which the registrant
    expects to lobby.
6. If the registrant lobbies or purports to lobby on behalf of members, a
    statement of the number of members.
7. A declaration under penalty of perjury that none of the registrant’s
    compensation or reimbursement is contingent, in whole or in part, upon the
    production of any legislative action.
(Added to NRS by 1975, 1171; A 1977, 1528; 1981, 1204; 1993, 2588; 2001,
  1955; 2011, 3252; 2015, 1715)—(Substituted in revision for NRS 218.920)

NRS 218H.220 Supplementary registration statement required upon
change in registration information.
1. Each person required to register shall file a supplementary registration
   statement with the Director no later than 5 days after any change in the registrant’s
   last registration statement.
2. The supplementary registration statement must include complete details
   concerning the changes that have occurred.
(Added to NRS by 1975, 1172; A 1979, 1322)—(Substituted in revision for
NRS 218.924)

NRS 218H.230 Notice required upon termination of lobbying activities;
duty to file report for final reporting period.
Each person required to register
shall file a notice of termination within 30 days after the registrant ceases the activity
that required registration, but this does not relieve the registrant of the reporting
requirement for that reporting period.
(Added to NRS by 1975, 1172)—(Substituted in revision for NRS 218.922)

IDENTIFICATION BADGES

NRS 218H.300 Issuance by Director; different color for each
classification; requirement to wear in Legislative Building.
1. The Director shall furnish an appropriate identification badge to each
   lobbyist who files a registration statement under this chapter. The identification
   badge for each classification of lobbyist set forth in NRS 218H.500 must be a
   different color.
2. The identification badge must be worn by the lobbyist whenever the lobbyist
   appears in the Legislative Building.
(Added to NRS by 1977, 1527; A 1979, 1323; 2011, 3673)—(Substituted in
revision for NRS 218.929)
REPORTS OF LOBBYING ACTIVITIES

NRS 218H.400 Duty to file; form; contents; itemization of expenditures; audits and investigations.
1. Each registrant shall file with the Director:
   (a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant’s lobbying activities; and
   (b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant’s lobbying activities during the previous month, whether or not any expenditures were made.
2. Each report must:
   (a) Be on a form prescribed by the Director; and
   (b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant’s express or implied consent or were ratified by the registrant.
3. Except as otherwise provided in subsection 6, the report:
   (a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;
   (b) Must be itemized with respect to each such Legislator and organization; and
   (c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.
4. If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission.
5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:
   (a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.
   (b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist’s compliance with the reporting requirements of this section.
6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a party, meal, function or other social event to which every Legislator was invited.

NRS 218H.410 Fee for late filing; waivers and exemptions.
1. Except as otherwise provided in this section, a registrant who files an activity report after the time provided in NRS 218H.400 shall pay to the Director a fee for late filing of $10 for each day that it was late, but the Director may reduce or waive this fee upon a finding of just cause.

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2. Except as otherwise provided in this subsection, the Legislative Commission may by regulation exempt a classification of lobbyist from the fee for late filing. A veteran who does not receive compensation for the veteran’s lobbying activities is exempt from the fee for late filing if the veterans provides proof of the veteran’s discharge or release from the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions.

3. An activity report with respect to which a late filing fee has been paid by the registrant or waived by the Director shall be deemed timely filed, and the late filing is not a public offense.

(Added to NRS by 1975, 1173; A 1979, 1324; 1989, 1976; 2003, 2093; 2009, 374)—(Substituted in revision for NRS 218.940)

ADMINISTRATION AND ENFORCEMENT

NRS 218H.500 Regulations; fees; classification of lobbyists; forms; accounting and reporting methods; filing system; public inspection; retention of records; list of registrants.

1. The Legislative Commission shall adopt regulations to carry out the provisions of this chapter.

2. The Legislative Commission may, except as otherwise provided in this subsection, require fees for registration, payable into the Legislative Fund. For the purposes of fees for registration, the Legislative Commission shall classify lobbyists as follows:

(a) Except as otherwise provided in paragraph (c), a lobbyist who receives any compensation for his or her lobbying activities.

(b) Except as otherwise provided in paragraph (c) or (d), a lobbyist who does not receive any compensation for his or her lobbying activities.

(c) Except as otherwise provided in paragraph (d), a lobbyist whose lobbying activities are only on behalf of one or more nonprofit organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). Such a lobbyist is not required to pay a fee of more than $100 for registration pursuant to this subsection.

(d) A veteran who does not receive compensation for the veteran’s lobbying activities and who provides proof of his or her discharge or release from the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions. Such a lobbyist is not required to pay any fee for registration pursuant to this subsection.

3. The Director shall:

(a) Prepare and furnish forms for the statements and reports required to be filed.

(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports, including guidelines for complying with the reporting requirements of this chapter.

(c) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of this chapter.

(e) Make the statements and reports available for public inspection during regular office hours.

(f) Preserve the statements and reports for a period of 5 years from the date of filing.
(g) Compile and keep current an alphabetical list of registrants, which must include each registrant’s address, the name and address of each person for whom the registrant is lobbying and the principal areas of interest on which the registrant expects to lobby. A copy of the list must be furnished to each Legislator, to the clerks of the respective counties for preservation and public inspection, and to any person who requests a copy and pays the cost of reproduction.

(Added to NRS by 1975, 1173; A 1977, 1529; 1979, 1323; 1981, 1204; 1993, 2589; 2009, 373; 2010, 26th Special Session, 86; 2011, 3253, 3673)—(Substituted in revision for NRS 218.932)

NRS 218H.510 Inspection of registration statements and reports of lobbying activities; notice of noncompliance.

1. The Director shall:
   (a) Inspect each statement and report filed within 10 days after its filing.
   (b) Immediately notify the person who has filed:
       (1) If the information filed does not conform to law.
       (2) If a written complaint has been filed with the Director by any person alleging an irregularity or lack of truth as to the information filed.

2. The Director may notify any person of the filing requirement who the Director has reason to believe has failed to file any statement or report as required.

(Added to NRS by 1975, 1172; A 1977, 1529; 1979, 1323; 1981, 1204)—(Substituted in revision for NRS 218.930)

NRS 218H.520 Publication of reports regarding lobbying activities; release of name of noncomplying lobbyist; sanctions for noncompliance.

The Director may:
1. Prepare and publish such reports concerning lobbying activities as the Director deems appropriate.
2. Release to the public the name of any lobbyist who fails to file any activity report within 14 days after the date it is required to be filed.
3. Revoke the registration of any lobbyist who fails to file any activity report within 30 days after the date it is required to be filed or fails to file two or more activity reports within the time required.

(Added to NRS by 1975, 1173; A 1979, 1324; 1989, 1975; 2003, 2092)—(Substituted in revision for NRS 218.934)

NRS 218H.530 Investigations of irregularities and noncompliance; grounds and procedure for suspension or revocation of registration; hearing and appeal; renewal of registration after suspension or revocation.

1. The Director shall:
   (a) Make investigations on the Director’s own initiative with respect to any irregularities which the Director discovers in the statements and reports filed and with respect to the failure of any person to file a required statement or report and shall make an investigation upon the written complaint of any person alleging a violation of any provision of this chapter.
   (b) Report suspected violations of law to the:
       (1) Legislative Commission; and
       (2) Attorney General, who shall investigate and take any action necessary to carry out the provisions of this chapter.
2. If an investigation by the Director reveals a violation of any provision of this chapter by a lobbyist, the Director may suspend the lobbyist’s registration for a
specified period or revoke the lobbyist’s registration. The Director shall cause notice of such action to be given to each person who employs or uses the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Director may:
   (a) Request a hearing on the matter before the Director;
   (b) Appeal to the Legislative Commission from any adverse decision of the Director; and
   (c) If the lobbyist’s registration is suspended, renew the lobbyist’s registration if the Legislature is still in a regular or special session following the period of suspension.

4. A lobbyist whose registration is revoked may, with the consent of the Director, renew the lobbyist’s registration if the lobbyist:
   (a) Files a registration statement in the form required by NRS 218H.200;
   (b) Pays any fee for late filing owed pursuant to NRS 218H.410, plus the fee for registration prescribed by the Legislative Commission; and
   (c) If the revocation occurred because of the lobbyist’s failure to file an activity report, files that report.

(Added to NRS by 1975, 1173; A 1979, 1324; 1989, 1975; 2011, 3254)—(Substituted in revision for NRS 218.936)

NRS 218H.540 Injunctive relief. The district courts may issue injunctions to enforce the provisions of this chapter upon application by the Attorney General.

(Added to NRS by 1975, 1173)—(Substituted in revision for NRS 218.938)

UNLAWFUL ACTS; PENALTIES

NRS 218H.900 Unlawful for lobbyist to misrepresent Legislator’s authorization to request professional services from Legislative Counsel Bureau.

1. A lobbyist shall not:
   (a) Indicate that the lobbyist has authorization from a Legislator to request professional services from an employee of the Legislative Counsel Bureau unless the lobbyist has such authority; or
   (b) Misrepresent the scope of the authorization that the lobbyist has from a Legislator to request professional services from an employee of the Legislative Counsel Bureau.

2. As used in this section, “professional services” means conducting legal, fiscal or policy research or analysis, drafting a bill, resolution or amendment, or otherwise engaging in work for which an employee is professionally trained or qualified.

(Added to NRS by 2003, 2529)—(Substituted in revision for NRS 218.941)

NRS 218H.930 Unlawful acts involving lobbyists and lobbying.

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 the member in his or her official actions.
   (b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family, whether or not the Legislature is in a regular or special session.

218H-13
3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

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 218H.200, 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 of the Legislative 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 to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

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

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

NRS 218H.950 Unlawful for former Legislator to act as lobbyist under certain circumstances; exceptions. [Effective November 8, 2016.]

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

2. The provisions of this section do not apply to a former Legislator if:
   (a) The former Legislator is required, as part of his or her full-time employment, to act as a lobbyist for his or her employer;
   (b) The former Legislator does not act as a lobbyist for any other employer, client or client of his or her employer; and
   (c) The primary duties of the employment of the former Legislator include significant duties other than acting as a lobbyist.

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

(Added to NRS by 2015, 1012, effective November 8, 2016)

REVISER’S NOTE.
Ch. 216, Stats. 2015, the source of this section, contains the following provision not included in NRS:

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

NRS 218H.960 Criminal penalties. A person who is subject to any provision in NRS 218H.900, 218H.930 or 218H.950 and who violates or otherwise refuses or fails to comply with the provision is guilty of a misdemeanor.

(Added to NRS by 1975, 1174; A 1989, 1977; 2011, 3255; 2015, 1012)—
(Substituted in revision for NRS 218.944)
APPENDIX 5

REGULATION ON LOBBYING ADOPTED BY

LEGISLATIVE COMMISSION (NEV. DEC. 21, 2015)
REGULATION ON LOBBYING
ADOPTED BY THE
LEGISLATIVE COMMISSION
December 21, 2015

AUTHORITY: NRS 218H.400 and 218H.500

The Legislative Commission hereby adopts the following regulation concerning lobbyists. This regulation supersedes all previously adopted regulations on the subject and should be read in conjunction with the provisions of chapter 218H of NRS.

Registration

1. Except as otherwise provided in this subsection, the Director of the Legislative Counsel Bureau shall provide for the registration of lobbyists before and during each legislative session or special session. If a special session occurs within 10 days after the adjournment of a legislative session or a special session for which lobbyist registration was required, the lobbyist registrations from the previous legislative session or special session remain valid and a new registration is not required.

2. The fees for registering as a lobbyist for a legislative session are:
   (a) For a paid lobbyist, $300;
   (b) For a paid lobbyist representing only nonprofit organizations, $100;
   (c) For a nonpaid lobbyist, $20; and
   (d) For a nonpaid veteran lobbyist, $0.

3. The fees for registering as a lobbyist for a special session for which lobbyist registration is required are:
   (a) For a paid lobbyist, $50;
   (b) For a paid lobbyist representing only nonprofit organizations, $20;
   (c) For a nonpaid lobbyist, $20; and
   (d) For a nonpaid veteran lobbyist, $0.

4. For the purposes of subsections 2 and 3 a paid lobbyist is a lobbyist as that term is defined in NRS 218H.080 who receives compensation for acting as a lobbyist. To be considered a paid lobbyist, the compensation paid need not be paid solely for the act of lobbying, but may be paid for other tasks in addition to lobbying. A paid lobbyist representing only nonprofit organizations must provide proof at the time of registration that any organizations represented are nonprofit organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). A nonpaid lobbyist is a lobbyist as that term is defined in NRS 218H.080 who receives no compensation for acting as a lobbyist.

5. **A person who is required to register as a lobbyist during a regular or special legislative session of the Legislature is a lobbyist for the purposes of NRS 218H.930, as amended by section 12 of Senate Bill No. 307 (2015), ch. 320, Statutes of Nevada, 2015 at p. 1717, until the next regular session of the Legislature regardless of whether the person registered as a lobbyist and regardless of whether the person files a notice required pursuant to NRS 218H.230, unless the person is no longer employed to represent the interests of a client to the legislature.**
6. The design of the photo identification badges for registered lobbyists must be as follows:
   (a) For paid lobbyists, a white background and a dark blue colored stripe with the phrase “PAID LOBBYIST”;
   (b) For paid lobbyists representing only nonprofit organizations, a white background and a teal colored stripe with the phrase “PAID LOBBYIST – Nonprofit;
   (c) For nonpaid lobbyists, a white background and a light blue colored stripe with the phrase “NONPAID LOBBYIST”; and
   (d) For nonpaid lobbyists who are veterans, a white background and a light green colored stripe with the phrase “NONPAID LOBBYIST – Military Veteran”.
   The fee for a second or subsequent photo identification badge is $20 each.

7. While in the Legislative Building, a lobbyist must wear the photo identification badge in such a manner that the lobbyist’s name and classification is visible at all times.

8. The registration statements required pursuant to NRS 218H.200 and NRS 218H.220 must be submitted electronically at www.leg.state.nv.us.

**Photo Identification for State Employees**

An employee of state government who is not required to register as a lobbyist solely because of the exclusion specified in paragraph (c) of subsection 2 of NRS 218H.080 shall obtain a photo identification badge. The badge must be worn whenever the employee appears in the Legislative Building. The badges for state employees must be designed with a white and gray background with the phrase “STATE EMPLOYEE”. There is no fee for a badge issued pursuant to this subsection.

**Expenditure Reports**

1. The reports of lobbying activities required pursuant to NRS 218H.400 must be submitted by each lobbyist electronically at www.leg.state.nv.us regardless of whether any expenditures were made during the reporting period. If expenditures in any month exceed $50, each expenditure must be *listed separately in the report*. *As used in this subsection, “expenditure” has the meaning ascribed to it in NRS 218H.050.*

2. Nonpaid lobbyists, including veterans, are exempt from the late fees for filing an activity report after the time provided in NRS 218H.400. Paid and nonpaid lobbyists who do not file a report within the time provided in NRS 218H.400 are subject to suspension or revocation of their registrations and are prohibited from lobbying or registering as a lobbyist again until all delinquent reports are filed.

**Training**

The Director for the Legislative Counsel Bureau shall provide training for lobbyists at the Legislative Building at least once before each legislative session. The Director shall provide access to an electronic copy of the training and a form for attesting completion of the training to any lobbyist who is unable to attend the training. All lobbyists must attend the training required pursuant to this section or must view the electronic copy of the training and submit the form attesting completion of the training.
APPENDIX 6

MINUTES OF LEGISLATIVE COMMISSION
REGARDING REGULATION ON LOBBYING AND EXHIBIT J
(NEV. DEC. 21, 2015)
MINUTES OF THE
LEGISLATIVE COMMISSION
NEVADA LEGISLATIVE COUNSEL BUREAU
Nevada Revised Statutes (NRS) 218E.150

The Legislative Commission held its sixth meeting in Calendar Year 2015 on Monday, December 21, 2015. The meeting began at 9:36 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada.

COMMISSION MEMBERS PRESENT:

Senator Michael Roberson, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Kelvin D. Atkinson
Senator Moises (Mo) Denis
Senator Aaron D. Ford
Senator Ben Kieckhefer
Assemblyman Nelson Araujo
Assemblywoman Teresa Benitez-Thompson
Assemblywoman Irene Bustamante Adams
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Lynn D. Stewart

OTHER LEGISLATOR IN ATTENDANCE:

Senator Pete Goicoechea, Senate District No. 19

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Rick Combs, Director
Rocky J. Cooper, Acting Legislative Auditor, Audit Division
Mark Krmptotic, Senate Fiscal Analyst, Fiscal Analysis Division
Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division
Brenda J. Erdoes, Legislative Counsel, Legal Division
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division
Susan E. Scholley, Research Director, Research Division
Debbie Gleason, Secretary for Minutes, Research Division
Sylvia A. Wiese, Executive Assistant, Administrative Division
Chair Roberson called the meeting to order. Exhibit A is the agenda, and the attendance sign-in sheets are Exhibit B. All exhibits are filed in the Director’s Office of the Legislative Counsel Bureau (LCB) and are on the Legislative Commission’s webpage at http://www.leg.state.nv.us/Interim/78th2015/Committee/Interim/LC/?ID=2.

*Items taken out of sequence during the meeting have been placed in agenda order.*

PUBLIC COMMENT

Chair Roberson called for public comment.

Mona Lisa Samuelson, resident of Las Vegas, Nevada, medical marijuana patient (MMP) advocate, requested the creation of a medical marijuana subcommittee or advisory group. She referred to a letter of support from Steve Sisolak, Clark County Commissioner (Exhibit C). Ms. Samuelson stated that legislation addresses recreational use and the business side of medical marijuana, but not the needs of the MMPs. She provided several examples where the laws place MMPs in legal peril.

Chair Roberson informed Ms. Samuelson that the Legislature has created a subcommittee on medical marijuana under the Advisory Commission on the Administration of Justice (NRS 176.0123).

Mr. Combs said he would ensure Ms. Samuelson’s name is on the list to receive information regarding the subcommittee.

The following people provided brief testimony in support of Regulation 064-15:

- Amy Christensen, representing Paul Mitchell the School Reno;
- John Grieco, Chief Executive Officer, Academy of Hair Design, Beauty School of Las Vegas;
- Gwen Braimoh, Director, Expertise Cosmetology Institute, Las Vegas, Nevada;
- Lucille Suarez, private citizen, Nevada; and
- Mark De Cola, private citizen, Nevada.

Chair Roberson asked for additional public comment. Hearing none, he moved to the next agenda item.

**APPROVAL OF MINUTES OF THE OCTOBER 27, 2015, MEETING—**
Senator Michael Roberson, Chair
Referring to Section 2 of R066-15, Assemblyman Stewart asked why the regulation on the performance standards was repealed.

Alex Kyser, Education Programs Professional, Skilled and Technical Sciences, Office of Career Readiness, Adult Learning & Education Options, Nevada’s Department of Education (NDE), stated that a couple of years prior, career and technical was removed from the listing of the State standards in the Nevada Administrative Code (NAC). At that time, 389.605 of NAC was unintentionally left in regulations. The NDE is repealing the regulation to follow current practices, and the graphic communications and production program has been discontinued in all high schools.

Senator Denis asked whether other programs replaced the graphic communications and production program.

Mr. Kyser stated the NDE updated the program name to graphic design, as indicated in subparagraph (5) of paragraph (e) of subsection 1 of Section 1 of R066-15.

ASSEMBLYMAN STEWART MOVED APPROVAL OF R066-15.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED.

B. Approval of Amendments to Regulation Concerning Lobbying—Rick Combs, Director, LCB

Rick Combs, previously identified, referred to a document titled “Regulation on Lobbying” (Exhibit J), which is normally presented to the Commission in October before each legislative session. He explained the regulation is being provided at this time because Senate Bill 307 (Chapter 320, Statutes of Nevada 2015) made some sweeping changes to lobbying laws, which become effective on January 1, 2016.

Mr. Combs summarized the changes. First, for the purposes of the provisions of the statute prohibiting gifts from lobbyists during the interim, pursuant to NRS 218H.930, the regulation clarifies that a registrant from the last regular session and any special sessions conducted since the last regular session will be considered a lobbyist until the first day of the next regular session. Mr. Combs stated another change eliminates the categories included in the expenditure reports. The only item to be reported during the legislative session is expenditures related to an event to which all legislators are invited or to a type of educational event for legislators. Having separate categories is unnecessary because there will only be two items requiring details on expenditures instead of categorizing them.
Finally, the transitory provision put into place for the 2015 Session no longer applies; therefore, it has been removed.

Mr. Combs reiterated that lobbyist items are typically taken up closer to the next session, but staff is willing to entertain any other changes to the regulation that members might have.

Chair Roberson stated he supports the changes to the regulations, and they are consistent with S.B. 307, which he sponsored during the 2015 Session.

Assemblyman Stewart asked when the last time the lobbyist fees were increased.

Mr. Combs said the last time the paid lobbyist fees were increased for a regular session was around the start of the recession. They were raised from $200 to $300 to help offset the costs of the special session as part of the Legislature’s General Fund reduction measures for the Legislative Branch. The fees for a special session were not in regulation prior to October 2014. Prior to that, it was up to him to decide the charge for an individual during a special session. He concluded the decision was better left to the Commission rather than determining the fees at the time the special session is called.

In response to Assemblyman Stewart’s question regarding the use of the fee revenues, Mr. Combs said they are credited as revenue and used to offset the costs of the regular or special session for which they have been paid.

SENATOR DENIS MOVED APPROVAL OF THE REGULATION ON LOBBYING.

SENATOR KIECKHEFER SECONDED THE MOTION.

THE MOTION CARRIED.

LEGISLATIVE AUDITOR:

A. Summary of Audit Reports Presented to Legislative Commission’s Audit Subcommittee, NRS 218G.240—Rocky J. Cooper, Acting Legislative Auditor, Audit Division, LCB

Rocky J. Cooper, previously identified, referred to a letter dated November 19, 2015, from Senator Ben Kieckhefer, Chair, Audit Subcommittee of the Legislative Commission (NRS 218E.240), addressed to the Commission members (Exhibit K), indicating a meeting of the Audit Subcommittee was held on that date whereby six audit reports of the Audit Subcommittee were presented.
REGULATION ON LOBBYING
ADOPTED BY THE
LEGISLATIVE COMMISSION
December 21, 2015

AUTHORITY: NRS 218H.400 and 218H.500

The Legislative Commission hereby adopts the following regulation concerning lobbyists. This regulation supersedes all previously adopted regulations on the subject and should be read in conjunction with the provisions of chapter 218H of NRS.

Registration

1. Except as otherwise provided in this subsection, the Director of the Legislative Counsel Bureau shall provide for the registration of lobbyists before and during each legislative session or special session. If a special session occurs within 10 days after the adjournment of a legislative session or a special session for which lobbyist registration was required, the lobbyist registrations from the previous legislative session or special session remain valid and a new registration is not required.

2. The fees for registering as a lobbyist for a legislative session are:
   (a) For a paid lobbyist, $300;
   (b) For a paid lobbyist representing only nonprofit organizations, $100;
   (c) For a nonpaid lobbyist, $20; and
   (d) For a nonpaid veteran lobbyist, $0.

3. The fees for registering as a lobbyist for a special session for which lobbyist registration is required are:
   (a) For a paid lobbyist, $50;
   (b) For a paid lobbyist representing only nonprofit organizations, $20;
   (c) For a nonpaid lobbyist, $20; and
   (d) For a nonpaid veteran lobbyist, $0.

4. For the purposes of subsections 2 and 3 a paid lobbyist is a lobbyist as that term is defined in NRS 218H.080 who receives compensation for acting as a lobbyist. To be considered a paid lobbyist, the compensation paid need not be paid solely for the act of lobbying, but may be paid for other tasks in addition to lobbying. A paid lobbyist representing only nonprofit organizations must provide proof at the time of registration that any organizations represented are nonprofit organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). A nonpaid lobbyist is a lobbyist as that term is defined in NRS 218H.080 who receives no compensation for acting as a lobbyist.

5. A person who is required to register as a lobbyist during a regular or special legislative session of the Legislature is a lobbyist for the purposes of NRS 218H.930, as amended by section 12 of Senate Bill No. 307 (2015), ch. 320, Statutes of Nevada, 2015 at p. 1717, until the next regular session of the
Legislature regardless of whether the person registered as a lobbyist and regardless of whether the person files a notice required pursuant to NRS 218H.230, unless the person is no longer employed to represent the interests of a client to the legislature.

5. The design of the photo identification badges for registered lobbyists must be as follows:
   (a) For paid lobbyists, a white background and a dark blue colored stripe with the phrase "PAID LOBBYIST";
   (b) For paid lobbyists representing only nonprofit organizations, a white background and a teal colored stripe with the phrase "PAID LOBBYIST – Nonprofit;
   (c) For nonpaid lobbyists, a white background and a light blue colored stripe with the phrase "NONPAID LOBBYIST"; and
   (d) For nonpaid lobbyists who are veterans, a white background and a light green colored stripe with the phrase "NONPAID LOBBYIST – Military Veteran".
   The fee for a second or subsequent photo identification badge is $20 each.

6. While in the Legislative Building, a lobbyist must wear the photo identification badge in such a manner that the lobbyist’s name and classification is visible at all times.

7. The registration statements required pursuant to NRS 218H.200 and NRS 218H.220 must be submitted electronically at www.leg.state.nv.us.

Photo Identification for State Employees

An employee of state government who is not required to register as a lobbyist solely because of the exclusion specified in paragraph (c) of subsection 2 of NRS 218H.080 shall obtain a photo identification badge. The badge must be worn whenever the employee appears in the Legislative Building. The badges for state employees must be designed with a white and gray background with the phrase "STATE EMPLOYEE". There is no fee for a badge issued pursuant to this subsection.

Expenditure Reports

1. The reports of lobbying activities required pursuant to NRS 218H.400 must be submitted by each lobbyist electronically at www.leg.state.nv.us regardless of whether any expenditures were made during the reporting period. If expenditures in any month exceed $50, [the expenditures] each expenditure must be [categorized in the following manner:
   (a) “Entertainment” must include the expenditures for any intangible item, such as a fee for a membership in a club, the price of admission to a theatrical performance or the cost of food or beverage. Entertainment includes the price paid for admission to a sporting event, a show or any other form of entertainment. Entertainment also
includes expenditures for a Legislator to attend a party to which not all Legislators were invited.

(b) “Party or Similar Group Event” must include the expenditures for any party or group event hosted by a lobbyist or group of lobbyists or by a person or an organization or organizations represented by one or more lobbyists to which all Legislators are invited.

(c) “Gifts and Loans” must include expenditures for any tangible item such as a book, hardware, software for computers, a plaque or flowers. Gift does not include a ticket for admission to a sporting event, show or other form of entertainment.

(d) “Other” expenditures may include the separate costs for the meal of a guest of a Legislator or the cost of a special purpose trip for a Legislator. Listed separately in the report. As used in this subsection, “expenditure” has the meaning ascribed to it in NRS 218H.050.

2. Nonpaid lobbyists, including veterans, are exempt from the late fees for filing an activity report after the time provided in NRS 218H.400. Paid and nonpaid lobbyists who do not file a report within the time provided in NRS 218H.400 are subject to suspension or revocation of their registrations and are prohibited from lobbying or registering as a lobbyist again until all delinquent reports are filed.

Training

The Director for the Legislative Counsel Bureau shall provide training for lobbyists at the Legislative Building at least once before each legislative session. The Director shall provide access to an electronic copy of the training and a form for attesting completion of the training to any lobbyist who is unable to attend the training. All lobbyists must attend the training required pursuant to this section or must view the electronic copy of the training and submit the form attesting completion of the training.

**Transitory Provision for Lobbyists who Registered for the 28th Special Session**

Notwithstanding the provisions of subsection 2 of the Registration portion of this regulation, a paid lobbyist or a paid lobbyist representing only nonprofit organizations who paid the appropriate lobbyist registration fee for that classification for the 28th Special Session must pay a fee of $20 for the cost of the registration badge for the 78th Legislative Session but is not required to pay the fee for registering as a lobbyist.
APPENDIX 7

FINANCIAL DISCLOSURE ACT

FINANCIAL DISCLOSURE STATEMENTS

REVISER’S NOTE.
In the 2011 NRS revision, former NRS 281A.600 to 281A.640, inclusive, and 281A.660 were moved back to their original section numbers in ch. 281 of NRS because ch. 309, Stats. 2011, transferred all of the duties regarding financial disclosure statements from the Commission on Ethics to the Secretary of State. Former NRS 281A.650 was moved to NRS 281.186.

ADMINISTRATIVE REGULATIONS.
Statements of financial disclosure, NAC 281A.610, 281A.615

ATTORNEY GENERAL’S OPINIONS.
Requirement that candidates for judicial office and elected judicial officers file financial disclosure statements with Commission on Ethics is constitutional exercise of legislative authority. In light of the presumption of the constitutionality of Nevada statutes, the broad power of the Legislature to frame and enact laws unless specifically limited by the Constitution, the absence of a specific constitutional restraint in this area and the presence of legitimate legislative objectives in pursuing public financial disclosure statements from candidates and elected officials in Nevada, there is sufficient basis to conclude that NRS 281.561 et seq., which requires candidates for judicial office and elected judicial officers, among others, to file financial disclosure statements with the Commission on Ethics, is a constitutional exercise of legislative authority. The separation of powers doctrine does not preclude the Legislative Branch from exercising its constitutional authority over public elections by requiring candidates and public and judicial officers to file with the Commission financial disclosure statements for the information of the general electorate. AGO 94-24 (11-30-1994)

NRS 281.556 Definitions. As used in NRS 281.556 to 281.581, inclusive, unless the context otherwise requires, the words and terms defined in NRS 281.558 to 281.5587, inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by 2015, 1718)

NRS 281.558 “Candidate” defined.
1. “Candidate” means any person who seeks to be elected to a public office and:
   (a) Who files a declaration of candidacy;
   (b) Who files an acceptance of candidacy; or
   (c) Whose name appears on an official ballot at any election.
2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.
(Added to NRS by 1991, 1591; A 1993, 265; 2001, 1955; 2015, 1720)

REVISER’S NOTE.
The former provisions of NRS 281.558 duplicated the definition of “candidate” set forth in NRS 281A.050, as that section existed at the time of the 2011 NRS revision, in order to apply the same definition of “candidate” to the former provisions of NRS 281.559 to 281.581, inclusive, that would have applied if those provisions had not been substituted in revision for NRS 281A.600 to 281A.660, inclusive.

NRS 281.5581 “Domestic partner” defined. “Domestic partner” means a person in a domestic partnership.
(Added to NRS by 2015, 1718)

NRS 281.5582 “Domestic partnership” defined. “Domestic partnership” means:
1. A domestic partnership as defined in NRS 122A.040; or
2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.
(Added to NRS by 2015, 1718)
NRS 281.5583 “Educational or informational meeting, event or trip” defined.
1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:
   (a) The public officer or candidate or a member of the public officer’s or candidate’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and
   (b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.
2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.
3. The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.
4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer’s or candidate’s household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer’s or candidate’s household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer’s or candidate’s household undertakes or attends the meeting, event or trip during which the public officer or candidate or a member of the public officer’s or candidate’s household travels to or from the meeting, event or trip.
(Added to NRS by 2015, 1718)

NRS 281.5584 “Financial disclosure statement” and “statement” defined. “Financial disclosure statement” or “statement” means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.556 to 281.581, inclusive, or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.
(Added to NRS by 2015, 1719)

NRS 281.5585 “Gift” defined.
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) Any political contribution of money or services related to a political campaign.
   (b) Any commercially reasonable loan made in the ordinary course of business.
   (c) Anything of value provided for an educational or informational meeting, event or trip.
   (d) Anything of value excluded from the term “gift” as defined in NRS 218H.060.

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(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:
(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or
(2) A member of the public officer’s or candidate’s household.

(Amended to NRS by 2015, 1719)

NRS 281.5586 “Interested person” defined.
1. “Interested person” means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.

2. The term includes, without limitation:
(a) A lobbyist as defined in NRS 218H.080.
(b) A group of interested persons acting in concert, whether or not formally organized.

(Amended to NRS by 2015, 1719)

NRS 281.5587 “Member of the public officer’s or candidate’s household” defined.
1. “Member of the public officer’s or candidate’s household” means:
(a) The spouse or domestic partner of the public officer or candidate;
(b) A relative who lives in the same home or dwelling as the public officer or candidate;
(c) A person, whether or not a relative, who:
(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;
(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or
(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, “relative” means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

(Amended to NRS by 2015, 1719)

NRS 281.5588 Secretary of State to provide for electronic filing of financial disclosure statements; date on which statement deemed filed.
1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.556 to 281.581, inclusive.
2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.
(Added to NRS by 2015, 1720)

REVISER'S NOTE.
Ch. 320, Stats. 2015, the source of this section, contains the following provision not included in NRS:
"Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016."

NRS 281.559 Electronic filing by certain appointed public officers; exceptions.
1. Except as otherwise provided in this section and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a financial disclosure statement, as follows:
(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a financial disclosure statement within 30 days after the public officer’s appointment.
(b) Each public officer appointed to fill an office shall file a financial disclosure statement on or before January 15 of:
(1) Each year of the term, including the year in which the public officer leaves office; and
(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.
The statement must disclose the required information for the full calendar year immediately preceding the date of filing.
2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.
3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a financial disclosure statement pursuant to the requirements of the Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without limitation, all information required to be included in a financial disclosure statement pursuant to NRS 281.571.
(Added to NRS by 2003, 3018; 2007, 2737; 2011, 1728, 3307; 2015, 1720)—
(Substituted in revision for NRS 281A.600)

REVISER'S NOTE.
Ch. 320, Stats. 2015, which amended this section, contains the following provision not included in NRS:
"Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016."

ADMINISTRATIVE REGULATIONS.
"Entitled to receive annual compensation" interpreted, NAC 281A.610

NRS 281.561 Electronic filing by certain candidates and certain elected public officers; exceptions.
1. Except as otherwise provided in this section and NRS 281.572, each candidate who will be entitled to receive annual compensation of $6,000 or more for
serving in the office that the candidate is seeking, each candidate for the office of Legislator and each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a financial disclosure statement, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a financial disclosure statement not later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a financial disclosure statement for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a financial disclosure statement for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a financial disclosure statement on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a financial disclosure statement for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a financial disclosure statement relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a financial disclosure statement pursuant to the requirements of the Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without limitation, all information required to be included in a financial disclosure statement pursuant to NRS 281.571.


REVISER’S NOTES.
Ch. 402, Stats. 2005, which added subsection 2 of this section, contains the following provision not included in NRS:

“Any civil penalty or fine pending on the effective date of this act [June 14, 2005], which was imposed pursuant to NRS 281.581 or any other provision of law against an elected supervisor of a conservation district for failing to file a statement of financial disclosure pursuant to NRS 281.561 is hereby declared void and must not be collected.”
281.571  GENERAL PROVISIONS

Ch. 328, Stats. 2015, which amended this section, contains the following provision not included in NRS: 'The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.'

ADMINISTRATIVE REGULATIONS.

“Entitled to receive annual compensation” interpreted, NAC 281A.610

NEVADA CASES.

Commission on Ethics has implicit power to determine adequacy of financial disclosure statements. Where the Commission on Ethics has express statutory authority pursuant to former NRS 281.571 (cf. NRS 281A.620) to recover and waive or reduce penalties for candidates for public office who fail to file financial disclosure statements as required pursuant to NRS 281.561, the Commission also has implicit authority to determine whether a candidate’s filings qualifies as a financial disclosure statement because the Commission cannot determine whether a candidate has complied with NRS 281.561 unless the Commission reviews the contents of the candidate’s filings. (N.B., relevant events in this case occurred before the effective date of the amendments to Nevada Revised Statutes in 2004 which transferred many of the Commission’s duties regarding financial disclosure statements to the Secretary of State; additionally, on January 1, 2012, all of Commission’s duties regarding financial disclosure statements were transferred to the Secretary of State.) Nevada Comm’n on Ethics v. Ballard, 120 Nev. 862, 102 P.3d 544 (2004)

ATTORNEY GENERAL’S OPINIONS.

Public officer who resigns prior to last 6 months before expiration of his term need not file disclosure statement. Under provisions of NRS 281.561, a public officer who resigns his office more than 6 months before the expiration of his term (or the term of his appointing authority) is no longer serving the term for which a filing is required and need not file a financial disclosure statement for purposes of the Nevada Ethics in Government Law (cf. NRS ch. 281A). AGO 216 (7-12-1988), cited, AGO 88-10 (9-12-1988)

County library trustee required to file statement of financial disclosure. A county library trustee is a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160) and is, therefore, required to file a statement of financial disclosure pursuant to NRS 281.561. AGO 86-6 (5-5-1986)

Candidate for office of U.S. Senator not required to file statement of financial disclosure. A United States Senator from Nevada is not a public officer for purposes of NRS 281.561 and, therefore, a candidate for that office is not required to file a statement of financial disclosure with the Secretary of State for review by the Commission on Ethics. AGO 85-10 (9-12-1988)

County employee designated by county manager as head of department or staff director is not “public officer.” Because a county employee designated by the county manager as head of a department or staff director serves at the will of the county manager and the board of county commissioners such employee is not a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160) and, therefore, is not required to file a statement of financial disclosure pursuant to NRS 281.561. AGO 96-15 (5-28-1996), cited, AGO 96-33 (11-8-1996)

City manager required to file statement of financial disclosure. A city manager is a public officer within the meaning of former NRS 281.4365 (cf. NRS 281A.160) because the office is established by an ordinance of a political subdivision of the State and involves continuous exercise of public power, trust or duty. A city manager, therefore, is required to file a statement of financial disclosure pursuant to NRS 281.561. AGO 96-15 (5-28-1996), cited, AGO 96-33 (11-8-1996)

Officers appointed by city manager are not required to file statement of financial disclosure. Officers appointed by a city manager are not public officers within the meaning of former NRS 281.4365 (cf. NRS 281A.160) because their duties are delegated to them by higher authorities. Such officers, therefore, are not required to file statements of financial disclosure pursuant to NRS 281.561. AGO 96-33 (11-8-1996)

Members of Commission on Professional Standards in Education need not file statement of financial disclosure. Pursuant to former provisions of NRS 281.561, a candidate for public office or a public officer is only required to file a statement of financial disclosure if he “is entitled to receive compensation for serving in the office in question.” The Commission on Ethics has interpreted the phrase “entitled to receive compensation” as excluding reimbursement for lodging, meals, travel or any combination thereof. Thus, the members of the Commission on Professional Standards in Education, who are entitled pursuant to NRS 391.017 to the travel expenses and subsistence allowances provided by law for state officers and employees generally, but who otherwise receive no payment for serving on the Commission, are not required to file a statement of financial disclosure pursuant to former NRS 281.561 (cf. NRS 281A.610). AGO 2002-08 (2-22-2002)

NRS 281.571  Contents. Each financial disclosure statement must contain the following information concerning the public officer or candidate:

1. The public officer’s or candidate’s length of residence in the State of Nevada and the district in which the public officer or candidate is registered to vote.

2. Each source of the public officer’s or candidate’s income, or that of any member of the public officer’s or candidate’s household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as “professional services” must be disclosed.

(2015)
3. A list of the specific location and particular use of real estate, other than a personal residence:
   (a) In which the public officer or candidate or a member of the public officer’s or candidate’s household has a legal or beneficial interest;
   (b) Whose fair market value is $2,500 or more; and
   (c) That is located in this State or an adjacent state.

4. The name of each creditor to whom the public officer or candidate or a member of the public officer’s or candidate’s household owes $5,000 or more, except for:
   (a) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to subsection 3; and
   (b) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

5. If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:
   (a) The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;
   (b) The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer’s or candidate’s household to undertake or attend the meeting, event or trip; and
   (c) The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer’s or candidate’s household to undertake or attend the meeting, event or trip.

6. If the public officer or candidate has received any gifts in excess of an aggregate value of $200 from a donor during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift.

7. A list of each business entity with which the public officer or candidate or a member of the public officer’s or candidate’s household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

8. A list of all public offices presently held by the public officer or candidate for which this financial disclosure statement is required.

281.572 GENERAL PROVISIONS

in 2004 which transferred many of the Commission's duties regarding financial disclosure statements to the Secretary of State; additionally, on January 1, 2012, all of Commission's duties regarding financial disclosure statements were transferred to the Secretary of State.) Nevada Comm'n on Ethics v. Ballard, 120 Nev. 862, 102 P.3d 544 (2004)

ATTORNEY GENERAL'S OPINIONS.

Public officers and candidates need only identify specifically stocks or bonds that produced 10 percent or more of their gross income in their disclosure statement. Each candidate for public office and each public officer making a statement of financial disclosure who receives income from stocks, bonds or municipal securities is required by NRS 281.571 to identify specifically by corporate name, only those individual holdings which produced 10 percent or more of his gross income or that of any member of his household for the preceding taxable year. AGO 85-6 (6-21-1985)

COMMISSION ON ETHICS OPINIONS.

A mayor's failure to list his recent position of corporate officer on his financial disclosure statement was a willful violation. Where Mr. Montandon, Mayor of the City of North Las Vegas, failed to list his position as a corporate officer of a railroad company, which was incorporated on July 9, 2004, in his financial disclosure statement timely filed on January 5, 2005, the Commission on Ethics found a willful violation of NRS 281.571(1)(f) (cf. NRS 281.571(7)), rejecting Mr. Montandon's reason that he forgot to list the position because the railroad company never had a meeting, transacted any business, or made any money. The Commission noted that only six months had passed between the formation of the company and Mr. Montandon's filing of his financial disclosure statement and, additionally, that the Secretary of State’s technology allowed a search of business entities by an officer's name. In re Montandon, CEO 05-11 (4-28-2006)

Public officer improperly failed to list his office, from which he received a salary and fees, as a "general source" of his income. Where Mr. Mitchell listed his office as Constable for the Henderson Township on his financial disclosure statement and also listed the annual salary for the office, but did not list the office a second time in the section of the statement that required him to list "all general sources of income," the Commission on Ethics opined that Mr. Mitchell had violated former NRS 281A.620(1) (cf. NRS 281.571). In addition to an annual salary of $2,400, Mr. Mitchell also received approximately $40,000 annually in fees for his services as Constable. Former NRS 281A.620(1)(b) (cf. NRS 281.571(2)) required that "each source" of a public officer’s income be disclosed on the statement. The actual form of the statement contained a section for the public officer to list the office(s) for which the statement was being filed and the annual salary for the office(s). Additionally, it contained a separate section for the officer to list "all general sources of income," which is where Mr. Mitchell should have listed his office again because it was the source of the salary and fees he received. The Commission noted that Mr. Mitchell reported the fees he received annually to the Internal Revenue Service for income tax purposes; thus the fees are a "source of income." In re Mitchell, CEO 06-67 (3-21-2008)

Stipulated violations of section for failure to list limited-liability company of which public officer was managing member. Ms. Boggs, a former member of the Board of County Commissioners of Clark County, and the Commission on Ethics stipulated that Ms. Boggs had committed three nonwillful violations of former NRS 281A.620(1)(f) (cf. NRS 281.571(1)(f)) by failing to list on her financial disclosure statements a limited-liability company of which she was the managing member. In re Boggs, CEO 06-70 (4-10-2008)

NRS 281.572 Affidavit for exemption from requirement of electronic filing: nonelectronic filing of statement.

1. A public officer or candidate who is required to file a financial disclosure statement with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the public officer or candidate has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:
   (a) The public officer or candidate does not own or have the ability to access the technology necessary to file electronically the financial disclosure statement; and
   (b) The public officer or candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the financial disclosure statement.

2. The affidavit described in subsection 1 must be:
   (a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A public officer or candidate who signs the affidavit under an oath to God is subject to the same penalties as if the public officer or candidate had signed the affidavit under penalty of perjury.
   (b) Except as otherwise provided in subsection 4, filed not less than 15 days before the financial disclosure statement is required to be filed.

A public officer or candidate who is not required to file the financial disclosure statement electronically may file the financial disclosure statement by filing the financial disclosure statement.
transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A financial disclosure statement transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a financial disclosure statement electronically.

(Added to NRS by 2011, 1725; A 2015, 1724)

NRS 281.573 Retention by Secretary of State.
1. Except as otherwise provided in subsection 2, each financial disclosure statement required by the provisions of NRS 281.556 to 281.581, inclusive, must be retained by the Secretary of State for 6 years after the date of filing.
2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last financial disclosure statement for the last public office held.

(Added to NRS by 1987, 2093; A 1991, 1603; 2003, 3021, 3397; 2003, 20th Special Session, 265; 2011, 1731; 2015, 1724)—(Substituted in revision for NRS 281A.630)

NRS 281.574 Certain public officers required to submit electronically to Secretary of State list of public officers required to file statement and candidates.
1. A list of each public officer who is required to file a financial disclosure statement must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:
   (a) Each county clerk for all public officers of the county and other local governments within the county other than cities;
   (b) Each city clerk for all public officers of the city;
   (c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and
   (d) The Director of the Department of Administration for all public officers of the Executive Branch.
2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

(Added to NRS by 2003, 3384; A 2003, 20th Special Session, 263; 2011, 1731; 2015, 1724)—(Substituted in revision for NRS 281A.640)

NRS 281.5745 Regulations. The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.556 to 281.581, inclusive.

(Added to NRS by 2015, 1720)

NRS 281.581 Civil penalty for failure to disclose: Procedure; amount; waiver.
1. If the Secretary of State receives information that a public officer or candidate willfully fails to file a financial disclosure statement or willfully fails to
file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 
281.561 or 281.572, the Secretary of State may, after giving notice to the public 
officer or candidate, cause the appropriate proceedings to be instituted in the First 
Judicial District Court.

2. Except as otherwise provided in this section, a public officer or candidate 
who willfully fails to file a financial disclosure statement or willfully fails to file a 
financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 
or 281.572 is subject to a civil penalty and payment of court costs and attorney’s 
fees. The civil penalty must be recovered in a civil action brought in the name of the 
State of Nevada by the Secretary of State in the First Judicial District Court and 
deposited by the Secretary of State for credit to the State General Fund in the bank 
designated by the State Treasurer.

3. The amount of the civil penalty is:
   (a) If the statement is filed not more than 10 days after the applicable deadline 
       set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 
       281.572, $25.
   (b) If the statement is filed more than 10 days but not more than 20 days after the 
       applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 
       281.561 or NRS 281.572, $50.
   (c) If the statement is filed more than 20 days but not more than 30 days after the 
       applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 
       281.561 or NRS 281.572, $100.
   (d) If the statement is filed more than 30 days but not more than 45 days after the 
       applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 
       281.561 or NRS 281.572, $250.
   (e) If the statement is not filed or is filed more than 45 days after the applicable 
       deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or 
       NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that 
would otherwise be imposed pursuant to this section. If the Secretary of State waives 
a civil penalty pursuant to this subsection, the Secretary of State shall:
   (a) Create a record which sets forth that the civil penalty has been waived and 
       describes the circumstances that constitute the good cause shown; and
   (b) Ensure that the record created pursuant to paragraph (a) is available for 
       review by the general public.

5. As used in this section, “willfully” means intentionally and knowingly.

(Added to NRS by 1977, 1109; A 1985, 2128; 1997, 3333; 1999, 934, 2746; 
2001, 1958, 2290, 2924, 2931, 2932, 2934; 2003, 3021, 3397; 2003, 20th Special 
Session, 265; 2009, 1070; 2013, 3809; 2015, 1725)—(Substituted in revision for 
NRS 281A.660)