
ASSEMBLY BILL NO. 57—ASSEMBLYWOMAN VON TOBEL

PREFILED JANUARY 26, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Prohibits lobbyists from giving, and legislators from accepting, certain gifts.
(BDR 17-63)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to the legislature; prohibiting lobbyists and certain former lobbyists from giving certain gifts to legislators; prohibiting legislators from soliciting or accepting gifts from registered lobbyists and certain former registered lobbyists; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 218.906 is hereby amended to read as follows:
2 218.906 “Expenditure” means any advance, conveyance, deposit,
3 distribution, transfer of funds, loan, payment, pledge or subscription of
4 money or anything of value, ~~including cost of entertainment,~~ except the
5 payment of a membership fee otherwise exempted pursuant to NRS
6 218.926 and any contract, agreement, promise or other obligation, whether
7 or not legally enforceable, to make any expenditure while the legislature is
8 in session.
9 **Sec. 2.** NRS 218.908 is hereby amended to read as follows:
10 218.908 1. “Gift” means a payment, subscription, advance,
11 forbearance, *providing entertainment*, rendering or deposit of money,
12 services or anything of value unless consideration of equal or greater value
13 is received.
14 2. “Gift” does not include a political contribution of money or services
15 related to a political campaign, a commercially reasonable loan made in the
16 ordinary course of business, ~~cost of entertainment, including~~ the cost of
17 food or beverages, or anything of value received from a member of the
18 recipient’s immediate family or from a relative of the recipient or his

1 spouse within the third degree of consanguinity or from the spouse of any
2 such relative.

3 **Sec. 3.** NRS 218.926 is hereby amended to read as follows:

4 218.926 1. Each registrant shall file with the director within 30 days
5 after the close of the legislative session a final report signed under penalty
6 of perjury concerning his lobbying activities. In addition, each registrant
7 shall file with the director between the 1st and 10th day of the month after
8 each month that the legislature is in session a report concerning his
9 lobbying activities during the previous month, whether or not any
10 expenditures were made. Each report must be on a form prescribed by the
11 director and must include the total expenditures, if any, made by the
12 registrant on behalf of a legislator or an organization whose primary
13 purpose is to provide support for legislators of a particular political party
14 and house, including expenditures made by others on behalf of the
15 registrant if the expenditures were made with the registrant's express or
16 implied consent or were ratified by the registrant. The report must identify
17 each legislator and each organization whose primary purpose is to provide
18 support for legislators of a particular political party and house on whose
19 behalf expenditures were made and must be itemized with respect to each
20 such legislator and organization. An expenditure on behalf of a person
21 other than a legislator or an organization whose primary purpose is to
22 provide support for legislators of a particular political party and house need
23 not be reported pursuant to this section unless the expenditure is made for
24 the benefit of a legislator or such an organization.

25 2. If expenditures made by or on behalf of a registrant during the
26 previous month exceed \$50, the report must include a compilation of
27 expenditures, itemized in the manner required by the regulations of the
28 legislative commission, in the following categories:

29 ~~(a) Entertainment;~~

30 ~~-(b)-~~ Expenditures made in connection with a party or similar event
31 hosted by the organization represented by the registrant;

32 ~~[(c) Gifts and loans,]~~

33 **(b) Loans**, including money, services and anything of value provided to
34 a legislator, to an organization whose primary purpose is to provide support
35 for legislators of a particular political party and house, or to any other
36 person for the benefit of a legislator or such an organization; and

37 ~~[(d)]~~ **(c)** Other expenditures directly associated with legislative action,
38 not including personal expenditures for food, lodging and travel expenses
39 or membership dues.

40 3. The legislative commission may authorize an audit or investigation
41 by the legislative auditor that is proper and necessary to verify compliance
42 with the provisions of this section. A lobbyist shall make available to the
43 legislative auditor all books, accounts, claims, reports, vouchers and other

1 records requested by the legislative auditor in connection with any such
2 audit or investigation. The legislative auditor shall confine his requests for
3 such records to those which specifically relate to the lobbyist's compliance
4 with the reporting requirements of this section.

5 **Sec. 4.** NRS 218.942 is hereby amended to read as follows:

6 218.942 1. A lobbyist shall not knowingly or willfully make any false
7 statement or misrepresentation of facts:

8 (a) To any member of the legislative branch in an effort to persuade or
9 influence him in his official actions.

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

12 2. A lobbyist *or a person who was a lobbyist during the immediately*
13 *preceding 3 years* shall not give *a gift* to a member of the legislative branch
14 or a member of his staff or immediate family ~~[gifts that exceed \$100 in~~
15 ~~value in the aggregate in any calendar year.]~~, *to an organization whose*
16 *primary purpose is to provide support for legislators of a particular*
17 *political party and house, or to any other person for the benefit of a*
18 *legislator or such an organization.*

19 3. A member of the legislative branch or a member of his staff or
20 immediate family shall not ~~[solicit]~~ :

21 (a) *Solicit* anything of value from a registrant *or a person who was a*
22 *registrant at any time during the immediately preceding 3 years;* or
23 ~~[accept]~~

24 (b) *Accept* any gift ~~[that exceeds \$100 in aggregate value in any~~
25 ~~calendar year.]~~ *from a registrant or a person who was a registrant at any*
26 *time during the immediately preceding 3 years.*

27 4. *An organization whose primary purpose is to provide support for*
28 *legislators of a particular political party shall not accept any gift from a*
29 *registrant or a person who was a registrant at any time during the*
30 *immediately preceding 3 years.*

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

34 ~~[5.]~~ 6. Except during the period permitted by NRS 218.918, a person
35 shall not knowingly act as a lobbyist without being registered as required
36 by that section.

37 ~~[6.]~~ 7. Except as otherwise provided in subsection ~~[7.]~~ 8, a member of
38 the legislative or executive branch of the state government and an elected
39 officer or employee of a political subdivision shall not receive
40 compensation or reimbursement other than from the state or the political

41 subdivision for personally engaging in lobbying.

1 ~~[7.]~~ 8. An elected officer or employee of a political subdivision may
2 receive compensation or reimbursement from any organization whose
3 membership consists of elected or appointed public officers.

4 ~~[8.]~~ 9. A lobbyist shall not instigate the introduction of any legislation
5 for the purpose of obtaining employment to lobby in opposition thereto.

6 ~~[9.]~~ 10. A lobbyist shall not make, commit to make or offer to make a
7 monetary contribution to a member of the legislature, the lieutenant
8 governor, the lieutenant governor-elect, the governor or the governor-elect
9 during the period beginning:

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

12 (b) The day after the governor issues a proclamation calling for a special
13 session of the legislature and ending 15 days after the final adjournment of
14 a special session of the legislature.

15 **Sec. 5.** NRS 354.59803 is hereby amended to read as follows:

16 354.59803 1. In each year in which the legislature convenes, a local
17 government which expends more than \$6,000 on activities designed to
18 influence the passage or defeat of any legislation shall file with the
19 department of taxation within 30 days after the close of the legislative
20 session a report supplemental to its final budget which includes separate
21 items for expenses relating to that activity, including:

22 (a) Transportation.

23 (b) The lodging and meals of its officers, lobbyists or employees.

24 (c) The amount of money spent on ~~[entertainment, gifts or other]~~
25 expenses which are required to be reported pursuant to NRS 218.900 to
26 218.944, inclusive.

27 (d) The amount of money spent in Carson City on supplies, equipment,
28 facilities, personnel and services needed to support the activity.

29 (e) An identification of the fund, account or other source against which
30 the expenses were charged.

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

34 **Sec. 6.** The amendatory provisions of this act do not apply to conduct
35 that occurred before October 1, 1999.