

ASSEMBLY BILL NO. 142—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

FEBRUARY 21, 2007

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

SUMMARY—Makes various changes concerning ethics in
government. (BDR 23-169)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to ethics in government; requiring certain public officers and lobbyists to attend a course on ethics in government; requiring lobbyists who lobby the Executive Department of the State Government to file a registration statement and periodic reports with the Secretary of State; requiring the Secretary of State to handle all reports and filings and make investigations under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires newly elected or appointed public officers who are required to file statements of financial disclosure, newly registered lobbyists, and newly employed lobbyists for governmental agencies to take a course on governmental ethics that is conducted by the Commission on Ethics.

Section 3.7 of this bill increases penalties for willful violations of certain provisions concerning ethics in government. (NRS 281.551)

Existing law sets forth requirements for persons who lobby the Legislature. The lobbyists must register with the Director of the Legislative Counsel Bureau and file certain disclosure reports. (NRS 218.900-218.944) In addition to those reports, **section 5** of this bill requires legislative lobbyists to file disclosure reports at the end of each calendar quarter in which the Legislature is not in session.

Sections 8-31 of this bill set forth requirements for persons who lobby the Executive Department of the State Government. Such executive lobbyists must register with the Secretary of State and file certain disclosure reports. The



15 requirements for executive lobbyists parallel those for legislative lobbyists in
16 chapter 218 of NRS.

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

1 **Section 1.** Chapter 281 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Each:*

4 1. *Public officer who is required to file a statement of*
5 *financial disclosure pursuant to NRS 281.541, 281.559 or 281.561*
6 *shall, within 6 months after his initial election or appointment to*
7 *his office;*

8 2. *Lobbyist who has filed a registration statement pursuant to*
9 *NRS 218.918 or section 17 of this act shall, within 30 days after*
10 *filing the registration statement; and*

11 3. *Public employee whose primary function is to lobby other*
12 *governmental entities on behalf of his employer shall, within 30*
13 *days after his initial employment in such a position,*
14 *↪ complete a course on ethics in government that is developed by*
15 *the Commission.*

16 **Sec. 2.** NRS 281.411 is hereby amended to read as follows:

17 281.411 NRS 281.411 to 281.581, inclusive, *and section 1 of*
18 *this act* may be cited as the Nevada Ethics in Government Law.

19 **Sec. 3.** NRS 281.431 is hereby amended to read as follows:

20 281.431 As used in NRS 281.411 to 281.581, inclusive, *and*
21 *section 1 of this act*, unless the context otherwise requires, the
22 words and terms defined in NRS 281.432 to 281.4375, inclusive,
23 have the meanings ascribed to them in those sections.

24 **Sec. 3.3.** NRS 281.501 is hereby amended to read as follows:

25 281.501 1. Except as otherwise provided in subsection 2, 3 or
26 4, a public officer may vote upon a matter if the benefit or detriment
27 accruing to him as a result of the decision either individually or in a
28 representative capacity as a member of a general business,
29 profession, occupation or group is not greater than that accruing to
30 any other member of the general business, profession, occupation or
31 group.

32 2. Except as otherwise provided in subsection 3, in addition to
33 the requirements of the code of ethical standards, a public officer
34 shall not vote upon or advocate the passage or failure of, but may
35 otherwise participate in the consideration of, a matter with respect to
36 which the independence of judgment of a reasonable person in his
37 situation would be materially affected by:

38 (a) His *seeking or* acceptance of a gift or loan;

39 (b) His pecuniary interest; or



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(c) His commitment in a private capacity to the interests of others.

➔ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His *seeking or* acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

➔ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has *sought or* accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest,

➔ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided *or from whom he sought* the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise



provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 in a timely manner.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the Legislative Branch from requesting or introducing a legislative measure; or

(b) Require a member of the Legislative Branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.



Sec. 3.7. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed ~~[\$5,000]~~ **\$10,000** for a first willful violation of this chapter;

(b) Not to exceed ~~[\$10,000]~~ **\$15,000** for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed ~~[\$25,000]~~ **\$30,000** for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

5. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee establishes by sufficient evidence that he satisfied all of the following requirements:



(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) He took action that was not contrary to a prior published opinion issued by the Commission.

6. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

7. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 4. NRS 218.906 is hereby amended to read as follows:

218.906 "Expenditure" means any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, including *the* cost of entertainment, except the payment of ~~{a membership fee}~~ *membership dues* otherwise exempted pursuant to NRS 218.926 and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure . ~~{while the Legislature is in session.}~~

Sec. 5. NRS 218.926 is hereby amended to read as follows:

218.926 1. Each registrant shall file with the Director within 30 days after the close of the legislative session a final report signed under penalty of perjury concerning his lobbying activities. In addition, each registrant shall file with the Director between the 1st and 10th day of the month ~~{after}~~ :

(a) *After* each month that the Legislature is in session , a report *signed under penalty of perjury* concerning his lobbying activities



1 during the previous month, whether or not any expenditures were
2 made.

3 *(b) After the end of each calendar quarter that the Legislature*
4 *is not in session, a report signed under penalty of perjury*
5 *concerning his lobbying activities during the previous quarter,*
6 *whether or not any expenditures were made.*

7 **2.** Each report *filed pursuant to subsection 1* must be on a
8 form prescribed by the Director and must include the total of all
9 expenditures, if any, made by the registrant on behalf of a Legislator
10 or an organization whose primary purpose is to provide support for
11 Legislators of a particular political party and House, including
12 expenditures made by others on behalf of the registrant if the
13 expenditures were made with the registrant's express or implied
14 consent or were ratified by the registrant. Except as otherwise
15 provided in subsection ~~[4.]~~ 5, the report must identify each
16 Legislator and each organization whose primary purpose is to
17 provide support for Legislators of a particular political party and
18 House on whose behalf expenditures were made and must be
19 itemized with respect to each such Legislator and organization. An
20 expenditure on behalf of a person other than a Legislator or an
21 organization whose primary purpose is to provide support for
22 Legislators of a particular political party and House need not be
23 reported pursuant to this section unless the expenditure is made for
24 the benefit of a Legislator or such an organization.

25 ~~[2.]~~ **3.** If expenditures made by or on behalf of a registrant
26 during the previous month *or quarter, as applicable*, exceed \$50,
27 the report must include a compilation of expenditures, itemized in
28 the manner required by the regulations of the Legislative
29 Commission, in the following categories:

30 (a) Entertainment;

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

33 (c) Gifts and loans, including money, services and anything of
34 value provided to a Legislator, to an organization whose primary
35 purpose is to provide support for Legislators of a particular political
36 party and House, or to any other person for the benefit of a
37 Legislator or such an organization; and

38 (d) Other expenditures directly associated with legislative
39 action, not including personal expenditures for food, lodging and
40 travel expenses or membership dues.

41 ~~[3.]~~ **4.** The Legislative Commission may authorize an audit or
42 investigation by the Legislative Auditor that is proper and necessary
43 to verify compliance with the provisions of this section. A lobbyist
44 shall make available to the Legislative Auditor all books, accounts,
45 claims, reports, vouchers and other records requested by the



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

5 ~~[4.]~~ 5. A report filed pursuant to this section must not itemize
6 with respect to each Legislator an expenditure if the expenditure is
7 the cost of a function to which every Legislator was invited. For the
8 purposes of this subsection, "function" means a party, meal or other
9 social event.

10 **Sec. 6.** NRS 218.932 is hereby amended to read as follows:

11 218.932 1. The Legislative Commission ~~[shall]~~ :

12 (a) *Shall* adopt regulations to carry out the provisions of NRS
13 218.900 to 218.944, inclusive ~~[may]~~ ;

14 (b) *Shall* require fees for registration, payable into the
15 Legislative Fund, and ~~[may]~~ *fees for the course on ethics in*
16 *government that is required pursuant to section 1 of this act,*
17 *payable to the Commission on Ethics; and*

18 (c) *May* classify lobbyists for ~~[this purpose.]~~ *the purpose of*
19 *establishing a schedule of fees.*

20 2. The Director shall:

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

23 (b) Prepare and publish uniform methods of accounting and
24 reporting to be used by persons required to file such statements and
25 reports, including guidelines for complying with the reporting
26 requirements of NRS 218.900 to 218.944, inclusive.

27 (c) Accept and file any information voluntarily supplied that
28 exceeds the requirements of NRS 218.900 to 218.944, inclusive.

29 (d) Develop a filing, coding and cross-indexing system
30 consistent with the purposes of NRS 218.900 to 218.944, inclusive.

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

33 (f) Preserve the statements and reports for a period of 5 years
34 ~~[from]~~ *after* the date of filing.

35 (g) Compile and keep current an alphabetical list of registrants,
36 including their address, the name and address of each person for
37 whom the registrant is lobbying and the principal areas of interest on
38 which he expects to lobby. A copy of the list must be furnished to
39 each Legislator, to the clerks of the respective counties for
40 preservation and public inspection, and to any person who requests a
41 copy and pays the cost of reproduction.



1 **Sec. 7.** Title 18 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 8 to 31,
3 inclusive, of this act.

4 **Sec. 8.** *Sections 8 to 31, inclusive, of this act may be cited as*
5 *the Nevada Executive Department Lobbying Disclosure Act.*

6 **Sec. 9.** *The Legislature declares that the operation of*
7 *responsible government requires that the fullest opportunity be*
8 *afforded to the people to petition their government for redress of*
9 *grievances and to express freely to members of the Executive*
10 *Department of the State Government their opinions on current*
11 *issues and the management of government affairs.*

12 **Sec. 10.** *As used in sections 8 to 31, inclusive, of this act,*
13 *unless the context otherwise requires, the words and terms defined*
14 *in sections 11 to 16, inclusive, of this act, have the meanings*
15 *ascribed to them in those sections.*

16 **Sec. 11.** *“Executive action” means any official action or duty*
17 *for which the Executive Department is responsible in establishing*
18 *policy, but does not include such actions by employees that provide*
19 *a specific service to the general public.*

20 **Sec. 12.** *“Executive Department” means the Executive*
21 *Department of the State Government and includes a constitutional*
22 *officer, an appointed member of a board or commission, an*
23 *employee in the unclassified service of the State and an employee*
24 *with authority to establish policy or effect executive action or with*
25 *whom final authority rests.*

26 **Sec. 13.** *“Expenditure” means any advance, conveyance,*
27 *deposit, distribution, transfer of funds, loan, payment, pledge or*
28 *subscription of money or anything of value, including the cost of*
29 *entertainment, except the payment of membership dues otherwise*
30 *exempted pursuant to section 21 of this act and any contract,*
31 *agreement, promise or other obligation, whether or not legally*
32 *enforceable, to make any expenditure.*

33 **Sec. 14. 1.** *“Gift” means a payment, subscription, advance,*
34 *forbearance, rendering or deposit of money, services or anything*
35 *of value unless consideration of equal or greater value is received.*

36 **2.** *“Gift” does not include:*

37 **(a)** *A political contribution of money or services relating to a*
38 *political campaign;*

39 **(b)** *A commercially reasonable loan made in the ordinary*
40 *course of business;*

41 **(c)** *The cost of food or beverages;*

42 **(d)** *Anything of value received from a member of the*
43 *recipient’s immediate family or from a relative of the recipient or*
44 *his spouse within the fifth degree of consanguinity or from the*
45 *spouse of any such relative; or*



(e) *Costs and expenses associated with the attendance of a public officer, or the spouse or guest of a public officer, at an event relating to public office or at an event that benefits an organization which the Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).*

Sec. 15. *1. "Lobbyist" means, except as limited by subsection 2, a person who:*

(a) Appears in person in a state building or any other building in which the Executive Department conducts business or holds meetings; and

(b) Communicates directly with the Executive Department on behalf of someone other than himself to influence executive action, and who receives compensation for the communication.

2. "Lobbyist" does not include:

(a) Persons who confine their activities to formal appearances before the Executive Department 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 the Executive Department for the sole purpose of carrying out their news gathering function.

(c) Employees or members of any branch of State Government, or of any political subdivision of this State, who confine their lobbying activities to issues directly relating to the scope of their office or employment.

(d) A person who has been retained as legal counsel for a business or natural person relating to a legal action and who appears as a matter of course relating to the legal action.

Sec. 16. *"Person" includes a group of persons acting in concert, whether or not formally organized.*

Sec. 17. *Every person who acts as a lobbyist shall file an annual registration statement with the Secretary of State in such form and at such time as the Secretary of State prescribes. If a person who has not filed an annual registration statement engages in an activity that requires him to register as a lobbyist, he shall, not later than 2 days after the beginning of that activity, file a registration statement. Such registration is effective until the next annual registration period.*

Sec. 18. *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, if any, 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 the Executive Department 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 pursuant to NRS 281.571.

4. The name of any constitutional officer 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 constitutional officer, provided consulting, advertising or other professional services.

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 executive action.

Sec. 19. Each person required to register shall file a notice of termination with the Secretary of State within 30 days after he ceases the activity that required his registration, but this does not relieve him of the reporting requirement for that reporting period. A person who has terminated his registration pursuant to this section may reinstate his registration before the end of the registration period by filing a request for reinstatement on a form prescribed by the Secretary of State and paying the applicable fee.

Sec. 20. Each person required to register shall file a supplementary registration statement with the Secretary of State not later than 5 days after any change in the registrant's last registration statement. The supplementary registration statement must include complete details concerning the changes that have occurred.

Sec. 21. 1. Each registrant shall file with the Secretary of State four quarterly reports each year, signed under penalty of perjury, concerning his lobbying activities during the previous quarter, whether or not any expenditures were made. The reports must be submitted not later than 10 days after the end of the quarter, except that the final report for the registration year must be submitted not later than 30 days after the end of the quarter.



2. Each report filed pursuant to subsection 1 must be on a form prescribed by the Secretary of State and must include the total of all expenditures, if any, made by the registrant on behalf of the Executive Department, 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. Except as otherwise provided in subsection 5, the report must be itemized and identify the constitutional officer, agency, bureau, board, commission, department, division, officer, employee, agent or other unit of the Executive Department on whose behalf expenditures were made. An expenditure on behalf of a person other than the Executive Department or an organization whose primary purpose is to provide support for the Executive Department need not be reported pursuant to this section unless the expenditure is made for the benefit of the Executive Department or such an organization.

3. If expenditures made by or on behalf of a registrant during the previous quarter exceed \$50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Secretary of State, 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 the Executive Department, to an organization whose primary purpose is to provide support for the Executive Department, or to any other person for the benefit of the Executive Department or such an organization; and

(d) Other expenditures directly associated with executive action, not including personal expenditures for food, lodging and travel expenses or membership dues.

4. The Secretary of State may authorize an audit or investigation by the Attorney General or State Controller that is proper and necessary to verify compliance with the provisions of this section. A lobbyist shall make available to the Attorney General or State Controller all books, accounts, claims, reports, vouchers and other records requested by the Attorney General or State Controller in connection with any such audit or investigation. The Attorney General or State Controller shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

5. A report filed pursuant to this section must not itemize with respect to each constitutional officer, agency, bureau, board,



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1 *commission, department, division, officer, employee, agent or*
2 *other unit of the Executive Department an expenditure if the*
3 *expenditure is the cost of a function to which any of those persons*
4 *or agencies were invited. For the purposes of this subsection,*
5 *“function” means a party, meal or other social event.*

6 **Sec. 22.** 1. *The Secretary of State shall furnish an*
7 *appropriate identification badge to each lobbyist who files a*
8 *registration statement under this chapter.*

9 2. *The identification badge must be worn by the lobbyist*
10 *whenever he appears in a state building or other building in which*
11 *the Executive Department conducts business or holds meetings.*

12 **Sec. 23.** 1. *The Secretary of State shall:*

13 (a) *Inspect each statement and report filed within 10 days after*
14 *its filing.*

15 (b) *Immediately notify the person who has filed:*

16 (1) *If the information filed does not conform to law.*

17 (2) *If a written complaint has been filed with the Secretary*
18 *of State by any person alleging an irregularity or lack of truth as*
19 *to the information filed.*

20 2. *The Secretary of State may notify any person of the filing*
21 *requirement who the Secretary of State has reason to believe has*
22 *failed to file any statement or report as required.*

23 **Sec. 24.** 1. *The Secretary of State:*

24 (a) *Shall adopt regulations to carry out the provisions of*
25 *sections 8 to 31, inclusive, of this act;*

26 (b) *Shall require fees for registration or reinstatement of*
27 *registration, payable to the Secretary of State, and fees for the*
28 *course on ethics in government that is required pursuant to*
29 *section 1 of this act, payable to the Commission on Ethics; and*

30 (c) *May classify lobbyists for the purpose of establishing a*
31 *schedule of fees.*

32 2. *The Secretary of State shall:*

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

35 (b) *Prepare and publish uniform methods of accounting and*
36 *reporting to be used by persons required to file such statements*
37 *and reports, including guidelines for complying with the reporting*
38 *requirements of sections 8 to 31, inclusive, of this act.*

39 (c) *Accept and file any information voluntarily supplied that*
40 *exceeds the requirements of sections 8 to 31, inclusive, of this act.*

41 (d) *Develop a filing, coding and cross-indexing system*
42 *consistent with the purposes of sections 8 to 31, inclusive, of this*
43 *act.*



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1 (e) Make the statements and reports available for public
2 inspection during regular office hours and on the Secretary of
3 State's Internet website.

4 (f) Preserve the statements and reports for a period of 5 years
5 after the date of filing.

6 (g) Compile and keep current an alphabetical list of
7 registrants, including their addresses, the name and address of
8 each person for whom the registrant is lobbying and the principal
9 areas of interest on which he expects to lobby.

10 **Sec. 25.** The Secretary of State may:

11 1. Prepare and publish such reports concerning lobbying
12 activities as he deems appropriate.

13 2. Release to the public the name of any lobbyist who fails to
14 file any activity report within 14 days after the date it is required to
15 be filed.

16 3. Revoke the registration of any lobbyist who fails to file any
17 activity report within 30 days after the date it is required to be filed
18 or fails to file two or more activity reports within the time required.

19 **Sec. 26.** 1. The Secretary of State shall:

20 (a) Make investigations on his own initiative with respect to
21 the failure of any person to file a required statement or report.

22 (b) Make an investigation upon the written complaint of any
23 person alleging a violation of any provision of sections 8 to 31,
24 inclusive, of this act.

25 (c) Report suspected violations of law to the Attorney General
26 who shall investigate and take any action necessary to carry out
27 the provisions of sections 8 to 31, inclusive, of this act.

28 2. If an investigation by the Secretary of State reveals a
29 violation of any provision of sections 8 to 31, inclusive, of this act,
30 by a lobbyist, the Secretary of State may suspend the lobbyist's
31 registration for a specified period or revoke his registration. The
32 Secretary of State shall cause notice of his action to be given to
33 each person who employs or uses the lobbyist.

34 3. A lobbyist whose registration is suspended or revoked by
35 the Secretary of State may:

36 (a) Request a hearing on the matter before the Secretary of
37 State; and

38 (b) Appeal to a hearing officer of the Department of
39 Administration from any adverse decision of the Secretary of
40 State.

41 4. A lobbyist whose registration is revoked may, with the
42 consent of the Secretary of State, renew his registration if he:

43 (a) Files a registration statement in the form required by
44 section 18 of this act;



* A B 1 4 2 R 1 *

1 (b) Pays any fee for late filing owed pursuant to section 28 of
2 this act, plus the fee for registration prescribed by the Secretary of
3 State; and

4 (c) If the revocation occurred because of his failure to file an
5 activity report, files that report.

6 **Sec. 27.** The district courts may issue injunctions to enforce
7 the provisions of sections 8 to 31, inclusive, of this act upon
8 application by the Attorney General.

9 **Sec. 28.** 1. Except as otherwise provided in this subsection,
10 a registrant who files an activity report after the time provided in
11 section 21 of this act shall pay to the Secretary of State a fee for
12 late filing of \$10 for each day that it was late, but the Secretary of
13 State may reduce or waive this fee upon a finding of just cause.
14 The Secretary of State may by regulation exempt a classification
15 of lobbyist from the fee for late filing.

16 2. An activity report with respect to which a late filing fee has
17 been paid by the registrant or waived by the Secretary of State
18 shall be deemed timely filed, and the late filing is not a public
19 offense.

20 **Sec. 29.** 1. A lobbyist shall not:

21 (a) Indicate that he has authorization from the Executive
22 Department to request professional services from an officer or
23 employee of state government unless he has such authority; or

24 (b) Misrepresent the scope of the authorization that he has
25 from the Executive Department to request professional services
26 from an officer or employee of state government.

27 2. As used in this section, "professional services" means
28 engaging in work for which an officer or employee is
29 professionally trained or qualified.

30 **Sec. 30.** 1. A lobbyist shall not knowingly or willfully make
31 any false statement or misrepresentation of facts:

32 (a) To the Executive Department in an effort to persuade or
33 influence executive action.

34 (b) In a registration statement or report concerning lobbying
35 activities filed with the Secretary of State.

36 2. A lobbyist shall not give to a member of the Executive
37 Department or a member of his immediate family gifts that exceed
38 \$100 in value in the aggregate in any calendar year.

39 3. A member of the Executive Department or a member of his
40 immediate family shall not solicit anything of value from a
41 registrant or accept any gift that exceeds \$100 in aggregate value
42 in any calendar year.

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



1 5. *Except during the period permitted by section 17 of this*
2 *act, a person shall not knowingly act as a lobbyist without being*
3 *registered as required by that section.*

4 6. *Except as otherwise provided in subsection 7, a member of*
5 *the Legislative Branch of the State Government or the Executive*
6 *Department and an elected officer or employee of a political*
7 *subdivision shall not receive compensation or reimbursement*
8 *other than from the State or the political subdivision for*
9 *personally engaging in lobbying.*

10 7. *An elected officer or employee of a political subdivision*
11 *may receive compensation or reimbursement from any*
12 *organization whose membership consists of elected or appointed*
13 *public officers.*

14 8. *A lobbyist shall not instigate any executive action for the*
15 *purpose of obtaining employment to lobby in opposition thereto.*

16 9. *A lobbyist shall not make, commit to make or offer to make*
17 *a monetary contribution to a member of the Legislature, the*
18 *Lieutenant Governor, the Lieutenant Governor-elect, the*
19 *Governor or the Governor-elect during the period beginning:*

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

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

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

35 **Sec. 31.** *Any person subject to any of the provisions*
36 *contained in section 30 of this act who refuses or fails to comply*
37 *therewith is guilty of a misdemeanor.*

38 **Sec. 32.** *The provisions of section 1 of this act do not apply*
39 *to any public officer elected or appointed to his office before*
40 *October 1, 2007. A public employee who is employed on October 1,*
41 *2007, in a position whose primary function is to lobby other*
42 *governmental entities on behalf of his employer shall complete the*
43 *course on ethics in government required pursuant to section 1 of this*
44 *act on or before January 1, 2008.*

