

ASSEMBLY BILL NO. 335—ASSEMBLYMEN CONKLIN, OCEGUERA,
KOIVISTO, BUCKLEY, SMITH, ANDERSON, DENIS, GANSERT,
GERHARDT, GOICOECHEA, GRADY, KIRKPATRICK,
MANENDO, PARKS, PARNELL, PIERCE AND SEGERBLOM

MARCH 15, 2007

JOINT SPONSORS: SENATORS TITUS, CARLTON AND HORSFORD

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

SUMMARY—Makes various changes relating to public office.
(BDR 17-1195)

FISCAL NOTE: Effect on Local Government: No.
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 public office; amending the definition of “gift”;
requiring governing bodies of local governments to
regulate the activities of lobbyists in their jurisdictions;
and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Sections 10 and 16** of this bill provide that costs and expenses associated with
2 the attendance at an event relating to public office or at an event to which multiple
3 public officers and others are invited is not a “gift” for purposes of lobbying and the
4 code of ethical standards for public officers and employees.
5 **Sections 11 and 13** of this bill require the governing bodies of certain local
6 governments to regulate the activities of lobbyists who lobby elected officers or
7 certain appointed officers of those local governments.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** (Deleted by amendment.)



1 **Sec. 4.** (Deleted by amendment.)

2 **Sec. 5.** (Deleted by amendment.)

3 **Sec. 6.** (Deleted by amendment.)

4 **Sec. 7.** (Deleted by amendment.)

5 **Sec. 8.** (Deleted by amendment.)

6 **Sec. 9.** (Deleted by amendment.)

7 **Sec. 10.** NRS 218.908 is hereby amended to read as follows:

8 218.908 1. "Gift" means a payment, subscription, advance,
9 forbearance, rendering or deposit of money, services or anything of
10 value unless consideration of equal or greater value is received.

11 2. "Gift" does not include ~~it~~ :

12 (a) A political contribution of money or services related to a
13 political campaign ~~it~~ ;

14 (b) A ~~commercially reasonable~~ loan *or other transaction* made
15 in the ordinary course of business ~~it~~ ;

16 (c) *The cost of entertainment, including the cost of food or*
17 *beverages ~~it, or anything~~ or the costs and expenses associated with*
18 *the attendance of a member of the Legislative Branch, or the*
19 *spouse or guest of such a member of the Legislative Branch, at an*
20 *event to which multiple members of the Legislative Branch and*
21 *others are invited;*

22 (d) *Anything* of value received from a member of the recipient's
23 immediate family or from a relative of the recipient or his spouse
24 ~~within the third degree of consanguinity~~ or from the spouse of any
25 such relative ; *or*

26 (e) *Anything of value received from a person with whom the*
27 *recipient has an existing business or professional relationship.*

28 **Sec. 11.** Chapter 244 of NRS is hereby amended by adding
29 thereto a new section to read as follows:

30 1. *Each board of county commissioners shall enact*
31 *ordinances that regulate the activities of lobbyists who lobby:*

32 (a) *Elected officers of the county; or*

33 (b) *Appointed officers of the county who the board of county*
34 *commissioners has determined have policymaking authority.*

35 2. *The ordinances required pursuant to subsection 1 must set*
36 *forth:*

37 (a) *Registration and reporting requirements for such lobbyists*
38 *and provide that reports submitted by lobbyists are open to public*
39 *inspection.*

40 (b) *Standards for elected and appointed officers of the county*
41 *relating to the acceptance and disclosure of contributions from*
42 *persons who have a personal interest in a matter before the elected*
43 *or appointed officer.*



Sec. 12. NRS 245.110 is hereby amended to read as follows:

245.110 The provisions of the Nevada Ethics in Government Law, ~~H~~ NRS 281.411 to 281.581, inclusive ~~H~~, *and section 16 of this act* do not prohibit any county officer from purchasing the warrants of the State or of any other county, or to prevent any county officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Sec. 13. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each city council shall adopt ordinances that regulate the activities of lobbyists who lobby:

(a) Elected officers of the city; or

(b) Appointed officers of the city whom the city council has determined have policymaking authority.

2. The ordinances required pursuant to subsection 1 must set forth:

(a) Registration and reporting requirements for such lobbyists and provide that reports submitted by lobbyists are open to public inspection.

(b) Standards for elected and appointed officers of the city relating to the acceptance and disclosure of contributions from persons who have a personal interest in a matter before the elected or appointed officer.

Sec. 14. NRS 268.380 is hereby amended to read as follows:

268.380 The provisions of the Nevada Ethics in Government Law, ~~H~~ NRS 281.411 to 281.581, inclusive ~~H~~, *and section 16 of this act* do not prohibit any city officer from purchasing the warrants of the State or of any other city or county, or prevent any city officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Sec. 15. NRS 269.070 is hereby amended to read as follows:

269.070 The provisions of the Nevada Ethics in Government Law, ~~H~~ NRS 281.411 to 281.581, inclusive ~~H~~, *and section 16 of this act* do not prohibit any town officer from purchasing the warrants of the State or of any other city, town or county, or prevent any town officer from selling or transferring such warrants or scrip as he may receive for his services, but none other.

Sec. 16. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.

2. "Gift" does not include:

(a) A political contribution of money or services related to a political campaign;



(b) A loan or other transaction made in the ordinary course of business;

(c) The cost of entertainment, including the cost of food or beverages or the costs and expenses associated with the attendance of a public officer, or the spouse or guest of such a public officer, at an event to which multiple public officers and others are invited;

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse or from the spouse of any such relative; or

(e) Anything of value received from a person with whom the recipient has an existing business or professional relationship.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 281.005 is hereby amended to read as follows:

281.005 As used in this chapter:

1. Except as limited for the purposes of NRS 281.411 to 281.581, inclusive, **and section 16 of this act**, "public officer" means a person elected or appointed to a position which:

(a) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and

(b) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

2. "Special use vehicle" means any vehicle designed or used for the transportation of persons or property off paved highways.

Sec. 20. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, **and section 16 of this act** may be cited as the Nevada Ethics in Government Law.

Sec. 21. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, **and section 16 of this act**, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, **and section 16 of this act** have the meanings ascribed to them in those sections.

Sec. 22. NRS 281.4647 is hereby amended to read as follows:

281.4647 1. Each county whose population is more than 10,000 and each city whose population is more than 10,000 and that is located within such a county shall pay an assessment for the costs incurred by the Commission each biennium in carrying out its functions pursuant to NRS 281.411 to 281.581, inclusive **H**, **and section 16 of this act**. The total amount of money to be derived from assessments paid pursuant to this subsection for a biennium must be determined by the Legislature in the legislatively approved budget of the Commission for that biennium. The assessments must be



1 apportioned among each such city and county based on the
2 proportion that the total population of the city or the total population
3 of the unincorporated area of the county bears to the total population
4 of all such cities and the unincorporated areas of all such counties in
5 this State.

6 2. On or before July 1 of each odd-numbered year, the
7 Executive Director shall, in consultation with the Budget Division
8 of the Department of Administration and the Fiscal Analysis
9 Division of the Legislative Counsel Bureau, determine for the next
10 ensuing biennium the amount of the assessments due for each city
11 and county that is required to pay an assessment pursuant to
12 subsection 1. The assessments must be paid to the Commission in
13 semiannual installments that are due on or before August 1 and
14 February 1 of each year of the biennium. The Executive Director
15 shall send out a billing statement to each such city or county which
16 states the amount of the semiannual installment payment due from
17 the city or county.

18 3. Any money that the Commission receives pursuant to
19 subsection 2:

20 (a) Must be deposited in the State Treasury, accounted for
21 separately in the State General Fund and credited to the budget
22 account for the Commission;

23 (b) May only be used to carry out NRS 281.411 to 281.581,
24 inclusive, *and section 16 of this act* and only to the extent
25 authorized for expenditure by the Legislature; and

26 (c) Does not revert to the State General Fund at the end of any
27 fiscal year.

28 4. If any installment payment is not paid on or before the date
29 on which it is due, the Executive Director shall make reasonable
30 efforts to collect the delinquent payment. If the Executive Director
31 is not able to collect the arrearage, he shall submit a claim for the
32 amount of the unpaid installment payment to the Department of
33 Taxation. If the Department of Taxation receives such a claim, the
34 Department shall deduct the amount of the claim from money that
35 would otherwise be allocated from the Local Government Tax
36 Distribution Account to the city or county that owes the installment
37 payment and shall transfer that amount to the Commission.

38 5. As used in this section, "population" means the current
39 population estimate for that city or county as determined and
40 published by the Department of Taxation and the demographer
41 employed pursuant to NRS 360.283.

42 **Sec. 23.** (Deleted by amendment.)

43 **Sec. 24.** (Deleted by amendment.)

44 **Sec. 25.** (Deleted by amendment.)

45 **Sec. 26.** (Deleted by amendment.)



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- 1 **Sec. 27.** (Deleted by amendment.)
- 2 **Sec. 28.** (Deleted by amendment.)
- 3 **Sec. 29.** (Deleted by amendment.)
- 4 **Sec. 30.** (Deleted by amendment.)
- 5 **Sec. 31.** (Deleted by amendment.)

