

Amendment No. 554

Assembly Amendment to Assembly Bill No. 442 First Reprint (BDR 31-176)

Proposed by: Assemblywoman Kirkpatrick

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold dashed underlining** is newly added transitory language.

RBL



Date: 4/21/2009

A.B. No. 442—Revises provisions concerning lobbying. (BDR 31-176)



ASSEMBLY BILL NO. 442—ASSEMBLYMEN KIRKPATRICK, SEGERBLOM; CONKLIN,
GOICOECHEA, MUNFORD, PIERCE AND SMITH

MARCH 16, 2009

JOINT SPONSORS: SENATORS CEGAVSKE; AND HORSFORD

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

SUMMARY—Revises provisions concerning lobbying. (BDR 31-176)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
Effect on the State: No.

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

AN ACT relating to lobbying; requiring an entity of the Executive, Legislative or
Judicial Department of State Government, and local governments, to
prepare certain reports concerning lobbying activities; establishing
certain requirements for contracts for lobbying services; requiring the
Board of Regents of the University of Nevada to approve certain
contracts for lobbying services; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an agency, board, bureau, commission, department,
division, institution, officer or employee of the Executive Department, the Legislative
Department or the Judicial Department of State Government that ~~compensates or reimburses~~
enters into a contract with a person to act as a lobbyist, makes an expenditure in connection
with lobbying activities that must be reported pursuant to existing law or expends any money
in connection with federal lobbying activities to periodically prepare reports concerning ~~all~~
such lobbying activities undertaken by or on behalf of the entity. **Section 2** of this bill extends
the same requirements to local governments.

Section 6 of this bill provides that contracts for lobbying services must: (1) specify
whether the lobbying services are for state or federal lobbying activities, or both; (2) require
the lobbyist to disclose the identities of his other clients and the existence of any actual or
potential conflicts of interest ~~as well as whether the lobbyist will also engage in services~~
to promote a campaign during the period of the contract; and (3) provide for the
adjudication of disputes concerning actual conflicts of interest.

Section 7 of this bill requires the Board of Regents of the University of Nevada to
approve any contract for lobbying services for the Nevada System of Higher Education or any
component thereof.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An entity of State Government that : ~~{directly or indirectly}~~
 - (a) ~~{Compensates or reimburses}~~ Enters into a contract with a person ~~for~~ acting to act as a lobbyist;
 - (b) Makes an expenditure in connection with lobbying activities that must be reported pursuant to NRS 218.926; or
 - (c) Expends any money in connection with any federal lobbying activity, shall, at least quarterly, prepare a report concerning ~~fall~~ such lobbying activity undertaken by or on behalf of the entity. During a regular session of the Legislature, the entity shall prepare the report at least monthly.
2. The entity of State Government shall:
 - (a) Present each report to its governing body, if any, at a regular or special meeting of the governing body that is open to the public; and
 - (b) On or before January 15 of each year, submit a copy of each report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.
3. As used in this section:
 - (a) "Entity of State Government" includes, without limitation, an agency, board, bureau, commission, department, division, institution, officer or employee of the Executive Department, including, without limitation, the Nevada System of Higher Education and the Public Employees' Retirement System, the Legislative Department or the Judicial Department of State Government.
 - (b) "Expenditure" has the meaning ascribed to it in NRS 218.906.
 - (c) "Federal lobbying activity" means any activity that is intended to influence or attempts to influence an officer or employee of any agency of the Federal Government, a member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with an existing or proposed federal action or program.
 - (d) "Lobbyist" has the meaning ascribed to it in NRS 218.912.

Sec. 2. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An entity of local government that : ~~{directly or indirectly}~~
 - (a) ~~{Compensates or reimburses}~~ Enters into a contract with a person ~~for~~ acting to act as a lobbyist;
 - (b) Makes an expenditure in connection with lobbying activities that must be reported pursuant to NRS 218.926; or
 - (c) Expends any money in connection with any federal lobbying activity, shall, at least quarterly, prepare a report concerning ~~fall~~ such lobbying activity undertaken by or on behalf of the entity. During a regular session of the Legislature, the entity shall prepare the report at least monthly.
2. The entity of local government shall:
 - (a) Present each report to its governing body, if any, at a regular or special meeting of the governing body that is open to the public; and
 - (b) On or before January 15 of each year, submit a copy of each report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.
3. As used in this section:
 - (a) "Entity of local government" includes, without limitation, an agency, board, bureau, commission, department, division, institution, officer or employee of a local government.

(b) "Expenditure" has the meaning ascribed to it in NRS 218.906.

(c) "Federal lobbying activity" has the meaning ascribed to it in section 1 of this act.

(d) "Lobbyist" has the meaning ascribed to it in NRS 218.912.

(e) "Local government" means any political subdivision of this State, including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Chapter 334 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A contract entered into between a governmental entity and a lobbyist for the provision of lobbying services must:

(a) Specify whether the lobbying services will include state lobbying activities, federal lobbying activities, or both state and federal lobbying activities.

(b) Require the lobbyist to disclose to the governmental entity the identity of each client represented by the lobbyist and the existence of any actual or potential conflicts of interest that may arise from his representation of those clients; ~~and~~

(c) Require the lobbyist to disclose to the governmental entity whether he will provide any services to promote any campaign for compensation during the period to which the contract applies, including, without limitation, services to promote the campaign of a state or local governmental officer; and

(d) Provide for the adjudication of any dispute between the governmental entity and the lobbyist should an actual conflict of interest arise.

2. Any contract described in subsection 1 must be made available by the governmental entity for public inspection.

3. As used in this section:

(a) "Entity of local government" has the meaning ascribed to it in section 2 of this act.

(b) "Entity of State Government" has the meaning ascribed to it in section 1 of this act.

(c) "Federal lobbying activity" has the meaning ascribed to it in section 1 of this act.

~~(d)~~ (d) "Governmental entity" means an entity of local government and an entity of State Government.

(e) "Lobbyist" has the meaning ascribed to it in NRS 218.912 and includes a person who engages in federal lobbying activity.

Sec. 7. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A contract for lobbying services for the System, or a facility, branch or institution thereof, must be approved by the Board of Regents at a regular or special meeting.

2. The Board of Regents must, before it approves a contract for lobbying services, consider and disclose during the meeting the total amount of money committed for all contracts for lobbying services entered into by the System, or a facility, branch or institution thereof.

3. As used in this section, "contract for lobbying services" means a contract that is subject to the provisions of section 6 of this act.

Sec. 8. This act becomes effective on July 1, 2009.