

ASSEMBLY BILL NO. 190—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 1, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. (BDR 17-986)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to the Legislature; requiring legislative lobbyists to file reports concerning lobbying activities after the end of each calendar quarter in which the Legislature is not in session; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth requirements for persons who lobby the Nevada
2 Legislature. The lobbyists must register with the Director of the Legislative
3 Counsel Bureau and file certain reports concerning lobbying activities for each
4 month that the Legislature is in session. (Chapter 218H of NRS) This bill requires
5 legislative lobbyists to file reports concerning lobbying activities after the end of
6 each calendar quarter in which the Legislature is not in session in addition to filing
7 monthly reports during session.

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

1 **Section 1.** NRS 218A.072 is hereby amended to read as
2 follows:
3 218A.072 ~~“Legislator”~~ *Except as otherwise provided in*
4 *section 2 of this act, “legislator”* means a person elected or
5 appointed as a member of the Senate or the Assembly.



1 **Sec. 2.** Chapter 218H of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***“Legislator” means:***

4 1. *A person elected as a member of the Senate or Assembly,*
5 *from the day after the election until the person is no longer a*
6 *member of the Senate or Assembly;*

7 2. *A person appointed as a member of the Senate or*
8 *Assembly, from the day the appointment becomes effective until*
9 *the person is no longer a member of the Senate or Assembly; and*

10 3. *A former member of the Senate or Assembly who is*
11 *continuing to serve on a committee or similar body to which he or*
12 *she was appointed as a representative of the Senate or Assembly,*
13 *until the committee completes its activities or the former member’s*
14 *successor is appointed, whichever occurs first.*

15 **Sec. 3.** NRS 218H.030 is hereby amended to read as follows:

16 218H.030 As used in this chapter, unless the context otherwise
17 requires, the words and terms defined in NRS 218H.050 to
18 218H.100, inclusive, *and section 2 of this act* have the meanings
19 ascribed to them in those sections.

20 **Sec. 4.** NRS 218H.050 is hereby amended to read as follows:

21 218H.050 “Expenditure” means any advance, conveyance,
22 deposit, distribution, transfer of funds, loan, payment, pledge or
23 subscription of money or anything of value, including *the* cost of
24 entertainment, except the payment of ~~fee~~ membership ~~fee~~ *dues*
25 otherwise exempted pursuant to NRS 218H.400, and any contract,
26 agreement, promise or other obligation, whether or not legally
27 enforceable, to make any expenditure . ~~while the Legislature is in a~~
28 ~~regular or special session.~~

29 **Sec. 5.** NRS 218H.080 is hereby amended to read as follows:

30 218H.080 1. “Lobbyist” means, except as limited by
31 subsection 2, a person who:

32 (a) Appears in person in the Legislative Building or any other
33 building in which the Legislature or any of its standing *or interim*
34 committees hold meetings; and

35 (b) Communicates directly with a member of the Legislative
36 Branch on behalf of someone other than himself or herself to
37 influence legislative action whether or not any compensation is
38 received for the communication.

39 2. “Lobbyist” does not include:

40 (a) Persons who confine their activities to formal appearances
41 before legislative committees and who clearly identify themselves
42 and the interest or interests for whom they are testifying.

43 (b) Employees of a bona fide news medium who meet the
44 definition of “lobbyist” only in the course of their professional



1 duties and who contact Legislators for the sole purpose of carrying
2 out their news gathering function.

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

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

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

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

14 **Sec. 6.** NRS 218H.400 is hereby amended to read as follows:

15 218H.400 1. Each registrant shall file with the Director:

16 (a) Within 30 days after the close of a regular or special session,
17 a final report signed under penalty of perjury concerning the
18 registrant's lobbying activities; and

19 (b) Between the 1st and 10th day of the month ~~after each month~~
20 ~~that the Legislature is in a regular or special session.~~ :

21 *(1) For the months of February through July of each odd-*
22 *numbered year, a report concerning the registrant's lobbying*
23 *activities during the previous month, whether or not any*
24 *expenditures were made.*

25 *(2) After the end of the third and fourth calendar quarter of*
26 *each odd-numbered year and each calendar quarter of each even-*
27 *numbered year, a report concerning his or her lobbying activities*
28 *during the previous quarter, whether or not any expenditures were*
29 *made.*

30 2. Each report *filed pursuant to subsection 1* must:

31 (a) Be on a form prescribed by the Director; and

32 (b) Include the total of all expenditures, if any, made by the
33 registrant on behalf of a Legislator or an organization whose
34 primary purpose is to provide support for Legislators of a particular
35 political party and House, including expenditures made by others on
36 behalf of the registrant if the expenditures were made with the
37 registrant's express or implied consent or were ratified by the
38 registrant.

39 3. Except as otherwise provided in subsection 6, the report:

40 (a) Must identify each Legislator and each organization whose
41 primary purpose is to provide support for Legislators of a particular
42 political party and House on whose behalf expenditures were made;

43 (b) Must be itemized with respect to each such Legislator and
44 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 *or quarter, as applicable*, 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, to 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 function to which every Legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 7. This act applies to a lobbyist who:

1. Files a registration statement pursuant to NRS 218H.200 during the 77th Session of the Nevada Legislature and does not terminate lobbying activity and file the notice required pursuant to NRS 218H.230; or

2. Engages in activity after the effective date of this act that requires the filing of a registration statement pursuant to NRS 218H.200.



1 **Sec. 8.** This act becomes effective upon passage and approval.

③⑩



★ A B 1 9 0 ★