

ASSEMBLY BILL NO. 394—ASSEMBLYMEN BOBZIEN, KIRKPATRICK,
FRIERSON, DIAZ; BUSTAMANTE ADAMS, CARLTON AND
OHRENSCHALL

MARCH 18, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to statements of financial disclosure. (BDR 23-50)

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 governmental administration; requiring that statements of financial disclosure filed by a Legislator or a candidate for the office of Legislator provide certain information relating to lobbyists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires that the registration statement of a lobbyist contain a
2 listing of any direct business associations or partnerships involving a current
3 Legislator and the registrant or any person by whom the registrant is retained or
4 employed, including any such association or partnership that constitutes a source of
5 income or involves a debt or interest in real estate which is required to be disclosed
6 in a statement of financial disclosure. (NRS 218H.210) Existing law requires most
7 appointed and elected public officers, including Legislators, and persons who are
8 candidates for public office, including the office of Legislator, to file statements of
9 financial disclosure containing information about the income, property, creditors
10 and business activities of the public officer or candidate or any member of his or
11 her household who is 18 years of age or older. (NRS 281.558-281.581) **Section 3** of
12 this bill requires any Legislator or candidate for the office of Legislator to indicate
13 on such a statement of financial disclosure whether any employer, creditor or
14 business entity included on the statement registered as a lobbyist pursuant to the
15 Nevada Lobbying Disclosure Act (chapter 218H of NRS) or retained or employed
16 such a lobbyist during the 2 calendar years immediately preceding the filing of a
17 statement.



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

- 1 **Section 1.** NRS 281.559 is hereby amended to read as follows:
2 281.559 1. Except as otherwise provided in subsections 2 and
3 3 and NRS **281.571 and** 281.572, if a public officer who was
4 appointed to the office for which the public officer is serving is
5 entitled to receive annual compensation of \$6,000 or more for
6 serving in that office or if the public officer was appointed to the
7 office of Legislator, the public officer shall file electronically with
8 the Secretary of State a statement of financial disclosure, as follows:
9 (a) A public officer appointed to fill the unexpired term of an
10 elected or appointed public officer shall file a statement of financial
11 disclosure within 30 days after the public officer's appointment.
12 (b) Each public officer appointed to fill an office shall file a
13 statement of financial disclosure on or before January 15 of:
14 (1) Each year of the term, including the year in which the
15 public officer leaves office; and
16 (2) The year immediately following the year in which the
17 public officer leaves office, unless the public officer leaves office
18 before January 15 in the prior year.
19 ➤ The statement must disclose the required information for the full
20 calendar year immediately preceding the date of filing.
21 2. If a person is serving in a public office for which the person
22 is required to file a statement pursuant to subsection 1, the person
23 may use the statement the person files for that initial office to satisfy
24 the requirements of subsection 1 for every other public office to
25 which the person is appointed and in which the person is also
26 serving.
27 3. A judicial officer who is appointed to fill the unexpired term
28 of a predecessor or to fill a newly created judgeship shall file a
29 statement of financial disclosure pursuant to the requirements of
30 Canon 4I of the Nevada Code of Judicial Conduct. Such a statement
31 of financial disclosure must include, without limitation, all
32 information required to be included in a statement of financial
33 disclosure pursuant to NRS 281.571.
34 4. A statement of financial disclosure shall be deemed to be
35 filed on the date that it was received by the Secretary of State.
36 5. Except as otherwise provided in NRS 281.572, the Secretary
37 of State shall provide access through a secure website to the
38 statement of financial disclosure to each person who is required to
39 file the statement with the Secretary of State pursuant to this section.
40 6. The Secretary of State may adopt regulations necessary to
41 carry out the provisions of this section.



Sec. 2. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS **281.571 and** 281.572, each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➤ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a



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1 statement of financial disclosure relative to that office pursuant to
2 subsection 1.

3 4. A candidate for judicial office or a judicial officer shall file a
4 statement of financial disclosure pursuant to the requirements of
5 Canon 4I of the Nevada Code of Judicial Conduct. Such a statement
6 of financial disclosure must include, without limitation, all
7 information required to be included in a statement of financial
8 disclosure pursuant to NRS 281.571.

9 5. A statement of financial disclosure shall be deemed to be
10 filed on the date that it was received by the Secretary of State.

11 6. Except as otherwise provided in NRS 281.572, the Secretary
12 of State shall provide access through a secure website to the
13 statement of financial disclosure to each person who is required to
14 file the statement with the Secretary of State pursuant to this section.

15 7. The Secretary of State may adopt regulations necessary to
16 carry out the provisions of this section.

17 **Sec. 3.** NRS 281.571 is hereby amended to read as follows:

18 281.571 1. Statements of financial disclosure, as approved
19 pursuant to NRS 281A.470 or in such electronic form as the
20 Secretary of State otherwise prescribes, must contain the following
21 information concerning the candidate for public office or public
22 officer:

23 (a) The candidate's or public officer's length of residence in the
24 State of Nevada and the district in which the candidate for public
25 office or public officer is registered to vote.

26 (b) Each source of the candidate's or public officer's income, or
27 that of any member of the candidate's or public officer's household
28 who is 18 years of age or older. No listing of individual clients,
29 customers or patients is required, but if that is the case, a general
30 source such as "professional services" must be disclosed.

31 (c) A list of the specific location and particular use of real estate,
32 other than a personal residence:

33 (1) In which the candidate for public office or public officer
34 or a member of the candidate's or public officer's household has a
35 legal or beneficial interest;

36 (2) Whose fair market value is \$2,500 or more; and

37 (3) That is located in this State or an adjacent state.

38 (d) The name of each creditor to whom the candidate for public
39 office or public officer or a member of the candidate's or public
40 officer's household owes \$5,000 or more, except for:

41 (1) A debt secured by a mortgage or deed of trust of real
42 property which is not required to be listed pursuant to paragraph (c);
43 and

44 (2) A debt for which a security interest in a motor vehicle for
45 personal use was retained by the seller.



(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of \$200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.

2. *In addition to the information required by subsection 1, if the statement of financial disclosure concerns a candidate for or holder of the office of Legislator, the statement must contain the following information concerning the candidate or Legislator or a member of the candidate's or Legislator's household who is 18 years of age or older. For each:*

(a) Employer identified pursuant to paragraph (b) of subsection 1 as a source of income;

(b) Creditor identified pursuant to paragraph (d) of subsection 1; and

(c) Business entity identified pursuant to paragraph (f) of subsection 1,

the candidate or Legislator shall indicate, in a space or box provided on the form for this purpose, any employer, creditor or business entity that has, at any time during the 2 calendar years immediately preceding the date of filing, registered as a lobbyist pursuant to NRS 218H.200 or retained or employed such a lobbyist.

3. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

~~13-1~~ 4. As used in this section, "member of the candidate's or public officer's household" includes:

(a) The spouse of the candidate for public office or public officer;



1 (b) A person who does not live in the same home or dwelling,
2 but who is dependent on and receiving substantial support from the
3 candidate for public office or public officer; and

4 (c) A person who lived in the home or dwelling of the candidate
5 for public office or public officer for 6 months or more in the year
6 immediately preceding the year in which the candidate for public
7 office or public officer files the statement of financial disclosure.

8 **Sec. 4.** The Secretary of State shall revise the prescribed form
9 for statements of financial disclosure in accordance with NRS
10 281.571, as amended by section 3 of this act, on or before
11 October 1, 2013.

12 **Sec. 5.** This act becomes effective:

13 1. Upon passage and approval for the purposes of the revision
14 of the prescribed form and the adoption of any related regulations by
15 the Secretary of State.

16 2. On January 1, 2014, for all other purposes.

