

ASSEMBLY BILL NO. 438—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies. (BDR 23-815)

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 servants; requiring a cooling-off period before former public officers who served on certain public bodies may serve as paid lobbyists on matters under consideration by those public bodies; providing for certain exceptions; providing civil remedies and penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The Nevada Ethics in Government Law prohibits, for a cooling-off period of 1 year, a former public officer who served with a state or local agency from accepting compensation to represent or counsel another person upon certain matters that were under consideration by the agency during his or her former service. (NRS 281A.410) For violations of the Ethics Law, the Commission on Ethics may impose civil remedies and penalties. (NRS 281A.480)

**Section 1** of this bill amends the Ethics Law to prohibit a former public officer who was elected to office as a member of a local legislative body or the Board of Regents of the University of Nevada from serving as a paid lobbyist on any matters under consideration by the public body on which he or she served for a cooling-off period of 2 years after leaving office. Under the Ethics Law, a local legislative body includes a board of county commissioners, a governing body of a city or a governing body of any other political subdivision that performs any policy-making function. (NRS 281A.125) **Section 1** also provides exceptions for former public officers who are employed by their former public bodies or another public body or agency after leaving office and who are acting in the course of their public employment. Additionally **section 1** provides exceptions for former public officers who are employed by a bona fide news medium and who are acting in the course of their professional duties and news gathering function.



20       **Section 2** of this bill provides that the cooling-off period applies only to a  
21 person who is elected to such an office for a term commencing on or after July 1,  
22 2013, or a person who is appointed to serve the remainder of such an unexpired  
23 term.

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

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

3       1. *A former public officer who was elected as a member of a*  
4 *local legislative body shall not accept compensation or other*  
5 *consideration to serve as a lobbyist on any matter under*  
6 *consideration by that local legislative body for a period of 2 years*  
7 *after the date on which the former public officer leaves office as a*  
8 *member of that local legislative body.*

9       2. *A former public officer who was elected as a member of*  
10 *the Board of Regents of the University of Nevada shall not accept*  
11 *compensation or other consideration to serve as a lobbyist on any*  
12 *matter under consideration by the Board of Regents for a period*  
13 *of 2 years after the date on which the former public officer leaves*  
14 *office as a member of the Board of Regents.*

15       3. *As used in this section:*

16       (a) *"Consideration" means a gift, salary, payment,*  
17 *distribution, loan, advance or deposit of money or anything of*  
18 *value and includes, without limitation, a contract, promise or*  
19 *agreement, whether or not legally enforceable.*

20       (b) *"Elected" means elected to a public office listed in this*  
21 *section or appointed to serve the remainder of an unexpired term*  
22 *of such a public office.*

23       (c) *"Lobbyist" means a former public officer listed in this*  
24 *section who, for compensation or other consideration,*  
25 *communicates directly with a member of the public body on which*  
26 *he or she served on behalf of someone other than himself or*  
27 *herself to influence the member's action on any matter under*  
28 *consideration by that public body, except the term does not*  
29 *include:*

30       (1) *A former public officer who is employed by the public*  
31 *body on which he or she served and who engages in conduct*  
32 *described in this section only in the course of his or her*  
33 *employment with the public body.*

34       (2) *A former public officer who is employed by another*  
35 *public body or agency and who engages in conduct described in*  
36 *this section only in the course of his or her employment with the*  
37 *other public body or agency.*



1       (3) *A former public officer who is an employee of a bona*  
2 *fide news medium and who engages in conduct described in this*  
3 *section only in the course of his or her professional duties and*  
4 *who communicates with members of the public body for the sole*  
5 *purpose of carrying out his or her news gathering function.*

6       **Sec. 2.** This act applies only to a person who is elected to a  
7 public office listed in section 1 of this act for a term commencing on  
8 or after July 1, 2013, or a person who is appointed to serve the  
9 remainder of such an unexpired term.

10       **Sec. 3.** This act becomes effective on July 1, 2013.

