

Amendment No. 877

Assembly Amendment to Assembly Bill No. 452	(BDR 17-1103)
Proposed by: Assembly Committee on Legislative Operations and Elections	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



ASSEMBLY BILL NO. 452—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing ethical standards for certain public officers, candidates and lobbyists. (BDR 17-1103)

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 ethical standards in government; revising provisions governing ethical standards for certain public officers, candidates and lobbyists; making various changes relating to lobbying; authorizing the Legislative Commission to adopt regulations to provide certain exemptions and exceptions from the provisions governing lobbying; revising provisions governing the filing by a lobbyist of a supplemental registration statement; revising provisions governing financial disclosure statements filed by certain candidates and public officers; codifying in statute certain existing agency interpretations of the provisions governing lobbying and financial disclosure statements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Lobbying Disclosure Act (Lobbying Act) regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau H (LCB). (Chapter 218H of NRS) During the 2015 Legislative Session, the Legislature enacted Senate Bill No. 307 (S.B. 307), which amended the Lobbying Act to prohibit lobbyists from giving gifts to members of the Legislative Branch and their immediate families. (Chapter 320, Statutes of Nevada 2015, p. 1711) For the purposes of the Lobbying Act, the term "member of the Legislative Branch" means any Legislator, any member of the Legislator's staff or any assistant, employee or other person employed with reference to the legislative duties of the Legislator. (NRS 218H.090) Under the gift prohibitions, lobbyists are prohibited from giving gifts to members of the Legislative Branch and their immediate families, whether or not the Legislature is in a regular or special session. (NRS 218H.930) However, there are specific exceptions to the gift prohibitions, which include: (1) political contributions of money or services; (2) commercially reasonable loans made in the ordinary course of business; (3) anything of value provided for educational or informational meetings, events or trips; (4) the cost of parties, meals, functions or other social events to which every Legislator is invited; (5) ceremonial gifts received from donors who are not lobbyists; and (6) gifts from certain relatives and household members. (NRS 218H.045, 218H.060)

In addition to amending the Lobbying Act, S.B. 307 also amended existing law, commonly known as the Financial Disclosure Act, which requires certain public officers and candidates to report particular gifts and other information on financial disclosure statements filed with the Office of the Secretary of State. (Chapter 320, Statutes of Nevada 2015, p. 1711) The amendments made by S.B. 307 provided consistent definitions for certain terms used in both the Lobbying Act and the Financial Disclosure Act, including the terms “gift” and “educational or informational meeting, event or trip.” (NRS 218H.045, 218H.060, 281.5583, 281.5585)

Because S.B. 307 added similar provisions to both the Lobbying Act and the Financial Disclosure Act, it is presumed that the Legislature intended for those provisions to be interpreted and applied in a consistent and uniform manner. (*Savage v. Pierson*, 123 Nev. 86, 94-96 (2007)) In addition, because the LCB is charged with administering the Lobbying Act, it has the power to interpret the Lobbying Act as a necessary incident to its power of administration. (*Clark County Sch. Dist. v. Local Gov’t Employee-Mgmt. Relations Bd.*, 90 Nev. 442, 446 (1974))

In administering the Lobbying Act, the LCB has prepared an instructive LCB Guide for the Legislative Branch (LCB Guide) that provides agency interpretations and explanations to inform and guide members of the Legislative Branch in complying with the Lobbying Act and the Financial Disclosure Act. (*Guide for the Legislative Branch of Nevada State Government—Lobbying and Financial Disclosure: Gifts, Educational and Informational Meetings, Events and Trips and Related Matters*, Nev. LCB Legal Div. (Jan. 11, 2017)) Even though the LCB Guide was prepared primarily for members of the Legislative Branch, the Office of the Secretary of State, which is the agency charged with administering the Financial Disclosure Act, has posted a hyperlink to the LCB Guide on its official website to provide helpful guidance to public officers, stating that much of the information contained in the LCB Guide is applicable to all public officers who are required to file financial disclosure statements under the Financial Disclosure Act. (Available at the Internet address: <https://www.nvsos.gov/sos/elections/candidate-information/campaign-finance-reporting-requirements/financial-disclosure-statements>)

Sections 2-15, 22-27 and 30 of this bill codify in statute existing interpretations from the LCB Guide regarding the Lobbying Act and the Financial Disclosure Act. Sections 4 and 30 of this bill also provide that the Director of the LCB and the Secretary of State must confer and coordinate to promote consistency and uniformity in the interpretation and application of the Lobbying Act and the Financial Disclosure Act.

For the purposes of the Lobbying Act, the Legislature has declared that the operation of responsible representative government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual Legislators and to legislative committees their opinions on legislation. (NRS 218H.020) With certain exceptions, a lobbyist under the Lobbying Act is a person who: (1) appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicates directly on behalf of someone other than himself or herself with a ~~Legislator,~~ member of ~~the Legislature’s staff or other person employed with reference to a Legislator’s legislative duties,~~ the Legislative Branch to influence legislative action. (NRS 218H.080) Under existing law, a person who engages in such lobbying activities must register as a lobbyist, with certain exceptions. (NRS 218H.080, 218H.200, 218H.930)

Section ~~22~~ 20 of this bill authorizes the Legislative Commission to adopt regulations that provide for exemptions and exceptions to the Lobbying Act in order to carry out ~~the declared purpose of the Act,~~ its public purposes, which include securing and promoting the opportunity for the people to petition or lobby their government for the redress of grievances and to exchange information and express their opinions freely with members of the Legislative Branch and legislative committees. Sections 16 and 22 of this bill provide that a person who qualifies for such an exemption or exception is not required to register as a lobbyist in order to engage in such expressive activities.

Under existing law, a person who acts as a lobbyist is required, not later than 2 days after the beginning of that activity, to file a registration statement with the Director of the ~~Legislative Counsel Bureau,~~ LCB. (NRS 218H.200) Additionally, existing law requires a ~~registrant~~ lobbyist to file a supplementary registration statement with the Director not later

than 5 days after any change in ~~the registrant's last~~ the lobbyist's most recent registration statement. (NRS 218H.220)

Sections 17 and 20 of this bill require: (1) lobbyists to provide additional and more detailed information with their registration statements; and (2) the Director to include that information in the list of lobbyists made available to Legislators and the public.

Section ~~H~~ 18 of this bill revises ~~this~~ the deadline for filing a supplementary registration statement ~~to~~ and requires lobbyists to update their registration information: (1) within 24 hours after a change during the time when the Legislature is in regular or special session; and (2) within 14 days after a change during the legislative interim.

Existing law requires a lobbyist to file a notice of termination of lobbying activity within 30 days after the lobbyist ceases such activity. (NRS 218H.230) Section 19 of this bill provides that a lobbyist who ceases lobbying activity during a regular or special session must, within 30 days after ceasing that activity, file with the Director a notice of termination of session activity. However, section 19 also clarifies that the filing of the notice does not relieve the lobbyist of the duty to comply with certain continuing requirements and prohibitions in the Lobbying Act.

Similarly, sections 5 and 21 of this bill clarify that a person who is required to register as a lobbyist is deemed to be a lobbyist for the purposes of certain continuing requirements and prohibitions in the Lobbying Act from the date of the first activity that required registration until the commencement of the next regular session, unless the person ceases all lobbying activities and terminates his or her representation of all lobbying clients and thereafter does not, in any way, engage in such activities or representation.

Existing law in the Financial Disclosure Act requires certain appointed public officers to file a financial disclosure statement within 30 days after their appointment. (NRS 281.559) Existing law also requires the statement to include certain information covering the full calendar year immediately preceding the filing date of the statement, including required information relating to gifts and educational or informational meetings, events or trips. (NRS 281.559, 281.571)

Section 28 of this bill revises the disclosure requirement for the first financial disclosure statement that an appointed public officer must file within 30 days after his or her appointment. If, during the calendar year in which the public officer was appointed, he or she did not serve in any other public office that required the filing of a financial disclosure statement, the public officer must file a financial disclosure statement that: (1) discloses the required information relating to gifts and educational or informational meetings, events or trips for the 30 days immediately preceding the date of his or her appointment; and (2) discloses the other information required by the Financial Disclosure Act for the full calendar year immediately preceding the filing date of his or her statement.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. "Client" means a person who employs, retains, contracts for or otherwise uses or engages the services of a lobbyist to represent the interests of the person to one or more members of the Legislative Branch, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

Sec. 3. 1. "Immediate family," with regard to a specific person, means:

(a) The spouse or domestic partner of the person;

(b) A relative who lives in the same home or dwelling as the person; or

(c) A relative who does not live in the same home or dwelling as the person but who is dependent on and receiving substantial support from the person.

2. For the purposes of this section, "relative" means someone who is related to the person, or to the spouse or domestic partner of the person, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 4. 1. The Director shall:

(a) Administer the provisions of this chapter; and

(b) Provide interpretations and take any other actions necessary to carry out the provisions of this chapter.

2. To the fullest extent practicable, the Director shall confer and coordinate with the Secretary of State to promote consistency and uniformity in the interpretation and application of the provisions of this chapter that are similar to the provisions of the Nevada Financial Disclosure Act in NRS 281.556 to 281.581, inclusive, and section 23 of this act.

Sec. 5. 1. Except as otherwise provided in subsection 2, a person who is required to register as a lobbyist during a regular or special session shall be deemed to be a lobbyist for the purposes of this chapter from the date of the first activity that required registration until the commencement of the next regular session, whether or not the person:

(a) Properly registered as a lobbyist for the regular or special session pursuant to NRS 218H.200; or

(b) Filed a notice of termination of session activity for the regular or special session pursuant to NRS 218H.230.

2. The provisions of subsection 1 do not apply to a person who:

(a) Ceases all lobbying activities and terminates all representation concerning the interests of all clients to all members of the Legislative Branch; and

(b) Thereafter, does not engage in or otherwise provide, or offer, promise, agree or attempt to engage in or otherwise provide, any lobbying activities or representation concerning the interests of any clients to any members of the Legislative Branch at any time before the commencement of the next regular session.

Sec. 6. NRS 218H.010 is hereby amended to read as follows:

218H.010 This chapter may be cited as the Nevada Lobbying Disclosure and Regulation Act.

Sec. 7. NRS 218H.020 is hereby amended to read as follows:

218H.020 The Legislature hereby finds and declares that ~~the~~:

1. The operation of responsible representative government requires that the fullest opportunity be afforded to the people to petition ~~or lobby~~ their government for the redress of grievances and to ~~exchange information and~~ express ~~their opinions~~ freely ~~to individual Legislators and to~~ with members of the Legislative Branch and legislative committees ~~their opinions~~ on matters relating to legislation ~~or any other legislative action.~~

2. The primary public purpose of this chapter is to provide both disclosure and regulation of lobbying activities in order to promote and foster the people's faith, trust and confidence in the honesty, integrity and fidelity of their representative government.

3. With regard to the provisions of this chapter regulating gift-giving by lobbyists, the additional public purpose of those provisions is to guard against any possible appearance of impropriety or potential for undue influence and favoritism that may arise from such gift-giving by lobbyists, which will thereby

promote and foster the people's faith, trust and confidence in the honesty, integrity and fidelity of their representative government.

4. To further the public purposes of this chapter, the provisions of this chapter must be liberally construed and broadly interpreted to achieve their intended public benefits, and if there is any uncertainty or doubt regarding the interpretation or application of those provisions, that uncertainty or doubt must be resolved in favor of carrying out the public purposes of this chapter.

Sec. 8. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.035 to 218H.110, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 9. NRS 218H.045 is hereby amended to read as follows:

218H.045 1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:

(a) The Legislator or a member of the Legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include ~~the~~ **;**

(a) A meeting, event or trip undertaken or attended by a Legislator or a member of the Legislator's household for personal reasons or for reasons relating to any professional or occupational license held by the Legislator or the member of the Legislator's household, unless the Legislator or the member of the Legislator's household participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a Legislator or a member of the Legislator's household if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the Legislator or the member of the Legislator's household for the meeting, event or trip or otherwise paid for or reimbursed to the Legislator or the member of the Legislator's household as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A party, meal, function or other social event to which every Legislator is invited where educational or informational displays or materials are available but no formal speech, presentation or other similar action to educate or inform the Legislators occurs.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator's household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator's household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator's household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator's household travels to or from the meeting, event or trip.

Sec. 10. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. For the purposes of this paragraph, there is a presumption that every Legislator is invited if the party, meal, function or other social event is held at any governmental building, facility or other property or the invitation for or notice of the party, meal, function or other social event indicates that it is a legislative event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from a person who is:

(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient's household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 11. NRS 218H.070 is hereby amended to read as follows:

218H.070 "Legislative action" means introduction, sponsorship, debate, voting ~~and~~ or any other official action on ~~any~~ :

1. Any bill, resolution, amendment, nomination, appointment, report ~~and any~~ or other matter pending or proposed ~~in~~ before any member of the Legislative Branch, a legislative committee or ~~in~~ either House ~~, or on any~~ ; or

2. Any other matter which may be the subject of action by ~~the Legislature~~ any member of the Legislative Branch, a legislative committee or either House.

Sec. 12. NRS 218H.080 is hereby amended to read as follows:

218H.080 1. "Lobbyist" means, except as limited by subsection 2, a person who:

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

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

2. "Lobbyist" does not include:

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

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" set forth in subsection 1 only in the course of their professional duties and who contact Legislators for the sole purpose of carrying out their news gathering function.

(c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the effect of legislation or any other legislative action related to their departments, divisions or agencies.

(d) ~~[Employees]~~ Members of the ~~[Legislature, Legislators, legislative agencies or legislative commissions]~~ Legislative Branch who are exercising, performing or carrying out their powers, functions, duties or responsibilities on matters relating to legislation or any other legislative action.

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

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

(g) Persons who are clients of a lobbyist, unless those persons engage in any activities that independently meet the definition of "lobbyist" set forth in subsection 1.

Sec. 13. NRS 218H.090 is hereby amended to read as follows:

218H.090 1. "Member of the Legislative Branch" means any Legislator, any member of the Legislator's staff or any ~~assistant~~ officer, employee, assistant or other person employed with reference to the legislative duties of the Legislator ~~or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.~~

2. The term includes, without limitation, any officers, employees, assistants, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

Sec. 14. NRS 218H.092 is hereby amended to read as follows:

218H.092 "Member of the Legislator's household" means a person who is a member of the Legislator's household for the purposes of the Nevada Financial Disclosure Act in NRS 281.556 to 281.581, inclusive ~~and~~ and section 23 of this act.

Sec. 15. NRS 218H.100 is hereby amended to read as follows:

218H.100 "Person" includes , without limitation, a group of persons acting in concert, whether or not formally organized.

Sec. 16. NRS 218H.200 is hereby amended to read as follows:

218H.200 1. Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes ~~and~~ , unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

2. The Director shall not accept a registration statement from a former Legislator who was a member of the Legislature during the immediately preceding regular session in the classification set forth in NRS 218H.500 of a lobbyist who receives any compensation for his or her lobbying activities , unless the former Legislator certifies in writing, under penalty of perjury, that he or she qualifies under the exception set forth in subsection 2 of NRS 218H.950.

Sec. 17. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, a recent photograph of the registrant and:

1 (a) The name of the registrant's business or employer, if any, and the
2 permanent business address, ~~{place}~~ telephone number and electronic mail
3 address of the business or employer;

4 (b) If different from paragraph (a), the registrant's permanent business
5 address, telephone number and electronic mail address; and

6 (c) The registrant's temporary address, if any, while lobbying.

7 2. The full name and complete address of each ~~{person}~~ client of the
8 registrant, if any, ~~{, by whom the registrant is retained or employed or on whose~~
9 ~~behalf the registrant appears.~~ If the registrant's business or employer has more
10 ~~than one client, the registrant must identify each specific client that the registrant~~
11 ~~represents from among those clients.~~

12 3. A listing of any direct business associations or partnerships involving any
13 current Legislator and the registrant or any ~~{person by whom}~~ client of the
14 registrant, ~~{is retained or employed.}~~ The listing must include any such association
15 or partnership constituting a source of income or involving a debt or interest in real
16 estate required to be disclosed in a financial disclosure statement made by a public
17 officer or candidate pursuant to NRS 281.571.

18 4. The name of any current Legislator for whom:

19 (a) The registrant; or

20 (b) Any ~~{person by whom}~~ client of the registrant, ~~{is retained or employed.}~~
21 ➤ has, in connection with a political campaign of the Legislator, provided
22 consulting, advertising or other professional services since the beginning of the
23 preceding regular session.

24 5. A description of the principal areas of interest on which the registrant
25 expects to lobby.

26 6. If the registrant lobbies or purports to lobby on behalf of members, a
27 statement of the number of members.

28 7. A declaration under penalty of perjury that none of the registrant's
29 compensation or reimbursement is contingent, in whole or in part, upon the
30 production of any legislative action.

31 ~~{Section 1.}~~ Sec. 18. NRS 218H.220 is hereby amended to read as follows:

32 218H.220 1. ~~{Each person required to register}~~ Except as otherwise
33 provided in subsection 4, a registrant shall file a supplementary registration
34 statement with the Director ~~{no later than 5 days}~~ after any change in the
35 information in the registrant's ~~{last}~~ most recent registration statement ~~{, if,}~~
36 including, without limitation, any change in the information relating to:

37 (a) Any address, telephone number or electronic mail address; or

38 (b) The representation of a client.

39 2. The supplementary registration statement must be filed as soon as
40 practicable and, if the change in the information occurs while the Legislature;

41 (a) ~~{During a}~~ Is in a regular or special session, ~~{of the Legislature,}~~ within
42 24 hours after the change.

43 (b) ~~{While the Legislature is}~~ Is not in regular or special session, within 14
44 days after the change.

45 ~~{2.}~~ 3. The supplementary registration statement must include complete
46 details concerning the changes that have occurred.

47 4. This section does not apply to a registrant who ceases all lobbying
48 activities and complies with the provisions of subsection 2 of section 5 of this act.

49 Sec. 19. NRS 218H.230 is hereby amended to read as follows:

50 218H.230 ~~{Each person required to register shall file a notice of termination~~
51 within 30 days after the}

1 1. If, during a regular or special session, a registrant ceases the activity that
2 required registration ~~[-, but this], the registrant shall, within 30 days after ceasing~~
3 ~~that activity, file with the Director a notice of termination of session activity.~~

4 2. If a registrant files a notice of termination of session activity, the filing of
5 that notice does not relieve the registrant of ~~that~~ :

6 (a) The reporting requirement for ~~that~~ any reporting period ~~[-] during which~~
7 ~~the registrant engaged in any lobbying activities, including, without limitation,~~
8 ~~the reporting period during which the notice of termination of session activity is~~
9 ~~filed.~~

10 (b) The continuing duty to file a supplementary registration statement with
11 the Director pursuant to NRS 218H.220 and to comply with NRS 218H.930 and
12 any other requirement set forth in this chapter until the commencement of the
13 next regular session, unless the registrant ceases all lobbying activities and
14 complies with the provisions of subsection 2 of section 5 of this act.

15 ~~[See 2.]~~ Sec. 20. NRS 218H.500 is hereby amended to read as follows:

16 218H.500 1. The Legislative Commission ~~[-shall]~~ :

17 (a) *Shall* adopt regulations to carry out the provisions of this chapter.

18 (b) *May adopt regulations that provide for exemptions and exceptions from*
19 *the provisions of this chapter in order to afford to the people the fullest*
20 *opportunity to petition or lobby their government for the redress of grievances*
21 *and to exchange information and express their opinions freely ~~[-to individual~~*
22 *Legislators and to] with members of the Legislative Branch and legislative*
23 *committees ~~[-their opinions] on matters relating to legislation [-] or any other~~*
24 *legislative action.*

25 2. The Legislative Commission may, except as otherwise provided in this
26 subsection, require fees for registration, payable into the Legislative Fund. For the
27 purposes of fees for registration, the Legislative Commission shall classify
28 lobbyists as follows:

29 (a) Except as otherwise provided in paragraph (c), a lobbyist who receives any
30 compensation for his or her lobbying activities.

31 (b) Except as otherwise provided in paragraph (c) or (d), a lobbyist who does
32 not receive any compensation for his or her lobbying activities.

33 (c) Except as otherwise provided in paragraph (d), a lobbyist whose lobbying
34 activities are only on behalf of one or more nonprofit organizations that are
35 recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26
36 U.S.C. § 501(c)(3). Such a lobbyist is not required to pay a fee of more than \$100
37 for registration pursuant to this subsection.

38 (d) A veteran who does not receive compensation for the veteran's lobbying
39 activities and who provides proof of his or her discharge or release from the Armed
40 Forces of the United States, a reserve component thereof or the National Guard
41 under honorable conditions. Such a lobbyist is not required to pay any fee for
42 registration pursuant to this subsection.

43 3. The Director shall:

44 (a) Prepare and furnish forms for the statements and reports required to be
45 filed.

46 (b) Prepare and publish uniform methods of accounting and reporting to be
47 used by persons required to file such statements and reports, including guidelines
48 for complying with the reporting requirements of this chapter.

49 (c) Accept and file any information voluntarily supplied that exceeds the
50 requirements of this chapter.

51 (d) Develop a filing, coding and cross-indexing system consistent with the
52 purposes of this chapter.

(e) Make the statements and reports available for public inspection during regular office hours.

(f) Preserve the statements and reports for a period of 5 years from the date of filing.

~~[(e) Compile]~~

4. Based on the information that registrants file with the Director pursuant to this chapter, the Director shall compile and keep current an alphabetical list of registrants, which must include ~~[each]~~ :

(a) Each registrant's full name, a recent photograph of the registrant and:

(1) The name of the registrant's business or employer, if any, and the permanent business address, telephone number and electronic mail address of the business or employer;

(2) If different from subparagraph (1), the registrant's permanent business address, telephone number and electronic mail address; and

(3) The registrant's temporary address, ~~[the]~~ if any, while lobbying.

(b) The full name and complete address of each ~~[person for whom]~~ client of the registrant ~~[is lobbying and the]~~, if any. If the registrant's business or employer has more than one client, the list must identify each specific client that the registrant represents from among those clients.

(c) The principal areas of interest on which the registrant expects to lobby. ~~[A]~~

5. The Director shall provide a copy of the list ~~[must be furnished]~~ compiled pursuant to subsection 4 to ~~[each]~~ :

(a) Each Legislator ~~[, to the]~~ ;

(b) The clerks of the respective counties for preservation and public inspection ~~[, and to any]~~ ; and

(c) Any person who requests a copy and pays the cost of reproduction.

Sec. 21. NRS 218H.530 is hereby amended to read as follows:

218H.530 1. The Director shall:

(a) Make investigations on the Director's own initiative with respect to any irregularities which the Director discovers in the statements and reports filed and with respect to the failure of any person to file a required statement or report and shall make an investigation upon the written complaint of any person alleging a violation of any provision of this chapter.

(b) Report suspected violations of law to the:

(1) Legislative Commission; and

(2) Attorney General, who shall investigate and take any action necessary to carry out the provisions of this chapter.

2. If an investigation by the Director reveals a violation of any provision of this chapter by a lobbyist, the Director may suspend the lobbyist's registration for a specified period or revoke the lobbyist's registration. The Director shall cause notice of such action to be given to each ~~[person who employs or uses]~~ client of the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Director may:

(a) Request a hearing on the matter before the Director;

(b) Appeal to the Legislative Commission from any adverse decision of the Director; and

(c) If the lobbyist's registration is suspended, renew the lobbyist's registration if the Legislature is still in a regular or special session following the period of suspension.

4. A lobbyist whose registration is revoked may, with the consent of the Director, renew the lobbyist's registration if the lobbyist:

(a) Files a registration statement in the form required by NRS 218H.200;

(b) Pays any fee for late filing owed pursuant to NRS 218H.410, plus the fee for registration prescribed by the Legislative Commission; and

(c) If the revocation occurred because of the lobbyist's failure to file an activity report, files that report.

5. If a lobbyist's registration is suspended, the suspension does not relieve the lobbyist of:

(a) The reporting requirement for any reporting period during which the lobbyist engaged in any lobbying activities.

(b) The continuing duty to file a supplementary registration statement with the Director pursuant to NRS 218H.220 and to comply with NRS 218H.930 and any other requirement set forth in this chapter, unless the lobbyist, following the period of suspension, ceases all lobbying activities and complies with the provisions of subsection 2 of section 5 of this act.

6. If a lobbyist's registration is revoked:

(a) The lobbyist shall cease all lobbying activities and terminate all representation concerning the interests of all clients to all members of the Legislative Branch and thereafter shall not engage in or otherwise provide, or offer, promise, agree or attempt to engage in or otherwise provide, any lobbying activities or representation concerning the interests of any clients to any members of the Legislative Branch at any time before the commencement of the next regular session, unless the lobbyist's registration is renewed pursuant to subsection 4.

(b) The revocation does not relieve the lobbyist of:

(1) The reporting requirement for any reporting period during which the lobbyist engaged in any lobbying activities.

(2) The continuing duty to comply with NRS 218H.930, but as a lobbyist whose registration has been revoked, until the commencement of the next regular session or the lobbyist's registration is renewed pursuant to subsection 4, whichever occurs first.

Sec. 22. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in ~~his or her official actions,~~ any legislative action.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family ~~or~~ or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A ~~person who employs or uses~~ client of a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section ~~or~~ unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of

1 a political subdivision shall not receive compensation or reimbursement other than
2 from the State or the political subdivision for personally engaging in lobbying.

3 7. An elected officer or employee of a political subdivision may receive
4 compensation or reimbursement from any organization whose membership consists
5 of elected or appointed public officers.

6 8. A lobbyist shall not instigate the introduction of any legislation for the
7 purpose of obtaining employment to lobby in opposition to that legislation.

8 9. A lobbyist shall not make, commit to make or offer to make a monetary
9 contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-
10 elect, the Governor or the Governor-elect during the period beginning:

11 (a) Thirty days before a regular session and ending 30 days after the final
12 adjournment of a regular session;

13 (b) Fifteen days before a special session is set to commence and ending 15
14 days after the final adjournment of a special session, if:

15 (1) The Governor sets a specific date for the commencement of the special
16 session that is more than 15 days after the date on which the Governor issues the
17 proclamation calling for the special session pursuant to Section 9 of Article 5 of the
18 Nevada Constitution; or

19 (2) The members of the Legislature set a date on or before which the
20 Legislature is to convene the special session that is more than 15 days after the date
21 on which the Secretary of State receives one or more substantially similar petitions
22 signed, in the aggregate, by the required number of members calling for the special
23 session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

24 (c) The day after:

25 (1) The date on which the Governor issues the proclamation calling for the
26 special session and ending 15 days after the final adjournment of the special session
27 if the Governor sets a specific date for the commencement of the special session
28 that is 15 or fewer days after the date on which the Governor issues the
29 proclamation calling for the special session; or

30 (2) The date on which the Secretary of State receives one or more
31 substantially similar petitions signed, in the aggregate, by the required number of
32 members of the Legislature calling for the special session and ending 15 days after
33 the final adjournment of the special session if the members set a date on or before
34 which the Legislature is to convene the special session that is 15 or fewer days after
35 the date on which the Secretary of State receives the petitions.

36 **Sec. 23. Chapter 281 of NRS is hereby amended by adding thereto a new**
37 **section to read as follows:**

38 **The provisions of this section and NRS 281.556 to 281.581, inclusive, may be**
39 **cited as the Nevada Financial Disclosure Act.**

40 **Sec. 24. NRS 281.556 is hereby amended to read as follows:**

41 281.556 As used in NRS 281.556 to 281.581, inclusive, **and section 23 of**
42 **this act**, unless the context otherwise requires, the words and terms defined in NRS
43 281.558 to 281.5587, inclusive, have the meanings ascribed to them in those
44 sections.

45 **Sec. 25. NRS 281.5583 is hereby amended to read as follows:**

46 281.5583 1. "Educational or informational meeting, event or trip" means
47 any meeting, event or trip undertaken or attended by a public officer or candidate if,
48 in connection with the meeting, event or trip:

49 (a) The public officer or candidate or a member of the public officer's or
50 candidate's household receives anything of value to undertake or attend the
51 meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include ~~the~~ :

(a) A meeting, event or trip undertaken or attended by a public officer or candidate or a member of the public officer's or candidate's household for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate ~~or~~ or the member of the public officer's or candidate's household, unless the public officer or candidate or the member of the public officer's or candidate's household participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a public officer or candidate or a member of the public officer's or candidate's household if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the public officer or candidate or the member of the public officer's or candidate's household for the meeting, event or trip or otherwise paid for or reimbursed to the public officer or candidate or the member of the public officer's or candidate's household as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A meeting, event or trip excluded from the term "educational or informational meeting, event or trip" as defined in NRS 218H.045.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer's or candidate's household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer's or candidate's household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer's or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's or candidate's household travels to or from the meeting, event or trip.

Sec. 26. NRS 281.5584 is hereby amended to read as follows:

281.5584 "Financial disclosure statement" or "statement" means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.556 to 281.581, inclusive, and section 23 of this act, or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.

Sec. 27. NRS 281.5585 is hereby amended to read as follows:

281.5585 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term “gift” as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer’s or candidate’s household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 28. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in this section and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a financial disclosure statement, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a financial disclosure statement within 30 days after the public officer’s appointment.

(b) Each public officer appointed to fill an office shall file a financial disclosure statement 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.

~~1. The~~

2. Except as otherwise provided in subsection 3, the financial disclosure statement that a public officer is required to file pursuant to subsection 1 must disclose the required information for the full calendar year immediately preceding the date of filing.

3. If:

(a) A public officer is required to file a financial disclosure statement within 30 days after his or her appointment pursuant to paragraph (a) of subsection 1; and

(b) During the calendar year in which the public officer was appointed, he or she did not serve in a public office that required the filing of a financial disclosure statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.561,

the public officer shall file a statement which discloses the information required by subsections 5 and 6 of NRS 281.571 for the 30 days immediately preceding the date of his or her appointment and which discloses the other information required by NRS 281.571 for the full calendar year immediately preceding the date of filing.

4. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

~~2-1~~ 5. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a financial disclosure statement pursuant to the requirements of the Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without limitation, all information required to be included in a financial disclosure statement pursuant to NRS 281.571.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, each financial disclosure statement required by the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last financial disclosure statement for the last public office held.

Sec. 30. NRS 281.5745 is hereby amended to read as follows:

281.5745 1. The Secretary of State ~~may adopt~~ shall:

(a) Administer the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act;

(b) Adopt any regulations necessary to carry out the provisions of NRS 281.556 to 281.581, inclusive, ~~and section 23 of this act;~~ and

(c) Provide interpretations and take any other actions necessary to carry out the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act.

2. To the fullest extent practicable, the Secretary of State shall confer and coordinate with the Director of the Legislative Counsel Bureau to promote consistency and uniformity in the interpretation and application of the provisions of NRS 281.556 to 281.581, inclusive, and section 23 of this act that are similar to the provisions of the Nevada Lobbying Disclosure and Regulation Act in chapter 218H of NRS.

Sec. 31. 1. Without limiting their application to any other persons, things or circumstances, the amendatory provisions of this act apply to:

(a) Any person who registered or was required to register as a lobbyist pursuant to chapter 218H of NRS during the 80th Session of the Nevada Legislature.

(b) Any financial disclosure statement that is filed by a public officer or candidate pursuant to NRS 281.556 to 281.581, inclusive, to report information for any reporting period that ends on or after the effective date of this act, whether or not the reporting period began before the effective date of this act.

2. The amendatory provisions of sections 2 to 15, inclusive, subsections 1 and 2 of section 22 and sections 23 to 27, inclusive, and 30 of this act:

(a) Are a legislative pronouncement of already existing law and are intended to clarify rather than change such existing law;

(b) Codify in statute existing interpretations by the Legislative Counsel Bureau of the provisions of chapter 218H of NRS and NRS 281.556 to 281.581, inclusive; and

(c) Apply to any act or conduct that occurs before, on or after the effective date of this act, unless such an application would be unconstitutional under the particular facts and circumstances.

Sec. 32. This act becomes effective upon passage and approval.