

ASSEMBLY BILL NO. 110—ASSEMBLYMEN FRIERSON  
AND BRITTNEY MILLER

FEBRUARY 10, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the Nevada Lobbying Disclosure and Regulation Act. (BDR 17-900)

FISCAL NOTE: Effect on Local Government: No.  
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; revising the definition of the term “lobbyist” for the purpose of determining the applicability of certain provisions governing lobbyists; revising provisions relating to the registration of lobbyists and the filing of certain reports concerning lobbying activities; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The Nevada Lobbying Disclosure and Regulation Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) The Act places certain duties on lobbyists, such as the requirement to register with the Director as a lobbyist and file with the Director periodic reports concerning lobbying activities. (NRS 218H.200, 218H.400) The Act also prohibits lobbyists from performing certain acts, such as knowingly or willfully giving any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arranging, facilitating or serving as a conduit for such a gift. (NRS 218H.930)

Under the Act, a person is a “lobbyist” and subject to the provisions of the Act if the person: (1) appears in person in the Legislative Building or any other building in which the Legislature or any of its standing committees holds meetings; and (2) 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. (NRS 218H.080) **Section 2** of this bill removes the criteria that the person appear in person in the Legislative Building or other building where the Legislature or its committees hold meetings.

**Section 3** of this bill requires a person who is a lobbyist under **section 2** to: (1) file a registration statement not later than 14 days after the effective date of this bill; and (2) include in his or her first report concerning lobbying activity filed with the



21 Director a report concerning lobbying activities during the period beginning on  
22 February 1, 2021, and ending on the effective date of this bill.

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

1     **Section 1.** The Legislature hereby finds and declares:

2     1. To protect the health, safety and welfare of Legislators,  
3 members of legislative staff and others who participate in the  
4 legislative process amid the ongoing and widespread public-health  
5 crisis caused by the COVID-19 pandemic, the Legislature took  
6 various protective and safety measures intended to keep the  
7 legislative process as safe and free as reasonably possible from the  
8 extraordinary danger, risk, harm, injury and peril posed by  
9 the COVID-19 pandemic, including, without limitation, closing the  
10 Legislative Building to all persons except Legislators, essential  
11 legislative staff and a small news media pool.

12     2. To enable Legislators to represent their constituents and  
13 carry out their official powers, functions, duties and responsibilities  
14 in the legislative process amid the ongoing and widespread public-  
15 health crisis caused by the COVID-19 pandemic, the Legislature  
16 adopted rules to authorize Legislators, members of legislative staff  
17 and others who participate in the legislative process, under certain  
18 circumstances, to use remote-technology systems to attend and  
19 participate in legislative proceedings when determined to be  
20 necessary as a protective or safety measure to keep the legislative  
21 process as safe and free as reasonably possible from the  
22 extraordinary danger, risk, harm, injury and peril posed by the  
23 COVID-19 pandemic.

24     3. The provisions of the Nevada Lobbying Disclosure and  
25 Regulation Act impose certain requirements and restrictions on  
26 lobbyists and lobbying activities, including, without limitation, a  
27 requirement to register with the Director of the Legislative Counsel  
28 Bureau, a requirement to file with the Director periodic reports  
29 concerning lobbying activity and a prohibition against performing  
30 certain acts, such as knowingly or willfully giving any gift to a  
31 Legislator or other member of the Legislative Branch or an  
32 immediate family member of such a person.

33     4. The provisions of the Nevada Lobbying Disclosure and  
34 Regulation Act apply only to lobbyists who appear in person in the  
35 Legislative Building or any other building in which the Legislature  
36 or any of its standing committees hold meetings and communicate  
37 directly with a member of the Legislative Branch on behalf of  
38 someone other than himself or herself to influence legislative action,  
39 whether or not any compensation is received for the communication.



5. Because of the necessity for the Legislature to take various protective and safety measures intended to keep the legislative process as safe and free as reasonably possible from the extraordinary danger, risk, harm, injury and peril posed by the COVID-19 pandemic, including, without limitation, closing the Legislative Building to all persons except Legislators, essential legislative staff and a small news media pool, lobbyists will not be appearing in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings but may continue to communicate with Legislators and other members of the Legislative Branch on behalf of other persons to influence legislative action.

6. The intent of the Legislature is to further the primary public purpose of the Nevada Lobbying Disclosure and Regulation Act 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, by providing for the regulation of lobbyists who do not appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings and ensuring that lobbyists who would otherwise be required to register and disclose their lobbying activity are not excused of those obligations because they do not appear in person in the Legislative Building.

**Sec. 2.** NRS 218H.080 is hereby amended to read as follows:

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

~~—(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~~ *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



1 explain the effect of legislation or any other legislative action  
2 related to their departments, divisions or agencies.

3 (d) Members of the Legislative Branch who are exercising,  
4 performing or carrying out their powers, functions, duties or  
5 responsibilities on matters relating to legislation or any other  
6 legislative action.

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

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

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

15 **Sec. 3.** Any person who qualifies as a lobbyist pursuant to  
16 NRS 218H.080, as amended by section 2 of this act, must:

17 1. File a registration statement pursuant to NRS 218H.200 not  
18 later than 14 days after the effective date of this act, unless the  
19 person qualifies for an exemption or exception from the  
20 requirements to register as a lobbyist pursuant to any regulations  
21 adopted in accordance with NRS 218H.500.

22 2. Include in the first report filed pursuant to NRS 218H.400  
23 after the effective date of this act a report concerning the person’s  
24 lobbying activities during the period beginning on February 1, 2021,  
25 and ending on the effective date of this act.

26 **Sec. 4.** This act becomes effective upon passage and approval.

