

Assembly Bill No. 273–Assemblyman Hickey

CHAPTER.....

AN ACT relating to the Legislature; requiring a cooling-off period before a former State Legislator may act as a paid lobbyist before the Legislature; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) Under the Nevada Lobbying Disclosure Act, a paid lobbyist is a person who receives any compensation to: (1) appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicate directly on behalf of someone other than himself or herself with a Legislator, member of a Legislator’s staff or other person employed with reference to a Legislator’s legislative duties to influence legislative action. (NRS 218H.080, 218H.500) However, a paid lobbyist does not include: (1) a person who confines his or her activities to formal appearances before legislative committees and who clearly identifies himself or herself and the interest or interests for whom he or she is testifying; (2) an employee of a bona fide news medium who is acting in the course of his or her professional duties and news gathering function; (3) certain state and local officers and employees who confine their activities to matters related to their public offices or agencies; (4) a current Legislator or legislative employee; and (5) a person who contacts the Legislators elected from the districts in which such person resides. (NRS 218H.080)

Sections 1 and 3 of this bill make it a misdemeanor for a former State Legislator, with one exception, to act as a paid lobbyist before the Legislature for a cooling-off period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date of final adjournment of the next regular session during which the former Legislator is not a member of the Legislature. The one exception to this prohibition is if: (1) the former Legislator is required, as part of his or her full-time employment to act as a lobbyist for his or her employer; (2) the former Legislator does not act as a lobbyist for any other employer, client or client of his or her employer; and (3) the primary duties of the former Legislator’s employment include significant duties other than acting as a lobbyist.

Under existing law, a person who acts as a lobbyist is required, within 2 days after the beginning of that activity, to file a registration statement with the Director of the Legislative Counsel Bureau. (NRS 218H.200) The Director is required under existing law to furnish an identification badge to each lobbyist who files a registration statement. (NRS 218H.300) **Section 2** of this bill prohibits the Director from accepting a registration statement from a former Legislator who was a member of the Legislature during the immediately preceding regular session in the classification of paid lobbyist unless the former Legislator certifies in writing, under penalty of perjury, that the former Legislator qualifies under the exception to the cooling-off period set forth in **section 1**.

Section 4 of this bill provides that the cooling-off period applies only to Legislators who are elected or appointed to office on or after November 8, 2016. **Section 5** of this bill provides that the provisions of this bill become effective on November 8, 2016.



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 a new section to read as follows:

1. Except as otherwise provided in this section, a former Legislator shall not receive compensation or other consideration to act as a lobbyist for the period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date of final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

2. The provisions of this section do not apply to a former Legislator if:

(a) The former Legislator is required, as part of his or her full-time employment, to act as a lobbyist for his or her employer;

(b) The former Legislator does not act as a lobbyist for any other employer, client or client of his or her employer; and

(c) The primary duties of the employment of the former Legislator include significant duties other than acting as a lobbyist.

3. As used in this section, “consideration” means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

Sec. 2. 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.

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 section 1 of this act.

Sec. 3. NRS 218H.960 is hereby amended to read as follows:

218H.960 A person who is subject to any provision in NRS 218H.900 or 218H.930 *or section 1 of this act* and who violates or



otherwise refuses or fails to comply with the provision is guilty of a misdemeanor.

Sec. 4. This act applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 8, 2016, or a person who is appointed to serve the remainder of such an unexpired term.

Sec. 5. This act becomes effective on November 8, 2016.

