

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:

1 The Nevada Lobbying Disclosure and Regulation Act regulates lobbying before
2 the Legislature and is administered by the Director of the Legislative Counsel
3 Bureau. (Chapter 218H of NRS) The Act places certain duties on lobbyists, such as
4 the requirement to file with the Director: (1) a registration statement during a
5 regular or special session; and (2) periodic reports concerning the registrant’s
6 lobbying activities during a regular or special session. (NRS 218H.080, 218H.200,
7 218H.400) The Act also prohibits lobbyists from performing certain acts, whether
8 or not the Legislature is in a regular or special session, such as knowingly or
9 willfully giving any gift to a member of the Legislative Branch or a member of his
10 or her immediate family or otherwise directly or indirectly arranging, facilitating or
11 serving as a conduit for such a gift. (NRS 218H.930) Lobbyists have a duty to
12 comply with the gift prohibitions in NRS 218H.930 and any other applicable
13 requirements set forth in the Act at all times, whether or not the Legislature is in a
14 regular or special session and whether or not the lobbyists have filed a registration
15 statement with the Director. (Chapter 218H of NRS)

16 Under the Act, a person is a “lobbyist” and subject to the provisions of the Act
17 if the person: (1) appears in person in the Legislative Building or any other building
18 in which the Legislature or any of its standing committees holds meetings; and (2)
19 communicates directly with a member of the Legislative Branch on behalf of
20 someone other than himself or herself to influence legislative action, whether or not
21 any compensation is received for the communication. (NRS 218H.080) **Section 2**
22 of this bill removes the criteria that the person appear in person in the Legislative



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23 Building or other building where the Legislature or its committees hold meetings.
24 **Section 2** also adds an exception providing that a “lobbyist” does not include
25 persons who confine their lobbying activities to communicating directly with one or
26 more members of the Legislative Branch only on an infrequent or irregular basis
27 and who do not otherwise engage in any lobbying activities, unless those persons
28 engage in a pattern of conduct that is substantially similar to engaging in lobbying
29 activities on a recurrent or regular basis.

30 **Sections 2.3 and 2.7** of this bill clarify that the requirement to file a registration
31 statement with the Director applies to a person who acts as a lobbyist during a
32 regular or special session. However, because the Act also prohibits lobbyists from
33 performing certain acts, whether or not the Legislature is in a regular or special
34 session, this bill does not change the duty of lobbyists to comply with the gift
35 prohibitions in NRS 218H.930 and any other applicable requirements set forth in
36 the Act at all times, whether or not the Legislature is in a regular or special session
37 and whether or not the lobbyists have filed a registration statement with the
38 Director.

39 **Section 3** of this bill applies during the 81st Legislative Session and requires a
40 person who, on or after the effective date of this bill, qualifies as a lobbyist under
41 **section 2** to: (1) file a registration statement not later than 14 days after the
42 effective date of this bill, or not later than 2 days after the beginning of the person’s
43 lobbying activity as currently required under existing law, whichever date is later;
44 and (2) include in his or her first report concerning lobbying activity filed with the
45 Director a report concerning lobbying activities during the period beginning on
46 February 1, 2021, and ending on the effective date of this bill.

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

1 **Section 1.** (Deleted by amendment.)

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

3 218H.080 1. “Lobbyist” means, except as limited by
4 subsection 2, a person who ~~f~~

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

8 ~~—(b) Communicates}~~ *communicates* directly with a member of
9 the Legislative Branch on behalf of someone other than himself or
10 herself to influence legislative action, whether or not any
11 compensation is received for the communication.

12 2. “Lobbyist” does not include:

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

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



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

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

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

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

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

17 *(h) Persons who confine their lobbying activities to*
18 *communicating directly with one or more members of the*
19 *Legislative Branch only on an infrequent or irregular basis and*
20 *who do not otherwise engage in any lobbying activities, unless*
21 *those persons engage in a pattern of conduct that is substantially*
22 *similar to engaging in lobbying activities on a recurrent or regular*
23 *basis.*

24 **Sec. 2.3.** NRS 218H.200 is hereby amended to read as
25 follows:

26 218H.200 1. Every person who acts as a lobbyist *during a*
27 *regular or special session* shall, not later than 2 days after the
28 beginning of that activity, file a registration statement with the
29 Director in such form as the Director prescribes, unless the person
30 qualifies for an exemption or exception from the requirements to
31 register as a lobbyist pursuant to any regulations adopted in
32 accordance with NRS 218H.500.

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

40 **Sec. 2.7.** NRS 218H.930 is hereby amended to read as
41 follows:

42 218H.930 1. A lobbyist shall not knowingly or willfully
43 make any false statement or misrepresentation of facts:

44 (a) To any member of the Legislative Branch in an effort to
45 persuade or influence the member in any legislative action.



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

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

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

12 4. A client of a lobbyist shall not make that lobbyist's
13 compensation or reimbursement contingent in any manner upon the
14 outcome of any legislative action.

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

21 6. Except as otherwise provided in subsection 7, a member of
22 the Legislative or Executive Branch of the State Government and an
23 elected officer or employee of a political subdivision shall not
24 receive compensation or reimbursement other than from the State or
25 the political subdivision for personally engaging in lobbying.

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

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

32 9. A lobbyist shall not make, commit to make or offer to make
33 a monetary contribution to a Legislator, the Lieutenant Governor,
34 the Lieutenant Governor-elect, the Governor or the Governor-elect
35 during the period set forth in subsection 1 of NRS 294A.300 unless
36 such act is otherwise authorized pursuant to subsection 4 of
37 NRS 294A.300.

38 **Sec. 3.** During the 81st Session of the Nevada Legislature, any
39 person who, on or after the effective date of this act, qualifies as a
40 lobbyist pursuant to NRS 218H.080, as amended by section 2 of this
41 act, must:

42 1. File a registration statement pursuant to NRS 218H.200, as
43 amended by section 2.3 of this act, not later than 14 days after the
44 effective date of this act, or not later than 2 days after the beginning
45 of the person's lobbying activity as set forth in NRS 218H.200, as



1 amended by section 2.3 of this act, whichever date is later, unless
2 the person qualifies for an exemption or exception from the
3 requirements to register as a lobbyist pursuant to any regulations
4 adopted in accordance with NRS 218H.500.

5 2. Include in the first report filed pursuant to NRS 218H.400
6 after the effective date of this act a report concerning the person's
7 lobbying activities during the period beginning on February 1, 2021,
8 and ending on the effective date of this act.

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

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