

Amendment No. 5

Assembly Amendment to Assembly Bill No. 110	(BDR 17-900)
Proposed by: Assembly Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No 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.

KCP



Date: 2/24/2021

A.B. No. 110—Revises the Nevada Lobbying Disclosure and Regulation Act.
(BDR 17-900)



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 : **(1) a registration statement during a regular or special session; and (2) periodic reports concerning the registrant’s lobbying activities ~~+~~ during a regular or special session.** (NRS **218H.080, 218H.200, 218H.400**) The Act also prohibits lobbyists from performing certain acts, **whether or not the Legislature is in a regular or special session,** 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) **Lobbyists have a duty to comply with the gift prohibitions in NRS 218H.930 and any other applicable requirements set forth in the Act at all times, whether or not the Legislature is in a regular or special session and whether or not the lobbyists have filed a registration statement with the Director.** (Chapter 218H of NRS)

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 2 also adds an exception providing that a “lobbyist” does not include persons who confine their lobbying activities to communicating directly with one or more members of the Legislative Branch only on an infrequent or irregular basis and who do not otherwise engage in any lobbying activities, unless those persons engage in a pattern of conduct that is substantially similar to engaging in lobbying activities on a recurrent or regular basis.**

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

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

~~Section 1. [The Legislature hereby finds and declares:~~

~~1. To protect the health, safety and welfare of Legislators, members of legislative staff and others who participate in the legislative process amid the ongoing and widespread public health crisis caused by the COVID-19 pandemic, the Legislature took 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;~~

~~2. To enable Legislators to represent their constituents and carry out their official powers, functions, duties and responsibilities in the legislative process amid the ongoing and widespread public health crisis caused by the COVID-19 pandemic, the Legislature adopted rules to authorize Legislators, members of legislative staff and others who participate in the legislative process, under certain circumstances, to use remote technology systems to attend and participate in legislative proceedings when determined to be necessary as a protective or safety measure 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;~~

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

~~4. The provisions of the Nevada Lobbying Disclosure and Regulation Act apply only to lobbyists who appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings and communicate 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.~~

~~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. **(Deleted by amendment.)**~~

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 ~~f~~:

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

(d) Members of the 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.

(h) Persons who confine their lobbying activities to communicating directly with one or more members of the Legislative Branch only on an infrequent or irregular basis and who do not otherwise engage in any lobbying activities, unless

1 those persons engage in a pattern of conduct that is substantially similar to
2 engaging in lobbying activities on a recurrent or regular basis.

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

4 218H.200 1. Every person who acts as a lobbyist during a regular or
5 special session shall, not later than 2 days after the beginning of that activity, file a
6 registration statement with the Director in such form as the Director prescribes,
7 unless the person qualifies for an exemption or exception from the requirements to
8 register as a lobbyist pursuant to any regulations adopted in accordance with NRS
9 218H.500.

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

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

17 218H.930 1. A lobbyist shall not knowingly or willfully make any false
18 statement or misrepresentation of facts:

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

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

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

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

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

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

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

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

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

47 9. A lobbyist shall not make, commit to make or offer to make a monetary
48 contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-
49 elect, the Governor or the Governor-elect during the period set forth in subsection 1
50 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4
51 of NRS 294A.300.

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

4 1. File a registration statement pursuant to NRS 218H.200 , as amended by
5 section 2.3 of this act, not later than 14 days after the effective date of this act, or
6 not later than 2 days after the beginning of the person's lobbying activity as set
7 forth in NRS 218H.200, as amended by section 2.3 of this act, whichever date is
8 later, unless the person qualifies for an exemption or exception from the
9 requirements to register as a lobbyist pursuant to any regulations adopted in
10 accordance with NRS 218H.500.

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

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