

ASSEMBLY BILL NO. 77—ASSEMBLYMAN HICKEY

PREFILED FEBRUARY 1, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires a cooling-off period before a former State Legislator may serve as a paid lobbyist before the Legislature. (BDR 17-436)

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 the Legislature; requiring a cooling-off period before a former State Legislator may serve as a paid lobbyist before the Legislature; providing for certain exceptions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature
2 and is administered by the Director of the Legislative Counsel Bureau. (Chapter
3 218H of NRS) Certain violations of the Lobbying Act are punishable as
4 misdemeanors. (NRS 218H.960)

5 Under the Lobbying Act, a paid lobbyist is a person who receives any
6 compensation to: (1) appear in person in the Legislative Building or any other
7 building in which the Legislature or any of its standing committees hold meetings;
8 and (2) communicate directly with a member of the Legislative Branch on
9 behalf of someone other than himself or herself to influence legislative action.
10 (NRS 218H.080, 218H.500)

11 However, a paid lobbyist does not include: (1) persons who confine their
12 activities to formal appearances before legislative committees and who clearly
13 identify themselves and the interest or interests for whom they are testifying; (2)
14 employees of a bona fide news medium who are acting in the course of their
15 professional duties and news gathering function; (3) certain state and local officers
16 and employees who confine their activities to matters related to their public offices
17 or agencies; and (4) persons who contact the Legislators elected from the districts
18 in which such persons reside. (NRS 218H.080)

19 **Section 1** of this bill amends the Lobbying Act to prohibit a former State
20 Legislator, except in certain limited circumstances, from serving as a paid lobbyist
21 before the Legislature for a cooling-off period beginning on the date on which the
22 former Legislator leaves office as a member of the Legislature and ending on the



23 date after the final adjournment of the next regular session during which the former
24 Legislator is not a member of the Legislature.

25 **Section 2** of this bill prohibits a former State Legislator from filing a
26 registration statement with the Director in the classification of a paid lobbyist
27 during the cooling-off period. (NRS 218H.200)

28 **Section 3** of this bill makes violations of the cooling-off period punishable as
29 misdemeanors. (NRS 218H.960)

30 **Section 4** of this bill provides that the cooling-off period applies only to a
31 person who is elected to office as a State Legislator for a term commencing on or
32 after November 4, 2014, or a person who is appointed to serve the remainder of
33 such an unexpired term.

34 **Section 5** of this bill provides that the provisions of this bill become effective
35 on November 4, 2014.

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

1 **Section 1.** Chapter 218H of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *1. Except as otherwise provided in this section, a former*
4 *Legislator shall not receive compensation or other consideration*
5 *to serve as a lobbyist for the period beginning on the date on*
6 *which the former Legislator leaves office as a member of the*
7 *Legislature and ending on the date after the final adjournment of*
8 *the next regular session during which the former Legislator is not*
9 *a member of the Legislature.*

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

12 *(a) Is required, as part of his or her full-time employment, to*
13 *lobby exclusively and directly for his or her employer;*

14 *(b) Does not lobby for any other employer, client or client of*
15 *his or her employer; and*

16 *(c) Is required to perform significant duties for his or her*
17 *employer other than lobbying.*

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

22 **Sec. 2.** NRS 218H.200 is hereby amended to read as follows:

23 218H.200 *1. Every person who acts as a lobbyist shall, not*
24 *later than 2 days after the beginning of that activity, file a*
25 *registration statement with the Director in such form as the Director*
26 *prescribes.*

27 *2. A former Legislator shall not file a registration statement*
28 *with the Director in the classification of a lobbyist who receives*
29 *any compensation for his or her lobbying activities during any*



30 *period in which the former Legislator is prohibited from serving as*
31 *such a lobbyist pursuant to section 1 of this act.*

32 **Sec. 3.** NRS 218H.960 is hereby amended to read as follows:
33 218H.960 A person who is subject to any provision in NRS
34 218H.900 or 218H.930 *or section 1 of this act* and who violates or
35 otherwise refuses or fails to comply with the provision is guilty of a
36 misdemeanor.

37 **Sec. 4.** This act applies only to a person who is elected to
38 office as a State Legislator for a term commencing on or after
39 November 4, 2014, or a person who is appointed to serve the
40 remainder of such an unexpired term.

41 **Sec. 5.** This act becomes effective on November 4, 2014.

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