

SENATE BILL NO. 380—SENATORS ROBERSON; GANSERT,
GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, HARRIS,
KIECKHEFER AND SETTELMAYER

MARCH 20, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Enacts provisions prohibiting gifts from lobbyists to members of certain local legislative bodies. (BDR 23-943)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 public office; enacting provisions prohibiting gifts from lobbyists to members of certain local legislative bodies and members of their immediate families; authorizing the Attorney General to provide interpretations and take other actions necessary for the administration and enforcement of such provisions; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 During the 2015 Legislative Session, the Legislature enacted Senate Bill No.
2 307 (S.B. 307), which revised the Nevada Lobbying Disclosure Act by enacting
3 provisions for the state legislative branch prohibiting certain gifts from lobbyists to
4 State Legislators and members of their immediate family or staff. (Chapter 320,
5 Statutes of Nevada 2015, p. 1711) Under the gift prohibitions for the state
6 legislative branch, lobbyists are prohibited from giving any gifts, regardless of their
7 value, to State Legislators and members of their immediate family or staff, whether
8 or not the Legislature is in a regular or special session, unless one of the specific
9 exceptions is applicable. The specific exceptions include: (1) political contributions
10 of money or services; (2) commercially reasonable loans made in the ordinary
11 course of business; (3) anything of value provided for educational or informational
12 meetings, events or trips; (4) the cost of parties, meals, functions or other social
13 events to which every State Legislator is invited; (5) ceremonial gifts received from
14 donors who are not lobbyists; and (6) gifts from certain relatives and household
15 members. Violations of the gift prohibitions for the state legislative branch are



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16 punishable as misdemeanors. Additionally, in civil actions brought by the Attorney
17 General, the district court may issue injunctions to enjoin such violations. (Chapter
18 218H of NRS)

19 This bill enacts the Nevada Local Government Lobbying Act which creates
20 similar gift prohibitions for certain local legislative bodies to prohibit local
21 lobbyists from giving any gifts, regardless of their value, to members of the local
22 legislative bodies and members of their immediate families, unless one of the
23 specific exceptions is applicable. **Sections 4-7 and 11** of this bill enact definitions
24 and specific exceptions that are modeled on substantially similar provisions enacted
25 for the state legislative branch by S.B. 307 in 2015, including definitions for “gift”
26 and “educational or informational meeting, event or trip.” **Section 9** of this bill
27 defines a “local legislative body” to mean a board of county commissioners, a
28 governing body of any city or a governing body of any other political subdivision if
29 one or more of the members of the governing body are elected to office or serve on
30 the governing body because they hold elective office on another governing body.

31 **Section 10** of this bill defines a “local lobbyist” to mean a person who: (1)
32 appears in person where the local legislative body or any of its committees hold
33 meetings or meets in any other place or has contact by any other means with a
34 member of the local legislative body; and (2) communicates directly with the
35 member of the local legislative body on behalf of someone other than himself or
36 herself to influence action by the member, whether or not any compensation is
37 received for the communication. However, **section 10** excludes certain persons
38 from the definition of “local lobbyist,” including: (1) residents of the political
39 subdivision who meet with or contact a member of the local legislative body solely
40 and exclusively on behalf of themselves or a member of their immediate family or
41 household; (2) persons who confine their lobbying activities solely and exclusively
42 to formal appearances before the local legislative body or any of its committees and
43 who clearly identify themselves and the interest or interests for whom they are
44 testifying; (3) employees of a bona fide news medium who meet with or contact a
45 member of the local legislative body solely and exclusively for the purpose of
46 carrying out their news gathering function; (4) public officers and employees of the
47 political subdivision; and (5) public officers and employees of any branch of the
48 state government or another local government who meet with or contact a member
49 of the local legislative body or appear before the local legislative body or any of its
50 committees solely and exclusively for the purpose of carrying out activities within
51 the course and scope of their public office or employment.

52 **Section 14** of this bill provides that if a local lobbyist lobbies any member of a
53 local legislative body or has lobbied any member of a local legislative body within
54 the immediately preceding 24 months: (1) the local lobbyist shall not knowingly or
55 willfully give any gift to any member of that local legislative body or any member
56 of his or her immediate family; and (2) any member of that local legislative body or
57 any member of his or her immediate family shall not knowingly or willfully solicit
58 or accept any gift from the local lobbyist. **Section 14** also provides that a local
59 lobbyist who lobbies any member of one local legislative body shall not be deemed
60 to be a local lobbyist with regard to any other local legislative body unless the local
61 lobbyist lobbies any member of the other local legislative body or has lobbied any
62 member of the other local legislative body within the immediately preceding 24
63 months.

64 **Section 15** of this bill makes violations of the gift prohibitions punishable as
65 misdemeanors. **Section 16** of this bill authorizes the Attorney General to provide
66 interpretations and take other actions necessary for the administration and
67 enforcement of the gift prohibitions, and **section 17** of this bill authorizes the
68 district court to issue declaratory judgments and injunctions to enforce the gift
69 prohibitions in civil actions brought by the Attorney General against any person
70 who is subject to the gift prohibitions.



71 Finally, **section 22** of this bill makes the gift prohibitions effective on
72 January 1, 2018, and **section 21** of this bill provides that the gift prohibitions do not
73 apply to any act or conduct that occurs before that date.

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

1 **Section 1.** Title 23 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 18, inclusive, of this act.

4 **Sec. 2.** *This chapter may be cited as the Nevada Local
5 Government Lobbying Act.*

6 **Sec. 3.** *As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in sections 4 to 13,
8 inclusive, of this act have the meanings ascribed to them in those
9 sections.*

10 **Sec. 4.** *“Domestic partner” means a person in a domestic
11 partnership.*

12 **Sec. 5.** *“Domestic partnership” means:*

13 1. *A domestic partnership as defined in NRS 122A.040; or*

14 2. *A domestic partnership which was validly formed in
15 another jurisdiction and which is substantially equivalent to a
16 domestic partnership as defined in NRS 122A.040, regardless of
17 whether it bears the name of a domestic partnership or is
18 registered in this State.*

19 **Sec. 6.** 1. *“Educational or informational meeting, event or
20 trip” means any meeting, event or trip undertaken or attended by a
21 member of a local legislative body if, in connection with the
22 meeting, event or trip:*

23 (a) *The member of a local legislative body or a member of his
24 or her household receives anything of value from a local lobbyist
25 to undertake or attend the meeting, event or trip; and*

26 (b) *The member of a local legislative body provides or receives
27 any education or information on matters relating to the legislative,
28 administrative or political action of the member of a local
29 legislative body.*

30 2. *The term includes, without limitation, any reception,
31 gathering, conference, convention, discussion, forum, roundtable,
32 seminar, symposium, speaking engagement or other similar
33 meeting, event or trip with an educational or informational
34 component.*

35 3. *The term does not include a meeting, event or trip
36 undertaken or attended by a member of a local legislative body for
37 personal reasons or for reasons relating to any professional or
38 occupational license held by the member, unless the member*



1 *participates as one of the primary speakers, instructors or*
2 *presenters at the meeting, event or trip.*

3 *4. For the purposes of this section, “anything of value”*
4 *includes, without limitation, any actual expenses for food,*
5 *beverages, registration fees, travel or lodging provided or given to*
6 *or paid for the benefit of the member of a local legislative body or*
7 *a member of his or her household or reimbursement for any such*
8 *actual expenses paid by the member of a local legislative body or a*
9 *member of his or her household, if the expenses are incurred on*
10 *a day during which the member of a local legislative body or a*
11 *member of his or her household undertakes or attends the*
12 *meeting, event or trip or during which the member of a local*
13 *legislative body or a member of his or her household travels to or*
14 *from the meeting, event or trip.*

15 **Sec. 7. 1. “Gift” means any payment, conveyance, transfer,**
16 **distribution, deposit, advance, loan, forbearance, subscription,**
17 **pledge or rendering of money, services or anything else of value,**
18 **unless consideration of equal or greater value is received.**

19 **2. The term does not include:**

20 **(a) Any political contribution of money or services related to a**
21 **political campaign.**

22 **(b) Any commercially reasonable loan made in the ordinary**
23 **course of business.**

24 **(c) Anything of value provided for an educational or**
25 **informational meeting, event or trip.**

26 **(d) The cost of a party, meal, function or other social event to**
27 **which every member of the local legislative body is invited,**
28 **including, without limitation, the cost of food or beverages**
29 **provided at the party, meal, function or other social event.**

30 **(e) Any ceremonial gifts received for a birthday, wedding,**
31 **anniversary, holiday or other ceremonial occasion from a donor**
32 **who is not a local lobbyist.**

33 **(f) Anything of value received from a person who is:**

34 **(1) Related to the recipient, or to the spouse or domestic**
35 **partner of the recipient, by blood, adoption, marriage or domestic**
36 **partnership within the third degree of consanguinity or affinity; or**

37 **(2) A member of the recipient’s household.**

38 **Sec. 8. “Local laws” means any local charters, ordinances or**
39 **codes or other sources of local laws.**

40 **Sec. 9. 1. “Local legislative body” means:**

41 **(a) A board of county commissioners.**

42 **(b) A governing body of any city.**

43 **(c) A governing body of any other political subdivision if one**
44 **or more of the members of the governing body:**

45 **(1) Are elected to office on the governing body; or**



1 (2) *Serve on the governing body because they are elected to*
2 *or hold an elective office as members of the governing body of*
3 *another political subdivision.*

4 2. *The term includes, without limitation, a governing body of*
5 *a political subdivision whose membership consists of a*
6 *combination of one or more members who are elected to office*
7 *and one or more members who are appointed to office.*

8 3. *The term does not include a governing body of a political*
9 *subdivision whose membership consists entirely of members who*
10 *are appointed to office.*

11 **Sec. 10.** 1. *“Local lobbyist” means, except as limited by*
12 *subsection 2, a person who:*

13 (a) *Appears in person in any building in which a local*
14 *legislative body or any of its committees hold meetings, meets in*
15 *any other place with a member of the local legislative body or*
16 *contacts a member of the local legislative body by any other*
17 *means; and*

18 (b) *Communicates directly with the member of the local*
19 *legislative body on behalf of someone other than himself or herself*
20 *to influence action by the member of the local legislative body*
21 *whether or not any compensation is received for the*
22 *communication.*

23 2. *The term does not include:*

24 (a) *Persons who are residents of the political subdivision*
25 *governed by the local legislative body and who meet with or*
26 *contact a member of the local legislative body solely and*
27 *exclusively on behalf of themselves or a member of their*
28 *immediate family or household.*

29 (b) *Persons who confine their lobbying activities solely and*
30 *exclusively to formal appearances before the local legislative body*
31 *or any of its committees and who clearly identify themselves and*
32 *the interest or interests for whom they are testifying.*

33 (c) *Employees of a bona fide news medium who meet the*
34 *definition of “local lobbyist” only in the course of their*
35 *professional duties and who meet with or contact a member of the*
36 *local legislative body solely and exclusively for the purpose of*
37 *carrying out their news gathering function.*

38 (d) *Public officers and employees of the political subdivision*
39 *governed by the local legislative body.*

40 (e) *Public officers and employees of any branch of the state*
41 *government or another local government who meet with or contact*
42 *a member of the local legislative body or appear before the local*
43 *legislative body or any of its committees solely and exclusively for*
44 *the purpose of carrying out activities within the course and scope*
45 *of their public office or employment.*



1 **Sec. 11. 1. “Member of a local legislative body” means any**
2 *member of a local legislative body who is empowered to perform*
3 *any legislative or administrative function, including, without*
4 *limitation, introducing, voting upon or otherwise acting upon any*
5 *bill, ordinance, resolution, motion or other matter involving:*

6 *(a) The formulation of local public policy or the enactment,*
7 *amendment, suspension or repeal of local laws, regulations or*
8 *rules;*

9 *(b) The appropriation or authorization for the expenditure of*
10 *public money;*

11 *(c) The issuance of any license, permit or similar*
12 *authorization;*

13 *(d) The approval of any development plans, any use,*
14 *occupancy or subdivision of land or any zoning designation,*
15 *revision, exception or variance; or*

16 *(e) The exercise of any other public power, trust or duty.*

17 **2. The term includes, without limitation:**

18 *(a) Any member of a local legislative body who is appointed to*
19 *serve the remainder of an unexpired term of office.*

20 *(b) Any mayor or chief executive who:*

21 *(1) Serves as a member of the local legislative body;*

22 *(2) Is empowered to cast a vote on some or all matters*
23 *before the local legislative body, including, without limitation, a*
24 *casting vote or tie-breaking vote, regardless of whether the mayor*
25 *or chief executive is called upon to exercise that power; or*

26 *(3) Is empowered to veto, disapprove or reject any action by*
27 *the local legislative body, regardless of whether the mayor or chief*
28 *executive is called upon to exercise that power.*

29 **Sec. 12. “Member of the household of a member of a local**
30 *legislative body” or “member of his or her household” means a*
31 *person who is a member of the household of a member of a local*
32 *legislative body for the purposes of NRS 281.556 to 281.581,*
33 *inclusive.*

34 **Sec. 13. “Political subdivision” means any political**
35 *subdivision of this State that is governed by a local legislative*
36 *body.*

37 **Sec. 14. 1. If a local lobbyist lobbies any member of a local**
38 *legislative body or has lobbied any member of a local legislative*
39 *body within the immediately preceding 24 months:*

40 *(a) The local lobbyist shall not knowingly or willfully give any*
41 *gift to any member of that local legislative body or any member of*
42 *his or her immediate family; and*

43 *(b) Any member of that local legislative body or any member*
44 *of his or her immediate family shall not knowingly or willfully*
45 *solicit or accept any gift from the local lobbyist.*



1 2. *For the purposes of this section, a local lobbyist who*
2 *lobbies any member of one local legislative body shall not be*
3 *deemed to be a local lobbyist with regard to any other local*
4 *legislative body unless the local lobbyist lobbies any member of the*
5 *other local legislative body or has lobbied any member of the other*
6 *local legislative body within the immediately preceding 24 months.*

7 **Sec. 15.** *A person who violates any provision of this chapter*
8 *is guilty of a misdemeanor.*

9 **Sec. 16.** *The Attorney General may provide interpretations*
10 *and take any other actions that the Attorney General determines*
11 *are necessary for the effective administration and enforcement of*
12 *the provisions of this chapter.*

13 **Sec. 17.** 1. *The district court may issue declaratory*
14 *judgments and injunctions to enforce the provisions of this*
15 *chapter in a civil action brought by the Attorney General against*
16 *any person who is subject to the provisions of this chapter.*

17 2. *In such a civil action, the district court may award*
18 *reasonable attorney's fees and costs to the prevailing party.*

19 3. *An aggrieved party may obtain a review of any final*
20 *judgment of the district court by appeal to the appellate court of*
21 *competent jurisdiction pursuant to the rules fixed by the Supreme*
22 *Court pursuant to Section 4 of Article 6 of the Nevada*
23 *Constitution. The appeal must be taken as in other civil cases.*

24 **Sec. 18.** 1. *The provisions of this chapter do not bar,*
25 *abrogate or preempt any local laws, regulations or rules which*
26 *prohibit the same or similar conduct and which provide for*
27 *additional or greater remedies or penalties for such conduct than*
28 *the remedies and penalties set forth in this chapter.*

29 2. *The remedies and penalties set forth in this chapter are not*
30 *exclusive but are in addition to any other remedies and penalties*
31 *recognized by state or local laws, regulations or rules which*
32 *prohibit the same or similar conduct, and all such remedies and*
33 *penalties are cumulative, so that the application or attempted*
34 *application of any one does not bar the application or attempted*
35 *application of any other.*

36 **Sec. 19.** NRS 281.5585 is hereby amended to read as follows:

37 281.5585 1. "Gift" means any payment, conveyance, transfer,
38 distribution, deposit, advance, loan, forbearance, subscription,
39 pledge or rendering of money, services or anything else of value,
40 unless consideration of equal or greater value is received.

41 2. The term does not include:

42 (a) Any political contribution of money or services related to a
43 political campaign.

44 (b) Any commercially reasonable loan made in the ordinary
45 course of business.



1 (c) Anything of value provided for an educational or
2 informational meeting, event or trip.

3 (d) Anything of value excluded from the term “gift” as defined
4 in NRS 218H.060 ~~H~~ *or section 7 of this act.*

5 (e) Any ceremonial gifts received for a birthday, wedding,
6 anniversary, holiday or other ceremonial occasion from a donor who
7 is not an interested person.

8 (f) Anything of value received from a person who is:

9 (1) Related to the public officer or candidate, or to the spouse
10 or domestic partner of the public officer or candidate, by blood,
11 adoption, marriage or domestic partnership within the third degree
12 of consanguinity or affinity; or

13 (2) A member of the public officer’s or candidate’s
14 household.

15 **Sec. 20.** NRS 281.5586 is hereby amended to read as follows:

16 281.5586 1. “Interested person” means a person who has a
17 substantial interest in the legislative, administrative or political
18 action of a public officer or a candidate if elected.

19 2. The term includes, without limitation:

20 (a) A lobbyist as defined in NRS 218H.080.

21 (b) *A local lobbyist as defined in section 10 of this act.*

22 (c) A group of interested persons acting in concert, whether or
23 not formally organized.

24 **Sec. 21.** 1. Notwithstanding any other provisions of this act:

25 (a) The provisions of sections 2 to 18, inclusive, of this act do
26 not apply to any act or conduct that occurs before the effective date
27 of this act; and

28 (b) If a local lobbyist has lobbied any member of a local
29 legislative body within the 24 months immediately preceding the
30 effective date of this act, the local lobbyist is not subject to the
31 provisions of sections 2 to 18, inclusive, of this act unless the local
32 lobbyist lobbies any member of a local legislative body on or after
33 the effective date of this act.

34 2. As used in this section, the words and terms defined in
35 sections 4 to 13, inclusive, of this act have the meanings ascribed to
36 them in those sections.

37 **Sec. 22.** This act becomes effective on January 1, 2018.

