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MEMORANDUM

To: Elisa Cafferata, Chair, Commission for Women
Richann Bender, Vice-Chair, Commission for Women

From: Katie S. Armstrong, Deputy Attorney General, (775) 684-1224,
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Subject: Lobbying

Date: April 27, 2017

The purpose of this Memorandum is to provide guidance regarding the Commission for Women's ("Commission") role and/or authority in regards to lobbying. The opinion in this memo is not intended as an official opinion of the Office of the Attorney General.

It is my understanding that at the March 10, 2017 Commission meeting the topic of lobbying was discussed and several questions ensued. Specifically, whether or not the Commission Members can lobby and where should the Commission's position concerning lobbying be written.

First, it is important to clarify what the term "lobby" means. Lobbying includes activities that are in direct support or opposition to a specific piece of legislation. For example, asking a legislator to vote for or against or to amend specific legislation. Another example is emailing individuals urging them to contact their legislator to voice their support or opposition to legislation.

In reviewing the March 10, 2017 meeting minutes, Chair Elisa Cafferata is correct that the Commission's history indicates that it was not created to be a lobby group. Further evidence of this is found in the legislative history of the Commission. On June 20, 1995, the Senate Committee on Finance discussed Assembly Bill ("A.B.") 116, which repealed the expiration date of the statute that created the Commission and appropriated money to the Commission from the General Fund. The minutes reflect opposition to A.B. 116 because it was

questioned why the State would use tax dollars to fund a special interest lobby. Senator Raggio indicated “the purpose of the Nevada Commission for Women is to allow all points of view to come together, and as a commission discuss the status of women, programs, and essential services that are available to women in Nevada.” *Hearing on A.B. 116 Before the Senate Committee on Finance*, 1995 Leg. 68th Sess. 2 (June 20, 1995). Further, Senator Raggio interjected that “the Nevada Commission for Women can make recommendations to the Legislature and the Governor, but not be a lobby group.” *Id.* Therefore, although there is no explicit prohibition against the Commission from lobbying, it’s clear from the legislative history that the Commission was not created to be a lobby group.

The Commission’s March 10, 2017 meeting minutes indicate some members may be interested in adding a lobbying component to the Commission’s authority. The Commission could seek an amendment to A.B. 258 to include explicit authority regarding lobbying. However, due to the legislative history of the Commission this may not be well received by the Legislature.

The Commission could also address advocacy, testifying, and making recommendations to the Legislature in their policies and procedures. Advocacy means the process by which the Commission makes its voice heard on women’s issues and helping policy makers find solutions to the problems, such as educating a legislator about the issues Nevada women face. Examples of procedures the Commission could include in their policies and procedures are: (1) a process to follow to obtain full Commission authority prior to appearing at the Legislature or prior to speaking to a legislator; (2) delegating certain members the authority to appear at the Legislature and; (3) requiring the testimony only be neutral and fact and/or data based.

Further, Commission members are free to testify at the Legislature on their own behalf for various issues. If a member of the Commission testifies at the Legislature or lobbies on behalf of an issue, the member should identify themselves as an individual rather than testifying on behalf of the Commission.

cc: Mary Woods, Department of Administration, Director’s Office, Public Information Officer

Annette Teixeira, Department of Administration, Director’s Office, Executive Assistant