

H. B. 2747

(By Delegate Canterbury)

[Introduced February 13, 2015; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §6B-3-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists and exception.

Be it enacted by the Legislature of West Virginia:

That §6B-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. LOBBYISTS.

§6B-3-4. Reporting by lobbyists.

(a) A registered lobbyist shall file with the commission reports of his or her lobbying activities, signed by the lobbyist. The reports shall be filed three times a year as follows:

(1) On or before May 15, a lobbyist shall report all lobbying activities in which he or she engaged from January 1, through April 30.

(2) On or before September 15, a lobbyist shall report all lobbying activities in which he or

1 she engaged from May 1, through August 31;

2 (3) On or before January 15, a lobbyist shall report all lobbying activities in which he or she
3 engaged from September 1, through December 31.

4 (b) If the date on which a lobbyist expenditure report is due falls on a Saturday, Sunday or
5 legal holiday, the report will be considered timely filed if it is postmarked not later than the next
6 business day. If a registered lobbyist files a late report, the lobbyist shall pay the commission a fee
7 of \$10 for each late day, not to exceed a total of \$250. If a registered lobbyist fails to file a report
8 or to pay the required fee for filing an untimely report, the commission may, after written notice sent
9 by certified mail, return receipt requested, suspend the lobbyist's privileges as a registered lobbyist
10 until the lobbyist has satisfactorily complied with all reporting requirements and paid the required
11 fee.

12 (c) (1) Except as otherwise provided in this section, each report filed by a lobbyist shall show
13 the total amount of all expenditures for lobbying activities made or incurred by on behalf of the
14 lobbyist during the period covered by the report. The report shall also show subtotals segregated
15 according to financial category, including meals and beverages; living accommodations; advertising;
16 travel; contributions; gifts to public officials or employees or to members of the immediate family
17 of a public official or employee; and other expenses or services: Provided, That expenditures for
18 meals and beverages for members of the Legislature and their staff is prohibited.

19 (2) Lobbyists are not required to report the following:

20 (A) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

21 (B) Any expenses incurred for the lobbyist's own living accommodations;

22 (C) Any expenses incurred for the lobbyist's own travel to and from public meetings or

1 hearings of the legislative and executive branches; or

2 (D) Any expenses incurred for telephone and any office expenses, including rent and salaries
3 and wages paid for staff and secretarial assistance.

4 (d) If a lobbyist is employed by more than one employer, the report shall show the
5 proportionate amount of the expenditures in each category incurred on behalf of each of his or her
6 employers.

7 (e) The report shall describe the subject matter of the lobbying activities in which the lobbyist
8 has been engaged during the reporting period.

9 (f) If, during the period covered by the report, the lobbyist made expenditures or expenditures
10 were made or incurred on behalf of the lobbyist in the reporting categories of meals and beverages,
11 living accommodations, travel, gifts or other expenditures, other than for those expenditures
12 governed by subsection (g) of this section, the lobbyist shall report the name of the public official
13 or employee to whom or on whose behalf the expenditures were made, the total amount of the
14 expenditures, and the subject matter of the lobbying activity, if any: *Provided*, That a registered
15 lobbyist who entertains more than one public official or public employee at a time with meals and
16 beverages complies with the provisions of this section if he or she reports the names of the public
17 officials or public employees entertained and the total amount expended for meals and beverages for
18 all of the public officials or public employees entertained: *Provided, however*, That where several
19 lobbyists join in entertaining one or more public officials or public employees at a time with meals
20 and beverages, each lobbyist complies with the provisions of this section by reporting the names of
21 the public officials or public employees entertained and his or her proportionate share of the total
22 amount expended for meals and beverages for all of the public officials or public employees

1 entertained. Under this subsection, no portion of the amount of an expenditure for a dinner, party
2 or other function sponsored by a lobbyist's employer need be attributed to a particular public official
3 or employee who attends the function if the sponsor has invited to the function all the members of:
4 (1) The Legislature; (2) either house of the Legislature; (3) a standing or select committee of either
5 house; or (4) a joint committee of the two houses of the Legislature. However, the amount spent for
6 the function shall be added to other expenditures for the purpose of determining the total amount of
7 expenditures reported under subdivision (1), subsection (c) of this section: *Provided further*, That
8 if the expenditure is for a function to which the entire membership of the Legislature has been
9 invited, the lobbyist need only report that fact, the total amount of the expenditure and the subject
10 matter of the lobbying activity: *And provided further*, That expenditures for meals and beverages
11 for members of the Legislature and their staff is prohibited except when made as set out in (1), (2),
12 (3) and (4) of this subsection.

13 (g) If, during the period covered by the report, the lobbyist made expenditures in the reporting
14 categories of meals and beverages, lodging, travel, gifts and scheduled entertainment for or on behalf
15 of a particular public official or public employee in return for the participation of the public official
16 or employee in a panel or speaking engagement at a meeting, the lobbyist shall report the name of
17 the public official or employee to whom or on whose behalf the expenditures were made and the
18 total amount of the expenditures.

NOTE: The purpose of this bill is to prohibit the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists. The bill presents an exception when and expenditure is made for the entire Legislature; either house of the Legislature; a standing or select committee of either house; or a joint committee of the two houses of the Legislature.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.