

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4548

BY DELEGATES MOORE, BUTLER, KESSINGER, UPSON,

FOLK, PAYNTER, MARTIN AND MCGEEHAN

[Introduced February 13, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §6B-3-2 and §6B-3-4 of the Code of West Virginia, 1931, all relating
2 to the registration of lobbyists; altering the registration to an annual procedure; and
3 amending the requirements for reporting by lobbyists, so as to include a general
4 description of subjects on which the lobbyist has lobbied and a disclosure of the legislative
5 bill numbers of any bills and any rules on which they have lobbied, as well as the general
6 amount of time spent on each bill or rule.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. LOBBYISTS.

§6B-3-2. Registration of lobbyists.

1 (a) Before engaging in any lobbying activity, or within 30 days after being employed as a
2 lobbyist, whichever occurs first, a lobbyist shall register with the Ethics Commission by filing a
3 lobbyist registration statement. The registration statement shall contain information and be in a
4 form prescribed by the Ethics Commission by legislative rule, including, but not limited to, the
5 following information:

6 (1) The registrant's name, business address, telephone numbers, and any temporary
7 residential and business addresses and telephone numbers used or to be used by the registrant
8 while lobbying during a legislative session;

9 (2) The name, address, and occupation or business of the registrant's employer;

10 (3) A statement as to whether the registrant is employed or retained by his or her employer
11 solely as a lobbyist or is a regular employee performing services for the employer which include,
12 but are not limited to, lobbying;

13 (4) A statement as to whether the registrant is employed or retained by his or her employer
14 under any agreement, arrangement, or understanding according to which the registrant's
15 compensation, or any portion of the registrant's compensation, is or will be contingent upon the
16 success of his or her lobbying activity;

17 (5) The general subject or subjects, if known, on which the registrant will lobby or employ

18 some other person to lobby in a manner which requires registration under this article; and

19 (6) An appended written authorization from each of the lobbyist's employers confirming
20 the lobbyist's employment and the subjects on which the employer is to be represented.

21 (b) Any lobbyist who receives or is to receive compensation from more than one person
22 for services as a lobbyist shall file a separate notice of representation with respect to each person
23 compensating him or her for services performed as a lobbyist. When a lobbyist whose fee for
24 lobbying with respect to the same subject is to be paid or contributed by more than one person,
25 then the lobbyist may file a single statement, in which he or she shall detail the name, business
26 address and occupation of each person paying or contributing to the fee.

27 (c) Whenever a change, modification or termination of the lobbyist's employment occurs,
28 the lobbyist shall, within one week of the change, modification, or termination, furnish full
29 information regarding the change, modification, or termination by filing with the commission an
30 amended registration statement.

31 (d) Each lobbyist who has registered shall file a new registration statement, revised as
32 appropriate, on the Monday preceding the second Wednesday in January of each ~~odd-numbered~~
33 year and failure to do so terminates his or her authorization to lobby. Until the registration is
34 renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt
35 under §6B-3-1(7)(B) of this code.

36 (e) The following public officers or employees may not, during or up to one year after the
37 termination of their public employment or service, be allowed to register as lobbyists:

38 (1) Members of the Legislature;

39 (2) Members of the Executive Department as referenced in article VII, section one of the
40 Constitution of West Virginia;

41 (3) Will and pleasure professional employees of the Legislature under the direct
42 supervision of a member of the Legislature;

43 (4) Will and pleasure professional employees of members of the Executive Department

44 under the direct supervision of the Executive Department officer and who regularly, personally
45 and substantially participates in a decision-making or advisory capacity regarding agency or
46 department policy;

47 (5) Members of the Supreme Court of Appeals;

48 (6) Any department secretary of an executive branch department created by the provisions
49 of §5F-1-2 of this code; and

50 (7) Heads of any state departments or agencies.

§6B-3-4. Reporting by lobbyists.

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

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

5 (2) On or before September 15, a lobbyist shall report all lobbying activities in which he or
6 she engaged from May 1 through August 31;

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

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

17 (c) (1) Except as otherwise provided in this section, each report filed by a lobbyist shall
18 show the total amount of all expenditures for lobbying activities made or incurred by on behalf of

19 the lobbyist during the period covered by the report. The report shall also show subtotals
20 segregated according to financial category, including meals and beverages; living
21 accommodations; advertising; travel; contributions; gifts to public officials or employees or to
22 members of the immediate family of a public official or employee; and other expenses or services.

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

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

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

26 (C) Any expenses incurred for the lobbyist's own travel to and from public meetings or
27 hearings of the legislative and executive branches; or

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

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

33 (e) The report shall describe the subject matter of the lobbying activities in which the
34 lobbyist has been engaged during the reporting period, including a general description of subjects
35 on which the lobbyist has lobbied, if applicable, including the legislative bill numbers of any bills
36 and any rules on which they have lobbied, as well as the general amount of time spent on each
37 bill or rule.

38 (f) If, during the period covered by the report, the lobbyist made expenditures or
39 expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals
40 and beverages, living accommodations, travel, gifts, or other expenditures, other than for those
41 expenditures governed by subsection (g) of this section, the lobbyist shall report the name of the
42 public official or employee to whom or on whose behalf the expenditures were made, the total
43 amount of the expenditures, and the subject matter of the lobbying activity, if any: *Provided*, That
44 a registered lobbyist who entertains more than one public official or public employee at a time

45 with meals and beverages complies with the provisions of this section if he or she reports the
46 names of the public officials or public employees entertained and the total amount expended for
47 meals and beverages for all of the public officials or public employees entertained: *Provided,*
48 *however,* That where several lobbyists join in entertaining one or more public officials or public
49 employees at a time with meals and beverages, each lobbyist complies with the provisions of this
50 section by reporting the names of the public officials or public employees entertained and his or
51 her proportionate share of the total amount expended for meals and beverages for all of the public
52 officials or public employees entertained. Under this subsection, no portion of the amount of an
53 expenditure for a dinner, party, or other function sponsored by a lobbyist's employer need be
54 attributed to a particular public official or employee who attends the function if the sponsor has
55 invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature;
56 (3) a standing or select committee of either house; or (4) a joint committee of the two houses of
57 the Legislature. However, the amount spent for the function shall be added to other expenditures
58 for the purpose of determining the total amount of expenditures reported under subdivision (1),
59 subsection (c) of this section: *Provided further,* That if the expenditure is for a function to which
60 the entire membership of the Legislature has been invited, the lobbyist need only report that fact,
61 the total amount of the expenditure and the subject matter of the lobbying activity.

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

NOTE: The purpose of this bill is to amend the requirements for reporting by lobbyists, by requiring annual registration and requiring the reporting of a general description of subjects on which the lobbyist has lobbied. It also requires the disclosure of the bill numbers of any

bills and any rules on which they have lobbied, as well as the general amount of time spent on each bill or rule.

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