

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2120

**FISCAL
NOTE**

By Delegates D. Smith, Fehrenbacher, and Hornby

[Introduced February 12, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §6B-2-2, §6B-3-2 and §6B-3-5 of the Code of West Virginia, 1931,
2 as amended, relating to disclosure forms, statements, and reports of the Ethics
3 Commission; requiring disclosure forms, statements, and reports to be prescribed by
4 procedural rule and made available on the Commission website; requiring certain
5 information be included on lobbyist registration form; and requiring reports of expenditures
6 over \$5,000 in grassroots campaigns specify media outlet.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;
DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND
EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF
CONDUCT FOR ADMINISTRATIVE LAW JUDGES.**

§6B-2-2. General powers and duties.

1 (a) The commission may propose rules for promulgation in accordance with the provisions
2 of §29A-1-1 *et seq.* of this code to carry out the purposes of this chapter: *Provided*, That any
3 disclosure form, statement, or report required under any provision of this chapter shall be made in
4 ~~a manner prescribed by legislative rule~~ prescribed by procedural rule and made available on the
5 website of the commission.

6 (b) The commission may initiate or receive complaints and make investigations, as
7 provided in §6B-2-4 of this code, and upon complaint by an individual of an alleged violation of this
8 chapter by a public official or public employee, refer the complaint to the review board as provided
9 in §6B-2-2a of this code. Any person charged with a violation of this chapter is entitled to the
10 administrative hearing process contained in §6B-2-4 of this code.

11 (c) The commission may subpoena witnesses, compel their attendance and testimony,
12 administer oaths and affirmations, take evidence, and require by subpoena the production of
13 books, papers, records, or other evidence needed for the performance of the commission's duties

or exercise of its powers, including its duties and powers of investigation.

(d) The commission shall, in addition to its other duties:

(1) Prescribe forms for reports, statements, notices, and other documents required by law;

(2) Prepare and publish manuals and guides explaining the duties of individuals covered by this law; and giving instructions and public information materials to facilitate compliance with, and enforcement of, this act; and

(3) Provide assistance to agencies, officials, and employees in administering the provisions of this act.

(e) The commission may:

(1) Prepare reports and studies to advance the purpose of the law;

(2) Contract for any services which cannot satisfactorily be performed by its employees;

(3) Require the Attorney General to provide legal advice without charge to the commission;

(4) Employ additional legal counsel;

(5) Request appropriate agencies of the state to provide any professional assistance the commission may require in the discharge of its duties: *Provided*, That the commission shall reimburse any agency, other than the Attorney General, the cost of providing assistance; and

(6) Share otherwise confidential documents, materials, or information with appropriate agencies of state government, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or information.

ARTICLE 3. LOBBYISTS.

§6B-3-2. Registration of lobbyists.

(a) Before engaging in any lobbying activity, or within 30 days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register with the Ethics Commission by filing a lobbyist registration statement. The registration statement shall ~~contain information and be in a form prescribed by the Ethics Commission by legislative rule, including, but not limited to~~ include the 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 the
20 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 for
22 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

appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered year and failure to do so terminates his or her authorization to lobby. Until the registration is renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt under paragraph (B), subdivision (7), section one of this article §6B-3-1(8)(B).

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

(1) Members of the Legislature;

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

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

(4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy;

(5) Members of the Supreme Court of Appeals;

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

(7) Heads of any state departments or agencies.

§6B-3-5. Grass roots lobbying campaigns.

(1) Any person who has made expenditures, not required to be reported under other sections of this chapter, exceeding \$5,000 in the aggregate within any three-month period or exceeding \$1,000 in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation, shall be required to register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

7 (2) Within 30 days after becoming a sponsor of a grass roots lobbying campaign, the
8 sponsor shall register by filing with the Ethics Commission a registration statement, in such detail
9 as the commission shall prescribe, showing:

10 (a) The sponsor's name, address and business or occupation, and, if the sponsor is not an
11 individual, the names, addresses, and titles of the controlling persons responsible for managing
12 the sponsor's affairs;

13 (b) The names, addresses and business or occupation of all persons organizing and
14 managing the campaign, or hired to assist the campaign, including any public relations or
15 advertising firms participating in the campaign, and the terms of compensation for all such
16 persons;

17 (c) The names and addresses of each person contributing \$1,000 or more made for the
18 purpose of furthering the campaign and the aggregate amount contributed;

19 (d) The purpose of the campaign, including the specific legislation, rules, rates, standards
20 or proposals that are the subject matter of the campaign;

21 (e) The totals of all expenditures made or incurred to date on behalf of the campaign, which
22 totals shall be segregated according to financial category, including, but not limited to, the
23 following: Advertising, segregated by media, and, in the case of large expenditures ~~(as provided~~
24 ~~by legislative rule of the commission)~~ of \$5,000 or more, by outlet; contributions; entertainment,
25 including meals and beverages; office expenses, including rent and the salaries and wages paid
26 for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for
27 lobbying campaign activities; consultants; and printing and mailing expenses.

28 (3) Every sponsor who has registered under this section shall file reports with the
29 commission, which reports shall be filed for the same time periods required for the filing of
30 lobbyists' reports under the provisions of §6B-3-4 of this code.

31 (4) When the campaign has been terminated, the sponsor shall file a notice of termination
32 with the final monthly report, which notice shall state the totals of all contributions and

- 33 expenditures made on behalf of the campaign, in the same manner as provided for in the
- 34 registration statement.

NOTE: The purpose of this bill is to require disclosure forms, statements, and reports to be prescribed by procedural rule and made available on the Ethics Commission website; requiring certain information be included on lobbyist registration form; and requiring reports of expenditures over \$5,000 in grassroots campaigns specify media outlet.

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