

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 745

By Senator Stuart

[Introduced March 12, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3a, §6B-3-4, §6B-3-5, §6B-3-7,
2 §6B-3-9, §6B-3-10, and §6B-3-11 of the Code of West Virginia, 1931, as amended; and to
3 amend the code by adding a new section, designated §6B-2-12, relating to enhancing
4 transparency in lobbying; revising lobbying registration and reporting requirements;
5 increasing the lobbyist registration fees; requiring the commission to publish an electronic
6 photograph and information about registered lobbyists; modifying lobbyist reporting
7 requirements; requiring distribution of lobbyist reports to affected persons; requiring state
8 agencies and municipal subdivisions to issue reports of lobbyist activities; prohibiting
9 designated agencies and organizations from lobbying or paying lobbyists to lobby on their
10 behalf; reducing financial thresholds for grass roots lobbying campaigns; updating
11 document retention requirements; updating lobbyist duties; prohibiting lobbyist contingent
12 fees; updating penalties; and requiring additional compliance audits.

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-2-12. Online Reporting System.

1 (a) By December 31, 2025, the commission shall develop and make available for public
2 use an electronic lobbyists registration and reporting system that:

3 (1) Allows persons to register as lobbyists;

4 (2) Allows lobbyists to electronically file any reports they are required to file under this
5 chapter;

6 (3) Permits lobbyists to create a password-protected account through which lobbyists can
7 save user information to be automatically populated into reports that the lobbyists files through the

8 electronic system;

9 (4) Includes a search function by which members of the public may search for information
10 about lobbyists, including all information lobbyists are required to report under §6B-3-1, et seq. of
11 this code.

12 (b) The commission may contract for the development of the electronic lobbyists
13 registration and reporting system.

14 (c) The commission shall ensure that the electronic lobbyists registration and reporting
15 system is properly maintained and that any periods of downtime or inaccessibility are promptly
16 remediated.

ARTICLE

3.

LOBBYISTS.

§6B-3-1. Definitions.

1 As used in this article, unless the context in which used clearly indicates otherwise:

2 (1) "Compensation" means money or any other thing of value received or to be received by
3 a lobbyist from an employer for services rendered.

4 (2) "Employer" or "lobbyist's employer" means any person who employs or retains a
5 lobbyist, or employs or retains any other person in exchange for compensation or other
6 consideration, other than reimbursement for reasonable travel expenses, to communicate directly
7 or through his or her agents with any elective state official, or their respective employees on behalf
8 of the employer regarding any legislation, appropriation, permit, license, economic development
9 or tax initiative, government contract, standard, rate, fee, or any delegated legislative or quasi-
10 legislative action to be taken or withheld by any executive department, agency, or elective state
11 official.

12 (3) "Expenditure" means payment, distribution, loan, advance deposit, reimbursement, or
13 gift of money, real or personal property or any other thing of value; or a contract, promise or
14 agreement, whether or not legally enforceable.

15 (4) "Government officer or employee" means a member of the Legislature, a legislative

16 employee, the Governor and other members of the board of Public Works, heads of executive
17 departments and any other public officer or public employee under the legislative or executive
18 branch of state government who is empowered or authorized to make policy and perform
19 nonministerial functions. In the case of elected offices included herein, the term "government
20 officer or employee" includes candidates who have been elected but who have not yet assumed
21 office.

22 (5) "Legislation" means bills, resolutions, motions, amendments, nominations and other
23 matters pending or proposed in either house of the Legislature and includes any other matters that
24 may be the subject of action by either house or any committee of the Legislature and all bills or
25 resolutions that, having passed both houses, are pending approval or veto by the Governor.

26 (6) "Lobbying" or "lobbying activity" means the act of communicating with a government
27 officer or employee to promote, advocate or oppose or otherwise attempt to influence:

28 (i) The passage or defeat or the executive approval or veto of any legislation which may be
29 considered by the Legislature of this state; or

30 (ii) The adoption or rejection of any rule, regulation, legislative rule, standard, rate, fee or
31 other delegated legislative or quasilegislative action to be taken or withheld by any executive
32 department.

33 (7) "Lobbying firm" means any business entity, including an individual contract lobbyist,
34 which meets either of the following criteria:

35 (A) The business entity receives or becomes entitled to receive any compensation, other
36 than reimbursement for reasonable travel expenses, for the purpose of lobbying on behalf of any
37 other person, and any partner, owner, officer or employee of the business entity.

38 (B) The business entity receives or becomes entitled to receive any compensation, other
39 than reimbursement for reasonable travel expenses, to communicate directly with any elected
40 state official, agency official or legislative official for the purpose of lobbying on behalf of any other
41 person.

42 (8)(A) "Lobbyist" means any individual employed by a lobbying firm or who is otherwise
43 employed or contracts for economic consideration, other than reimbursement for reasonable
44 travel expenses, to communicate directly or through his or her agents with any elective state
45 official, agency official or legislative official for the purpose of promoting, advocating, opposing or
46 otherwise attempting to influence:

47 (i) The passage or defeat or the executive approval or veto of any legislation which may be
48 considered by the Legislature of this state; or

49 (ii) The adoption or rejection of any rule, legislative rule, standard, rate, fee or other
50 delegated legislative or quasilegislative action to be taken or withheld by any executive
51 department.

52 (B) The term "lobbyist" does not include the following persons, who are exempt from the
53 registration and reporting requirements set forth in this article, unless they engage in activities
54 which would otherwise subject them to the registration and reporting requirements:

55 (i) Persons who limit their lobbying activities to appearing before public sessions of
56 committees of the Legislature, or public hearings of state agencies, are exempt.

57 (ii) Persons who limit their lobbying activities to attending receptions, dinners, parties or
58 other group functions and make no expenditure in connection with such lobbying are exempt.

59 (iii) Persons who engage in news or feature reporting activities and editorial comment as
60 working members of the press, radio or television and persons who publish or disseminate such
61 news, features or editorial comment through a newspaper, book, regularly published periodical,
62 radio station or television station are exempt.

63 (iv) Persons who lobby without compensation or other consideration, other than
64 reimbursement for reasonable travel expenses, for acting as lobbyists, who are not employed by a
65 lobbying firm or lobbyist employer, ~~and whose total expenditures in connection with lobbying~~
66 ~~activities do not exceed \$150 during any calendar year, are exempt.~~ and who make no expenditure
67 for or on behalf of any member of the legislature or elected official or public officer or employee of

68 the state in connection with such lobbying. The exemptions contained in this subparagraph ~~and in~~
69 ~~subparagraph (ii)~~ are intended to permit and encourage citizens of this state to exercise their
70 Constitutional rights to assemble in a peaceable manner, consult for the common good, instruct
71 their representatives, and apply for a redress of grievances. Accordingly, such persons may lobby
72 without incurring any registration or reporting obligation under this article. Any person exempt
73 under this subparagraph ~~or subparagraph (ii)~~ may at his or her option register and report under this
74 article.

75 (v) Persons who lobby on behalf of a nonprofit organization with regard to legislation,
76 without compensation, and who restrict their lobbying activities to no more than ~~twenty~~ five days or
77 parts thereof during any regular session of the Legislature, are exempt. The Commission may
78 promulgate a legislative rule to require registration and reporting by persons who would otherwise
79 be exempt under this subparagraph, if it determines that such rule is necessary to prevent
80 frustration of the purposes of this article. Any person exempt under this subparagraph may, at his
81 or her option, register and report under this article.

82 (vi) The Governor, members of the Governor's staff, members of the board of Public
83 Works, officers and employees of the executive branch who communicate with a member of the
84 Legislature on the request of that member, or who communicate with the Legislature, through the
85 proper official channels, requests for legislative action or appropriations which are deemed
86 necessary for the efficient conduct of the public business or which are made in the proper
87 performance of their official duties, are exempt.

88 (vii) Members of the Legislature are exempt.

89 (viii) Persons employed by the Legislature for the purpose of aiding in the preparation or
90 enactment of legislation or the performance of legislative duties are exempt.

91 (ix) Persons rendering professional services in drafting proposed legislation or in advising
92 or rendering opinions to clients as to the construction and effect of proposed or pending legislation
93 are exempt.

94 (9) "Person" means any individual, partnership, trust, estate, business trust, association or
 95 corporation; any department, commission, board, publicly supported college or university, division,
 96 institution, bureau or any other instrumentality of the state; or any county, municipal corporation,
 97 school district or any other political subdivision of the state.

§6B-3-2. Registration of lobbyists.

1 (a) Before engaging in any lobbying activity, ~~or within thirty 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, electronic contact information, telephone
 7 numbers, and any temporary residential and business addresses and telephone numbers used or
 8 to be used by the registrant while lobbying during a legislative session;

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

11 (3) The compensation to be received for lobbying and the amount to be paid as
 12 reimbursements for expenses. Compensation and reimbursement shall be reported in the
 13 following categories unless reported as an exact amount:

14 (A) \$0 if no compensation or reimbursement is received;

15 (B) Less than \$10,000;

16 (C) At least \$10,000 but less than \$25,000;

17 (D) At least \$25,000 but less than \$50,000;

18 (E) At least \$50,000 but less than \$100,000;

19 (F) \$500,000 or more: *Provided*, That compensation or reimbursement in excess of
 20 \$500,000 shall be reported as an exact amount.

21 ~~(3)~~(4) A statement as to whether the registrant is employed or retained by his or her

22 employer solely as a lobbyist or is a regular employee performing services for the employer which
23 include, but are not limited to, lobbying;

24 ~~(4)~~ (5) A statement ~~as to whether~~ that the registrant is not employed or retained by his or
25 her employer under any agreement, arrangement or understanding according to which the
26 registrant's compensation, or any portion of the registrant's compensation, is or will be contingent
27 upon the success of his or her lobbying activity;

28 ~~(5)~~ (6) The general subject or subjects, if known, on which the registrant will lobby or
29 employ some other person to lobby in a manner which requires registration under this article; ~~and~~

30 ~~(6)~~ (7) An appended written authorization from each of the lobbyist's employers confirming
31 the lobbyist's employment and the subjects on which the employer is to be represented; and

32 (8) An attestation that the lobbyist has completed a training course provided under section
33 3c of this article.

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

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

45 (d) Each lobbyist who has registered shall file a new registration statement, revised as
46 appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered
47 year and failure to do so terminates his or her authorization to lobby. Until the registration is

48 renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt
49 under ~~paragraph (B), subdivision (7), section one of this article~~ §6B-3-1(8)(B) of this code.

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

52 (1) Members of the Legislature;

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

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

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

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

62 (6) Any department secretary of an executive branch department created by the provisions
63 of ~~section two, article one, chapter five-f~~ §5F-1-2 of this code; and

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

§6B-3-3. Photograph and information-booklet-publication.

1 Each lobbyist shall, at the time he or she registers, submit to the commission a recent
2 photograph of the lobbyist of a size and format as determined by rule of the commission, together
3 with the name of the lobbyist's employer, a brief biographical description, and any other
4 information the lobbyist may wish to submit, not to exceed fifty words in length. The photograph
5 and information shall be published at least annually in a booklet form and electronically in a
6 searchable format by the commission for distribution to government officers or employees,
7 lobbyists, and to the public. The method of distribution is in the discretion of the commission, which
8 is not required to compile and maintain a distribution list of all persons who may be entitled to

9 receive the booklet.

§6B-3-3a. Registration fees.

1 (a) Each lobbyist shall, at the time he or she registers, pay the Commission a base
2 registration fee of \$400 \$250, plus \$400 \$250 for each employer represented, to be filed with the
3 initial registration statement and with each new registration statement filed by the lobbyist in
4 subsequent odd numbered years. Whenever a lobbyist modifies his or her registration to add
5 additional employers, an additional registration fee of \$400 \$250 for each additional employer
6 represented shall be paid to the Commission.

7 (b) All fees authorized and collected pursuant to this article shall be paid to the Ethics
8 Commission and thereafter deposited pursuant to section six, article one of this chapter.

§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~~ six 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.~~ On or before February 15, a lobbyist shall report all
5 lobbying activities in which he or she engaged from January 1 through January 31;

6 (2) On or before March 15, a lobbyist shall report all lobbying activities in which he or she
7 engaged from February 1 through February 28 or, in the case of a leap year, February 29;

8 (3) On or before April 15, a lobbyist shall report all lobbying activities in which he or she
9 engaged from March 1 through March 31;

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

12 ~~(2)~~ (5) On or before September 15, a lobbyist shall report all lobbying activities in which he
13 or she engaged from May 1 through August 31;

14 ~~(3)~~ (6) On or before January 15, a lobbyist shall report all lobbying activities in which he or
15 she engaged from September 1 through December 31.

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

24 (c) ~~(1)~~ Except as otherwise provided in this section, each report filed by a lobbyist shall
25 ~~show the total amount of all expenditures for lobbying activities made or incurred by on behalf of~~
26 ~~the lobbyist during the period covered by the report. The report shall also show subtotals~~
27 ~~segregated according to financial category, including meals and beverages; living~~
28 ~~accommodations; advertising; travel; contributions; gifts to public officials or employees or to~~
29 ~~members of the immediate family of a public official or employee; and other expenses or services.~~
30 state:

31 (1) The totals of all expenditures for lobbying activities made or incurred by the lobbyist or
32 on behalf of the lobbyist by the lobbyist's employer during the period covered by the report.
33 Expenditure totals for lobbying activities shall be segregated according to financial category,
34 including compensation; food and refreshments; living accommodations; advertising; travel;
35 contributions; and other expenses or services. Each individual expenditure of more than \$25 for
36 entertainment shall be identified by date, place, amount, and the names of all persons taking part
37 in the entertainment, along with the dollar amount attributable to each person, including the
38 lobbyist's portion;

39 (2) In the case of a lobbyist employed by more than one employer, the proportionate
40 amount of expenditures in each category incurred on behalf of each of the lobbyist's employers;

41 (3) An itemized listing of each contribution of money or of tangible or intangible personal

42 property, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist,
43 to any candidate, elected official, or officer or employee of any agency, or any political committee
44 supporting or opposing any legislation, or for or on behalf of any candidate, elected official, or
45 officer or employee of any agency, or any political committee supporting or opposing any
46 legislation. All contributions made to, or for the benefit of, any candidate, elected official, or officer
47 or employee of any agency, or any political committee supporting or opposing any legislation shall
48 be identified by date, amount, and the name of the candidate, elected official, or officer or
49 employee of any agency, or any political committee supporting or opposing any legislation
50 receiving, or to be benefited by each such contribution;

51 (4) The subject matter of proposed legislation or other legislative activity or rule making,
52 and the state agency considering the same, if any, which the lobbyist has been engaged in
53 supporting or opposing during the reporting period; and

54 (5) The total expenditures paid or incurred during the reporting period by the lobbyist for
55 lobbying purposes, whether through or on behalf of a lobbyist, for political advertising; public
56 relations, telemarketing, polling, or similar activities if the activities, directly or indirectly, are
57 intended, designed, or calculated to influence legislation or the adoption or rejection of a rule,
58 standard, or rate by an agency. The report shall specify the amount, the person to whom the
59 amount was paid, and a brief description of the activity.

60 ~~(2)~~ (d) Lobbyists are not required to report the following:

61 ~~(A)~~ (1) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

62 ~~(B)~~ (2) Any expenses incurred for the lobbyist's own living accommodations;

63 ~~(C)~~ (3) Any expenses incurred for the lobbyist's own travel to and from public meetings or
64 hearings of the legislative and executive branches; or

65 ~~(D)~~ (4) Any expenses incurred for telephone and any office expenses, including rent and
66 salaries and wages paid for staff and secretarial assistance.

67 ~~(d)~~ (e) If a lobbyist is employed by more than one employer, the report shall show the

68 proportionate amount of the expenditures in each category incurred on behalf of each of his or her
69 employers.

70 ~~(e)~~ (f) The report shall describe the subject matter of the lobbying activities in which the
71 lobbyist has been engaged during the reporting period.

72 ~~(f)~~ (g) If, during the period covered by the report, the lobbyist made expenditures or
73 expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals
74 and beverages, living accommodations, travel, gifts or other expenditures, other than for those
75 expenditures governed by subsection ~~(g)~~ (h) of this section, the lobbyist shall report the name of
76 the public official or employee to whom or on whose behalf the expenditures were made, the total
77 amount of the expenditures, and the subject matter of the lobbying activity, if any: *Provided*, That a
78 registered lobbyist who entertains more than one public official or public employee at a time with
79 meals and beverages complies with the provisions of this section if he or she reports the names of
80 the public officials or public employees entertained and the total amount expended for meals and
81 beverages for all of the public officials or public employees entertained: *Provided, however*, That
82 where several lobbyists join in entertaining one or more public officials or public employees at a
83 time with meals and beverages, each lobbyist complies with the provisions of this section by
84 reporting the names of the public officials or public employees entertained and his or her
85 proportionate share of the total amount expended for meals and beverages for all of the public
86 officials or public employees entertained. Under this subsection, no portion of the amount of an
87 expenditure for a dinner, party or other function sponsored by a lobbyist's employer need be
88 attributed to a particular public official or employee who attends the function if the sponsor has
89 invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature;
90 (3) a standing or select committee of either house; or (4) a joint committee of the two houses of the
91 Legislature. However, the amount spent for the function shall be added to other expenditures for
92 the purpose of determining the total amount of expenditures reported under subdivision (1),
93 subsection (c) of this section: *Provided further*, That if the expenditure is for a function to which the

94 entire membership of the Legislature has been invited, the lobbyist need only report that fact, the
95 total amount of the expenditure and the subject matter of the lobbying activity.

96 (g) (h) If, during the period covered by the report, the lobbyist made expenditures in the
97 reporting categories of meals and beverages, lodging, travel, gifts and scheduled entertainment
98 for or on behalf of a particular public official or public employee in return for the participation of the
99 public official or employee in a panel or speaking engagement at a meeting, the lobbyist shall
100 report the name of the public official or employee to whom or on whose behalf the expenditures
101 were made and the total amount of the expenditures.

102 (i) When a listing or a report of contributions is made to the Ethics Commission pursuant to
103 this section, a copy of the listing or report must be given to the candidate, elected official,
104 professional staff member of the legislature, or officer or employee of an agency, or a political
105 committee supporting or opposing a legislation named in the listing or report.

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

1 (1) (a) Any person who has made expenditures, not required to be reported under other
2 sections of this chapter, exceeding ~~\$5,000~~ \$1,000 in the aggregate within any three-month period
3 or exceeding ~~\$1,000~~ \$500 in the aggregate within any one-month period in presenting a program
4 addressed to the public, a substantial portion of which is intended, designed, or calculated
5 primarily to influence legislation, shall be required to register and report, as provided in subsection
6 (2) of this section, as a sponsor of a grass roots lobbying campaign.

7 (2) (b) 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) (1) The sponsor's name, address and business or occupation, and, if the sponsor is not
11 an individual, the names, addresses, and titles of the controlling persons responsible for managing
12 the sponsor's affairs;

13 (b) (2) 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 ~~(e)~~ (3) The names and addresses of each person contributing ~~\$1,000~~ \$100 or more made
18 for the purpose of furthering the campaign and the aggregate amount contributed;

19 ~~(d)~~ (4) The purpose of the campaign, including the specific legislation, rules, rates,
20 standards or proposals that are the subject matter of the campaign;

21 ~~(e)~~ (5) The totals of all expenditures made or incurred to date on behalf of the campaign,
22 which 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), by outlet; contributions; entertainment, including meals and
25 beverages; office expenses, including rent and the salaries and wages paid for staff and
26 secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign
27 activities; consultants; and printing and mailing expenses.

28 ~~(3)~~ (c) 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)~~ (d) When the campaign has been terminated, the sponsor shall file a notice of
32 termination 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.

§6B-3-7. Duties of lobbyists.

1 (a) A person required to register as a lobbyist under this article also has the following
2 obligations, the violation of which constitutes cause for revocation of his or her registration and
3 termination of his or her lobbying privileges and may subject the person, and the person's
4 employer, if employer aids, abets, ratifies or confirms the violation, to other civil liabilities as

5 provided by this chapter.

6 (1) Any person required to register as a lobbyist shall obtain, preserve and make available
7 for inspection by the Commission at any time all accounts, bills, receipts, books, papers and
8 documents necessary to substantiate the financial reports required to be made under this article
9 for a period of at least ~~two~~ five years from the date of the filing of the statement to which those
10 items relate: *Provided*, That if a lobbyist is required under the terms of his or her employment
11 contract to turn any records over to his or her employer, responsibility for the preservation of the
12 records under this subsection shall rest with the employer.

13 (2) In addition, a person required to register as a lobbyist may not:

14 (A) Engage in any lobbying activity before registering as a lobbyist;

15 (B) Knowingly deceive or attempt to deceive any government officer or employee as to any
16 fact pertaining to a matter which is the subject of lobbying activity;

17 (C) Cause or influence the introduction of any legislation for the purpose of thereafter being
18 employed to secure its defeat;

19 (D) Knowingly represent an interest adverse to the lobbyist's employer without full
20 disclosure of the adverse interest to the employer and obtaining the employer's written consent;

21 (E) Exercise any undue influence, extortion or unlawful retaliation upon any government
22 officer or employee by reason of the government officer or employee's position with respect to, or
23 his or her vote upon, any matter which is the subject of lobbying activity;

24 (F) Exercise undue influence upon any legislator or other privately employed
25 government officer or employee through communications with the person's employer;

26 (G) Enter into any agreement, arrangement, or understanding in which any portion of the
27 lobbyist's compensation is or will be contingent upon the lobbyist's success in influencing
28 legislation;

29 (H) Give a gift to any government officer or employee in excess of or in violation of any
30 limitations on gifts set forth in ~~subsection (c), section five, article two of this chapter~~ §6B-2-5(c) of

31 this code or give any gift, whether lawful or unlawful, to a government officer or employee without
32 the government officer or employee's knowledge and consent.

33 (b) A violation by a lobbyist of this section shall be cause for revocation of the lobbyist's
34 registration, and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets,
35 ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

§6B-3-9.

Penalties.

1 (a) Any person who is required under the provisions of this article to file an application,
2 statement or report and who willfully and knowingly makes a false statement, conceals a material
3 fact or otherwise commits a fraud in the application, statement or report is guilty of a misdemeanor
4 and, upon conviction thereof, shall be fined not more than \$1,000, or confined in a county or
5 regional jail not more than one year, or both.

6 (b) A person who is subject to the registration and reporting requirements of this article and
7 who fails or refuses to register or who fails or refuses to file a required statement or report or who
8 otherwise violates the provisions of this article may be the subject of a complaint filed with the
9 Ethics Commission and may be proceeded against in the same manner and to the same ends as a
10 public officer or public employee under the provisions of this chapter.

11 (c) A person who willfully and knowingly files a false report under the provisions of this
12 article is liable in a civil action to any government officer or employee who sustains damage as a
13 result of the filing or publication of the report.

14 (d) For a second or subsequent offense under subsections (a)–(b) of this section, the
15 Ethics Commission may impose a three-year ban against future lobbying.

§6B-3-10. Provisions may be adopted by local governments; disclosures by state agencies, municipalities, counties, and school districts relating to lobbying activities.

1 (a) An incorporated municipality may enact lobbyist regulation provisions substantially
2 similar to the provisions of this article which may be modified to the extent necessary to make the
3 provisions relevant to that jurisdiction and which may be further modified to the extent deemed

4 necessary and appropriate by and for that jurisdiction.

5 ~~(b) Beginning on July 1, 2022, every state agency, municipality, county, and school district~~
6 ~~in the state that contracts for lobbying services shall disclose, and when applicable provide copies~~
7 ~~of, the following information to the West Virginia Ethics Commission:~~

8 ~~(1) Contract details, including, but not limited to, the identities of the parties to the contract,~~
9 ~~the date on which the contract becomes or became effective, any applicable extension dates,~~
10 ~~payment and reimbursement terms, and duration;~~

11 ~~(2) A copy of the contract for lobbying services;~~

12 ~~(3) All costs to be paid or reimbursed, or already paid or reimbursed, for lobbying services~~
13 ~~associated with or related to the contract for lobbying services, including itemized expenses such~~
14 ~~as dinners, meals, or events; and~~

15 ~~(4) The identities of any individuals or entities engaging in activities pursuant to the~~
16 ~~contract for lobbying services that may require the individual or entity to register as a lobbyist.~~

17 ~~(c) On July 1, 2023, and on July 1 of each year thereafter, every state agency, municipality,~~
18 ~~county, and school district in the state that has contracted for lobbying services in the preceding~~
19 ~~year shall report to the Ethics Commission all information required by the provisions of subsection~~
20 ~~(b) of this section.~~

21 (b) Unless authorized by subsection (c) of this section or otherwise expressly authorized
22 by law, no public funds may be used directly or indirectly for lobbying. *Provided*, That this does not
23 prevent officers or employees of an agency from communicating with a member of the legislature
24 on the request of that member; or communicating to the legislature, through the proper official
25 channels, requests for legislative action or appropriations that are deemed necessary for the
26 efficient conduct of the public business or actually made in the proper performance of their official
27 duties. This subsection does not apply to the legislative branch.

28 (c) Any agency, not otherwise expressly authorized by law, may expend public funds for
29 lobbying, but such lobbying activity shall be limited to (1) providing information or communicating

30 on matters pertaining to official agency business to any elected official or officer or employee of
31 any agency, or (2) advocating the official position or interests of the agency to any elected official
32 or officer or employee of any agency. Public funds may not be expended as a direct or indirect gift
33 or campaign contribution to any elected official or officer or employee of any agency. For the
34 purposes of this subsection, "gift" means a voluntary transfer of anything of value without
35 consideration of equal or greater value, but it does not include informational material transferred
36 for the sole purpose of informing the recipient about matters pertaining to official agency business.
37 This section does not permit the printing of a state publication that has been otherwise prohibited
38 by law.

39 (d) No elective official or any employee of his or her office or any person appointed to or
40 employed by any public office or agency may use or authorize the use of any of the facilities of a
41 public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the
42 legislature. The provisions of this subsection shall not apply to the following activities:

43 (1) Action taken at an open public meeting by members of an elected legislative body to
44 express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or
45 ordinance, or to support or oppose an initiative to the legislature so long as (A) any required notice
46 of the meeting includes the title and number of the initiative to the legislature, and (B) members of
47 the legislative body or members of the public are afforded an approximately equal opportunity for
48 the expression of an opposing view;

49 (2) A statement by an elected official in support of or in opposition to any initiative to the
50 legislature at an open press conference or in response to a specific inquiry; and

51 (3) Activities that are part of the normal and regular conduct of the office or agency.

52 (e) Each state agency, county, city, town, municipal corporation, quasi-municipal
53 corporation, or special purpose district that expends public funds for lobbying shall file with the
54 commission, except as exempted by (4) of this subsection, quarterly statements providing the
55 following information for the quarter just completed:

56 (1) The name of the agency filing the statement;

57 (2) The name, title, and job description and salary of each elected official, officer, or
58 employee who lobbied, a general description of the nature of the lobbying, and the proportionate
59 amount of time spent on the lobbying;

60 (3) A listing of expenditures incurred by the agency for lobbying including but not limited to
61 travel, consultant or other special contractual services, and brochures and other publications, the
62 principal purpose of which is to influence legislation;

63 (4) For purposes of this subsection, "lobbying" does not include:

64 (A) Requests for appropriations by a state agency to the office of financial management
65 nor requests by the office of financial management to the legislature for appropriations other than
66 its own agency budget requests;

67 (B) Recommendations or reports to the legislature in response to a legislative request
68 expressly requesting or directing a specific study, recommendation, or report by an agency on a
69 particular subject;

70 (C) Official reports including recommendations submitted to the legislature on an annual or
71 biennial basis by a state agency as required by law;

72 (D) Requests, recommendations, or other communication between or within state
73 agencies or between or within local agencies;

74 (E) Any other lobbying to the extent that it includes:

75 (i) Telephone conversations or preparation of written correspondence;

76 (ii) In-person lobbying on behalf of an agency of no more than four days or parts thereof
77 during any three-month period by officers or employees of that agency and in-person lobbying by
78 any elected official of such agency on behalf of such agency or in connection with the powers,
79 duties, or compensation of such official. The total expenditures of nonpublic funds made in
80 connection with such lobbying for or on behalf of any one or more members of the legislature or
81 state elected officials or public officers or employees of the state may not exceed \$15 for any

82 three-month period. The exemption under this subsection is in addition to the exemption provided
83 in (4)(E)(i) of this subsection;

84 (iii) Preparation or adoption of policy positions. The statements shall be in the form and the
85 manner prescribed by the commission and shall be filed within one month after the end of the
86 quarter covered by the report.

87 (e) (f) In lieu of reporting under subsection (e) of this section, any county, city, town,
88 municipal corporation, quasi municipal corporation, or special purpose district may determine and
89 so notify the Ethics Commission that elected officials, officers, or employees who, on behalf of any
90 such local agency, engage in lobbying reportable under subsection (e) of this section shall register
91 and report such reportable lobbying in the same manner as a lobbyist who is required to register
92 and report under §6B-3-2 and §6B-3-4 of this code.

93 (f) (g) The provisions of this section do not relieve any elected official or officer or employee
94 of an agency from complying with other provisions of this chapter, if such elected official, officer, or
95 employee is not otherwise exempted.

96 (g) (h) The purpose of this section is to require each state agency and certain local
97 agencies to report the identities of those persons who lobby on behalf of the agency for
98 compensation, together with certain separately identifiable and measurable expenditures of an
99 agency's funds for that purpose. This section shall be reasonably construed to accomplish that
100 purpose and not to require any agency to report any of its general overhead cost or any other costs
101 that relate only indirectly or incidentally to lobbying or that are equally attributable to or inseparable
102 from nonlobbying activities of the agency.

103 (h) (i) Notwithstanding any provision of this code to the contrary, law enforcement agencies
104 may not directly lobby nor pay a lobbyist to lobby on their behalf.

105 (i) (j) The commission may adopt rules clarifying and implementing this legislative
106 interpretation _____ and _____ policy.

§6B-3-11. Compliance audits.

1 (a) The Commission shall initiate, by lottery, random audits of lobbyist registration
 2 statements and disclosure reports required to be filed under this chapter on or after July 1, 2005:
 3 *Provided*, That the Commission may not conduct compliance audits pursuant to this section until it
 4 has proposed for promulgation and received final approval from the Legislature of a legislative rule
 5 in accordance with the provisions of ~~chapter twenty-nine-a~~ §29A-1-1, et seq. of this code setting
 6 forth, among other things, the manner in which the audit is to be conducted, the information,
 7 documents and materials to be considered during the audit, the selection and qualification of the
 8 Auditor(s), the audit procedures to be employed by the Auditors and the preparation and contents
 9 of any post-audit reports.

10 (b) The Commission ~~may~~ shall hold up to four lotteries per year. The number of lotteries
 11 held within a given year in excess of the minimum requirement will be ~~a matter within the~~
 12 ~~Commission's discretion.~~

13 ~~(c) The number of audits to be conducted will be determined by the Commission through~~
 14 ~~resolutions adopted at public meetings and based on various factors, including the complexity,~~
 15 ~~results and time required to complete the audits.~~

16 ~~(d)~~ (c) No lobbyist or lobbyist's employer will be subject to a random audit more than once
 17 in any 24-month period.

NOTE: The purpose of this bill is to enhance transparency in lobbying.

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