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H. B. 2748

(By Delegates Ellem, Lane, Armstead and Anderson)
[Introduced February 27, 2013; 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 requiring the reporting and
publication of all compensation, including the source of that
compensation, paid to lobbyists for all lobbying activities.

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 and compensation, 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

1 activities in which he or she engaged from January 1 through April
2 30. The report shall include all compensation, including the
3 source of that compensation, paid to the lobbyist for all lobbying
4 activities engaged in during this period. The report shall be
5 published on the West Virginia Secretary of State web site.

6 (2) On or before September 15, a lobbyist shall report all
7 lobbying activities in which he or she engaged from May 1 through
8 August 31. The report shall include all compensation, including
9 the source of that compensation, paid to the lobbyist for all
10 lobbying activities engaged in during this period. The report
11 shall be published on the West Virginia Secretary of State web
12 site.

13 (3) On or before January 15, a lobbyist shall report all
14 lobbying activities in which he or she engaged from September 1
15 through December 31. The report shall include compensation,
16 including the source of that compensation, paid to the lobbyist for
17 all lobbying activities engaged in during this period. The report
18 shall be published on the West Virginia Secretary of State web
19 site.

20 (b) If the date on which a lobbyist expenditure report is due
21 falls on a Saturday, Sunday or legal holiday, the report will be
22 considered timely filed if it is postmarked not later than the next
23 business day. If a registered lobbyist files a late report, the
24 lobbyist shall pay the commission a fee of \$10 for each late day,

1 not to exceed a total of \$250. If a registered lobbyist fails to
2 file a report or to pay the required fee for filing an untimely
3 report, the commission may, after written notice sent by certified
4 mail, return receipt requested, suspend the lobbyist's privileges
5 as a registered lobbyist until the lobbyist has satisfactorily
6 complied with all reporting requirements and paid the required fee.

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

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

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

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

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

24 (D) Any expenses incurred for telephone and any office

1 expenses, including rent and salaries and wages paid for staff and
2 secretarial assistance.

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

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

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

1 public employees at a time with meals and beverages, each lobbyist
2 complies with the provisions of this section by reporting the names
3 of the public officials or public employees entertained and his or
4 her proportionate share of the total amount expended for meals and
5 beverages for all of the public officials or public employees
6 entertained. Under this subsection, no portion of the amount of an
7 expenditure for a dinner, party or other function sponsored by a
8 lobbyist's employer need be attributed to a particular public
9 official or employee who attends the function if the sponsor has
10 invited to the function all the members of: (1) The Legislature;
11 (2) either house of the Legislature; (3) a standing or select
12 committee of either house; or (4) a joint committee of the two
13 houses of the Legislature. However, the amount spent for the
14 function shall be added to other expenditures for the purpose of
15 determining the total amount of expenditures reported under
16 subdivision (1), subsection (c) of this section: *Provided further,*
17 That if the expenditure is for a function to which the entire
18 membership of the Legislature has been invited, the lobbyist need
19 only report that fact, the total amount of the expenditure and the
20 subject matter of the lobbying activity.

21 (g) If, during the period covered by the report, the lobbyist
22 made expenditures in the reporting categories of meals and
23 beverages, lodging, travel, gifts and scheduled entertainment for
24 or on behalf of a particular public official or public employee in

1 return for the participation of the public official or employee in
2 a panel or speaking engagement at a meeting, the lobbyist shall
3 report the name of the public official or employee to whom or on
4 whose behalf the expenditures were made and the total amount of the
5 expenditures.

NOTE: The purpose of this bill is to require the reporting and publication of all compensation, including the source of that compensation, paid to lobbyists for all lobbying activities.

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