

1 **H. B. 2796**

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3 (By Delegate Andes)

4 [Introduced March 1, 2013; referred to the

5 Committee on the Judiciary then Finance.]

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10 A BILL to amend and reenact §6B-3-2 of the Code of West Virginia,

11 1931, as amended, relating to requiring lobbyists to disclose

12 compensation agreements for each registered employer.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §6B-3-2 of the Code of West Virginia, 1931, as amended,

15 be amended and reenacted to read as follows:

16 **ARTICLE 3. LOBBYISTS.**

17 **§6B-3-2. Registration of lobbyists.**

18 (a) Before engaging in any lobbying activity, or within thirty

19 days after being employed as a lobbyist, whichever occurs first, a

20 lobbyist shall register with the Ethics Commission by filing a

21 lobbyist registration statement. The registration statement shall

22 contain information and be in a form prescribed by the Ethics

23 Commission by legislative rule, including, but not limited to, the

1 following information:

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

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

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

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

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

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

23 (7) An appended written disclosure of all compensation
24 agreements for each registered employer.

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

10 (c) Whenever a change, modification or termination of the
11 lobbyist's employment occurs, the lobbyist shall, within one week
12 of the change, modification or termination, furnish full
13 information regarding the change, modification or termination by
14 filing with the commission an amended registration statement.

15 (d) Each lobbyist who has registered shall file a new
16 registration statement, revised as appropriate, on the Monday
17 preceding the second Wednesday in January of each odd-numbered year
18 and failure to do so terminates his or her authorization to lobby.
19 Until the registration is renewed, the person may not engage in
20 lobbying activities unless he or she is otherwise exempt under
21 paragraph (B), subdivision (7), section one of this article.

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

- 1 (1) Members of the Legislature;
- 2 (2) Members of the Executive Department as referenced in
3 article VII, section one of the Constitution of West Virginia;
- 4 (3) Will and pleasure professional employees of the
5 Legislature under the direct supervision of a member of the
6 Legislature;
- 7 (4) Will and pleasure professional employees of members of the
8 Executive Department under the direct supervision of the Executive
9 Department officer and who regularly, personally and substantially
10 participates in a decision-making or advisory capacity regarding
11 agency or department policy;
- 12 (5) Members of the Supreme Court of Appeals;
- 13 (6) Any department secretary of an executive branch department
14 created by the provisions of section two, article one, chapter
15 five-f of this code; and
- 16 (7) Heads of any state departments or agencies.

NOTE: The purpose of this bill is to require lobbyists to disclose compensation agreements for each registered employer.

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