

H. B. 2023

(By Delegate Lane)

[Introduced January 14, 2015; referred to the
Committee on the Judiciary then Finance.]

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 activities in which he or she engaged from January 1 through April 30. The report shall include all compensation, including the

1 source of that compensation, paid to the lobbyist for all lobbying activities engaged in during this
2 period. The report shall be published on the West Virginia Secretary of State web site.

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

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

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

19 (c)(1) Except as otherwise provided in this section, each report filed by a lobbyist shall show
20 the total amount of all expenditures for lobbying activities made or incurred by on behalf of the
21 lobbyist during the period covered by the report. The report shall also show subtotals segregated
22 according to financial category, including meals and beverages; living accommodations; advertising;

1 travel; contributions; gifts to public officials or employees or to members of the immediate family
2 of a public official or employee; and other expenses or services.

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

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

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

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

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

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

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

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

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

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