

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 366**

BY SENATORS TRUMP, WOELFEL AND SNYDER

[Introduced January 21, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §6B-3-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to lobbyist duties and prohibitions; prohibiting a lobbyist from contributing money to  
 3 candidates for Governor, Board of Public Works, State Senate or House of Delegates;  
 4 extending that prohibition to the lobbyist’s spouse and dependent children; and providing  
 5 exceptions.

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

1 That §6B-3-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 3. LOBBYISTS.**

**§6B-3-7. Duties of lobbyists.**

1 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 the 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 years from the date of the filing of the statement to which those items  
 10 relate: *Provided*, That if a lobbyist is required under the terms of his or her employment contract  
 11 to turn any records over to his or her employer, responsibility for the preservation of the records  
 12 under this subsection ~~shall rest~~ rests 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  
 16 any 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  
18 being employed to secure its defeat;

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

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

24 (F) Give a gift to any government officer or employee in excess of or in violation of any  
25 limitations on gifts set forth in subsection (c), section five, article two of this chapter or give any  
26 gift, whether lawful or unlawful, to a government officer or employee without the government  
27 officer or employee's knowledge and consent; or

28 (G) Contribute to any candidate for Governor, any other elected member of the board of  
29 Public Works, State Senate or House of Delegates, or to any campaign committee, political  
30 committee or other organization expressly advocating for the election or defeat of the candidate.

31 (i) This prohibition also applies to the lobbyist's spouse and dependent children.

32 (ii) This prohibition does not apply to a lobbyist who has filed a certificate of announcement  
33 declaring his or her candidacy pursuant to section seven, article five, chapter three of this code,  
34 or has been nominated under section four, article five, chapter three of this code.

NOTE: The purpose of this bill is to prohibit lobbyists and members of their immediate family from contributing funds, either directly or indirectly, to individuals running for election to either the executive or legislative branches of state government.

This bill was recommended for introduction by the Joint Committee on the Judiciary that met during the 2015-2016 Interim session.

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