

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2747

2015 Carryover

(BY DELEGATE CANTERBURY)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary.]

1 A BILL to amend and reenact §6B-3-4 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibiting the expenditures for meals and beverages for members of the Legislature
 3 and their staff by lobbyists and exception.

Be it enacted by the Legislature of West Virginia:

1 That §6B-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 3. LOBBYISTS.

§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 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.

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

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

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

17 (c) (1) Except as otherwise provided in this section, each report filed by a lobbyist shall
18 show the total amount of all expenditures for lobbying activities made or incurred by on behalf of
19 the lobbyist during the period covered by the report. The report shall also show subtotals
20 segregated according to financial category, including meals and beverages; living
21 accommodations; advertising; travel; contributions; gifts to public officials or employees or to
22 members of the immediate family of a public official or employee; and other expenses or services:
23 Provided, That expenditures for meals and beverages for members of the Legislature and their
24 staff is prohibited.

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

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

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

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

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

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

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

37 (f) If, during the period covered by the report, the lobbyist made expenditures or
38 expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals
39 and beverages, living accommodations, travel, gifts or other expenditures, other than for those
40 expenditures governed by subsection (g) of this section, the lobbyist shall report the name of the

41 public official or employee to whom or on whose behalf the expenditures were made, the total
42 amount of the expenditures, and the subject matter of the lobbying activity, if any: *Provided,*
43 That a registered lobbyist who entertains more than one public official or public employee at a
44 time with meals and beverages complies with the provisions of this section if he or she reports
45 the names of the public officials or public employees entertained and the total amount expended
46 for meals and beverages for all of the public officials or public employees entertained: *Provided,*
47 *however,* That where several lobbyists join in entertaining one or more public officials or public
48 employees at a time with meals and beverages, each lobbyist complies with the provisions of this
49 section by reporting the names of the public officials or public employees entertained and his or
50 her proportionate share of the total amount expended for meals and beverages for all of the public
51 officials or public employees entertained. Under this subsection, no portion of the amount of an
52 expenditure for a dinner, party or other function sponsored by a lobbyist's employer need be
53 attributed to a particular public official or employee who attends the function if the sponsor has
54 invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature;
55 (3) a standing or select committee of either house; or (4) a joint committee of the two houses of
56 the Legislature. However, the amount spent for the function shall be added to other expenditures
57 for the purpose of determining the total amount of expenditures reported under subdivision (1),
58 subsection (c) of this section: *Provided further,* That if the expenditure is for a function to which
59 the entire membership of the Legislature has been invited, the lobbyist need only report that fact,
60 the total amount of the expenditure and the subject matter of the lobbying activity: *And provided*
61 *further, That expenditures for meals and beverages for members of the Legislature and their*
62 *staff is prohibited except when made as set out in (1), (2), (3) and (4) of this subsection.*

63 (g) If, during the period covered by the report, the lobbyist made expenditures in the
64 reporting categories of meals and beverages, lodging, travel, gifts and scheduled entertainment

65 for or on behalf of a particular public official or public employee in return for the participation of
66 the public official or employee in a panel or speaking engagement at a meeting, the lobbyist shall
67 report the name of the public official or employee to whom or on whose behalf the expenditures
68 were made and the total amount of the expenditures.

NOTE: The purpose of this bill is to prohibit the expenditures for meals and beverages for members of the Legislature and their staff by lobbyists. The bill presents an exception when an expenditure is made for the entire Legislature; either house of the Legislature; a standing or select committee of either house; or a joint committee of the two houses of the Legislature.

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