

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2176

BY DELEGATE FLUHARTY

[Introduced January 9, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §6B-3-2 of the Code of West Virginia, 1931, as amended, relating
2 to prohibiting chairmen of state political parties during or up to one year after the
3 termination of their employment as chairmen of those political parties from registering as
4 lobbyists; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. LOBBYISTS.

§6B-3-2. Registration of lobbyists.

1 (a) Before engaging in any lobbying activity, or within 30 days after being employed as a
2 lobbyist, whichever occurs first, a lobbyist shall register with the Ethics Commission by filing a
3 lobbyist registration statement. The registration statement shall contain information and be in a
4 form prescribed by the Ethics Commission by legislative rule, including, but not limited to, the
5 following information:

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

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

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

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

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

19 (6) An appended written authorization from each of the lobbyist's employers confirming

20 the lobbyist's employment and the subjects on which the employer is to be represented.

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

27 (c) Whenever a change, modification or termination of the lobbyist's employment occurs,
28 the lobbyist shall, within one week of the change, modification or termination, furnish full
29 information regarding the change, modification or termination by filing with the commission an
30 amended registration statement.

31 (d) Each lobbyist who has registered shall file a new registration statement, revised as
32 appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered
33 year and failure to do so terminates his or her authorization to lobby. Until the registration is
34 renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt
35 under §6B-3-1(7)(B) of this code.

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

38 (1) Members of the Legislature;

39 (2) Members of the Executive Department as referenced in article VII, section one of the
40 Constitution of West Virginia;

41 (3) Will and pleasure professional employees of the Legislature under the direct
42 supervision of a member of the Legislature;

43 (4) Will and pleasure professional employees of members of the Executive Department
44 under the direct supervision of the Executive Department officer and who regularly, personally
45 and substantially participates in a decision-making or advisory capacity regarding agency or

46 department policy;

47 (5) Members of the Supreme Court of Appeals;

48 (6) Any department secretary of an executive branch department created by the provisions
49 of §5F-1-2 of this code; and

50 (7) Heads of any state departments or agencies.

51 (f) Effective April 15, 2019, the chairmen of state political parties, as defined by §3-1-8 of
52 this code, during, or up to one year after the termination of, their employment as chairmen of
53 those political parties are not allowed to register as lobbyists.

NOTE: The purpose of this bill is to prohibit chairmen of state political parties during or up to one year after the termination of their employment as chairmen of those political parties from registering as lobbyists. The bill provides an effective date.

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