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**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2003



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 3051**

(By Delegates Staton and Beane)



Passed March 8, 2003

In Effect Ninety Days from Passage

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SENATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE

FOR

## H. B. 3051

(BY DELEGATES STATON AND BEANE)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact sections seven and ten, article two, chapter six-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section four, article three of said chapter, all relating to altering the certain reportable threshold dollar amounts on certain elected and appointed public official financial disclosure statement; and increasing lobbyist expenditure reporting threshold to fifty dollars per reporting period.

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

That sections seven and ten, article two, chapter six-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section four, article three of said chapter be amended and reenacted, all to read as follows:

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES.**

**§6B-2-7. Financial disclosure statement; contents.**

1       The financial disclosure statement required under this  
2 article shall contain the following information:

3       (1) The name, residential and business addresses of the  
4 person filing the statement and all names under which the  
5 person does business.

6       (2) The name and address of each employer of the person.

7       (3) The identification, by category, of every source of  
8 income over five thousand dollars received during the preced-  
9 ing calendar year, in his or her own name or by any other  
10 person for his or her use or benefit, by the person filing the  
11 statement, and a brief description of the nature of the services  
12 for which the income was received. This subdivision does not  
13 require a person filing the statement who derives income from  
14 a business, profession or occupation to disclose the individual  
15 sources and items of income that constitute the gross income of  
16 that business, profession or occupation, nor does this subdivi-  
17 sion require a person filing the statement to report the source or  
18 amount of income derived by his or her spouse.

19       (4) If the person profited or benefited in the year prior to  
20 the date of filing from a contract for the sale of goods or  
21 services to a state, county, municipal or other local governmen-  
22 tal agency either directly or through a partnership, corporation  
23 or association in which such person owned or controlled more  
24 than ten percent, the person shall describe the nature of the  
25 goods or services and identify the governmental agencies which  
26 purchased the goods or services.

27       (5) Each interest group or category listed below doing  
28 business in this state with which the person filing the statement  
29 did business or furnished services and from which the person  
30 received more than twenty percent of the person's gross income  
31 during the preceding calendar year. The groups or categories  
32 are electric utilities, gas utilities, telephone utilities, water  
33 utilities, cable television companies, interstate transportation  
34 companies, intrastate transportation companies, oil or gas retail  
35 companies, banks, savings and loan associations, loan or  
36 finance companies, manufacturing companies, surface mining  
37 companies, deep mining companies, mining equipment compa-  
38 nies, chemical companies, insurance companies, retail compa-  
39 nies, beer, wine or liquor companies or distributors, recreation  
40 related companies, timbering companies, hospitals or other  
41 health care providers, trade associations, professional associa-  
42 tions, associations of public employees or public officials,  
43 counties, cities or towns, labor organizations, waste disposal  
44 companies, wholesale companies, groups or associations  
45 seeking to legalize gambling, advertising companies, media  
46 companies, race tracks and promotional companies.

47       (6) The names of all persons, excluding that person's  
48 immediate family, parents, or grandparents residing or transact-  
49 ing business in the state to whom the person filing the statement  
50 owes, on the date of execution of this statement in the aggregate  
51 in his or her own name or in the name of any other person more  
52 than twelve thousand five hundred dollars: *Provided*, That  
53 nothing herein shall require the disclosure of a mortgage on the  
54 person's primary and secondary residences or of automobile  
55 loans on automobiles maintained for the use of the person's  
56 immediate family, or of a student loan, nor shall this section  
57 require the disclosure of debts which result from the ordinary  
58 conduct of such person's business, profession, or occupation or  
59 of debts of the person filing the statement to any financial  
60 institution, credit card company, or business, in which the  
61 person has an ownership interest: *Provided, however*, That the

62 previous proviso shall not exclude from disclosure loans  
63 obtained pursuant to the linked deposit program provided for in  
64 article one-a, chapter twelve of this code or any other loan or  
65 debt incurred which requires approval of the state or any of its  
66 political subdivisions.

67 (7) The names of all persons except immediate family  
68 members, parents and grandparents residing or transacting  
69 business in the state (other than a demand or savings account in  
70 a bank, savings and loan association, credit union or building  
71 and loan association or other similar depository) who owes on  
72 the date of execution of this statement, more, in the aggregate,  
73 than twelve thousand five hundred dollars to the person filing  
74 the statement, either in his or her own name or to any other  
75 person for his or her use or benefit. This subdivision does not  
76 require the disclosure of debts owed to the person filing the  
77 statement which debts result from the ordinary conduct of such  
78 person's business, profession or occupation or of loans made by  
79 the person filing the statement to any business in which the  
80 person has an ownership interest.

81 (8) The source of each gift having a value of over fifty  
82 dollars, received from a person having a direct and immediate  
83 interest in a governmental activity over which the person filing  
84 the statement has control, shall be reported by the person filing  
85 the statement when such gift is given to said person in his or her  
86 name or for his or her use or benefit during the preceding  
87 calendar year: *Provided*, That gifts received by will or by virtue  
88 of the laws of descent and distribution, or received from one's  
89 spouse, child, grandchild, parents or grandparents, or received  
90 by way of distribution from an inter vivos or testamentary trust  
91 established by the spouse or child, grandchild, or by an ancestor  
92 of the person filing the statement are not required to be re-  
93 ported. As used in this subdivision any series or plurality of  
94 gifts which exceeds in the aggregate the sum of fifty dollars  
95 from the same source or donor, either directly or indirectly, and

96 in the same calendar year, shall be regarded as a single gift in  
97 excess of that aggregate amount.

**§6B-2-10. Violations and penalties.**

1 (a) If any person violates the provisions of subsection (e),  
2 (f) or (g), section five of this article, or violates the provisions  
3 of subdivision (1), subsection (e), section four of this article,  
4 such person, upon conviction thereof, shall be guilty of a  
5 misdemeanor, and shall be punished by confinement in the  
6 county jail for a period not to exceed six months or shall be  
7 fined not more than one thousand dollars, or both such confine-  
8 ment and fine. If any person violating the provisions of subdivi-  
9 sion (1), subsection (e), section four of this article shall be a  
10 member of the commission or an employee thereof, he or she  
11 shall, upon conviction, be subject to immediate removal or  
12 discharge.

13 (b) If any person violates the provisions of subsection (f),  
14 section six of this article by willfully and knowingly filing a  
15 false financial statement, such person shall, upon conviction  
16 thereof, be deemed guilty of false swearing and shall be  
17 punished as provided in section three, article five, chapter  
18 sixty-one of this code.

19 (c) If any person knowingly fails or refuses to file a  
20 financial statement required by section six of this article, such  
21 person, upon conviction thereof, shall be guilty of a misde-  
22 meanor, and shall be fined not less than one hundred dollars nor  
23 more than one thousand dollars.

24 (d) If any complainant violates the provisions of subdivi-  
25 sion (2), subsection (e), section four, article two of this chapter  
26 by knowingly and willfully disclosing any information made  
27 confidential by an order of the commission, he or she shall be

28 subject to administrative sanction by the commission as  
29 provided for in subsection (q), section four of this article.

**ARTICLE 3. LOBBYISTS.**

**§6B-3-4. Reporting by lobbyists.**

1 (a) A lobbyist shall file with the commission reports of his  
2 or her lobbying activities, signed by the lobbyist. The reports  
3 shall be filed as follows:

4 (1) On or before the Monday preceding the second Wednes-  
5 day in January of each year, a lobbyist shall file an annual  
6 report of all lobbying activities which he or she engaged in  
7 during the preceding calendar year; and

8 (2) If a lobbyist engages in lobbying with respect to  
9 legislation, then:

10 (A) Between the fortieth and forty-fifth days of any regular  
11 session of the Legislature in which any lobbying occurred, the  
12 lobbyist shall file a report describing all of his or her lobbying  
13 activities which occurred since the beginning of the calendar  
14 year; and

15 (B) Within twenty-one days after the adjournment *sine die*  
16 of any regular or extraordinary session of the Legislature in  
17 which any lobbying occurred, the lobbyist shall file a report  
18 describing all of his or her lobbying activities which occurred  
19 since the beginning of the calendar year or since the filing of  
20 the last report required by this section, whichever is later.

21 (b) (1) Except as otherwise provided in this section, each  
22 report filed by a lobbyist shall show the total amount of all  
23 expenditures for lobbying made or incurred by the lobbyist, or  
24 on behalf of the lobbyist by the lobbyist's employer, during the  
25 period covered by the report. The report shall also show

26 subtotals segregated according to financial category, including  
27 meals and beverages; living accommodations; advertising;  
28 travel; contributions; gifts to public officials or employees or to  
29 members of the immediate family of a public official or  
30 employee; and other expenses or services.

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

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

34 (B) Any expenses incurred for his or her own living  
35 accommodations;

36 (C) Any expenses incurred for his or her own travel to and  
37 from public meetings or hearings of the legislative and execu-  
38 tive branches;

39 (D) Any expenses incurred for telephone, and any office  
40 expenses, including rent and salaries and wages paid for staff  
41 and secretarial assistance; and

42 (E) Separate expenditures to or on behalf of a public  
43 official or employee in an amount of less than five dollars.

44 (c) If a lobbyist is employed by more than one employer,  
45 the report shall show the proportionate amount of the expendi-  
46 tures in each category incurred on behalf of each of his or her  
47 employers.

48 (d) The report shall describe the subject matter of the  
49 lobbying activities in which the lobbyist has been engaged  
50 during the reporting period.

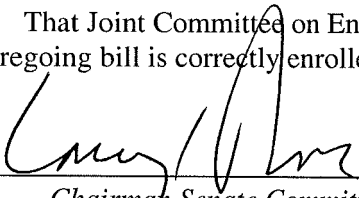
51 (e) If, during the period covered by the report, the lobbyist  
52 made expenditures in the reporting categories of meals and  
53 beverages, living accommodations, travel, gifts or other



54 expenditures, other than for those expenditures governed by  
55 subsection (f) of this section, which expenditures in any  
56 reporting category and not reported on a prior report total more  
57 than fifty dollars to or on behalf of any particular public official  
58 or employee, the lobbyist shall report the name of the public  
59 official or employee to whom or on whose behalf the expendi-  
60 tures were made, the total amount of the expenditures, and the  
61 subject matter of the lobbying activity, if any. Under this  
62 subsection, no portion of the amount of an expenditure for a  
63 dinner, party or other function sponsored by a lobbyist or a  
64 lobbyist's employer need be attributed to or counted toward the  
65 reporting amount of fifty dollars for a particular public official  
66 or employee who attends the function if the sponsor has invited  
67 to the function all the members of: (1) The Legislature; (2)  
68 either house of the Legislature; (3) a standing or select commit-  
69 tee of either house; or (4) a joint committee of the two houses  
70 of the Legislature. However, the amount spent for the function  
71 shall be added to other expenditures for the purpose of deter-  
72 mining the total amount of expenditures reported under  
73 subsection (b) of this section.

74 (f) If, during the period covered by the report, the lobbyist  
75 made expenditures in the reporting categories of meals and  
76 beverages, lodging, travel, gifts and scheduled entertainment,  
77 which reporting expenditures in any reporting category total  
78 more than fifty dollars for or on behalf of a particular public  
79 official or public employee in return for the participation of the  
80 public official or employee in a panel or speaking engagement  
81 at the meeting, the lobbyist shall report the name of the public  
82 official or employee to whom or on whose behalf the expendi-  
83 tures were made and the total amount of the expenditures.

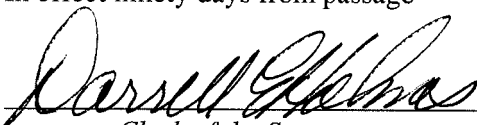
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

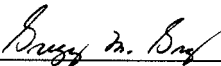
  
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Chairman Senate Committee

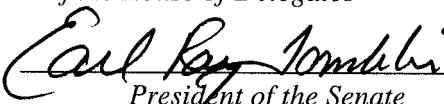
  
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Chairman House Committee

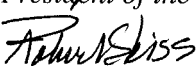
Originating in the House.

In effect ninety days from passage

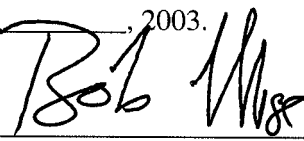
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is disapproved this the 2nd  
day of April, 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/24/03

Time 10:45 AM