



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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September 15, 2002

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Donna Prunty
Ethics Commission
Capitol Complex
Building 1, Room E-119

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Lobbying, 158CSR12**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Department of Administration, Ethics Commission

Subject: Lobbying, 158CSR12

PERTINENT DATES

Filed for public comment: May 30, 2002

Public comment period ended: July 1, 2002

Filed following public comment period: July 19, 2002

Filed LRMRC: July 19, 2002

Filed as emergency: N/A

Fiscal Impact: None

ABSTRACTBrief Summary

- The amended rule increases the registration fee for Lobbyists.
- The amended rule eliminates the requirement that Lobbyists file duplicate copies of the lobbyist's registration statement.
- The amended rule eliminates the requirement that lobbyist registration statements and reports be signed under oath or affirmation.

Section Summary

The following is a synopsis of the substantive amendments.

Section 3 defines terms.

- Further defines the term Lobbyist to exclude any Persons who limit their lobbying activities to attending receptions, dinners, parties or other group functions and make no expenditure in connection with such lobbying.

- The rule further amends the present rule to exclude and Persons who lobby without compensation or other consideration for acting as lobbyists, and whose total expenditures in connection with such lobbying do not exceed twenty-five dollars during any calendar year.

Section 4 relates to Registration procedures.

- A lobbyist is no longer restricted to using "original" forms to register.
- The Registration statement no longer must be notarized.
- The Registration statement must be submitted for each employer the lobbyist is going to represent.
- The Registration fee is increased to sixty dollars from the previous fee of twenty dollars.
- A lobbyist filing an initial registration in an even numbered year must only pay a thirty dollar fee.
- Lobbyist's Photos must now be submitted annually.
- Each Lobbyist must report "in writing" any change or termination of employment within one week.

Section 6 relates to Reporting.

- The amended rule removed the requirement that lobbyists' reports of their activities must be signed under oath or affirmation by the lobbyist. Now, they must simply be signed on forms provided by the Commission.

Section 8 relates to Employer Duties.

- Lobbyist must now submit an Employer signed "Registration Statement" instead of an "Employer Authorization".

AUTHORITY

Statutory authority: W. Va. Code, §6B-3-2; which provides, in part, as follows:

(a) The commission shall promulgate rules and regulations to carry out the purposes

of this article within six months of the effective date of this section. Such rules and regulations shall be legislative rules subject to legislative rule-making review and subject to the provisions of the administrative procedures act.

ANALYSIS

- I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No

- II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes

- III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No

- IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes

- V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes

- VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE
WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH
ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE
CODE?

Yes

VIII. OTHER

None