

ADVISORY OPINION NO. 89-95

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON JANUARY 4, 1990

GOVERNMENTAL BODY SEEKING OPINION

Executive Director of a State Parent Teacher Association (hereafter referred to as PTA)

OPINION SOUGHT

Whether the State PTA's lobbyist is exempt from registration and reporting requirements under the Act?

OTHER FACTS RELIED UPON BY THE COMMISSION

The State Congress of Parents and Teachers, Inc., commonly known and referred to as the State PTA, is a non-profit tax exempt organization recognized as such by the Internal Revenue Service in 1938. The PTA is incorporated under the laws of the State and was issued a Charter by the Secretary of State's office on October 27, 1936.

The PTA is a noncommercial, nonsectarian, nonpartisan organization composed of parents and teachers working together for the benefit of children and youth. The objectives of the PTA are to promote the welfare of children and youth in the home, school, community, and place of worship, to raise the standards of home life, to secure adequate laws for the care and protection of children and youth, to bring into closer relation the home and the school.

With the assistance of the PTA, parents and teachers may cooperate intelligently in the education of children and youth, and develop between educators and the general public such united efforts as will secure for all children and youth the highest advantages in physical, mental, social, and spiritual education.

There are 35,000 members of the State PTA who volunteer their time to work for the benefit of children and youth attending schools across the State.

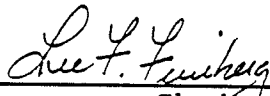
PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-3-1(7)(B)(iv) states that persons who lobby on behalf of a non-profit organization with regard to legislation, without compensation, and who restrict their lobbying activities to no more than twenty days or parts thereof during any regular session of the Legislature, are exempt. The commission may promulgate a legislative rule to require registration and reporting by persons who would otherwise be exempt under this subparagraph, if it determines that such rule is necessary to prevent frustration of the purposes of this article. Any person exempt under this subparagraph may at his or her option register and report under this article.

ADVISORY OPINION

If the persons who voluntarily lobby on behalf of the PTA (a non-profit organization) with regard to legislation receive no compensation and restrict his or her lobbying to no more than 20 days or parts thereof, during any regular session of the legislature, they are exempt from the reporting and registering requirements of the Act.

This exemption from registration and reporting does not include a paid staff member who is being compensated for lobbying.



Chairman