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H. B. 2848

(By Delegates Morgan, Talbott, Staggers
and Swartzmiller)

[Introduced January 25, 2011; referred to the
Committee on Government Organization then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §6B-2-5c, relating to
authorizing the Ethics Commission to promulgate a legislative
rule establishing guidelines under which a member of a state
professional licensing board may serve concurrently as an
officer of a state professional association.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §6B-2-5c, 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; CODE OF CONDUCT FOR ADMINISTRATIVE LAW
JUDGES.**

§6B-2-5c. Legislative findings; legislative rule for appointees to

1 **professional licensing boards.**

2 (a) The Legislature finds it is in the best interest of the
3 state to have a rule establishing guidelines under which a member
4 of a state professional licensing board may serve concurrently as
5 an officer of a state professional association and to ensure that
6 the concurrent service does not impair the board member's
7 impartiality and independent judgment.

8 (b) The commission may propose a rule for legislative approval
9 in accordance with the provisions of article three, chapter twenty-
10 nine-a of this code, to establish guidelines under which a member
11 of a professional licensing board governed by the provisions of
12 chapter thirty of this code may serve concurrently as an officer of
13 a state professional association. The rule may include, but is not
14 limited to:

15 (1) Receipt by the board member of anything of value,
16 including gifts, meals, travel and lodging expenses, conference
17 tuition, fees and honorariums;

18 (2) Abstention from deliberating and voting on matters before
19 the board relating to business of the association or its members;

20 (3) Limitations on the board member's practice before a state
21 board, agency, commission or department;

22 (4) Financial disclosure requirements; and

23 (5) Any other matters the commission determines are necessary
24 to meet the purposes of this section.

NOTE: The purpose of this bill is to authorize the Ethics Commission to promulgate a legislative rule to establish guidelines under which a member of a state professional licensing board may serve concurrently as an officer of a state professional association.

§6B-2-5c is new; therefore, it has been completely underscored.