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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 2008

(By Delegates Martin and Jove )



Passed April 7, 1993 1993

In Effect July 1, 1993 Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2008**  
(By DELEGATES MARTIN AND LOVE)

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[Passed April 7, 1993; in effect July 1, 1993.]

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AN ACT to amend and reenact sections one and eleven, article two, chapter six-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuation of the West Virginia ethics commission and compensation of commission members.

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

That sections one and eleven, article two, chapter six-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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-2-1. West Virginia ethics commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.**

- 1       (a) There is hereby created the West Virginia ethics
- 2       commission, consisting of twelve members, no more than
- 3       seven of whom shall be members of the same political
- 4       party. The members of the commission shall be ap-
- 5       pointed by the governor with the advice and consent of

6 the Senate. Within thirty days of the effective date of  
7 this section, the governor shall make the initial appoint-  
8 ments to the commission. No person may be appointed  
9 to the commission or continue to serve as a member of  
10 the commission, who holds elected or appointed office  
11 under the government of the United States, the state of  
12 West Virginia or any of its political subdivisions, or who  
13 is a candidate for any of such offices, or who is otherwise  
14 subject to the provisions of this chapter other than by  
15 reason of his or her appointment to or service on the  
16 commission. A member may contribute to a political  
17 campaign, but no member shall hold any political party  
18 office, or participate in a campaign relating to a  
19 referendum or other ballot issue.

20 (b) At least two members of the commission shall  
21 have served as a member of the West Virginia Legis-  
22 lature; at least two members of the commission shall  
23 have been employed in a full-time elected or appointed  
24 office in state government; at least one member shall  
25 have served as an elected official in a county or  
26 municipal government or on a county school board; at  
27 least one member shall have been employed full time as  
28 a county or municipal officer or employee; and at least  
29 two members shall have served part time as a member  
30 or director of a state, county or municipal board,  
31 commission or public service district and at least four  
32 members shall be selected from the public at large. No  
33 more than four members of the commission shall reside  
34 in the same congressional district.

35 (c) Of the initial appointments made to the commis-  
36 sion, two shall be for a term ending one year after the  
37 effective date of this section, two for a term ending two  
38 years after the effective date of this section, two for a  
39 term ending three years after the effective date of this  
40 section, three for a term ending four years after the  
41 effective date of this section, and three shall be for terms  
42 ending five years after the effective date of this section.  
43 Thereafter, terms of office shall be for five years, each  
44 term ending on the same day of the same month of the  
45 year as did the term which it succeeds. Each member  
46 shall hold office from the date of his or her appointment

47 until the end of the term for which he or she was  
48 appointed or until his or her successor qualifies for  
49 office. When a vacancy occurs as a result of death,  
50 resignation, or removal in the membership of this  
51 commission, it shall be filled by appointment within  
52 thirty days of the vacancy for the unexpired portion of  
53 the term in the same manner as original appointments.  
54 No member shall serve more than two consecutive full  
55 or partial terms, and no person may be reappointed to  
56 the commission until at least two years have elapsed  
57 after the completion of a second successive term.

58 (d) Each member of the commission shall take and  
59 subscribe to the oath or affirmation required pursuant  
60 to Section 5, Article IV of the Constitution of West  
61 Virginia. A member may be removed by the governor  
62 for substantial neglect of duty, gross misconduct in  
63 office or violation of this chapter, after written notice  
64 and opportunity for reply.

65 (e) The commission shall meet within thirty days of  
66 the initial appointments to the commission at a time and  
67 place to be determined by the governor, who shall  
68 designate a member to preside at that meeting until a  
69 chairman is elected. At its first meeting, the commission  
70 shall elect a chairman and such other officers as are  
71 necessary. The commission shall within ninety days  
72 after its first meeting adopt rules for its procedures.

73 (f) Seven members of the commission shall constitute  
74 a quorum, except that when the commission is sitting  
75 as a hearing board pursuant to section four of this  
76 article, then five members shall constitute a quorum.  
77 Except as may be otherwise provided in this article, a  
78 majority of the total membership shall be necessary to  
79 act at all times.

80 (g) Members of the commission shall receive fifty  
81 dollars for each day actually devoted to the business of  
82 the commission and, in addition thereto, shall be  
83 reimbursed for expenses actually and necessarily  
84 incurred in the performance of their official duties as  
85 such members.

86 (h) The commission shall appoint an executive direc-

87 tor to assist the commission in carrying out its functions  
88 in accordance with commission rules and regulations  
89 and with applicable law. Said executive director shall  
90 be paid such salary as may be fixed by the commission  
91 or as otherwise provided by law. The commission shall  
92 appoint and discharge counsel and employees and shall  
93 fix the compensation of employees and prescribe their  
94 duties. Counsel to the commission shall advise the  
95 commission on all legal matters and on the instruction  
96 of the commission may commence such civil actions as  
97 may be appropriate: *Provided*, That no counsel shall  
98 both advise the commission and act in a representative  
99 capacity in any proceeding.

100 (i) The commission may delegate authority to the  
101 chairman or executive director to act in the name of the  
102 commission between meetings of the commission, except  
103 that the commission shall not delegate the power to hold  
104 hearings and determine violations to the chairman or  
105 executive director.

106 (j) The chairman shall have the authority to designate  
107 subcommittees of three persons, no more than two of  
108 whom may be members of the same political party. Said  
109 subcommittees shall be investigative panels which shall  
110 have the powers and duties set forth hereinafter in this  
111 article.

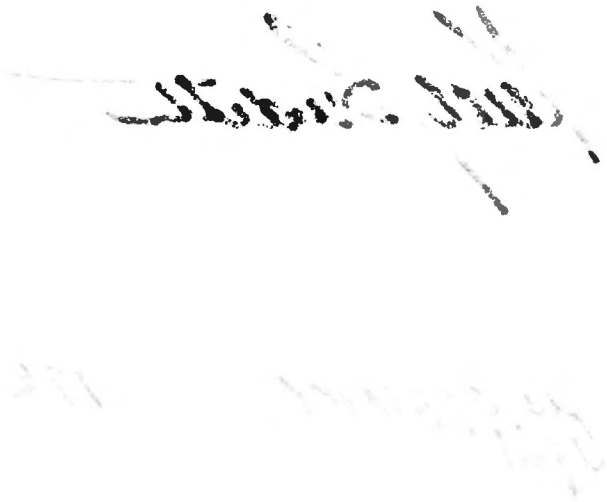
112 (k) The principal office of the commission shall be in  
113 the seat of government but it or its designated subcom-  
114 mittees may meet and exercise its power at any other  
115 place in the state. Meetings of the commission shall be  
116 public unless such meetings or hearings are required to  
117 be private in conformity with the provisions of this  
118 chapter relating to confidentiality, except that the  
119 commission shall exclude the public from attendance at  
120 discussions of commission personnel, planned or ongoing  
121 litigation and planned or ongoing investigations.

122 (l) Meetings of the commission shall be upon the call  
123 of the chairman and shall be conducted by the personal  
124 attendance of the commission members and no meeting  
125 shall be conducted by telephonic or other electronic  
126 conferencing, nor shall any member be allowed to vote

127 by proxy: *Provided*, That telephone conferencing and  
128 voting may be held for the purpose of approving or  
129 rejecting any proposed advisory opinions prepared by  
130 the commission, or for voting on issues involving the  
131 administrative functions of the commission. Meetings  
132 held by telephone conferencing shall require notice to  
133 members in the same manner as meetings to be  
134 personally attended, shall be electronically recorded,  
135 and the recordings shall be made a permanent part of  
136 the commission records. Members shall not be compen-  
137 sated for meetings other than those personally attended.

**§6B-2-11. Continuation of commission.**

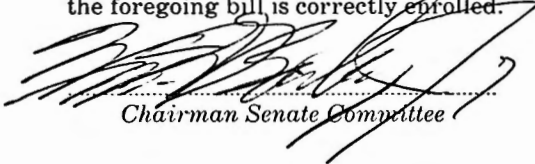
1 Pursuant to the provisions of section four, article ten,  
2 chapter four of this code, the West Virginia ethics  
3 commission shall continue to exist until the first day of  
4 July, one thousand nine hundred ninety-four, to allow  
5 for the completion of an audit by the joint committee on  
6 government operations.



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Enr. Com. Sub. for H. B. 2008] 6

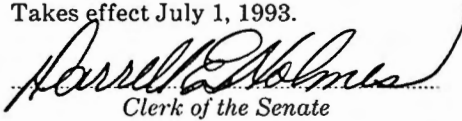
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1993.

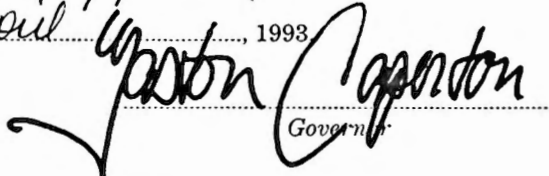
  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker of the House of Delegates

The within is approved..... this the 19<sup>th</sup>  
day of April....., 1993

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/93

Time 11:01 am