

1 **and reimbursement for expenses; meetings and quorum.**

2 (a) There is hereby created the West Virginia Ethics
3 Commission, consisting of twelve members, no more than seven of
4 whom shall be members of the same political party. The members of
5 the commission shall be appointed by the Governor with the advice
6 and consent of the Senate. Within thirty days of the effective
7 date of this section, the Governor shall make the initial
8 appointments to the commission. No person may be appointed to the
9 commission or continue to serve as a member of the commission who
10 holds elected or appointed office under the government of the
11 United States, the State of West Virginia or any of its political
12 subdivisions, or who is a candidate for any of those offices, who
13 is employed as a registered lobbyist, or who is otherwise subject
14 to the provisions of this chapter other than by reason of his or
15 her appointment to or service on the commission. A member may
16 contribute to a political campaign, but no member shall hold any
17 political party office or participate in a campaign relating to a
18 referendum or other ballot issue.

19 (b) At least ~~two~~ one member of the commission shall have
20 served as a member of the West Virginia Legislature; at least ~~two~~
21 one member of the commission shall have been employed in a
22 full-time elected or appointed office in state government; at least
23 one member shall have served as an elected official in a county or
24 municipal government or on a county school board; at least one

1 member shall have been employed full-time as a county or municipal
2 officer or employee; and at least ~~two~~ one member shall have served
3 part time as a member or director of a state, county or municipal
4 board, commission or public service district and at least ~~four~~
5 seven members shall be selected from the public at large. No more
6 than four members of the commission shall reside in the same
7 congressional district.

8 (c) Of the initial appointments made to the commission, two
9 shall be for a term ending one year after the effective date of
10 this section, two for a term ending two years after the effective
11 date of this section, two for a term ending three years after the
12 effective date of this section, three for a term ending four years
13 after the effective date of this section and three shall be for
14 terms ending five years after the effective date of this section.
15 Thereafter, terms of office shall be for five years, each term
16 ending on the same day of the same month of the year as did the
17 term which it succeeds. Each member shall hold office from the
18 date of his or her appointment until the end of the term for which
19 he or she was appointed or until his or her successor qualifies for
20 office. When a vacancy occurs as a result of death, resignation or
21 removal in the membership of this commission, it shall be filled by
22 appointment within thirty days of the vacancy for the unexpired
23 portion of the term in the same manner as original appointments.
24 No member shall serve more than two consecutive full or partial

1 terms and no person may be reappointed to the commission until at
2 least two years have elapsed after the completion of a second
3 successive term.

4 (d) Each member of the commission shall take and subscribe to
5 the oath or affirmation required pursuant to section five, article
6 IV of the Constitution of West Virginia. A member may be removed
7 by the Governor for substantial neglect of duty, gross misconduct
8 in office or violation of this chapter, after written notice and
9 opportunity for reply.

10 (e) The commission shall meet within thirty days of the
11 initial appointments to the commission at a time and place to be
12 determined by the Governor, who shall designate a member to preside
13 at that meeting until a chairman is elected. At its first meeting,
14 the commission shall elect a chairman and other officers as are
15 necessary. The commission shall within ninety days after its first
16 meeting adopt rules for its procedures.

17 (f) Seven members of the commission shall constitute a quorum,
18 except that when the commission is sitting as a hearing board
19 pursuant to section four of this article, then five members shall
20 constitute a quorum. Except as may be otherwise provided in this
21 article, a majority of the total membership shall be necessary to
22 act at all times.

23 (g) Members of the commission shall receive the same
24 compensation and expense reimbursement as is paid to members of the

1 Legislature for their interim duties as recommended by the Citizens
2 Legislative Compensation Commission and authorized by law for each
3 day or portion thereof engaged in the discharge of official duties:
4 *Provided*, That to be eligible for compensation and expense
5 reimbursement, the member must participate in a meeting or
6 adjudicatory session: *Provided, however*, That the member is not
7 eligible for expense reimbursement if he or she does not attend a
8 meeting or adjudicatory session in person.

9 (h) The commission shall appoint an executive director to
10 assist the commission in carrying out its functions in accordance
11 with commission rules and with applicable law. The executive
12 director shall be paid a salary fixed by the commission or as
13 otherwise provided by law. The commission shall appoint and
14 discharge counsel and employees and shall fix the compensation of
15 employees and prescribe their duties. Counsel to the commission
16 shall advise the commission on all legal matters and on the
17 instruction of the commission may commence appropriate civil
18 actions: *Provided*, That no counsel shall both advise the
19 commission and act in a representative capacity in any proceeding.

20 (i) The commission may delegate authority to the chairman or
21 executive director to act in the name of the commission between
22 meetings of the commission, except that the commission shall not
23 delegate the power to hold hearings and determine violations to the
24 chairman or executive director.

1 (j) The principal office of the commission shall be in the
2 seat of government but it or its designated subcommittees may meet
3 and exercise its power at any other place in the state. Meetings
4 of the commission shall be public unless: (1) They are required to
5 be private by the provisions of this chapter relating to
6 confidentiality; or (2) they involve discussions of commission
7 personnel, planned or ongoing litigation and planned or ongoing
8 investigations.

9 (k) Meetings of the commission shall be upon the call of the
10 chair and may be conducted by telephonic or other electronic
11 conferencing: *Provided*, That telephone or other electronic
12 conferencing and voting are not permitted when the commission is
13 acting as a hearing board under section four of this article or
14 when the Probable Cause Review Board meets to receive an oral
15 response as authorized under subsection (d), section four of this
16 article. Members shall be given notice of meetings held by
17 telephone or other electronic conferencing in the same manner as
18 meetings at which the members are required to attend in person.
19 Telephone or other electronic conferences shall be electronically
20 recorded and the recordings shall be retained by the commission in
21 accordance with its record retention policy.

NOTE: The purpose of this bill is to change the experience requirements of composition of the members of the West Virginia Ethics Commission.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.