

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5665

By Delegates Dillon, Anders, Bridges, Ridenour,
Kimble, B. Ward, Masters, Clay, Flanigan, Adkins,
and Butler

[Introduced February 17, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to
 2 public officials; and requiring the House and Senate Clerk record all roll call votes in the
 3 journal on all questions pertaining to a direct personal or pecuniary interest when more
 4 than one-third of the members present vote by voting machine.

Be it enacted by the Legislature of West Virginia:

**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-2-5. Ethical standards for elected and appointed officials and public employees.

1 (a) Persons subject to section. — The provisions of this section apply to all public officials
 2 and public employees, whether full or part-time and whether compensated or not, in state, county,
 3 municipal governments and their respective boards, agencies, departments, and commissions
 4 and in any other regional or local governmental agency, including county school boards.

5 (b) Use of public office for private gain. — (1) A public official or public employee may not
 6 knowingly and intentionally use his or her office or the prestige of his or her office for his or her own
 7 private gain or that of another person. Incidental use of equipment or resources available to a
 8 public official or public employee by virtue of his or her position for personal or business purposes
 9 resulting in de minimis private gain does not constitute use of public office for private gain under
 10 this subsection. The performance of usual and customary duties associated with the office or
 11 position or the advancement of public policy goals or constituent services, without compensation,
 12 does not constitute the use of prestige of office for private gain.

13 (2) Notwithstanding the general prohibition against use of office for private gain, public
 14 officials and public employees may use bonus points acquired through participation in frequent
 15 traveler programs while traveling on official government business: *Provided*, That the official's or

16 employee's participation in such program, or acquisition of such points, does not result in
17 additional costs to the government.

18 (3) The Legislature, in enacting this subsection, recognizes that there may be certain
19 public officials or public employees who bring to their respective offices or employment their own
20 unique personal prestige which is based upon their intelligence, education, experience, skills and
21 abilities, or other personal gifts or traits. In many cases, these persons bring a personal prestige to
22 their office or employment which inures to the benefit of the state and its citizens. Those persons
23 may, in fact, be sought by the state to serve in their office or employment because, through their
24 unusual gifts or traits, they bring stature and recognition to their office or employment and to the
25 state itself. While the office or employment held or to be held by those persons may have its own
26 inherent prestige, it would be unfair to those individuals and against the best interests of the
27 citizens of this state to deny those persons the right to hold public office or to be publicly employed
28 on the grounds that they would, in addition to the emoluments of their office or employment, be in a
29 position to benefit financially from the personal prestige which otherwise inheres to them.
30 Accordingly, the commission is directed, by legislative rule, to establish categories of public
31 officials and public employees, identifying them generally by the office or employment held, and
32 offering persons who fit within those categories the opportunity to apply for an exemption from the
33 application of the provisions of this subsection. Exemptions may be granted by the commission, on
34 a case-by-case basis, when it is shown that: (A) The public office held or the public employment
35 engaged in is not such that it would ordinarily be available or offered to a substantial number of the
36 citizens of this state; (B) The office held or the employment engaged in is such that it normally or
37 specifically requires a person who possesses personal prestige; and (C) The person's
38 employment contract or letter of appointment provides or anticipates that the person will gain
39 financially from activities which are not a part of his or her office or employment.

40 (4) A public official or public employee may not show favoritism or grant patronage in the
41 employment or working conditions of his or her relative or a person with whom he or she resides:

42 Provided, That as used in this subdivision, "employment or working conditions" shall only apply to
43 government employment: *Provided, however,* That government employment includes only those
44 governmental entities specified in subsection (a) of this section.

45 (c) Gifts. — (1) A public official or public employee may not solicit any gift unless the
46 solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the
47 official or employee or his or her immediate family: *Provided,* That no public official or public
48 employee may solicit for a charitable purpose any gift from any person who is also an official or
49 employee of the state and whose position is subordinate to the soliciting official or employee:
50 *Provided, however,* That nothing herein shall prohibit a candidate for public office from soliciting a
51 lawful political contribution. No official or employee may knowingly accept any gift, directly or
52 indirectly, from a lobbyist or from any person whom the official or employee knows or has reason to
53 know:

54 (A) Is doing or seeking to do business of any kind with his or her agency;

55 (B) Is engaged in activities which are regulated or controlled by his or her agency; or

56 (C) Has financial interests which may be substantially and materially affected, in a manner
57 distinguishable from the public generally, by the performance or nonperformance of his or her
58 official duties.

59 (2) Notwithstanding the provisions of subdivision (1) of this subsection, a person who is a
60 public official or public employee may accept a gift described in this subdivision, and there shall be
61 a presumption that the receipt of such gift does not impair the impartiality and independent
62 judgment of the person. This presumption may be rebutted only by direct objective evidence that
63 the gift did impair the impartiality and independent judgment of the person or that the person knew
64 or had reason to know that the gift was offered with the intent to impair his or her impartiality and
65 independent judgment. The provisions of subdivision (1) of this subsection do not apply to:

66 (A) Meals and beverages;

67 (B) Ceremonial gifts or awards which have insignificant monetary value;

68 (C) Unsolicited gifts of nominal value or trivial items of informational value;

69 (D) Reasonable expenses for food, travel, and lodging of the official or employee for a
70 meeting at which the official or employee participates in a panel or has a speaking engagement;

71 (E) Gifts of tickets or free admission extended to a public official or public employee to
72 attend charitable, cultural, or political events, if the purpose of such gift or admission is a courtesy
73 or ceremony customarily extended to the office;

74 (F) Gifts that are purely private and personal in nature; or

75 (G) Gifts from relatives by blood or marriage, or a member of the same household.

76 (3) The commission shall, through legislative rule promulgated pursuant to chapter 29A of
77 this code, establish guidelines for the acceptance of a reasonable honorarium by public officials
78 and elected officials. The rule promulgated shall be consistent with this section. Any elected public
79 official may accept an honorarium only when:

80 (A) That official is a part-time elected public official;

81 (B) The fee is not related to the official's public position or duties;

82 (C) The fee is for services provided by the public official that are related to the public
83 official's regular, nonpublic trade, profession, occupation, hobby, or avocation; and

84 (D) The honorarium is not provided in exchange for any promise or action on the part of the
85 public official.

86 (4) Nothing in this section shall be construed so as to prohibit the giving of a lawful political
87 contribution as defined by law.

88 (5) The Governor or his designee may, in the name of the State of West Virginia, accept
89 and receive gifts from any public or private source. Any gift so obtained shall become the property
90 of the state and shall, within 30 days of the receipt thereof, be registered with the commission and
91 the Division of Culture and History.

92 (6) Upon prior approval of the Joint Committee on Government and Finance, any member
93 of the Legislature may solicit donations for a regional or national legislative organization

94 conference or other legislative organization function to be held in the state for the purpose of
95 deferring costs to the state for hosting of the conference or function. Legislative organizations are
96 bipartisan regional or national organizations in which the Joint Committee on Government and
97 Finance authorizes payment of dues or other membership fees for the Legislature's participation
98 and which assist this and other State Legislatures and their staff through any of the following:

99 (A) Advancing the effectiveness, independence, and integrity of Legislatures in the states
100 of the United States;

101 (B) Fostering interstate cooperation and facilitating information exchange among State
102 Legislatures;

103 (C) Representing the states and their Legislatures in the American federal system of
104 government;

105 (D) Improving the operations and management of State Legislatures and the effectiveness
106 of legislators and legislative staff, and to encourage the practice of high standards of conduct by
107 legislators and legislative staff;

108 (E) Promoting cooperation between State Legislatures in the United States and
109 Legislatures in other countries.

110 The solicitations may only be made in writing. The legislative organization may act as fiscal
111 agent for the conference and receive all donations. In the alternative, a bona fide banking
112 institution may act as the fiscal agent. The official letterhead of the Legislature may not be used by
113 the legislative member in conjunction with the fund raising or solicitation effort. The legislative
114 organization for which solicitations are being made shall file with the Joint Committee on
115 Government and Finance and with the Secretary of State for publication in the State Register as
116 provided in §29A-2-1 *et seq.* of this code, copies of letters, brochures, and other solicitation
117 documents, along with a complete list of the names and last known addresses of all donors and
118 the amount of donations received. Any solicitation by a legislative member shall contain the
119 following disclaimer:

120 "This solicitation is endorsed by [name of member]. This endorsement does not imply
121 support of the soliciting organization, nor of the sponsors who may respond to the solicitation. A
122 copy of all solicitations are on file with the West Virginia Legislature's Joint Committee on
123 Government and Finance, and with the Secretary of State and are available for public review."

124 (7) Upon written notice to the commission, any member of the board of Public Works may
125 solicit donations for a regional or national organization conference or other function related to the
126 office of the member to be held in the state for the purpose of deferring costs to the state for
127 hosting of the conference or function. The solicitations may only be made in writing. The
128 organization may act as fiscal agent for the conference and receive all donations. In the
129 alternative, a bona fide banking institution may act as the fiscal agent. The official letterhead of the
130 office of the Board of Public Works member may not be used in conjunction with the fund raising or
131 solicitation effort. The organization for which solicitations are being made shall file with the Joint
132 Committee on Government and Finance, with the Secretary of State for publication in the State
133 Register as provided in §29A-2-1 *et seq.* of this code and with the commission, copies of letters,
134 brochures, and other solicitation documents, along with a complete list of the names and last
135 known addresses of all donors and the amount of donations received. Any solicitation by a
136 member of the board of Public Works shall contain the following disclaimer: "This solicitation is
137 endorsed by (name of member of Board of Public Works.) This endorsement does not imply
138 support of the soliciting organization, nor of the sponsors who may respond to the solicitation.
139 Copies of all solicitations are on file with the West Virginia Legislature's Joint Committee on
140 Government and Finance, with the West Virginia Secretary of State and with the West Virginia
141 Ethics Commission and are available for public review." Any moneys in excess of those donations
142 needed for the conference or function shall be deposited in the Capitol Dome and Capitol
143 Improvement Fund established in §5A-4-2 *et seq.* of this code.

144 (d) Interests in public contracts. — (1) In addition to the provisions of §61-10-15 of this
145 code, no elected or appointed public official or public employee or member of his or her immediate

146 family or business with which he or she is associated may be a party to or have an interest in the
147 profits or benefits of a contract which the official or employee may have direct authority to enter
148 into, or over which he or she may have control: *Provided*, That nothing herein shall be construed to
149 prevent or make unlawful the employment of any person with any governmental body: *Provided*,
150 *however*, That nothing herein shall be construed to prohibit a member of the Legislature from
151 entering into a contract with any governmental body, or prohibit a part-time appointed public official
152 from entering into a contract which the part-time appointed public official may have direct authority
153 to enter into or over which he or she may have control when the official has not participated in the
154 review or evaluation thereof, has been recused from deciding or evaluating and has been excused
155 from voting on the contract and has fully disclosed the extent of his or her interest in the contract.

156 (2) In the absence of bribery or a purpose to defraud, an elected or appointed public official
157 or public employee or a member of his or her immediate family or a business with which he or she
158 is associated shall not be considered as having a prohibited financial interest in a public contract
159 when such a person has a limited interest as an owner, shareholder, or creditor of the business
160 which is awarded a public contract. A limited interest for the purposes of this subsection is:

161 (A) An interest which does not exceed \$1,000 in the profits or benefits of the public contract
162 or contracts in a calendar year;

163 (B) An interest as a creditor of a public employee or official who exercises control over the
164 contract, or a member of his or her immediate family, if the amount is less than \$5,000.

165 (3) If a public official or employee has an interest in the profits or benefits of a contract, then
166 he or she may not make, participate in making, or in any way attempt to use his office or
167 employment to influence a government decision affecting his or her financial or limited financial
168 interest. Public officials shall also comply with the voting rules prescribed in subsection (j) of this
169 section.

170 (4) Where the provisions of subdivisions (1) and (2) of this subsection would result in the
171 loss of a quorum in a public body or agency, in excessive cost, undue hardship, or other

172 substantial interference with the operation of a state, county, municipality, county school board, or
173 other governmental agency, the affected governmental body or agency may make written
174 application to the Ethics Commission for an exemption from subdivisions (1) and (2) of this
175 subsection.

176 (e) Confidential information. — No present or former public official or employee may
177 knowingly and improperly disclose any confidential information acquired by him or her in the
178 course of his or her official duties nor use such information to further his or her personal interests
179 or the interests of another person.

180 (f) Prohibited representation. — No present or former elected or appointed public official or
181 public employee shall, during or after his or her public employment or service, represent a client or
182 act in a representative capacity with or without compensation on behalf of any person in a
183 contested case, rate-making proceeding, license or permit application, regulation filing or other
184 particular matter involving a specific party or parties which arose during his or her period of public
185 service or employment and in which he or she personally and substantially participated in a
186 decision-making, advisory or staff support capacity, unless the appropriate government agency,
187 after consultation, consents to such representation. A staff attorney, accountant or other
188 professional employee who has represented a government agency in a particular matter shall not
189 thereafter represent another client in the same or substantially related matter in which that client's
190 interests are materially adverse to the interests of the government agency, without the consent of
191 the government agency: *Provided*, That this prohibition on representation shall not apply when the
192 client was not directly involved in the particular matter in which the professional employee
193 represented the government agency, but was involved only as a member of a class. The
194 provisions of this subsection shall not apply to legislators who were in office and legislative staff
195 who were employed at the time it originally became effective on July 1, 1989, and those who have
196 since become legislators or legislative staff and those who shall serve hereafter as legislators or
197 legislative staff.

198 (g) Limitation on practice before a board, agency, commission or department. — Except as
199 otherwise provided in §8A-2-3, §8A-2-4, or §8A-2-5 of this code: (1) No elected or appointed public
200 official and no full-time staff attorney or accountant shall, during his or her public service or public
201 employment or for a period of one year after the termination of his or her public service or public
202 employment with a governmental entity authorized to hear contested cases or promulgate or
203 propose rules, appear in a representative capacity before the governmental entity in which he or
204 she serves or served or is or was employed in the following matters:

205 (A) A contested case involving an administrative sanction, action or refusal to act;

206 (B) To support or oppose a proposed rule;

207 (C) To support or contest the issuance or denial of a license or permit;

208 (D) A rate-making proceeding; and

209 (E) To influence the expenditure of public funds.

210 (2) As used in this subsection, "represent" includes any formal or informal appearance
211 before, or any written or oral communication with, any public agency on behalf of any person:
212 *Provided*, That nothing contained in this subsection shall prohibit, during any period, a former
213 public official or employee from being retained by or employed to represent, assist or act in a
214 representative capacity on behalf of the public agency by which he or she was employed or in
215 which he or she served. Nothing in this subsection shall be construed to prevent a former public
216 official or employee from representing another state, county, municipal, or other governmental
217 entity before the governmental entity in which he or she served or was employed within one year
218 after the termination of his or her employment or service in the entity.

219 (3) A present or former public official or employee may appear at any time in a
220 representative capacity before the Legislature, a county commission, city or town council, or
221 county school board in relation to the consideration of a statute, budget, ordinance, rule,
222 resolution, or enactment.

223 (4) Members and former members of the Legislature and professional employees and
224 former professional employees of the Legislature shall be permitted to appear in a representative
225 capacity on behalf of clients before any governmental agency of the state or of county or municipal
226 governments, including county school boards.

227 (5) An elected or appointed public official, full-time staff attorney or accountant who would
228 be adversely affected by the provisions of this subsection may apply to the Ethics Commission for
229 an exemption from the one year prohibition against appearing in a representative capacity, when
230 the person's education and experience is such that the prohibition would, for all practical
231 purposes, deprive the person of the ability to earn a livelihood in this state outside of the
232 governmental agency. The Ethics Commission shall, by legislative rule, establish general
233 guidelines or standards for granting an exemption or reducing the time period, but shall decide
234 each application on a case-by-case basis.

235 (h) Employment by regulated persons and vendors. — (1) No full-time official or full-time
236 public employee may seek employment with, be employed by, or seek to purchase, sell or lease
237 real or personal property to or from any person who:

238 (A) Had a matter on which he or she took, or a subordinate is known to have taken,
239 regulatory action within the preceding 12 months; or

240 (B) Has a matter before the agency on which he or she is working or a subordinate is
241 known by him or her to be working.

242 (C) Is a vendor to the agency where the official serves or public employee is employed and
243 the official or public employee, or a subordinate of the official or public employee, exercises
244 authority or control over a public contract with such vendor, including, but not limited to:

245 (i) Drafting bid specifications or requests for proposals;

246 (ii) Recommending selection of the vendor;

247 (iii) Conducting inspections or investigations;

248 (iv) Approving the method or manner of payment to the vendor;

249 (v) Providing legal or technical guidance on the formation, implementation or execution of
250 the contract; or

251 (vi) Taking other nonministerial action which may affect the financial interests of the vendor.

252 (2) Within the meaning of this section, the term "employment" includes professional
253 services and other services rendered by the public official or public employee, whether rendered
254 as employee or as an independent contractor; "seek employment" includes responding to
255 unsolicited offers of employment as well as any direct or indirect contact with a potential employer
256 relating to the availability or conditions of employment in furtherance of obtaining employment;
257 and "subordinate" includes only those agency personnel over whom the public official or public
258 employee has supervisory responsibility.

259 (3) A full-time public official or full-time public employee who would be adversely affected
260 by the provisions of this subsection may apply to the Ethics Commission for an exemption from the
261 prohibition contained in subdivision (1) of this subsection.

262 (A) The Ethics Commission shall, by legislative rule, establish general guidelines or
263 standards for granting an exemption, but shall decide each application on a case-by-case basis;

264 (B) A person adversely affected by the restriction on the purchase of personal property
265 may make such purchase after seeking and obtaining approval from the commission or in good
266 faith reliance upon an official guideline promulgated by the commission, written advisory opinions
267 issued by the commission, or a legislative rule.

268 (C) The commission may establish exceptions to the personal property purchase
269 restrictions through the adoption of guidelines, advisory opinions or legislative rule.

270 (4) A full-time public official or full-time public employee may not take personal regulatory
271 action on a matter affecting a person by whom he or she is employed or with whom he or she is
272 seeking employment or has an agreement concerning future employment.

273 (5) A full-time public official or full-time public employee may not personally participate in a
274 decision, approval, disapproval, recommendation, rendering advice, investigation, inspection, or

275 other substantial exercise of nonministerial administrative discretion involving a vendor with whom
276 he or she is seeking employment or has an agreement concerning future employment.

277 (6) A full-time public official or full-time public employee may not receive private
278 compensation for providing information or services that he or she is required to provide in carrying
279 out his or her public job responsibilities.

280 (i) Members of the Legislature required to vote. — (1) Members of the Legislature who
281 have asked to be excused from voting or who have made inquiry as to whether they should be
282 excused from voting on a particular matter and who are required by the presiding officer of the
283 House of Delegates or Senate of West Virginia to vote under the rules of the particular house shall
284 not be guilty of any violation of ethics under the provisions of this section for a vote so cast.

285 (2) When a question is put, any member of the Legislature having a direct personal or
286 pecuniary interest therein should announce this fact and request to be excused from voting. The
287 member with such interest should advise the presiding officer of the facts which constitute the
288 personal and pecuniary interest. If the presiding officer determines based upon the facts provided
289 by the member that the interest is a direct personal or pecuniary interest and affects the member
290 directly and not as a member of a class of five or more similarly situated persons or businesses
291 then the presiding officer shall excuse the member from voting. If the presiding officer determines
292 that the interest is not a direct personal or pecuniary interest or that the member is affected as a
293 member of a class of five or more similarly situated persons or entities then the member shall be
294 directed to vote on the question. When more than one-third of the members present vote by voting
295 machine, all roll call votes on all questions pertaining to a direct personal or pecuniary interest
296 shall be recorded in the journal by the Clerk.

297 (j) Limitations on voting. — (1) Public officials, excluding members of the Legislature who
298 are governed by subsection (i) of this section, may not vote on a matter:

299 (A) In which they, an immediate family member, or a business with which they or an
300 immediate family member is associated have a financial interest. Business with which they are

301 associated means a business of which the person or an immediate family member is a director,
302 officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or
303 more of the total outstanding stocks of any class.

304 (B) If a public official is employed by a financial institution and his or her primary
305 responsibilities include consumer and commercial lending, the public official may not vote on a
306 matter which directly affects the financial interests of a customer of the financial institution if the
307 public official is directly involved in approving a loan request from the person or business
308 appearing before the governmental body or if the public official has been directly involved in
309 approving a loan for that person or business within the past 12 months: *Provided*, That this
310 limitation only applies if the total amount of the loan or loans exceeds \$15,000.

311 (C) The employment or working conditions of the public official's relative or person with
312 whom the public official resides.

313 (D) The appropriations of public moneys or the awarding of a contract to a nonprofit
314 corporation if the public official or an immediate family member is employed by, or a compensated
315 officer or board member of, the nonprofit: *Provided*, That if the public official or immediate family
316 member is an uncompensated officer or board member of the nonprofit, then the public official
317 shall publicly disclose such relationship prior to a vote on the appropriations of public moneys or
318 award of contract to the nonprofit: *Provided, however*, That for purposes of this paragraph, public
319 disclosure shall mean disclosure of the public official's, or his or her immediate family member's,
320 relationship to the nonprofit (i) on the agenda item relating to the appropriation or award contract, if
321 known at time of agenda, (ii) by the public official at the meeting prior to the vote, and (iii) in the
322 minutes of the meeting.

323 (2) A public official may vote:

324 (A) If the public official, his or her spouse, immediate family members or relatives or
325 business with which they are associated are affected as a member of, and to no greater extent

326 than any other member of a profession, occupation, class of persons or class of businesses. A
327 class shall consist of not fewer than five similarly situated persons or businesses; or

328 (B) If the matter affects a publicly traded company when:

329 (i) The public official, or dependent family members individually or jointly own less than five
330 percent of the issued stock in the publicly traded company and the value of the stocks individually
331 or jointly owned is less than \$10,000; and

332 (ii) Prior to casting a vote the public official discloses his or her interest in the publicly
333 traded company.

334 (3) For a public official's recusal to be effective, it is necessary to excuse him or herself
335 from participating in the discussion and decision-making process by physically removing him or
336 herself from the room during the period, fully disclosing his or her interests, and recusing him or
337 herself from voting on the issue. The recusal shall also be reflected in the meeting minutes.

338 (k) Limitations on participation in licensing and rate-making proceedings. — No public
339 official or employee may participate within the scope of his or her duties as a public official or
340 employee, except through ministerial functions as defined in §6B-1-3 of this code, in any license or
341 rate-making proceeding that directly affects the license or rates of any person, partnership, trust,
342 business trust, corporation, or association in which the public official or employee or his or her
343 immediate family owns or controls more than 10 percent. No public official or public employee may
344 participate within the scope of his or her duties as a public official or public employee, except
345 through ministerial functions as defined §6B-1-3 of this code, in any license or rate-making
346 proceeding that directly affects the license or rates of any person to whom the public official or
347 public employee or his or her immediate family, or a partnership, trust, business trust, corporation
348 or association of which the public official or employee, or his or her immediate family, owns or
349 controls more than 10 percent, has sold goods or services totaling more than \$1,000 during the
350 preceding year, unless the public official or public employee has filed a written statement
351 acknowledging such sale with the public agency and the statement is entered in any public record

352 of the agency's proceedings. This subsection shall not be construed to require the disclosure of
353 clients of attorneys or of patients or clients of persons licensed pursuant to §30-3-1 *et seq.*, §30-8-
354 1 *et seq.*, §30-14-1 *et seq.*, §30-14A-1 *et seq.*, §30-15-1 *et seq.*, §30-16-1 *et seq.*, §30-20-1 *et*
355 *seq.*, §30-21-1 *et seq.*, or §30-31-1 *et seq.* of this code.

356 (l) Certain compensation prohibited. — (1) A public employee may not receive additional
357 compensation from another publicly-funded state, county, or municipal office or employment for
358 working the same hours, unless:

359 (A) The public employee's compensation from one public employer is reduced by the
360 amount of compensation received from the other public employer;

361 (B) The public employee's compensation from one public employer is reduced on a pro
362 rata basis for any work time missed to perform duties for the other public employer;

363 (C) The public employee uses earned paid vacation, personal or compensatory time or
364 takes unpaid leave from his or her public employment to perform the duties of another public office
365 or employment; or

366 (D) A part-time public employee who does not have regularly scheduled work hours or a
367 public employee who is authorized by one public employer to make up, outside of regularly
368 scheduled work hours, time missed to perform the duties of another public office or employment
369 maintains time records, verified by the public employee and his or her immediate supervisor at
370 least once every pay period, showing the hours that the public employee did, in fact, work for each
371 public employer. The public employer shall submit these time records to the Ethics Commission on
372 a quarterly basis.

373 (2) This section does not prohibit a retired public official or public employee from receiving
374 compensation from a publicly-funded office or employment in addition to any retirement benefits to
375 which the retired public official or public employee is entitled.

376 (m) Certain expenses prohibited. — No public official or public employee shall knowingly
377 request or accept from any governmental entity compensation or reimbursement for any expenses

378 actually paid by a lobbyist and required by the provisions of this chapter to be reported, or actually
379 paid by any other person.

380 (n) Any person who is employed as a member of the faculty or staff of a public institution of
381 higher education and who is engaged in teaching, research, consulting, or publication activities in
382 his or her field of expertise with public or private entities and thereby derives private benefits from
383 such activities shall be exempt from the prohibitions contained in subsections (b), (c) and (d) of this
384 section when the activity is approved as a part of an employment contract with the governing
385 board of the institution or has been approved by the employee's department supervisor or the
386 president of the institution by which the faculty or staff member is employed.

387 (o) Except as provided in this section, a person who is a public official or public employee
388 may not solicit private business from a subordinate public official or public employee whom he or
389 she has the authority to direct, supervise or control. A person who is a public official or public
390 employee may solicit private business from a subordinate public official or public employee whom
391 he or she has the authority to direct, supervise or control when:

392 (A) The solicitation is a general solicitation directed to the public at large through the
393 mailing or other means of distribution of a letter, pamphlet, handbill, circular, or other written or
394 printed media; or

395 (B) The solicitation is limited to the posting of a notice in a communal work area; or

396 (C) The solicitation is for the sale of property of a kind that the person is not regularly
397 engaged in selling; or

398 (D) The solicitation is made at the location of a private business owned or operated by the
399 person to which the subordinate public official or public employee has come on his or her own
400 initiative.

401 (p) The commission may, by legislative rule promulgated in accordance with chapter 29A
402 of this code, define further exemptions from this section as necessary or appropriate.

NOTE: The purpose of this bill is to require the House and Senate Clerk record all roll call votes in the journal on all questions pertaining to a direct personal or pecuniary interest when more than one-third of the members present vote by voting machine.

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