

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968

ENROLLED

Com. Sub. for
SENATE BILL NO. 43

(By ~~Mr.~~ *Originating in the Committee*
on the Judiciary)

PASSED February 8, 1968

In Effect thirty days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68

#43

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 43

(Originating in the Committee on the Judiciary)

[Passed February 8, 1968; in effect ninety days from passage.]

AN ACT to amend the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new chapter, designated chapter six-b, relating to disclosure by legislators, public officers, agents, servants and employees in the executive branch of state government and employees and judges in the judicial branch of state government; providing for the suspension of any person other than a constitutional officer until the required written statement under oath is filed; providing penalties and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new chapter, designated chapter six-b, to read as follows:

**CHAPTER 6B. LEGISLATORS, PUBLIC OFFICERS,
AGENTS, SERVANTS, EMPLOYEES AND JUDGES;
CONFLICTS OF INTEREST.**

ARTICLE 1. DISCLOSURE.

**§6B-1-1. Disclosure by members of Legislature and certain
public officers, employees, etc.**

1 In the year one thousand nine hundred sixty-nine and
2 every calendar year thereafter, every person who is or
3 was at any time during the preceding calendar year, a
4 member of the Legislature, an officer, agent, servant or
5 employee in the executive branch of state government
6 or an employee or judge in the judicial branch of state
7 government, shall, between January one and January fif-
8 teen in each year file with the clerk of the Senate if a
9 member of that body, with the clerk of the House of
10 Delegates if a member of that body, with the secretary
11 of state if an officer, agent, servant or employee in the

12 executive branch of state government and with the clerk
13 of the supreme court of appeals if an employee or judge
14 of the judicial branch of state government, a written
15 statement under oath of:

16 (1) The name of every corporation, firm, association,
17 partnership or sole proprietorship, in which he, his
18 spouse, or his unemancipated minor child or children
19 own either in his or their own name or beneficially at
20 least ten percent of such business entity, which is then
21 furnishing or which within the previous calendar year has
22 furnished to the state, commodities or printing as those
23 terms are defined in section one, article one, chapter five-a
24 of this code.

25 (2) The name of each person, corporation, firm, part-
26 nership or other business association in, for, or of which
27 he is an officer, director, agent, attorney, representative,
28 employee, partner or employer, and which to his actual
29 knowledge is then furnishing or ^{within} the previous calendar
30 year has furnished to the state, commodities or printing as
31 those terms are defined in section one, article one, chapter
32 five-a of this code.

*ok JHU
(by TE)*

33 (3) Any other interest or relationship which might
34 reasonably be expected to be particularly affected by leg-
35 islative action or in the public interest should be disclosed.

36 Those persons to whom the provisions of subdivisions
37 (1), (2) and (3) above are not applicable shall file a
38 written statement under oath to that effect, such state-
39 ment to be filed within the time and with the appropriate
40 official as above specified.

41 Any person other than a constitutional officer who shall
42 fail or refuse to file a written statement under oath as
43 required under subdivisions (1), (2) or (3) above or the
44 preceding paragraph hereof shall by operation of law be
45 automatically suspended without pay from his office,
46 position or employment, as the case may be, in, with or
47 by the government of this state, until such statement is
48 filed.

49 On or before January thirty-first of each year the clerk
50 of the Senate, the clerk of the House of Delegates, the
51 secretary of state and the clerk of the supreme court
52 of appeals shall prepare a report containing the state-
53 ments for the previous calendar year required to be filed

54 pursuant to this section. Copies of such reports shall be
55 open to public inspection in their respective offices, and
56 shall be retained for a period of five years after the date
57 of the preparation thereof. Each house may adopt rules
58 to implement the provisions of this section, insofar as
59 they relate to members of the Legislature.

60 The clerk of the Senate, the clerk of the House of Dele-
61 gates, the secretary of state and the clerk of the supreme
62 court of appeals shall prepare forms for such written
63 statements and distribute the same to those persons who
64 are required to file such written statements with him:
65 *Provided*, That the provisions of this article shall not
66 apply to persons receiving hourly compensation under the
67 Aid to Dependent Children of Unemployed Parents Pro-
68 gram, to persons receiving compensation under the Foster
69 Grandparents Program and to volunteer firefighters com-
70 pensated from state funds.

§6B-1-2. Criminal penalty.

1 Any person who shall intentionally file a false statement
2 shall be guilty of a misdemeanor, and upon conviction,
3 shall be confined in jail not less than six months nor more
4 than one year.

§6B-1-3. Severability.

1 If any provision of this article or its application to any
2 person or circumstance be held invalid, such invalidity
3 shall not affect other provisions or applications of this
4 article, and to this end the provisions of this article are
5 declared to be severable.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J. Thomas Thayer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

H. Latham White
Speaker House of Delegates

The within approved this the 14
day of February, 1968.

Stewart C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/12/68

Time 3:02 P.M.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA