WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

ENROLLED

SENATE BILL NO. 43

PASSED ...........................................................................

February 8, 1968

In Effect .......... Ninety days from Passage

FILED IN THE OFFICE

HOBERT D. BAILEY
SECRETARY OF STATE

THIS DATE 2-16-68
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 every calendar year thereafter, every person who is or was at any time during the preceding calendar year, a member of the Legislature, an officer, agent, servant or employee in the executive branch of state government or an employee or judge in the judicial branch of state government, shall, between January one and January fifteen in each year file with the clerk of the Senate if a member of that body, with the clerk of the House of Delegates if a member of that body, with the secretary of state if an officer, agent, servant or employee in the
executive branch of state government and with the clerk
of the supreme court of appeals if an employee or judge
of the judicial branch of state government, a written
statement under oath of:

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

(2) The name of each person, corporation, firm, part-
nership or other business association in, for, or of which
he is an officer, director, agent, attorney, representative,
employee, partner or employer, and which to his actual
knowledge is then furnishing or the previous calendar
year has furnished to the state, commodities or printing as
those terms are defined in section one, article one, chapter
five-a of this code.
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(3) Any other interest or relationship which might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed.

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

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

On or before January thirty-first of each year the clerk of the Senate, the clerk of the House of Delegates, the secretary of state and the clerk of the supreme court of appeals shall prepare a report containing the statements for the previous calendar year required to be filed.
pursuant to this section. Copies of such reports shall be open to public inspection in their respective offices, and shall be retained for a period of five years after the date of the preparation thereof. Each house may adopt rules to implement the provisions of this section, insofar as they relate to members of the Legislature.

The clerk of the Senate, the clerk of the House of Delegates, the secretary of state and the clerk of the supreme court of appeals shall prepare forms for such written statements and distribute the same to those persons who are required to file such written statements with him:

Provided, That the provisions of this article shall not apply to persons receiving hourly compensation under the Aid to Dependent Children of Unemployed Parents Program, to persons receiving compensation under the Foster Grandparents Program and to volunteer firefighters compensated from state funds.

§6B-1-2. Criminal penalty.

Any person who shall intentionally file a false statement shall be guilty of a misdemeanor, and upon conviction, shall be confined in jail not less than six months nor more 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 Tompkins
Chairman Senate Committee

Clayton E. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J.W. Morgan
Clerk of the Senate

E.M. Blessington
Clerk of the House of Delegates

Howard J. Carson
President of the Senate

H. Robert White
Speaker House of Delegates

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

Hector C. Smith
Governor