

SB 0145

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

Committee Substitute for
SENATE BILL NO. 145

(By Senators WAGNER, MURPHY, GOSCH)



PASSED February 26, 1995
In Effect 90 days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 145

(SENATORS WAGNER, MILLER AND YODER,
original sponsors)

[Passed February 20, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact sections four and five, article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to excepting certain board members of local development authorities from being in violation of the state ethics law solely by serving on an authority board.

Be it enacted by the Legislature of West Virginia:

That sections four and five, article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 12. COUNTY AND MUNICIPAL DEVELOPMENT AUTHORITIES.
§7-12-4. Qualifications of members.

1 (a) In addition to the appointing agencies as provided

2 for in section three of this article, such other persons,
3 firms, unincorporated associations and corporations,
4 which reside or maintain offices in the county of the
5 development authority, are eligible to participate in and
6 request the governing body to appoint members to the
7 development authority as the said authority by its
8 bylaws provides. Members can also be drawn from
9 citizens of a county contiguous to the county in which
10 the county development authority is located regardless
11 of their state of residence.

12 (b) Any person employed by, owning an interest in, or
13 otherwise associated with a public utility company as
14 defined in section two, article one, chapter twenty-four
15 of this code or bank as defined in section two, article
16 one, chapter thirty-one-a of this code may serve as a
17 board member and shall not be disqualified from serving
18 as a board member because of conflict of interest as
19 defined in section fifteen, article ten, chapter sixty-one
20 of this code and shall not be subject to prosecution under
21 the provisions of said section when the violation is
22 created solely as a result of his or her relationship with
23 the bank or public utility. This member must recuse
24 himself or herself from board participation regarding the
25 conflicting issue as provided for in section five of this
26 article.

**§7-12-5. Compensation of members; expenses; recusal of
member from voting where conflict of interest
involved.**

1 (a) No member of the authority shall receive any
2 compensation, whether in formal salary, per diem
3 allowance or otherwise, in connection with his or her
4 services as such member. Each member shall, however,
5 be entitled to reimbursement by the authority for any
6 necessary expenditures in connection with the
7 performance of his or her general duties as such member.

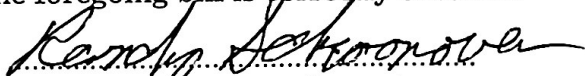
8 (b) Whenever a person associated with a public utility
9 or bank as set out in section four of this article has a
10 conflict of interest between the board and that public

11 utility or bank, then he or she must recuse himself or
12 herself from any vote, discussion or other activity
13 associated with the board or its members that creates the
14 conflict of interest.

A large, stylized handwritten signature in dark ink, possibly reading "John Doe".A smaller handwritten signature or set of initials in dark ink, possibly reading "Jane Smith".

Enr. Com. Sub. for S. B. No. 145] 4

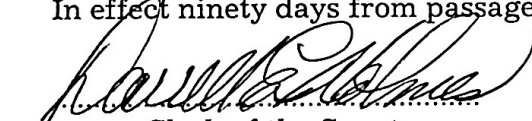
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee



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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate

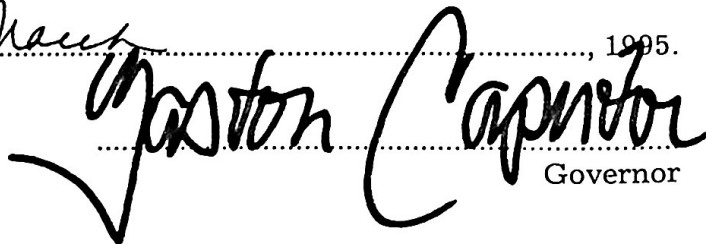

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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 1st.....

day of March....., 1995.


.....
Governor

SENTED TO THE

GOVERNOR

Date 2/24/95

Time 3:10 pm