WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

ENROLLED

Committee Substitute for
SENATE BILL NO. 145

(By Senators Wagner, Under)
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
for in section three of this article, such other persons, firms, unincorporated associations and corporations, which reside or maintain offices in the county of the development authority, are eligible to participate in and request the governing body to appoint members to the development authority as the said authority by its bylaws provides. Members can also be drawn from citizens of a county contiguous to the county in which the county development authority is located regardless of their state of residence.

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

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

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

(b) Whenever a person associated with a public utility or bank as set out in section four of this article has a conflict of interest between the board and that public
utility or bank, then he or she must recuse himself or
herself from any vote, discussion or other activity
associated with the board or its members that creates the
conflict of interest.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 15th day of March, 1995.

Governor