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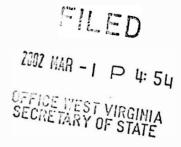
OFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE Regular Session, 2002

ENROLLED

SENATE BILL NO. _______

(By Senators Ross and Mitchell)
(
PASSED February 28, 2002
In Effect from Passage



ENROLLED

Senate Bill No. 61

(By Senators Ross and Mitchell)

[Passed February 28, 2002; in effect from passage.]

AN ACT to amend and reenact section fifteen, article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting county and district officers, teachers and school officials from having a pecuniary interest in certain contracts; establishing criminal penalties; providing for removal from office upon conviction; prohibiting certain activities designed to influence decisions of these public officials and establishing criminal penalties; setting forth exceptions; and providing for the application of constitutional provisions.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-15. Pecuniary interest of county and district officers, teachers and school officials in contracts: extenses; offering or given

sion, overseer of the poor, district school officer, secretary of a board of education, supervisor or superintendent, 3 principal or teacher of public schools or any member of any other county or district board or any county or district officer to be or become pecuniarily interested, directly or 6 indirectly, in the proceeds of any contract or service or in 7 the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal or teacher, 10 he or she may have any voice, influence or control: 11 12 Provided, That nothing in this section prevents or makes unlawful the employment of the spouse of a member, 13 14 officer, secretary, supervisor, superintendent, principal or teacher as a principal or teacher or auxiliary or service 15 16 employee in the public schools of any county or prevents 17 or makes unlawful the employment by any joint county 18 and circuit clerk of his or her spouse.

- 19 (b) Any person who violates the provisions of subsection 20 (a) of this section is guilty of a misdemeanor and, upon 21 conviction thereof, shall be fined not less than fifty dollars 22 nor more than five hundred dollars and may, in the 23 discretion of the court, be confined in the county or 24 regional jail for a period not to exceed one year.
- 25 (c) Any person convicted of violating the provisions of 26 subsection (a) of this section shall also be removed from 27 his or her office and the certificate or certificates of any 28 teacher, principal, supervisor or superintendent so con-29 victed shall, upon conviction thereof, be immediately 30 revoked: Provided, That no person may be removed from 31 office and no certificate may be revoked for a violation of 32 the provisions of this section unless the person has first 33 been convicted of the violation.

- 34 (d) Any person, firm or corporation that offers or gives 35 any compensation or thing of value or who forebears to 36 perform an act to any of the persons named in subsection (a) of this section or to or for any other person with the 37 38 intent to secure the influence, support or vote of the person 39 for any contract, service, award or other matter as to 40 which any county or school district becomes or may 41 become the paymaster is guilty of a misdemeanor and, 42 upon conviction thereof, shall be fined not less than five hundred dollars nor more than twenty-five hundred 43 44 dollars and, in the court's discretion, the person or any member of the firm or, if it is a corporation, any agent or 45 officer of the corporation offering or giving any compensa-46 tion or other thing of value may, in addition to a fine, be 47 confined in the county or regional jail for a period not to 48 49 exceed one year.
- 50 (e) The provisions of subsection (a) of this section do not 51 apply to any person who, or person whose spouse, is a 52 salaried employee of a vendor or supplier under a contract 53 subject to the provisions of said subsection if the em-54 ployee, his or her spouse or child:
- 55 (1) Is not a party to the contract;
- (2) Is not an owner, a shareholder, a director or an officer
 of a private entity under the contract;
- 58 (3) Receives no commission, bonus or other direct remuneration or thing of value by virtue of the contract;
- 60 (4) Does not participate in the deliberations or awarding 61 of the contract; and
- 62 (5) Does not approve, vote for or otherwise authorize the 63 payment for any services performed or supplies furnished 64 under the contract.
- (f) The provisions of subsection (a) of this section do not
 apply to any person who has a pecuniary interest in a bank
 within the county serving or under consideration to serve

- 68 as a depository of funds for the county or board of educa-
- 69 tion, as the case may be, if the person does not participate
- 70 in the deliberations or any ultimate determination of the
- 71 depository of the funds.
- 72 (g) The provisions of this section do not apply to publica-
- 73 tions in newspapers required by law to be made.
- 74 (h) No school employee or school official subject to the
- 75 provisions of subsection (a) of this section has an interest
- 76 in the sale, proceeds or profits in any book or other thing
- used or to be used in the free school system of this state, as
 proscribed in section nine, article XII of the constitution
- TO CAR A TO COLOR TIME, APPLIED THE COMMUNICATION
- 79 of West Virginia, if they qualify for the exceptions set
- 80 forth in either subsection (e) or (f) of this section.

[Enr. S. B. No. 61

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee	,
(Comment Vancous Vanco	—, ``
Chairman House Committee Originated in the Senate.	
In effect 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 / St. 2002.	
Day of	
® €GCN 326-C	

PRELENTED TO THE

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