

SB61

FILED

2002 MAR -1 P 4: 54

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
*Regular Session, 2002*

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**ENROLLED**

SENATE BILL NO. 61

(By Senators Ross and Mitchell )

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PASSED February 28, 2002

In Effect from Passage

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### Senate Bill No. 61

(BY SENATORS ROSS AND MITCHELL)

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

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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; exceptions; offering or giving compensation; penalties.**

1 (a) It is unlawful for any member of a county commis-  
2 sion, overseer of the poor, district school officer, secretary  
3 of a board of education, supervisor or superintendent,  
4 principal or teacher of public schools or any member of  
5 any other county or district board or any county or district  
6 officer to be or become pecuniarily interested, directly or  
7 indirectly, in the proceeds of any contract or service or in  
8 the furnishing of any supplies in the contract for or the  
9 awarding or letting of a contract if, as a member, officer,  
10 secretary, supervisor, superintendent, principal or teacher,  
11 he or she may have any voice, influence or control:  
12 *Provided*, That nothing in this section prevents or makes  
13 unlawful the employment of the spouse of a member,  
14 officer, secretary, supervisor, superintendent, principal or  
15 teacher as a principal or teacher or auxiliary or service  
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  
37 (a) of this section or to or for any other person with the  
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  
43 hundred dollars nor more than twenty-five hundred  
44 dollars and, in the court's discretion, the person or any  
45 member of the firm or, if it is a corporation, any agent or  
46 officer of the corporation offering or giving any compensa-  
47 tion or other thing of value may, in addition to a fine, be  
48 confined in the county or regional jail for a period not to  
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;

56 (2) Is not an owner, a shareholder, a director or an officer  
57 of a private entity under the contract;

58 (3) Receives no commission, bonus or other direct  
59 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.

65 (f) The provisions of subsection (a) of this section do not  
66 apply to any person who has a pecuniary interest in a bank  
67 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  
77 used or to be used in the free school system of this state, as  
78 proscribed in section nine, article XII of the constitution  
79 of West Virginia, if they qualify for the exceptions set  
80 forth in either subsection (e) or (f) of this section.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *1st*  
Day of *March*, 2002.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/1/02

Time 1:45 pm