WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 4298

(By Delegates Manchin and Morgan)

Passed March 8, 2014

In effect ninety days from passage.
AN ACT to amend and reenact §6B-2-1 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Ethics Commission; continuing the Ethics Commission; changing the requirements of who can be a member of the Ethics Commission; reducing the number of members on the Ethics Commission to nine; and changing the composition of the membership.

Be it enacted by the Legislature of West Virginia:

That §6B-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-1. West Virginia Ethics Commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.

(a) The West Virginia Ethics Commission is continued. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate.

(b) No person may be appointed to the commission or continue to serve as a member of the commission who:

1. Holds elected or appointed office under the government of the United States, the State of West Virginia or any of its political subdivisions;

2. Is a candidate for any political office;

3. Is otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; or

4. Holds any political party office or participates in a campaign relating to a referendum or other ballot issue: Provided, That a member may contribute to a political campaign.

(c) Commencing July 1, 2014, the Ethics Commission shall consist of the following nine members, appointed with staggered terms:

1. One member who served as a member of the West Virginia Legislature;

2. One member who served as an elected or appointed county official;
(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member from a rural area; and

(6) Four citizen members.

(d) Any Commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. No more than five members of the Commission shall be of the same political party and no more than four members shall be from the same congressional district.

(e) After the initial staggered terms, the term of office for a Commission member is five years. No member shall serve more than two consecutive full or partial terms. No person may be reappointed to the commission until at least two years have elapsed after the completion of the second consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than sixty days.

(g) Each member must be a resident of this state during the appointment term.

(h) Five members of the commission constitutes a quorum.

(i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.

(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office or a
violations of this chapter, after written notice and opportunity for
reply.

(k) The commission, as appointed on July 1, 2014, shall
meet before August 1, 2014, at a time and place to be determined
by the Governor, who shall designate a member to preside at that
meeting until a chairperson is elected. At the first meeting, the
commission shall elect a chairperson and any other officers as
are necessary. The commission shall within ninety days after the
first meeting adopt rules for its procedures. The commission may
use the rules in place on July 1, 2014, until those rules are
amended or revoked.

(l) Members of the commission shall receive the same
compensation and expense reimbursement as is paid to members
of the Legislature for their interim duties as recommended by the
Citizens Legislative Compensation Commission and authorized
by law for each day or portion thereof engaged in the discharge
of official duties: Provided, That to be eligible for compensation
and expense reimbursement, the member must participate in a
meeting or adjudicatory session: Provided, however, That the
member is not eligible for expense reimbursement if he or she
does not attend a meeting or adjudicatory session in person.

(m) The commission shall appoint an executive director to
assist the commission in carrying out its functions in accordance
with commission rules and with applicable law. The executive
director shall be paid a salary fixed by the commission or as
otherwise provided by law. The commission shall appoint and
discharge counsel and employees and shall fix the compensation
of employees and prescribe their duties. Counsel to the
commission shall advise the commission on all legal matters and
on the instruction of the commission may commence appropriate
civil actions: Provided, That no counsel shall both advise the
commission and act in a representative capacity in any
proceeding.
(n) The commission may delegate authority to the chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission shall not delegate the power to hold hearings and determine violations to the chairperson or the executive director.

(o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state. Meetings of the commission shall be public unless:

1. They are required to be private by the provisions of this chapter relating to confidentiality; or

2. They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(p) Meetings of the commission shall be upon the call of the chairperson and may be conducted by telephonic or other electronic conferencing means: Provided, That telephone or other electronic conferencing, and voting are not permitted when the commission is acting as a hearing board under this article, or when the Probable Cause Review Board meets to receive an oral response as authorized this article. Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Member

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within we approve this the 28th day of March, 2014.

Governor
PRESENTED TO THE GOVERNOR

MARCH 2ND 2017

Time 10:45 AM