



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Patricia Rucker, Co-Chair

Delegate Jonathan Kyle, Co-Chair

FILED

2026 OCT 15 P 2:19

OFFICE OF WEST VIRGINIA
JENNIFER MCPHERSON, Director
SECRETARY OF STATE

October 15, 2026

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Kris Warner, Secretary of State, State Register

To: John Ellem
Ethics Commission, WV
210 Brooks Street
Suite 300
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Use of Office For Private Gain, Including Nepotism, 158-06

Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
 - (A) as originally filed _____
 - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. **X** _____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. _____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Young 158-06 AM #1

Delegate Young moved to amend 158 CSR 06 on page 1, section 2, by adding a new subdivision 2.1.1 to read as follows:

2.1.1. Private gain also includes the use of a public office, public position, or the prestige thereof, for any sexual act, sexual contact, or other sexual favor, whether sought, demanded, accepted, or received, by a public official or public employee for oneself or another person.

And,

By renumbering the remaining subdivisions.

Adopted

Rejected

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Statement of Reason for Amendment on 158 CSR 06

The committee wanted to ensure that sexual conduct was included as a prohibition under the Ethics Commission rule related to use of office for private gain.

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