

Form #6

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AUTHORIZED SIGNATURE

**TITLE 158
LEGISLATIVE RULE
WEST VIRGINIA ETHICS COMMISSION**

**SERIES 4
GUIDELINES AND STANDARDS FOR DETERMINING THE
EXISTENCE OF DISQUALIFYING FINANCIAL INTERESTS**

§158-4-1 General Provisions.

1.1 Scope. -- This rule sets forth the guidelines and standards established by the West Virginia Ethics Commission for use by the School Building Authority and the Regional Jail and Correctional Facility Authority in identifying persons and business entities required to be disqualified from providing services to the Authorities in connection with the issuance of bonds or other securities.

1.2 Authority. -- W. Va. Code §§18-9D-17(c) and 31-20-28(c).

1.3 Filing Date. -- April 7, 1995.

1.4 Effective Date. -- April 10, 1995.

§158-4-2 Definitions.

2.1 "Person and business entity" means an individual, corporation, association, firm, partnership, limited partnership, committee, or other organization or group of persons, irrespective of the denomination given the organization or group.

2.2 "Specified services" are the services provided by an investment adviser, underwriter, broker, dealer, government securities broker, government securities dealer, transfer agent, attorney, bond counsel, trustee or accountant.

2.3 "Person associated with" means connection with a person or business entity as an employee who exercises discretion in the operation of the entity, or as an officer, trustee, agent, or the owner of an interest in the business entity greater than ten per cent [10%] or thirty thousand dollars [\$30,000].

2.4 "Substantial financial investment" means an aggregate financial commitment of \$1,000 or more by a person or business entity and/or any person associated with them.

2.5 "Significant financial interest" means an interest worth \$1,000 or more.

2.6 "Designated public servant" means a public officer, employee, agent or attorney of State government with the authority to make, or join in making, or who, lacking such authority has in fact personally and substantially influenced the making of, discretionary actions of the Authority regarding the issuance of bonds or other securities. Members of the WV Legislature will not be considered designated public servants, unless they are found by the Authority to have personally and substantially influenced its discretionary action.

2.7 "Authority" means the West Virginia School Building Authority and the West Virginia Regional Jail and Correctional Facility Authority.

§158-4-3 Guidelines and Standards.

3.1 The Authority shall consider it contrary to the public interest for a person or business entity to provide, and they are disqualified from providing, specified services to the Authority in regard to the issuance of bonds or other securities, if after notice and an opportunity for a hearing the Authority finds that they, or any person associated with them:

3.1.1.) Gave or promised to give to a designated public servant, or a member of his or her immediate family, any special rate or terms, not available to the general public, of more than \$25 value;

3.1.2.) Gave or promised to give any political contribution in excess of the allowable limits as set forth in W.Va. Code §3-8-1, et seq., to a designated public servant or to a political campaign committee of a designated public servant;

3.1.3.) Gave or promised to give a gift of more than \$25 value to a designated public servant or a member of his or her immediate family;

3.1.4.) Made any form of an employment offer to a designated public servant or member of his or her immediate family as an inducement to receive favorable consideration in a contract for specified services;

or

3.1.5.) Currently has, or has offered to make in the future, a substantial financial investment in any business transaction in which a significant financial interest is held by a designated public servant, or a member of his or her immediate family.

3.2 It is considered contrary to the public interest for a person or business entity to provide, and they are disqualified from providing, specified services to the Authority in regard to the issuance of bonds or other securities, if after notice and an opportunity for a hearing the Authority finds that it is likely that a designated public servant will obtain compensation beyond his or her official salary, if that person or business entity is selected to provide specified services to the Authority regarding the issuance of bonds or other securities.

3.3 The provisions contained in subsections 3.1 and 3.2 of this rule shall apply only to actions taken by a person or business entity, or persons associated with them, from:

3.3.1. the date the Authority announces, a need for specified services in connection with the issuance of bonds or other securities through the date the bonds are issued; or

3.3.2. the date they have knowledge the Authority will have a need for specified services in connection with the issuance of bonds or other securities through the date the bonds are issued.



STATE OF WEST VIRGINIA
WEST VIRGINIA ETHICS COMMISSION
4TH FLOOR - LITTON BUILDING
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RICHARD M. ALKER
EXECUTIVE DIRECTOR

PROMULGATION HISTORY

TITLE 158 CSR 4

Guidelines and Standards for Determining the Existence of Disqualifying Financial Interests.

February 15, 1994 -- Filed for written public comment

March 21, 1994 -- Public comment period ended

April 8, 1994 -- Notice of Agency approval of a proposed rule and filing with the Legislative Rule-Making Review Committee filed following public comment period

April 8, 1994 -- Filed with Legislative Rule Making Review Committee

August 23, 1994 -- Notice of Rule Modification of a Proposed Rule following review by the Legislative Rule-Making Review Committee.

March 11, 1995 -- SB 133 passed, effective immediately, authorizing promulgation of rule as modified.

Bill-Ethics, Guidelines

5918

1584

H. B. 2165

(By Delegates Gallagher, Douglas, Compton,
Linch, Faircloth and Riggs)
(Introduced January 23, 1995; referred to the
Committee on the Judiciary)

A BILL to amend and reenact section eight, article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the ethics commission to promulgate legislative rules relating to guidelines and standards for determining the existence of disqualifying financial interests.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION TO
PROMULGATE LEGISLATIVE RULES.

§64-2-8. Ethics commission.

(a) The legislative rules filed in the state register on the thirty-first day of January, one thousand nine hundred

1 ninety-one, modified by the ethics commission to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the thirty-first day of October,
4 one thousand nine hundred ninety-one, relating to the ethics
5 commission (contributions), are authorized, with the amendment
6 set forth below:

7 On page one, subsection 3.4, by striking out the words "use
8 their official title or position in the endorsement or support
9 of" and inserting in lieu thereof "endorse".

10 (b) The legislative rules filed in the state register on the
11 thirty-first day of January, one thousand nine hundred
12 ninety-one, modified by the ethics commission to meet the
13 objections of the legislative rule-making review committee and
14 refiled in the state register on the thirty-first day of October,
15 one thousand nine hundred ninety-one, relating to the ethics
16 commission (gifts), are authorized, with the amendments set forth
17 below:

18 On page two, subsection 3.1, by striking out the word
19 "significant";

20 On page two, section four, subsection 4.1, by striking out
21 "\$20" and inserting in lieu thereof "\$25";

22 On page three, subsection 4.2, after the words "hotel room"
23 by inserting a period and striking out the remainder of the
24 sentence;

1 On page three, subsection 5.1, by striking out the word
2 "unlawful" and inserting in lieu thereof "improper";

3 On page three, subsection 5.1, after the words "health club
4 fees" by striking out the period and adding ", unless such
5 expenses are offered to all of the panelists or speakers.";

6 On page four, subsection 6.2, by striking out the word
7 "unlawful" and inserting in lieu thereof "improper".

8 And,

9 On page four, section 7, at the end of the section by
10 striking out the period and adding the following: ": Provided,
11 That public officials and public employees may accept
12 complimentary tickets to sporting events, if the tickets are
13 incidental to the conduct of their official or ceremonial
14 duties."

15 (c) The legislative rules filed in the state register on the
16 thirty-first day of January, one thousand nine hundred
17 ninety-one, modified by the ethics commission to meet the
18 objections of the legislative rule-making review committee and
19 refiled in the state register on the thirty-first day of October,
20 one thousand nine hundred ninety-one, relating to the ethics
21 commission (interest in public contracts), are authorized, with
22 the amendment set forth below:

23 On page two, subsection 6.2, by striking out the words
24 "complete in every particular and including the exact" and
25 inserting in lieu thereof "including the".

1 (d) The legislative rules filed in the state register on the
2 thirty-first day of January, one thousand nine hundred
3 ninety-one, modified by the ethics commission to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the thirty-first day of October,
6 one thousand nine hundred ninety-one, relating to the ethics
7 commission (lobbying), are authorized, with the amendment set
8 forth below:

9 On page three, subsection 4.3, after the words "copies of
10 forms" by inserting a period and striking out the remainder of
11 the sentence.

12 (e) The legislative rules filed in the state register on the
13 thirty-first day of January, one thousand nine hundred
14 ninety-one, modified by the ethics commission to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the seventeenth day of December,
17 one thousand nine hundred ninety-one, relating to the ethics
18 commission (private gain), are authorized, with the amendments
19 set forth below:

20 On page one, subsection 2.2, after the words "A public
21 official" by inserting "acting in his or her capacity as a public
22 official";

23 On page one, subsection 2.2, after the words "the public
24 official." by adding a new sentence to read as follows: "The

1 provisions of this subsection shall not apply to a public
2 official acting in his or her private capacity.";

3 On pages one and two, by striking out all of section three;

4 On pages two through four, by renumbering the remaining
5 sections;

6 On page two, subsection 4.1, by striking out the words
7 "persons in high office" and inserting in lieu thereof "a public
8 official or public employee";

9 On page two, subsection 4.1, by striking out the words "close
10 friends" and inserting in lieu thereof "cohabitating sexual
11 partners";

12 On page two, subsection 4.2, after the word "sister" by
13 striking out the remainder of the sentence and inserting in lieu
14 thereof "or spouse.";

15 On page two, subsection 4.3, by striking out the words "close
16 friend" and inserting in lieu thereof "cohabitating sexual
17 partner";

18 On page three, subdivision 4.3.b, by striking out the words
19 "close friend" and inserting in lieu thereof "cohabitating sexual
20 partner";

21 On page three, by striking out all of paragraph 4.3.b.2 and
22 inserting in lieu thereof a new paragraph 4.3.b.2 to read as
23 follows:

1 "A public official or public employee should at least have
2 some independent person take part in the selection. He or she
3 should avoid using a subordinate for the independent person.";

4 On page three, by striking out all of subsection 4.4 and
5 inserting in lieu thereof a new subsection to read as follows:

6 "4.4 All hiring by public officials and public employees of
7 relatives prior to the twenty-ninth day of February, one thousand
8 nine hundred ninety-two is not subject to review under the ethics
9 act, in Chapter 6B of the W. Va. Code.";

10 On page three, subsection 4.5, by striking out the words
11 "close friend" and inserting in lieu thereof "cohabitating sexual
12 partner";

13 On page three, after subsection 4.5, by adding thereto a new
14 subsection, designated subsection 4.6, to read as follows:

15 "4.6 It is improper for a public official or public employee
16 to terminate the employment of a person without sufficient cause
17 for the purpose of hiring a relative, friend or political
18 supporter.";

19 On page three, subsection 5.2, after the words "supervisor
20 during work hours.", by adding the following sentence: "This
21 subsection does not apply to de minimus work or services.";

22 On page four, by striking out all of subsection 6.2 and
23 inserting in lieu thereof a new subsection 6.2, to read as
24 follows:

1 "6.2 Improper Use - Public officials and public employees
2 shall not use government property for personal projects or
3 activities that result in private gain. This subsection does not
4 apply to the de minimus use of government property.";

5 And,

6 On page four, by striking out all of section 9 and inserting
7 in lieu thereof a new section 9 to read as follows:

8 "Full-time appointed public officials and part-time and
9 full-time public employees may not receive private compensation
10 for performing private work during public work hours. This
11 section shall not apply to de minimus private work."

12 (f) The legislative rules filed in the state register on the
13 thirty-first day of January, one thousand nine hundred
14 ninety-one, modified by the ethics commission to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the seventeenth day of December,
17 one thousand nine hundred ninety-one, relating to the ethics
18 commission (voting), are authorized, with the amendments set
19 forth below:

20 On page one, subsection 2.2, by striking out the second and
21 third paragraphs of subsection 2.2;

22 And,

23 On page one, after subsection 2.3, by adding a new
24 subsection, designated subsection 2.4 to read as follows:

1 "2.4 In any case where a Senator or Delegate is voting as
2 part of their official duties of office, the members of the
3 Senate and the members of the House of Delegates are governed by
4 the rules of their respective houses. The provisions of
5 subsection 2.3 of this rule shall not apply to members of the
6 Legislature when acting as a member thereof."

7 (g) The legislative rules filed in the state register on the
8 thirty-first day of January, one thousand nine hundred
9 ninety-one, modified by the ethics commission to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the seventeenth day of December,
12 one thousand nine hundred ninety-one, relating to the ethics
13 commission (employment), are authorized, with the amendments set
14 forth below:

15 On page two, subsection 3.3, by striking out the words "if
16 there is a reasonable probability that the person will be
17 regulated. There must be" and inserting in lieu thereof "upon";

18 On page two, subdivision 4.2.c, after the word "prohibition"
19 by inserting the words "for all practical purposes";

20 On page three, by striking out all of subsections 4.5, 4.6
21 and 4.7;

22 And,

23 On page three, by renumbering the remaining subsections.

24 (h) The legislative rules filed in the state register on the
25 ninth day of September, one thousand nine hundred ninety-two,

1 modified by the ethics commission to meet the objections of the
2 legislative rule-making review committee and refiled in the state
3 register on the twentieth day of January, one thousand nine
4 hundred ninety-three, relating to the ethics commission
5 (complaints, investigations and hearings), are authorized.

6 (i) The legislative rules filed in the state register on the
7 ninth day of September, one thousand nine hundred ninety-two,
8 modified by the ethics commission to meet the objections of the
9 legislative rule-making review committee and refiled in the state
10 register on the twentieth day of January, one thousand nine
11 hundred ninety-three, relating to the ethics commission (ethics
12 commission), are authorized.

13 (j) The legislative rules filed in the state register on the
14 ninth day of September, one thousand nine hundred ninety-two,
15 modified by the ethics commission to meet the objections of the
16 legislative rule-making review committee and refiled in the state
17 register on the twentieth day of January, one thousand nine
18 hundred ninety-three, relating to the ethics commission (advisory
19 opinions), are authorized.

20 (k) The legislative rules filed in the state register on the
21 eighth day of April, one thousand nine hundred ninety-four,
22 modified by the ethics commission to meet the objections of the
23 legislative rule-making review committee and refiled in the state
24 register on the twenty-third day of August, one thousand nine
25 hundred ninety-four, relating to the ethics commission

1 (guidelines and standards for determining the existence of
2 disqualifying financial interests), are authorized.

3

4 NOTE: The purpose of this bill is to authorize the Ethics
5 Commission to promulgate legislative rules relating to guidelines
6 and standards for determining the existence of disqualifying
7 financial interests.

8

9 Strike-throughs indicate language that would be stricken from
10 the present law, and underscoring indicates new language that
11 would be added.

SENATE BILL NO. 101

(By Senators Manchin, Anderson, Boley, Grubb and
MacNaughtan)

[Introduced January 20, 1995; referred to the
Committee on the Judiciary]

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158-4

10 A BILL to amend and reenact section eight, article two, chapter
11 sixty-four of the code of West Virginia, one thousand nine
12 hundred thirty-one, as amended, relating to authorizing the
13 ethics commission to promulgate legislative rules relating to
14 guidelines and standards for determining the existence of
15 disqualifying financial interests.

16 Be it enacted by the Legislature of West Virginia:

17 That section eight, article two, chapter sixty-four of the
18 code of West Virginia, one thousand nine hundred thirty-one, as
19 amended, be amended and reenacted, to read as follows:

20 ARTICLE 2. AUTHORIZATION FOR DEPARTMENT OF ADMINISTRATION TO
21 PROMULGATE LEGISLATIVE RULES.

22 §64-2-8. Ethics commission.

23 (a) The legislative rules filed in the state register on the
24 thirty-first day of January, one thousand nine hundred

1 ninety-one, modified by the ethics commission to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the thirty-first day of October,
4 one thousand nine hundred ninety-one, relating to the ethics
5 commission (contributions), are authorized, with the amendment
6 set forth below:

7 On page one, subsection 3.4, by striking out the words "use
8 their official title or position in the endorsement or support
9 of" and inserting in lieu thereof "endorse".

10 (b) The legislative rules filed in the state register on the
11 thirty-first day of January, one thousand nine hundred
12 ninety-one, modified by the ethics commission to meet the
13 objections of the legislative rule-making review committee and
14 refiled in the state register on the thirty-first day of October,
15 one thousand nine hundred ninety-one, relating to the ethics
16 commission (gifts), are authorized, with the amendments set forth
17 below:

18 On page two, subsection 3.1, by striking out the word
19 "significant";

20 On page two, section four, subsection 4.1, by striking out
21 "\$20" and inserting in lieu thereof "\$25";

22 On page three, subsection 4.2, after the words "hotel room"
23 by inserting a period and striking out the remainder of the
24 sentence;

1 On page three, subsection 5.1, by striking out the word
2 "unlawful" and inserting in lieu thereof "improper";

3 On page three, subsection 5.1, after the words "health club
4 fees" by striking out the period and adding ", unless such
5 expenses are offered to all of the panelists or speakers.";

6 On page four, subsection 6.2, by striking out the word
7 "unlawful" and inserting in lieu thereof "improper".

8 And,

9 On page four, section 7, at the end of the section by
10 striking out the period and adding the following: ": Provided,
11 That public officials and public employees may accept
12 complimentary tickets to sporting events, if the tickets are
13 incidental to the conduct of their official or ceremonial
14 duties."

15 (c) The legislative rules filed in the state register on the
16 thirty-first day of January, one thousand nine hundred
17 ninety-one, modified by the ethics commission to meet the
18 objections of the legislative rule-making review committee and
19 refiled in the state register on the thirty-first day of October,
20 one thousand nine hundred ninety-one, relating to the ethics
21 commission (interest in public contracts), are authorized, with
22 the amendment set forth below:

23 On page two, subsection 6.2, by striking out the words
24 "complete in every particular and including the exact" and
25 inserting in lieu thereof "including the".

1 (d) The legislative rules filed in the state register on the
2 thirty-first day of January, one thousand nine hundred
3 ninety-one, modified by the ethics commission to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the thirty-first day of October,
6 one thousand nine hundred ninety-one, relating to the ethics
7 commission (lobbying), are authorized, with the amendment set
8 forth below:

9 On page three, subsection 4.3, after the words "copies of
10 forms" by inserting a period and striking out the remainder of
11 the sentence.

12 (e) The legislative rules filed in the state register on the
13 thirty-first day of January, one thousand nine hundred
14 ninety-one, modified by the ethics commission to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the seventeenth day of December,
17 one thousand nine hundred ninety-one, relating to the ethics
18 commission (private gain), are authorized, with the amendments
19 set forth below:

20 On page one, subsection 2.2, after the words "A public
21 official" by inserting "acting in his or her capacity as a public
22 official";

23 On page one, subsection 2.2, after the words "the public
24 official." by adding a new sentence to read as follows: "The

1 provisions of this subsection shall not apply to a public
2 official acting in his or her private capacity.";

3 On pages one and two, by striking out all of section three;

4 On pages two through four, by renumbering the remaining
5 sections;

6 On page two, subsection 4.1, by striking out the words
7 "persons in high office" and inserting in lieu thereof "a public
8 official or public employee";

9 On page two, subsection 4.1, by striking out the words "close
10 friends" and inserting in lieu thereof "cohabitating sexual
11 partners";

12 On page two, subsection 4.2, after the word "sister" by
13 striking out the remainder of the sentence and inserting in lieu
14 thereof "or spouse.";

15 On page two, subsection 4.3, by striking out the words "close
16 friend" and inserting in lieu thereof "cohabitating sexual
17 partner";

18 On page three, subdivision 4.3.b, by striking out the words
19 "close friend" and inserting in lieu thereof "cohabitating sexual
20 partner";

21 On page three, by striking out all of paragraph 4.3.b.2 and
22 inserting in lieu thereof a new paragraph 4.3.b.2 to read as
23 follows:

1 "A public official or public employee should at least have
2 some independent person take part in the selection. He or she
3 should avoid using a subordinate for the independent person.";

4 On page three, by striking out all of subsection 4.4 and
5 inserting in lieu thereof a new subsection to read as follows:

6 "4.4 All hiring by public officials and public employees of
7 relatives prior to the twenty-ninth day of February, one thousand
8 nine hundred ninety-two is not subject to review under the ethics
9 act, in Chapter 6B of the W. Va. Code.";

10 On page three, subsection 4.5, by striking out the words
11 "close friend" and inserting in lieu thereof "cohabitating sexual
12 partner";

13 On page three, after subsection 4.5, by adding thereto a new
14 subsection, designated subsection 4.6, to read as follows:

15 "4.6 It is improper for a public official or public employee
16 to terminate the employment of a person without sufficient cause
17 for the purpose of hiring a relative, friend or political
18 supporter.";

19 On page three, subsection 5.2, after the words "supervisor
20 during work hours.", by adding the following sentence: "This
21 subsection does not apply to de minimus work or services.";

22 On page four, by striking out all of subsection 6.2 and
23 inserting in lieu thereof a new subsection 6.2, to read as
24 follows:

1 "6.2 Improper Use - Public officials and public employees
2 shall not use government property for personal projects or
3 activities that result in private gain. This subsection does not
4 apply to the de minimus use of government property.";

5 And,

6 On page four, by striking out all of section 9 and inserting
7 in lieu thereof a new section 9 to read as follows:

8 "Full-time appointed public officials and part-time and
9 full-time public employees may not receive private compensation
10 for performing private work during public work hours. This
11 section shall not apply to de minimus private work."

12 (f) The legislative rules filed in the state register on the
13 thirty-first day of January, one thousand nine hundred
14 ninety-one, modified by the ethics commission to meet the
15 objections of the legislative rule-making review committee and
16 refiled in the state register on the seventeenth day of December,
17 one thousand nine hundred ninety-one, relating to the ethics
18 commission (voting), are authorized, with the amendments set
19 forth below:

20 On page one, subsection 2.2, by striking out the second and
21 third paragraphs of subsection 2.2;

22 And,

23 On page one, after subsection 2.3, by adding a new
24 subsection, designated subsection 2.4 to read as follows:

1 "2.4 In any case where a Senator or Delegate is voting as
2 part of their official duties of office, the members of the
3 Senate and the members of the House of Delegates are governed by
4 the rules of their respective houses. The provisions of
5 subsection 2.3 of this rule shall not apply to members of the
6 Legislature when acting as a member thereof."

7 (g) The legislative rules filed in the state register on the
8 thirty-first day of January, one thousand nine hundred
9 ninety-one, modified by the ethics commission to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the seventeenth day of December,
12 one thousand nine hundred ninety-one, relating to the ethics
13 commission (employment), are authorized, with the amendments set
14 forth below:

15 On page two, subsection 3.3, by striking out the words "if
16 there is a reasonable probability that the person will be
17 regulated. There must be" and inserting in lieu thereof "upon";

18 On page two, subdivision 4.2.c, after the word "prohibition"
19 by inserting the words "for all practical purposes";

20 On page three, by striking out all of subsections 4.5, 4.6
21 and 4.7;

22 And,

23 On page three, by renumbering the remaining subsections.

24 (h) The legislative rules filed in the state register on the
25 ninth day of September, one thousand nine hundred ninety-two,

1 modified by the ethics commission to meet the objections of the
2 legislative rule-making review committee and refiled in the state
3 register on the twentieth day of January, one thousand nine
4 hundred ninety-three, relating to the ethics commission
5 (complaints, investigations and hearings), are authorized.

6 (i) The legislative rules filed in the state register on the
7 ninth day of September, one thousand nine hundred ninety-two,
8 modified by the ethics commission to meet the objections of the
9 legislative rule-making review committee and refiled in the state
10 register on the twentieth day of January, one thousand nine
11 hundred ninety-three, relating to the ethics commission (ethics
12 commission), are authorized.

13 (j) The legislative rules filed in the state register on the
14 ninth day of September, one thousand nine hundred ninety-two,
15 modified by the ethics commission to meet the objections of the
16 legislative rule-making review committee and refiled in the state
17 register on the twentieth day of January, one thousand nine
18 hundred ninety-three, relating to the ethics commission (advisory
19 opinions), are authorized.

20 (k) The legislative rules filed in the state register on the
21 eighth day of April, one thousand nine hundred ninety-four,
22 modified by the ethics commission to meet the objections of the
23 legislative rule-making review committee and refiled in the state
24 register on the twenty-third day of August, one thousand nine
25 hundred ninety-four, relating to the ethics commission

1 (guidelines and standards for determining the existence of
2 disqualifying financial interests), are authorized.

3

4 NOTE: The purpose of this bill is to authorize the Ethics
5 Commission to promulgate legislative rules relating to guidelines
6 and standards for determining the existence of disqualifying
7 financial interests.

8

9 Strike-throughs indicate language that would be stricken from
10 the present law, and underscoring indicates new language that
11 would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

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Executive Assistant

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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1900 Kanawha Blvd., East
Charleston, WV 25305-0770

FILED
WV ETHICS COMMISSION
SEP 26 10:05 AM '95
95 SEP 25 P2:24
JUDY COOPER
Director, Administrative Law
PENNEY BARKER
Supervisor, Corporations
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
(Plus all the volunteer
help we can get)

TO: Robert Lomont

AGENCY: Ethics Commission

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 20, 1995

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 4 TITLE: 158 Ethics Commission

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Robert Lomont

TITLE OF PERSON SIGNING: COUNSEL

DATE: 9/25/95

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

KEN RECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 28, 1995

Robert Lamont
Ethics Commission
1207 Quarrier St.
4th Floor
Charleston, WV 25301-1809

SB 133 authorizing, Title 158, Series 4, Guidelines and standards for determining the existence of disqualifying financial interests, passed the Legislature on March 11, 1995. It is was signed by the Governor on March 23, 1995.

You have sixty (60) days after the Governor signs SB 133, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in SB 133 section 64-2-4. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division