



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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January 8, 2007

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

TO: Betty Ireland, Secretary of State, State Register

TO: Theresa M. Kirk, Legal Counsel
Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Solicitation and Receipt of Gifts and Charitable Contributions by Public Employees and Officials,
158CSR7

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

1. Authorize the agency to promulgate the Legislative rule: _____
2.
 - a. as originally filed _____
 - b. as modified by the agency _____
3. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached. _____
5. 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
6. Recommends that the Legislature rule be withdrawn; a statement
of reasons for such recommendation is attached. _____

WV Ethics Commission

*Solicitation and Receipt of Gifts and Charitable
Contributions by Public Employees and Officials, 158CSR7*

AMENDMENT

Delegate Miley moves to amend the rule on page six, section six, by deleting subsections 6.8 and 6.9 in their entirety and inserting in lieu thereof the following:

"6.8. Fund-raising activities based on an exchange of value are not gift solicitations and are permissible."

On page six, section six by renumbering subsection 6.10 as subsection 6.9;

On page six, section seven, subdivision 7.1.a., by inserting at the end of the subdivision but before the semicolon the following:

"This subsection does not apply to purely law enforcement agencies, officials or employees who do not actually regulate or exercise regulatory control over other persons but merely enforce existing laws and regulations";

On page six, section seven, subsection 7.2., by inserting at the end of the subsection but before the semicolon the following:

"This subsection does not apply to purely law enforcement agencies, officials or employees who do not actually regulate or exercise regulatory control over other persons but merely enforce existing laws and regulations";

On page six, section seven, subsection 7.4, on line two of the

subsection by deleting the words "or infer";

On pages six and seven, section seven by deleting subsections 7.5 and 7.6 in their entirety;

On page seven, section eight, subsection 8.3, by deleting the subsection in its entirety and inserting in lieu thereof the following:

"8.3 Law enforcement officers may not solicit for charity while in uniform except as otherwise provided for in these rules, but may show identification upon request.";

On page seven, section eight, subsection 8.4, by deleting the words "or members of an association of law enforcement officers";

On pages seven and eight, section eight, subsection 8.5, by deleting the subsection in its entirety and inserting in lieu thereof the following:

"Law enforcement officers or associations composed of law enforcement officers may not provide signs, stickers, decals or other items of display by individual donors showing whether or not a donation has been made on account of any charitable contribution solicited on behalf of law enforcement officers or their association, unless such signs, stickers, decals or other items of display contain the following disclaimer: 'The holder of this item is not entitled to any special treatment.'; Provided, That certificates, plaques or other items of display which are not intended for display on motor vehicles may be distributed to

donors; Provided, However, That an association may provide to its members who are currently serving as law enforcement officers, or who previously served as law enforcement officers, a sign, sticker, decal or other item of display, including those items intended for display in a motor vehicle, which demonstrate that a present or former law enforcement officer is a member of an association or fraternal group primarily composed of law enforcement officers, without the inclusion of any such disclaimer."

On page eight, section eight, subsection 8.7, by deleting the subsection in its entirety and inserting in lieu thereof the following:

"8.7 Law enforcement officers may not pick up a donation while in uniform except as otherwise provided for in these rules."

and

On page eight, section eight, subsection 8.8, by deleting the words "such as a sale of baked goods or a car wash".