

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

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1991 JAN 31 PM 3:04

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Dept. of Admn., WV Ethics Commission TITLE NUMBER: 158

CITE AUTHORITY WV Code Section 6B-2-5(d)(1) & 6B-1-2(c)

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 158-9

TITLE OF RULE BEING PROPOSED: Voting

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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Rule Title: 158-9 VOTING

Type of Rule: X Legislative Interpretative Procedural

Dept. of Administration
Agency W V Ethics Commission Address 1207 Quarrier St.
Charleston, WV 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

No additional costs are anticipated

3. Objectives of these rules:

To establish the guidelines for voting for persons covered by the WV Governmental Ethics Act.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date: 1/30/91

Signature of Agency Head or Authorized Representative



DATE: 1/30/91

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TO: LEGISLATIVE RULE-MAKING REVIEW COMMISSION JAMES I PM 3:04

FROM: Richard Alker, Executive Director, WV Ethics Commission
OFFICE OF THE SECRETARY OF STATE

LEGISLATIVE RULE TITLE: Voting 158-9

1. Authorizing statute(s) citation WV Code Sec. 6B-2-5(d)(1) & 6B-1-2(c)

2. a. Date filed in State Register with Notice of Hearing:
August 8, 1990

b. What other notice, including advertising, did you give of the hearing?

none

c. Date of hearing (s): Comment period ended Sept. 14, 1990

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received xx

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

1-30-91

f. Name and phone number of agency person to contact for additional information:

Richard Alker, Executive Director

WV Ethics Commission

348--0664

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SUMMARY

158-9 VOTING

These legislative rules establish the guidelines for voting for persons covered by the WV Governmental Ethics Act.

SERIES 9

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FEB AUG -8 PM 3:21

158-9-1 VOTING

1.1 Scope -- These legislative rules establish the guidelines for voting for persons covered by the WV Governmental Ethics Act.

1.2 Authority -- WV Code Section 6B-1-2(c) and 6B-2-5(d)(1)

1.3 Filing Date --

1.4 Effective Date --

158-9-2 Personal

2.1 A public official or public employee is not permitted to vote on or decide a matter that has become "personal" to that individual.

2.2 Definition - The Commission considers a matter to be "personal" when the public official has any pecuniary interest either directly or indirectly in the matter, is affected in a manner which may influence his vote or would clearly give the appearance of impropriety.

2.3 For a public official or public employee's recusal to be effective, it is necessary for the official or employee to excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during that period, fully disclose his interest and recuse himself from voting on the issue.

2.4 Nothing herein is intended to relieve an elected part-time public official with more than a limited interest.



STATE OF WEST VIRGINIA
WEST VIRGINIA ETHICS COMMISSION

4TH FLOOR — LITTON BUILDING
1207 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301
(304) 348-0664

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

RICHARD M. ALKER
EXECUTIVE DIRECTOR

TO: The Honorable Ken Hechler, Secretary of State
FROM: Richard Alker, Executive Director
DATE: January 30, 1991
SUBJECT: Voting 158-9

A comment period was held on the proposed rule, ending on September 14, 1990.
No comments were received. Therefore, the proposed rule is filed for your review.

Enclosures