

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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1991 DEC 17 AM 11:29

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE LAW DIVISION

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Ethics Commission TITLE NUMBER: 158

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

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 9

TITLE OF RULE BEING AMENDED: VOTING

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE
MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT
BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE
FILED WITH THE SECRETARY OF STATE.



Richard Alker, Exec. Dir.

SERIES 9 VOTING

158-9-1 ~~VOTING~~ General Provisions

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~~ may not 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.~~

2.2 For the purpose of this section a matter will be considered "personal" to a public official or public employee when he or she has any pecuniary interest either directly or indirectly in the matter or is affected in a manner which may influence his or her vote or would clearly give the appearance of impropriety. An interest is not "personal" if the interest of the public official or public employee in the matter is affected as a member of, and to no greater extent than any other member of, a profession, occupation or class.

In cases involving members of the West Virginia Senate, every member within the Senate Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

In cases involving members of the West Virginia House of Delegates, when a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. This disqualifying interest must be such as affects the member directly and not as one of a class.

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.~~



WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

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1991 DEC 12 AM 10:35

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Senator William R. Wooton, Co-Chair
Delegate David Grubb, Co-Chair

Debra A. Graham, Counsel
Michael McThomas, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

December 9, 1991

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Richard Alker
Executive Director
WV Ethics Commission
1207 Quarrier Street
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Voting

The 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 X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.