

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

1992 APR 29 PM 1:19

OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia Ethics Commission TITLE NUMBER: 158

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: _____ Series 10

TITLE OF RULE BEING PROPOSED: Contributions

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 1

SECTION 64-2-8 (a), PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 1, 1992

Rm. Allen

2.50

1 meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the twenty-fourth
3 day of January, one thousand nine hundred ninety-one, relating to
4 the secretary of the department of administration (parking), are
5 authorized.

6 (c) The legislative rules filed in the state register on the
7 twenty-sixth day of September, one thousand nine hundred ninety,
8 modified by the secretary of the department of administration to
9 meet the objections of the legislative rule-making review
10 committee and refiled in the state register on the twenty-fourth
11 day of January, one thousand nine hundred ninety-one, relating to
12 the secretary of the department of administration (leasing space
13 on behalf of state spending units), are authorized.

14 (d) The legislative rules filed in the state register on the
15 nineteenth day of June, one thousand nine hundred ninety-one,
16 modified by the secretary of the department of administration to
17 meet the objections of the legislative rule-making review
18 committee and refiled in the state register on the thirtieth day
19 of August, one thousand nine hundred ninety-one, relating to the
20 secretary of the department of administration (reporting of state
21 assets by financial institutions), are authorized.

*NO
Adm.*

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 ninety-
25 one, modified by the ethics commission to meet the objections of

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

Ad. 6 On page one, subsection 3.4, by striking out the words "use
7 their official title or position in the endorsement or support
8 of" and inserting in lieu thereof "endorse".

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

Ad. 16 On page two, subsection 3.1, by striking out the word
17 "significant";

18 On page two, section four, subsection 4.1, by striking out
19 "\$20" and inserting in lieu thereof "\$25";

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

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

SERIES 10
CONTRIBUTIONS

158-10-1 ~~CONTRIBUTIONS~~ General

1.1 Scope -- These legislative rules establish guidelines concerning contributions for the WV Ethics Commission members and persons covered under the WV Governmental Ethics Act.

1.2 Authority -- WV Code 6B-2-1(a) and 6B-2-5(c)(4)

1.3 Filing Date --

1.4 Effective Date --

158-10-2 Political campaign contributions

Public officials and public employees ~~are permitted to~~ may give or accept lawful political campaign contributions.

158-10-3 Permitted campaign contributions

3.1 Members of the Ethics Commission ~~are permitted to~~ may contribute to a political campaign when the candidate or election committee for a candidate is required to publicly report and disclose the amount or type of contribution.

3.2 ~~If a West Virginia~~ Members of the Ethics Commission ~~member has who have~~ contributed to a political candidate in any manner, ~~that member shall recuse themselves himself~~ from any official discussion or vote regarding the this public official or candidate to whom the contribution was made.

3.3 ~~West Virginia~~ Members of the Ethics Commission ~~members are prohibited from holding~~ may not hold an office for a political candidate, such as a campaign manager or treasurer.

3.4 ~~West Virginia~~ Members of the Ethics Commission ~~members are prohibited from using~~ may not use their official title or position in the endorsement or support of any candidate.

158-10-4 Ballot Issue

West Virginia Ethics Commission Members ~~are not permitted to~~ may not participate in a political campaign except to vote on or make political contributions relating to a ballot issue regarding:

- a. a bond ~~Bond~~ issue
- b. a levy ~~Levy~~

- c. a referendum Referendum, or
- d. a constitutional amendment ~~Constitutional Amendment~~.

File 577

Bill Ethics, Contributions 158-10

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H. B. 4273

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the
Committee on the Judiciary)

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight, relating to authorizing the ethics commission to promulgate legislative rules relating to contributions.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight, to read as follows:

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

§64-2-8. Ethics commission.

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

11

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

6

7 NOTE: The purpose of this bill is to authorize the Ethics
8 Commission to promulgate legislative rules relating to
9 contributions.

10

11 This section is new; therefore, strike-throughs and
12 underscoring have been omitted.



KEN HECHLER
Secretary of State

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WV ETHICS COMMISSION

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA OCT 19 12:58

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

RECEIVED

TO: Lucy

AGENCY: Ethics Commission

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 15, 1992

THE ATTACHED RULE RECENTLY 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: 10 TITLE: 158 Ethics Commission

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: EX-DIR.

DATE: OCT. 22 '92

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

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

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