

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Ethics Commission TITLE NUMBER: 158

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code 6B-2-5b

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 18

TITLE OF RULE BEING PROPOSED: Ethics Training Requirements for Designated Public
Officials

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 26, 2005 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Ethics Commission

1207 Quarrier St., Suite 407

Charleston, WV 25301-1836

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

Lewis D. Burr
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: ETHICS TRAINING REQUIREMENTS FOR DESIGNATED PUBLIC OFFICIALS

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Ethics Commission

Address: 1207 Quarrier Street, Suite 407
Charleston, WV 25301-1836

Phone Number: (304) 558-0664 Email: tkirk@wvadmin.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

During the 2005 Special Session, extensive changes were made to the Ethics Act. One additional change is that certain elected and appointed public officials must attend an ethics training course. The officials include elected members of the Legislature, elected members of the Board of Public Works, and those individuals in the Executive Department who the Governor designates by Executive Order. The training requirements only apply to elected or appointed officials who take office after July 1, 2005.

The Commission already provides, when requested, training to new members of the Legislature, and members of the Executive branch. There is no additional cost to the Commission to provide this training.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Equipment			
Other			
2. Estimated Total Revenues			

Rule Title: ETHICS TRAINING REQUIREMENTS FOR DESIGNATED PUBLIC OFFICIALS

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: 6/24/05

Signature of Agency Head or Authorized Representative

Kevin D. Brown

BRIEF SUMMARY OF PROPOSED RULE
Title 158, Series 18

The rule establishes a procedure for elected members of the Legislature, the Board of Public works, and individuals in the executive branch which the Governor designates by executive order to undergo a training course on ethics. The training is mandated by W.Va. Code 6B-2-5b which was enacted during the 2005 First Special Session.

STATEMENT OF CIRCUMSTANCES
Title 158, Series 14

The Legislature amended the West Virginia Ethics Act during the January 2005 Special Session. A new provision, W.Va. Code § 6B-2-5b requires certain designated public officials to undergo an ethics training course. The provision requires the Commission to propose a rule which outlines the nature, duration and content of the training.

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

**SERIES 18
ETHICS TRAINING REQUIREMENTS FOR DESIGNATED PUBLIC OFFICIALS**

§ 158-18-1. General.

1.1. Scope.- - This legislative rule establishes a procedure for providing mandatory ethics training to designated public officials.

1.2. Authority. - - W.Va. Code § 6B-2-5b

1.3. Filing Date. -

1.4. Effective Date. -

§ 158-18-2. APPLICABILITY.

2.1. Any individual who, after July 1, 2005, is elected or appointed to serve in the Legislature, as a member of the Board of Public Works, and those positions in the executive branch of state government which the Governor designates by executive order, shall attend a training course conducted by the Ethics Commission; Provided, That, the provisions of this section do not apply to persons who held public office prior to July 1, 2005 and who are subsequently reelected or reappointed.

2.2. The training shall occur within six months after the initial election or appointment. If a person is subsequently reelected or appointed, then the requirements of this section are satisfied if he or she attended an initial training course.

2.3. The Commission shall confer with the Speaker of the House and the President of the Senate in order to coordinate a mutually convenient time and place to provide a training session for all newly elected or appointed members of the Legislature.

2.4. By July 1, 2006, the Governor shall designate by executive order which positions in the Executive branch shall undergo the training. The Governor shall provide a copy of the Executive Order to the Commission and shall further notify the Commission when there has been a new appointment to a designated position. The Commission shall confer with the Governor in order to coordinate a mutually convenient time and place to provide a training session to the persons appointed to the designated positions.

2.5. The Commission shall confer with the members of the Board of Public Works in order to coordinate a mutually convenient time and place to provide a training

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session.

§ 158-18-3. NATURE, DURATION AND CONTENT OF TRAINING

3.1. During the training course, the Commission shall educate the public officials about the general requirements and prohibitions contained in the Ethics Act.

3.2. The training shall be one (1) hour unless additional time is requested. A reasonable amount of time will be allotted during the training session, and, if requested by the public officials, at the conclusion of the training session, for a question and answer period.

3.3. The Commission shall keep records which contain the names of the persons who have undergone the training and the dates the training occurred.