

Form #3

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Lewis D. Brewer, Executive Director
Authorized Signature

Robert M. Ferguson J.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 27, 2005

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia Ethics Commission

210 Brooks Street, Suite 300
Charleston, West Virginia 25301-1804
558-0664

LEGISLATIVE RULE TITLE: ~~Ethics Training Requirements for Designated Public Officials~~

1. Authorizing statute(s) citation W.Va. Code § 6B-2-5b

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 26, 2005

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

c. Date of Public Hearing(s) *or* Public Comment Period ended:

July 26, 2005

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

Attached _____

No comments received X

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

July 27, 2005

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Theresa M. Kirk
Legal Counsel
W.V. Ethics Commission

210 Brooks Street, Suite 300
Charleston, W.Va. 25301-1836
558-0664 fax 558-2169

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Lewis G. Brewer, Executive Director
W.V. Ethics Commission
210 Brooks Street, Suite 300
Charleston, W.Va. 25301-1836
558-0664 fax 558-2169

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 or comment period:

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

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

Lewis 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

RECEIVED

JUL 27 AM 11:00

SERIES 18

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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.