

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 365**

5 (By Senators Miller, Snyder and Williams)

6 _____
7 [Originating in the Committee on Government Organization;
8 reported January 22, 2014.]
9 _____

10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §6B-2-5c; to amend
13 said code by adding thereto a new section, designated §19-21A-
14 4a; and to amend said code by adding thereto a new section,
15 designated §61-10-15a, all relating to elected conservation
16 district supervisors; providing an exemption to qualified
17 elected conservation district supervisors and their immediate
18 family to participate in West Virginia Conservation Agency
19 programs from certain provisions of the West Virginia Ethics
20 Act; authorizing emergency and legislative rule-making
21 authority for the State Conservation Committee to establish
22 qualifications for persons, including elected conservation
23 district supervisors and their immediate family, to
24 participate in West Virginia Conservation Agency programs;
25 providing that the elected conservation district supervisors
26 cannot participate in establishing the ranking process nor

1 vote on matters affecting the elected conservation district
2 supervisor or his or her immediate family; providing an appeal
3 process; and exempting elected conservation district
4 supervisors from pecuniary interest provisions of crimes
5 against public policy.

6 *Be it enacted by the Legislature of West Virginia:*

7 That the Code of West Virginia, 1931, as amended, be amended
8 by adding thereto a new section, designated §6B-2-5c, that said
9 code be amended by adding thereto a new section, designated §19-
10 21A-4a, and that said code be amended by adding thereto a new
11 section, designated §61-10-15a, all to read as follows:

12 **CHAPTER 6B. PUBLIC OFFICERS AND EMPLOYEES; ETHICS; CONFLICTS OF**
13 **INTEREST; FINANCIAL DISCLOSURE.**

14 **ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES;**
15 **DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC**
16 **OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC**
17 **AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW**
18 **JUDGES.**

19 **§6B-2-5c. Exception.**

20 The provisions of section five of this article do not apply to
21 elected conservation district supervisors and their immediate
22 family when the elected conservation district supervisor qualifies,
23 under the legislative rules established by the State Conservation
24 Committee pursuant to section four-a, article twenty-one-a, chapter
25 nineteen of this code, to participate in West Virginia Conservation

1 Agency programs: *Provided*, That the elected conservation district
2 supervisor does not participate in the ranking process for
3 applicants and does not consider, act or vote on matters that
4 affect the elected conservation district supervisor or his or her
5 immediate family.

6 **CHAPTER 19. AGRICULTURE.**

7 **ARTICLE 21A. CONSERVATION DISTRICTS.**

8 **§19-21A-4a. Rulemaking.**

9 (a) The State Conservation Committee shall propose rules for
10 legislative approval, pursuant to article three, chapter twenty-
11 nine-a of this code, to establish:

12 (1) The criteria, ranking and standards required for an
13 applicant, including an elected conservation district supervisor
14 and his or her immediate family, to qualify to participate in West
15 Virginia Conservation Agency programs;

16 (2) A process to disclose the recipients of the award,
17 including the elected conservation district supervisor; and

18 (3) The process for an unsuccessful qualified applicant to
19 appeal an award given to a conservation district supervisor.

20 (b) The State Conservation Committee may propose emergency
21 rules for legislative approval, pursuant to article three, chapter
22 twenty-nine-a of this code, to establish the criteria, ranking and
23 standards required for an applicant, including an elected
24 conservation district supervisor and his or her immediate family,
25 to qualify to participate in West Virginia Conservation Agency

1 programs.

2 **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

3 **ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

4 **§61-10-15a. Exception.**

5 The provisions of section fifteen of this article do not apply
6 to elected conservation district supervisors and their immediate
7 family when the elected conservation district supervisor qualifies,
8 under the legislative rules established by the State Conservation
9 Committee pursuant to section four-a, article twenty-one-a, chapter
10 nineteen of this code, to participate in West Virginia Conservation
11 Agency programs: *Provided*, That the elected conservation district
12 supervisor does not participate in the ranking process for
13 applicants and does not consider, act or vote on matters that
14 affect the elected conservation district supervisor or his or her
15 immediate family.