

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

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for

Senate Bill 482

BY SENATOR WOODRUM

[Originating in the Committee on the Judiciary;

reported February 24, 2024]

1 A BILL to amend and reenact §6B-2-2 of the Code of West Virginia, 1931, as amended; and to
2 repeal §6B-2A-1 of said code, relating to the rule-making authority of the Ethics
3 Commission; authorizing the Ethics Commission to propose legislative rules to carry out
4 purposes of chapter; and requiring disclosure forms, statements, and reports required by
5 chapter to be made in a manner prescribed by legislative rule.

Be it enacted by the Legislature of West Virginia:

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

§6B-2-2. Same— General powers and duties.

1 (a) The commission ~~shall~~ may propose rules for promulgation in accordance with the
2 provisions of §29A-1-1 *et seq.* of this code to carry out the purposes of this ~~article~~ chapter:
3 Provided, That any disclosure form, statement, or report required under any provision of this
4 chapter shall be made in a manner prescribed by legislative rule of the commission.

5 (b) The commission may initiate or receive complaints and make investigations, as
6 provided in §6B-2-4 of this code, and upon complaint by an individual of an alleged violation of
7 this chapter by a public official or public employee, refer the complaint to the review board as
8 provided in §6B-2-2a of this code. Any person charged with a violation of this chapter is entitled
9 to the administrative hearing process contained in §6B-2-4 of this code.

10 (c) The commission may subpoena witnesses, compel their attendance and testimony,
11 administer oaths and affirmations, take evidence, and require by subpoena the production of
12 books, papers, records, or other evidence needed for the performance of the commission's duties
13 or exercise of its powers, including its duties and powers of investigation.

14 (d) The commission shall, in addition to its other duties:

15 (1) Prescribe forms for reports, statements, notices, and other documents required by law;

16 (2) Prepare and publish manuals and guides explaining the duties of individuals covered
17 by this law; and giving instructions and public information materials to facilitate compliance with,
18 and enforcement of, this act; and

19 (3) Provide assistance to agencies, officials, and employees in administering the
20 provisions of this act.

21 (e) The commission may:

22 (1) Prepare reports and studies to advance the purpose of the law;

23 (2) Contract for any services which cannot satisfactorily be performed by its employees;

24 (3) Require the Attorney General to provide legal advice without charge to the commission;

25 (4) Employ additional legal counsel;

26 (5) Request appropriate agencies of the state to provide any professional assistance the
27 commission may require in the discharge of its duties: *Provided*, That the commission shall
28 reimburse any agency, other than the Attorney General, the cost of providing assistance; and

29 (6) Share otherwise confidential documents, materials, or information with appropriate
30 agencies of state government, provided that the recipient agrees to maintain the confidentiality
31 and privileged status of the document, material, or information.

ARTICLE 2A. RULES.

§6B-2A-1. Legislative rules; revocation of existing commission emergency rules; manner of reporting.

1 [Repealed.]