

5
HB 2328

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2328

(By Delegates Amores)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

2006 APR -3 P 4: 17

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2328

(BY DELEGATE AMORES)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §6-9A-11 of the Code of West Virginia, 1931, as amended, relating to advisory opinions of the West Virginia Ethics Commission Committee generally and providing that reliance on a written advisory opinion is an absolute defense in certain actions.

Be it enacted by the Legislature of West Virginia:

That §6-9A-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-11. Request for advisory opinion; maintaining confidentiality.

- 1 (a) Any governing body or member thereof subject to the
2 provisions of this article may seek advice and information from

3 the executive director of the West Virginia Ethics Commission
4 or request in writing an advisory opinion from the West
5 Virginia Ethics Commission Committee on Open Governmental
6 Meetings as to whether an action or proposed action violates the
7 provisions of this article. The executive director may render
8 oral advice and information upon request. The committee shall
9 respond in writing and in an expeditious manner to a request for
10 an advisory opinion. The opinion is binding on the parties
11 requesting the opinion.

12 (b) Any governing body or member thereof that seeks an
13 advisory opinion and acts in good faith reliance on the opinion
14 has an absolute defense to any civil suit or criminal prosecution
15 for any action taken in good faith reliance on the opinion unless
16 the committee was willfully and intentionally misinformed as
17 to the facts by the body or its representative.

18 (c) A governing body or member thereof that acts in good
19 faith reliance on a written advisory opinion sought by another
20 person or governing body has an absolute defense to any civil
21 suit or criminal prosecution for any action taken based upon a
22 written opinion of the West Virginia ethics commission
23 committee, as long as underlying facts and circumstances
24 surrounding the action were the same or substantially the same
25 as those being addressed by the written opinion.

26 (d) The committee and commission may take appropriate
27 action to protect from disclosure information which is properly
28 shielded by an exception provided in section four of this article.

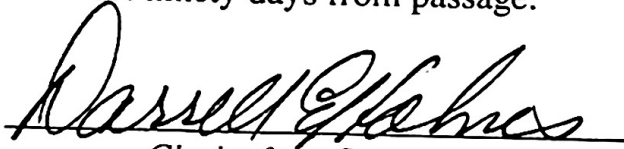
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

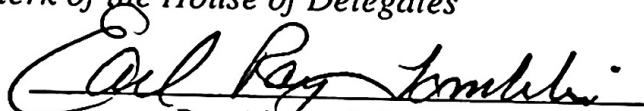

Chairman House Committee

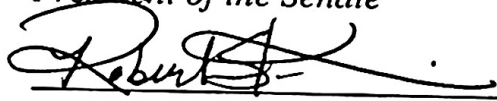
Originating in the House.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 31st
day of March, 2006.


Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2006

Time 4:05 pm