1   **H. B. 2402**

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3   (By Delegates Fleischauer, Caputo, Miley,
4   Marshall, Poore, Wells, and Talbott)
5
6   [Introduced January 12, 2011; referred to the

7   Committee on the Judiciary.]

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10 A BILL to amend and reenact §29B-1-2 of the Code of West Virginia,

11   1931, as amended, relating to redefining the term "public

12   record" as it is used in the Freedom of Information Act.

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

14   That §29B-1-2 of the Code of West Virginia, 1931, as amended,

15 be amended and reenacted to read as follows:

16 **ARTICLE 1. PUBLIC RECORDS.**

17 **§29B-1-2. Definitions.**

18   As used in this article:

19   (1) "Custodian" means the elected or appointed official

20 charged with administering a public body.

21   (2) "Person" includes any natural person, corporation,

22 partnership, firm or association.

23   (3) "Public body" means every state officer, agency,

24 department, including the executive, legislative and judicial

25 departments, division, bureau, board and commission; every county

1 and city governing body, school district, special district,

2 municipal corporation, and any board, department, commission

3 council or agency thereof; and any other body which is created by

4 state or local authority or which is primarily funded by the state

5 or local authority.

6   (4) "Public record" includes any writing containing

7 information ~~relating~~ prepared or received by a public body, the

8 content or context of which, judged either by its content or

9 context relates to the conduct of the public's business. ~~prepared,~~

10 ~~owned and retained by a public body~~

11   (5) "Writing" includes any books, papers, maps, photographs,

12 cards, tapes, recordings or other documentary materials regardless

13 of physical form or characteristics.

        NOTE: The purpose of this bill is to redefine the term "public record" as it is used in the Freedom of Information Act.

        Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.