

H. B. 2402

(BY DELEGATES FLEISCHAUER, CAPUTO, MILEY,
MARSHALL, POORE, WELLS AND TALBOTT)

[Introduced January 12, 2011; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §29B-1-2 of the Code of West Virginia, 1931, as amended, relating to redefining the term “public record” as it is used in the Freedom of Information Act.

Be it enacted by the Legislature of West Virginia:

That §29B-1-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. PUBLIC RECORDS.

§29B-1-2. Definitions.

- 1 As used in this article:
- 2 (1) “Custodian” means the elected or appointed official
- 3 charged with administering a public body.

4 (2) “Person” includes any natural person, corporation,
5 partnership, firm or association.

6 (3) “Public body” means every state officer, agency,
7 department, including the executive, legislative and judicial
8 departments, division, bureau, board and commission; every
9 county and city governing body, school district, special
10 district, municipal corporation, and any board, department,
11 commission council or agency thereof; and any other body
12 which is created by state or local authority or which is
13 primarily funded by the state or local authority.

14 (4) “Public record” includes any writing containing
15 information ~~relating~~ prepared or received by a public body,
16 the content or context of which, judged either by its content
17 or context relates to the conduct of the public’s business.
18 ~~prepared, owned and retained by a public body~~

19 (5) “Writing” includes any books, papers, maps,
20 photographs, cards, tapes, recordings or other documentary
21 materials regardless 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.