

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 645

BY SENATORS BLAIR AND YOST

[Introduced February 20, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §6-9A-2 of the Code of West Virginia, 1931, as amended, relating
 2 to classifying the convention and visitor's bureau as a public agency subject to the ethics
 3 act and open meetings law.

Be it enacted by the Legislature of West Virginia:

1 That §6-9A-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-2. Definitions.

1 As used in this article:

2 (1) "Decision" means any determination, action, vote or final disposition of a motion,
 3 proposal, resolution, order, ordinance or measure on which a vote of the governing body is
 4 required at any meeting at which a quorum is present.

5 (2) AEmergency meeting@ means any meeting called by a governing body for the purpose
 6 of addressing an unexpected event which requires immediate attention because it poses:

7 (A) An imminent threat to public health or safety;

8 (B) An imminent threat of damage to public or private property; or

9 (C) An imminent material financial loss or other imminent substantial harm to a public
 10 agency, its employees or the members of the public which it serves.

11 (3) "Executive session" means any meeting or part of a meeting of a governing body which
 12 is closed to the public.

13 (4) "Governing body" means the members of any public agency having the authority to
 14 make decisions for or recommendations to a public agency on policy or administration, the
 15 membership of a governing body consists of two or more members; for the purposes of this article,
 16 a governing body of the Legislature is any standing, select or special committee, except the
 17 commission on special investigations, as determined by the rules of the respective houses of the

18 Legislature.

19 (5) "Meeting" means the convening of a governing body of a public agency for which a
20 quorum is required in order to make a decision or to deliberate toward a decision on any matter
21 which results in an official action. Meetings may be held by telephone conference or other
22 electronic means. The term meeting does not include:

23 (A) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial,
24 administrative or Court of Claims proceeding;

25 (B) Any on-site inspection of any project or program;

26 (C) Any political party caucus;

27 (D) General discussions among members of a governing body on issues of interest to the
28 public when held in a planned or unplanned social, educational, training, informal, ceremonial or
29 similar setting, without intent to conduct public business even if a quorum is present and public
30 business is discussed but there is no intention for the discussion to lead to an official action; or

31 (E) Discussions by members of a governing body on logistical and procedural methods to
32 schedule and regulate a meeting.

33 (6) "Official action" means action which is taken by virtue of power granted by law,
34 ordinance, policy, rule, or by virtue of the office held.

35 (7) "Public agency" means any administrative or legislative unit of state, county or
36 municipal government, including any department, division, bureau, office, commission, authority,
37 board, public corporation, section, committee, subcommittee or any other agency or subunit of
38 the foregoing, specifically including a convention and visitor's bureau, authorized by law to
39 exercise some portion of executive or legislative power. The term "public agency" does not include
40 courts created by article eight of the West Virginia Constitution or the system of family law masters
41 created by article four, chapter forty-eight-a of this code.

42 (8) "Quorum" means the gathering of a simple majority of the constituent membership of
43 a governing body, unless applicable law provides for varying the required ratio.

44 (9) ARegular meeting@ means a meeting of a governing body at which the regular
45 business of the public is conducted.

46 (10) ASpecial meeting@ means a meeting of a governing body other than a regular
47 meeting or an emergency meeting.

NOTE: The purpose of this bill is to classify the convention and visitor's bureau as a public agency, subject to the ethics act and open meetings requirements.

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