

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4284

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MARTIN, HAMRICK, HAMILTON, BUTLER, FAST AND

MCGEEHAN

[Introduced January 24, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended, relating
 2 to providing minimum periods in which a governing body must make the agenda for its
 3 meetings available to the public and news media under the Open Governmental
 4 Proceedings Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-3. Proceedings to be open; public notice of meetings.

1 (a) Except as expressly and specifically otherwise provided by law, whether heretofore or
 2 hereinafter enacted, and except as provided in §6-9A-4 of this code, all meetings of any governing
 3 body shall be open to the public.

4 (b) Any governing body may make and enforce reasonable rules for attendance and
 5 presentation at any meeting where there is not room enough for all members of the public who
 6 wish to attend.

7 (c) This article does not prohibit the removal from a meeting of any member of the public
 8 who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised:
 9 *Provided,* That persons who desire to address the governing body may not be required to register
 10 to address the body more than fifteen minutes prior to time the scheduled meeting is to
 11 commence.

12 (d) (1) Each governing body shall promulgate rules by which the date, time, place and
 13 agenda of all regularly scheduled meetings and the date, time, place and purpose of all special
 14 meetings are made available, in advance, to the public and news media.

15 (2) Each governing body shall make available to the public and news media the agenda
 16 for:

17 (A) Each regular meeting at least three business days before the meeting;

18 (B) Each special meeting at least two business days before the meeting; and

19 (C) Each emergency meeting as soon as practicable before the meeting.

20 (e) Each governing body of the executive branch of the state shall electronically file a
21 notice of each meeting with the Secretary of State for publication on the Secretary of State's
22 website.

23 (1) Each notice shall state the date, time, place and purpose of the meeting.

24 (2) Each notice of a special meeting or a regular meeting shall be filed in a manner to
25 allow each notice to appear on the Secretary of State's website at least five business days prior
26 to the date of the meeting.

27 (3) When calculating the days, the day of the meeting is not to be counted. If a meeting
28 notice is filed anytime other than during the Secretary of State's regular business hours, the date
29 of filing will be considered the next business day.

30 (f) The Secretary of State shall retain copies of all notices filed for ten years.

31 (g) The Secretary of State may promulgate procedural rules governing the electronic filing
32 of meeting notices.

33 (h) In the event of an emergency a governing body may call an emergency meeting.

34 (1) The governing body of a state executive branch agency shall electronically file a notice
35 for an emergency meeting with the Secretary of State, as soon as practicable prior to the meeting.
36 Any other governing body shall notice an emergency meeting in a manner which is consistent
37 with this article and the Ethics Commission Committee on Open Governmental Meeting's opinions
38 issued pursuant to the authority of §6-9A-10 of this code, as soon as practicable prior to the
39 meeting.

40 (2) The emergency meeting notice shall state the date, time, place and purpose of the
41 meeting and the facts and circumstances of the emergency.

42 (i) Upon petition by any adversely affected party any court of competent jurisdiction may
43 invalidate any action taken at any meeting for which notice did not comply with the requirements
44 of this section.

NOTE: The purpose of this bill is to set minimum periods in which a governing body must make available to the public and news media the agenda for its meetings under the Open Governmental Proceedings Act.

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