

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 175

SENATOR BLAIR, *original sponsor*

[Passed March 7, 2020; in effect 90 days from
passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5F-1-7; to amend and reenact §7-1-3rr of said code; to amend said code by
3 adding thereto a new article, designated §8-39-1; and to amend said code by adding
4 thereto two new sections, designated §17A-2-26 and §17A-2-27, all relating to
5 governmental entities distribution of information; requiring executive branch agencies to
6 maintain websites that contain specific information; requiring county commissions to
7 maintain websites with specific information; requiring county commissions to provide
8 certain information to the Secretary of State; allowing municipalities to maintain websites
9 with specific information available to the public at no charge; providing for exceptions to
10 disclosing certain information in defined circumstances; requiring information to be
11 updated; requiring updated information to be provided to the Office of Technology;
12 requiring the Division of Motor Vehicles to establish and maintain an enrollment list of
13 persons who have communication disabilities; authorizing the Division of Motor Vehicles
14 to promulgate rules; exempting Division of Motor Vehicles enrollment list from the
15 Freedom of Information Act; providing for submission of certain information to the Division
16 of Motor Vehicles; and authorizing the Division of Motor Vehicles to provide enrollment list
17 information to law-enforcement officers through automated data system.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF
STATE GOVERNMENT.**

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-7. Website content and required information.

1 Beginning December 31, 2020, each agency shall maintain a website that provides the
2 following information in a searchable form by the public, if applicable:

3 (1) The office contact information, including office location and mailing address, telephone
4 number, facsimile number, office hours, and a secure electronic means of contacting the office
5 such as a contact portal or other interface;

6 (2) The contact information of each administrative agency official, including office location
7 and mailing address, office telephone number, facsimile number, and an organizational electronic
8 mail address: *Provided*, That the agency may withhold contact information from disclosure that it
9 deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-
10 enforcement operations;

11 (3) Organizational chart;

12 (4) A list of governing statutes and legislative and procedural rules;

13 (5) Meeting minutes;

14 (6) Annual reports;

15 (7) Frequently asked questions and descriptive answers;

16 (8) Available state grant opportunities to include, but not be limited to:

17 (A) Available grant information and application information;

18 (B) Grant eligibility requirements; and

19 (C) Award ranges and award deadlines; and

20 (9) State grants that are awarded in an amount greater than \$20,000 to include, but not
21 be limited to:

22 (A) The name and address of the grantee's organization;

23 (B) The purpose of the award;

24 (C) The amount of the award;

25 (D) The effective date and duration of the award; and

26 (E) Any financial and performance reports that are required by the State of West Virginia.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3rr. Accessible county records; required information.

1 (a) Beginning December 31, 2020, each county commission shall maintain a website that
2 provides the following information without charge:

3 (1) The title and name of each elected county office holder;

4 (2) The contact information of each elected county office holder, including office telephone
5 number, facsimile number, office location, and mailing address: *Provided*, That the county
6 commission may withhold contact information from disclosure that it deems necessary to protect
7 their safety, the safety of their coworkers, and the integrity of law-enforcement operations;

8 (3) A secure electronic means of contacting each elected county office holder;

9 (4) A copy of each county ordinance in effect;

10 (5) A copy of the approved meeting minutes; and

11 (6) A schedule of regular meeting days for each calendar year.

12 (b) Beginning on or before December 31, 2020, and each year thereafter, each county
13 commission shall provide to the Secretary of State the following information:

14 (1) A list of each elected county official by title, with the name of the elected official;

15 (2) The office contact information for each county office holder; and

16 (3) The website address of the county commission website, where available.

17 (c) The county commission shall update the information required pursuant to this section
18 within 30 days of the date the change occurs and shall provide the updated information to the
19 Office of Technology who shall update the information on the wv.gov website.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 39. MUNICIPAL WEBSITES.

§8-39-1. Accessible municipal records; required information.

1 (a) Beginning on or before December 31, 2020, each municipality may maintain a website
2 that provides the following information accessible to the public without charge:

3 (1) The title and name of each elected office holder;

4 (2) The contact information of each elected office holder, including office telephone
5 number, facsimile number, office location, office hours, and mailing address: *Provided*, That the
6 municipality may withhold contact information from disclosure that it deems necessary to protect
7 their safety, the safety of their coworkers, and the integrity of law-enforcement operations;

8 (3) A secure electronic means of contacting each elected office holder;

9 (4) A copy of each municipal ordinance in effect;

10 (5) A copy of the approved meeting minutes; and

11 (6) A schedule of regular meeting days for each calendar year.

12 (b) Each municipality shall update the information required pursuant to this section within
13 30 days of the date the change occurs and provide the updated information to the Office of
14 Technology who shall update the information on the wv.gov website.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-26. Enrollment of persons with communication disability.

1 (a) As used in this section:

2 (1) "Communication disability" has the same meaning as in §17A-2-27 of this code.

3 (2) "Disability that can impair communication" has the same meaning as in §17A-2-27 of
4 this code.

5 (3) "Legal guardian" has the same meaning as in §49-1-205 of this code.

6 (4) "Ward" means a person for whom a legal guardian has been appointed.

7 (b) The Division of Motor Vehicles shall establish and maintain an enrollment list of
8 persons who enroll under this section as being diagnosed with a communication disability or a
9 disability that can impair communication.

10 (c) Any person diagnosed with a communication disability or a disability that can impair
11 communication who is 18 years of age or older may enroll with the division for inclusion in the
12 enrollment list by submitting a completed verification form to the division.

13 (d) Any parent or guardian of a minor child or a ward diagnosed with a communication
14 disability or a disability that can impair communication may enroll the minor child or the ward with
15 the division for inclusion in the enrollment list by submitting a completed verification form to the
16 division.

17 (e) (1) The division shall include in the enrollment list information provided on a completed
18 verification form that the division determines is necessary for a law-enforcement officer to identify
19 a person as diagnosed with a communication disability or a disability that can impair
20 communication. The division shall make the enrollment list available to state and local law-
21 enforcement officers through a law-enforcement automated data system.

22 (2) Information in the enrollment list is not a public record subject to inspection or copying
23 under chapter 29B of this code.

24 (f) A person diagnosed with a communication disability or a disability that can impair
25 communication who is included in the enrollment list, or the parent or guardian of a minor child or
26 a ward diagnosed with a communication disability or a disability that can impair communication
27 who is included in the enrollment list, may request removal of the person, minor, or ward, as
28 applicable, from the enrollment list. The person, parent, or guardian shall do so by completing the
29 verification form with only the information required under §17A-2-27(c)(1), §17A-2-27(c)(2), §17A-
30 2-27(c)(3), §17A-2-27(c)(8), and §17A-2-27(c)(9) of this code, as applicable, and submitting the
31 form to the division. Upon receipt of a properly completed verification form requesting the removal

32 of a person with a communication disability or a disability that can impair communication from the
33 enrollment list, the division shall immediately remove that person from the enrollment list.

34 (g) The division may propose rules for promulgation in accordance with the provisions of
35 §29A-3-1 *et seq.* of this code to carry out the requirements of this section.

§17A-2-27. Form for inclusion in enrollment list with a communication disability.

1 (a) As used in this section:

2 (1) "Communication disability" means a human condition involving an impairment in the
3 human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or
4 graphic symbol systems that may result in a primary disability or may be secondary to other
5 disabilities.

6 (2) "Disability that can impair communication" means a human condition with symptoms
7 that can impair the human's ability to receive, send, process, or comprehend concepts or verbal,
8 nonverbal, or graphic symbol systems.

9 (3) "Legal guardian" has the same meaning as in §49-1-205 of this code.

10 (4) "Health care provider" means a person as defined in §16-30-3 of this code.

11 (5) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency
12 training program in psychiatry, as approved by the residency review committee of the American
13 Medical Association, the committee on post-graduate education of the American Osteopathic
14 Association, or the American Osteopathic Board of Neurology and Psychiatry.

15 (6) "Psychologist" means a person licensed under the provisions of §30-21-1 *et seq.* of
16 this code.

17 (b) The form shall include the following information:

18 (1) The name of the person diagnosed with a communication disability or a disability that
19 can impair communication;

20 (2) The name of the person completing the form on behalf of the person diagnosed with a
21 communication disability or a disability that can impair communication, if applicable;

22 (3) The relationship between the person completing the form and the person diagnosed
23 with a communication disability or a disability that can impair communication, if applicable;

24 (4) The driver's license number or state identification card number issued to the person
25 diagnosed with a communication disability or a disability that can impair communication, if that
26 person has such a number;

27 (5) The license plate number of each vehicle owned, operated, or regularly occupied by
28 the person diagnosed with a communication disability or a disability that can impair
29 communication, or enrolled in that person's name;

30 (6) A physician's, psychiatrist's, or psychologist's signed certification that the person has
31 been diagnosed with a communication disability or a disability that can impair communication;

32 (7) The name, business address, business telephone number, and medical license
33 number of the physician, psychiatrist, or psychologist making the certification;

34 (8) The signature of the person diagnosed with a communication disability or a disability
35 that can impair communication, or the signature of the person completing the form on behalf of
36 such a person, that may indicate the desire to be removed from the database; and

37 (9) *Option to explain* – A place where the person or persons may include a short
38 explanation of the type of disability, possible symptoms, and measures which could alleviate or
39 lessen the symptoms.

40 (c) Any of the following persons may complete the verification form:

41 (1) Any person diagnosed with a communication disability or a disability that can impair
42 communication who is 18 years of age or older;

43 (2) The parent or parents of a minor child diagnosed with a communication disability or a
44 disability that can impair communication;

45 (3) The guardian of a person diagnosed with a communication disability or a disability that
46 can impair communication, regardless of the age of the person.

47 (d) The Division of Motor Vehicles shall make the verification form electronically available
48 on each of their respective websites.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2020.

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Governor