

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2053

By Delegate C. Pritt

[Introduced January 11, 2023; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended, relating to
2 publication of notice of a public meeting and meeting agenda at least three days prior to the
3 date of the meeting by governing bodies of county and local government entities.

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 15 minutes prior to time the scheduled meeting is to commence.

11 (d) Each governing body shall promulgate rules by which the date, time, place and agenda
12 of all regularly scheduled meetings and the date, time, place and purpose of all special meetings
13 are made available, in advance, to the public and news media. Except as provided in subsection
14 (e) of this section and except for the houses, committees, offices, and divisions of the Legislature,
15 the rules of the governing bodies shall require that notice of the meeting and the agenda for the
16 meeting be published at least three days in advance of the meeting, including publication on the
17 governing body's website, if that body maintains a public website.

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

- 21 (1) Each notice shall state the date, time, place and purpose of the meeting.
- 22 (2) Each notice of a special meeting or a regular meeting shall be filed in a manner to allow
- 23 each notice to appear on the Secretary of State's website at least five business days prior to the
- 24 date of the meeting.
- 25 (3) When calculating the days, the day of the meeting is not to be counted. If a meeting
- 26 notice is filed anytime other than during the Secretary of State's regular business hours, the date of
- 27 filing will be considered the next business day.
- 28 (f) The Secretary of State shall retain copies of all notices filed for ten years.
- 29 (g) The Secretary of State may promulgate procedural rules governing the electronic filing
- 30 of meeting notices.
- 31 (h) In the event of an emergency a governing body may call an emergency meeting.
- 32 (1) The governing body of a state executive branch agency shall electronically file a notice
- 33 for an emergency meeting with the Secretary of State, as soon as practicable prior to the meeting.
- 34 Any other governing body shall notice an emergency meeting in a manner which is consistent with
- 35 this article and the Ethics Commission Committee on Open Governmental Meeting's opinions
- 36 issued pursuant to the authority of section ten of this article, as soon as practicable prior to the
- 37 meeting.
- 38 (2) The emergency meeting notice shall state the date, time, place and purpose of the
- 39 meeting and the facts and circumstances of the emergency.
- 40 (i) Upon petition by any adversely affected party any court of competent jurisdiction may
- 41 invalidate any action taken at any meeting for which notice did not comply with the requirements of
- 42 this section.

NOTE: The purpose of this bill is to require that the agenda for public meetings of the governing bodies of county and local government entities publish notice of meetings and the agenda for the meetings at least three days prior to the meeting and to publish the agenda for the meetings on the website of the governing body.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.