

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3449

By Delegates Hansen and Walker

[Introduced February 14, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §6-9A-9 of the Code of West Virginia, 1931, as amended, relating to
2 allowing recordings of closed meetings, and release in certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-9. Broadcasting or recording meetings.

1 (a) Except as otherwise provided in this section, any radio or television station is entitled to
2 broadcast all or any part of a meeting required to be open.

3 (b) A public agency may regulate the placement and use of equipment necessary for
4 broadcasting, photographing, filming or recording a meeting, so as to prevent undue interference
5 with the meeting. The public agency shall allow the equipment to be placed within the meeting
6 room in such a way as to permit its intended use, and the ordinary use of the equipment may not
7 be declared to constitute undue interference: *Provided*, That if the public agency, in good faith,
8 determines that the size of the meeting room is such that all the members of the public present and
9 the equipment and personnel necessary for broadcasting, photographing, filming and tape-
10 recording the meeting cannot be accommodated in the meeting room without unduly interfering
11 with the meeting and an adequate alternative meeting room is not readily available, then the public
12 agency, acting in good faith and consistent with the purposes of this article, may require the
13 pooling of the equipment and the personnel operating it.

14 (c) Any closed meeting as authorized by this article may be recorded for the purpose of
15 preparation of minutes or other lawful purpose at the discretion of the public body: *Provided*, That
16 the recording shall remain confidential and not subject to a freedom of information act request
17 pursuant to §29B-1-1 *et seq.* of the code unless, upon a vote of the majority of the members of the
18 public body, the recording is authorized to be released.

NOTE: The purpose of this bill is to allow the recordation and in some circumstances disclosure of recorded closed public meetings.

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