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H. B. 2219

(By Delegate Walters)
[Introduced January 12, 2011; referred to the
Committee on Government Organization then Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §4-9-1, §4-9-2 and
§4-9-3, all relating to creation of the Verifiable Science
Act; and providing for access by the public to any purported
scientific data or other information used as the basis for
proposed legislative rules or statutory enactments.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §4-9-1, §4-9-2 and
§4-9-3, all to read as follows:

ARTICLE 9. VERIFIABLE SCIENCE ACT.

§4-9-1. Short title.

This article is hereby designated as the "Verifiable Science
Act."

1 **§4-9-2. Declaration of purpose.**

2 The Legislature hereby declares that the citizens of this
3 state have a right to access data and other information resulting
4 from state funded studies, either in whole or in part, that are
5 relied on as justification for the development of state law,
6 legislative rules or as the basis for any state enforcement action.
7 Any legislative rules proposed in reliance on the results of any
8 purported scientific studies or data derived therefrom, must be
9 justified by pertinent, ascertainable, and peer-reviewed science
10 which shall be made available to the public upon request.

11 **§4-9-3. State responsibilities.**

12 Any scientific documentation, statistics, reports or research
13 relied upon to support a proposed legislative rule or proposed
14 statutory change, amendment or addition, policy statement, official
15 report, legislative study or any other official action leading
16 directly to the adoption of new legislative rules or statutory
17 enactments, shall be made available to the public upon request as
18 provided by article one, chapter twenty-nine-b.

NOTE: The purpose of this bill is to provide that the public may request and shall receive, access under the state Freedom of Information Act to any purported scientific data used as the basis for proposed legislative rules or statutory enactments.

This article is new; therefore, it has been completely underscored.