

1 **H. B. 4582**

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3 (By Delegate Miley)

4 [Introduced February 17, 2012; referred to the

5 Committee on the Judiciary.]

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10 A BILL to amend and reenact §29B-1-2 of the Code of West Virginia,

11 1931, as amended; and to amend said code by adding thereto a

12 new section, designated §29B-1-3a, all relating to expanding

13 the scope of the Freedom of Information Act to include records

14 held by a nongovernmental body or entity which receives

15 funding from state or local government; creating an exemption

16 if funds are deposited into a dedicated account; and providing

17 effective date.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §29B-1-2 of the Code of West Virginia, 1931, as amended,

20 be amended and reenacted; and that said code be amended by adding

21 thereto a new section, designated §29B-1-3a, all to read as

22 follows:

23 **ARTICLE 1. PUBLIC RECORDS.**

24 **§29B-1-2. Definitions.**

1 As used in this article:

2 (1) "Custodian" means the elected or appointed official
3 charged with administering a public body.

4 (2) "Person" includes any natural person, corporation,
5 partnership, firm or association.

6 (3) "Public body" means every state officer, agency,
7 department, including the executive, legislative and judicial
8 departments, division, bureau, board and commission; every county
9 and city governing body, school district, special district,
10 municipal corporation, and any board, department, commission
11 council or agency thereof; and any other body which is created by
12 state or local authority or which is ~~primarily~~ funded by the state
13 or local authority.

14 (4) "Public record" includes any writing containing
15 information relating to the conduct of the public's business,
16 prepared, owned and retained by a public body or a body or entity
17 receiving funds from a state or local authority.

18 (5) "Writing" includes any books, papers, maps, photographs,
19 cards, tapes, recordings or other documentary materials regardless
20 of physical form or characteristics.

21 **§29B-1-3a. Public finance records possessed by nongovernmental**
22 **body.**

23 (a) Any nongovernmental body or entity that receives public
24 funds is subject to the provisions of this article unless it places

1 all public moneys in a dedicated bank account which is not
2 comingled with other funds. If all public moneys are deposited in
3 a dedicated account, then only information relating to expenditures
4 from the dedicated account is subject to this article.

5 (b) This section shall be effective on January 1, 2013, and
6 applies only to funds received on or after the effective date.

NOTE: The purpose of this bill is to expand the scope of the Freedom of Information Act to include records held by a nongovernmental body or entity which receives funding from state or local government; to create an exemption if funds are deposited into a dedicated account; and to provide effective date.

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