

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 2904

[2015 CARRYOVER]

(BY DELEGATES MCGEEHAN AND ZATEZALO)

[Referred to the Committee on Political Subdivisions

then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-2-4, to amend said code by adding thereto a new section, designated §7-
3 1-3pp, and, to amend and reenact §7-1-7 of said Code, all relating to accessible county
4 records; requiring county clerks to report certain county official information to the Secretary
5 of State annually; requiring the Secretary of State to annually update a website of county
6 information; requiring county commissions to maintain a website; and requiring the clerk
7 of a county commission to maintain a county ordinance book.

Be it enacted by the Legislature of West Virginia:

1 That as amended, be amended by adding thereto a new section, designated §5-2-4; that
2 said code be amended by adding thereto a new section, designated §7-1-3pp, and that §7-1-7 of
3 the Code of West Virginia, 1931, as amended, be amended and reenacted; all to read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 2. SECRETARY OF STATE.

§5-2-4. Accessible County Records; Required Information.

1 (a) The Secretary of State shall maintain a website with certain county information. The
2 website shall be updated annually.

3 (b) On or before January 31, 2018 the county officer information website shall be updated
4 by the Secretary of State.

5 (c) The website shall contain the following minimum information regarding county officials:

6 (1) The official title and name of each county office holder;

7 (2) The contact information for each county office holder, including telephone number,
8 facsimile number, office location and mailing address;

9 (3) The electronic mail address of each elected county office holder; and

10 (4) The website of each county commission.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3pp. Accessible County Records; Required Information.

1 (a) Beginning on or before July 1, 2017, each County Commission shall maintain a website
2 that 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;

6 (3) The government electronic mail address of each elected county office holder.

7 (4) A copy of each county code, ordinance or regulation as adopted;

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

9 (6) A schedule of meetings for each calendar year.

10 (b) Beginning on or before December 31, 2017, and each year thereafter, each County
11 Commission, shall provide to the Secretary of State, the following information:

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

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

14 (3) The website address of the County Commission website.

§7-1-7. Record books.

1 (a) The county commission shall, within sixty days of adoption, through the clerk of the
2 commission, enter into a separate book the complete record of all ordinances, rules and
3 regulations adopted by the county commission. The clerk shall list, along with each ordinance
4 in the book, the provision of the West Virginia Code authorizing each ordinance. The clerk shall
5 maintain the book in his or her office and shall make available a copy to the county sheriff.

6 Compiling all such ordinances, rules and regulations adopted by the county commission and
7 publishing the same on a publically available internet website as delineated in section 3pp of
8 this article shall constitute full compliance with the provisions of this section.

9 (b) The county ~~court~~ commission of every county shall provide two record books for the
10 use of the ~~court~~ county commission, in one of which shall be entered all the proceedings of such
11 ~~court~~ county commission in relation to contested elections, all matters of probate, the
12 appointment of appraisers of the estates of decedents and the appointment and qualification of
13 personal representatives, guardians, committees and curators, and the settlement of their
14 accounts, and all matters relating to apprentices; and in the other of said books shall be entered
15 all the other proceedings of such ~~court~~ county commission: *Provided, however,* That said-~~court~~
16 county commission shall provide and keep such additional or different record books as may be
17 specially required by law.

NOTE: The purpose of this bill is to provide access to county government information to the public by requiring each county to maintain a website and by requiring each county clerk to provide information the Secretary of State, who shall also maintain and update county contact information on the internet and require the clerk of a county commission to maintain a county ordinance book.

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