WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENGROSSED

House Bill 3412

By Delegates Hanshaw (Mr. Speaker), Kelly, Riley, Gearheart, Criss, Ellington, Phillips, and Worrell

[Introduced March 17, 2025; referred to the Committee on Rules]

A BILL to amend and reenact §29B-1-2 of the Code of West Virginia, 1931, and to amend the code by adding a new section, designated §29B-1-8, relating to public records; providing exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PUBLIC RECORDS

§29B-1-2. Definitions.

As used in this article:

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

~~(2)~~ "Law-enforcement officer" shall have the same definition as this term is defined in W.Va. Code §30-29-1: *Provided*, That for purposes of this article, "law-enforcement officer" shall additionally include those individuals defined as "chief executive" in W.Va. Code §30-29-1.

~~(3)~~ "Person" includes any natural person, corporation, partnership, firm or association.

~~(4)~~ "Public body" means every executive state officer, agency, department, including the executive ~~legislative~~ and judicial departments, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission council or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

~~(5)~~ "Public record" includes any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public’s business.

~~(6)~~ "Writing" includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics.

~~(7)~~ "Publicly-administered utility enterprise" includes electric power generation, transmission, and distribution systems; water supply and distribution systems; wastewater including stormwater collection, treatment, and disposal systems of all types; public transportation systems; solid waste collection and disposal systems and facilities; or other public entity providing utility services, excluding airports, which are owned or administered by a governmental entity.

§29B-1-8. Legislative Exemption.

This article does not apply to the Legislative branch, upon its adoption of rules regulating the disclosure of public records.