

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

20 including stormwater collection, treatment, and disposal systems of all types; public transportation
21 systems; solid waste collection and disposal systems and facilities; or other public entity providing
22 utility services, excluding airports, which are owned or administered by a governmental entity.

§29B-1-8. Legislative Exemption.

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