

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3412

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

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

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PUBLIC RECORDS

§29B-1-2. Definitions.

1 As used in this article:

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

4 (~~2~~) "Law-enforcement officer" shall have the same definition as this term is defined in
 5 W.Va. Code §30-29-1: *Provided*, That for purposes of this article, "law-enforcement officer" shall
 6 additionally include those individuals defined as "chief executive" in W.Va. Code §30-29-1.

7 (~~3~~) "Person" includes any natural person, corporation, partnership, firm or association.

8 (~~4~~) "Public body" means every executive state officer, agency, department, including the
 9 executive legislative and judicial departments, division, bureau, board and commission; every
 10 county and city governing body, school district, special district, municipal corporation, and any
 11 board, department, commission 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 or local authority.

13 (~~5~~) "Public record" includes any writing containing information prepared or received by a
 14 public body, the content or context of which, judged either by content or context, relates to the
 15 conduct of the public's business.

16 (~~6~~) "Writing" includes any books, papers, maps, photographs, cards, tapes, recordings or
 17 other documentary materials regardless of physical form or characteristics.

18 (~~7~~) "Publicly-administered utility enterprise" includes electric power generation,
 19 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.

NOTE: The purpose of this bill is to provide exemptions from disclosure of certain records and exempt the legislative branch if it adopts its own rules.

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