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APPROVED AND SIGNED BY THE GOVERNOR

'9 MAR 27 P11:40

Date 3-27-79

Time 8:15 P.M.

GOVERNOR
OFFICE OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979



ENROLLED

HOUSE BILL No. 928

(By Mr. Tompkins)



Passed March 6, 1979

In Effect Ninety Days From Passage



No. 928

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GOVERNOR OF STATE

ENROLLED

H. B. 928

(By MR. TOMPKINS)

[Passed March 6, 1979; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article nine-a, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enforcement by injunction, voidability of actions taken or decisions made in violation of article; making the enforcement by injunction applicable to the entire article; changing "decision" to "decisions"; and providing for circumstances under which bond issues may not be held void.

Be it enacted by the Legislature of West Virginia:

That section six, article nine-a, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS.

§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.

1 The circuit court in the county where the public body
2 regularly meets or the judge thereof in vacation shall have
3 jurisdiction to enforce this article upon petition by any citizen
4 of this state who can show good faith and a valid reason for
5 making the application. No bond shall be required unless the
6 petition appears to be without merit or made with the sole

7 intent of harassing or delaying or avoiding return by the
8 governing body.

9 Any injunction granted pursuant to the provisions of this
10 section may order that actions taken or decisions made in
11 violation of this article may be enjoined or annulled if the peti-
12 tion therefor was filed within thirty days after the actions were
13 taken or decisions made and may also order that subsequent
14 actions be taken or decisions be made in conformity with the
15 provisions of this article: *Provided*, That no bond issue that
16 has been passed or approved by any governing body in this
17 state may be held void under this section if notice of the meet-
18 ing at which such bond issue was finally considered was given
19 at least ten days prior to such meeting by a Class I legal ad-
20 vertisement published in accordance with the provisions of
21 article three, chapter fifty-nine of this code in a qualified
22 newspaper having a general circulation in the geographic
23 area represented by that governing body.

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[Enr. H. B. 928]

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

GOVERNOR OF STATE

James L. Davis
Chairman Senate Committee

Lawrence C. Thurston Jr
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. D. McLaughlin
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Burkhalter
President of the Senate

Clyde M. Lee, Jr
Speaker House of Delegates

The within *is approved* this the *27*
day of *March*, 1979.

John D. R. [Signature]
Governor

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