

No: 526

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1987



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 526

(By Senator Torsovich, Mr. President.....)



PASSED ..... March 14 ..... 1987

In Effect ninty days from..... Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 526**

(SENATOR TONKOVICH, MR. PRESIDENT, *original sponsor*)

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[Passed March 14, 1987; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article nine-a, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public notice of meetings; specifying the manner and time by which notice must be filed with the secretary of state; and providing for judicial invalidation for noncompliance.

*Be it enacted by the Legislature of West Virginia:*

That section three, 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-3. Proceedings to be open; public notice of meetings.**

1 Except as expressly and specifically otherwise provided  
2 by law, whether heretofore or hereinafter enacted, and  
3 except as provided in section four of this article, all  
4 meetings of any governing body shall be open to the public.  
5 Any governing body may make and enforce reasonable  
6 rules and regulations for attendance and presentation at  
7 any meeting where there is not room enough for all  
8 members of the public who wish to attend, and this article

9 shall not be construed to prohibit the removal from a  
10 meeting of any member of the public who is disrupting the  
11 meeting to the extent that orderly conduct of the meeting is  
12 compromised: *Provided*, That persons who desire to  
13 address the governing body shall not be required to register  
14 to address said body more than fifteen minutes prior to time  
15 the scheduled meeting is to commence.

16 Each governing body shall promulgate rules by which the  
17 time and place of all regularly scheduled meetings and the  
18 time, place and purpose of all special meetings are made  
19 available, in advance, to the public and news media, except  
20 in the event of an emergency requiring immediate official  
21 action.

22 Each governing body of the executive branch of the state  
23 shall file a notice of any meeting with the secretary of state  
24 for publication in the state register. Each notice shall state  
25 the time, place and purpose of the meeting. Each notice  
26 shall be filed in a manner to allow each notice to appear in  
27 the state register at least five days prior to the date of the  
28 meeting.

29 In the event of an emergency requiring immediate official  
30 action, any governing body of the executive branch of the  
31 state may file an emergency meeting notice at any time prior  
32 to the meeting. The emergency meeting notice shall state the  
33 time, place and purpose of the meeting and the facts and  
34 circumstances of the emergency.

35 Upon petition by any adversely affected party any court  
36 of competent jurisdiction may invalidate any action taken  
37 at any meeting for which notice did not comply with the  
38 requirements of this section.

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

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* ..... this the *28th*  
*March* .....  
day of ..... 1987.

*[Signature]*  
.....  
Governor

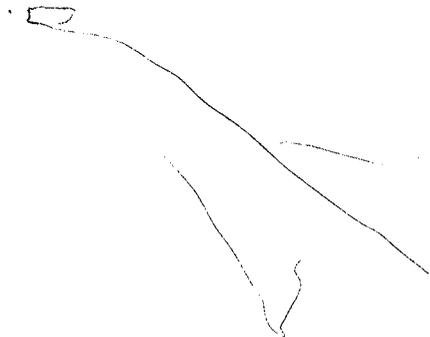


PRESENTED TO THE

GOVERNOR

Date 3/23/87

Time 3:16 p.m.



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OFFICE OF THE  
GENERAL INVESTIGATOR