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SB 396

FILED

2007 APR -4 AM 11: 19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 396

(BY SENATORS FANNING, BOWMAN AND BARNES)

[Passed March 10, 2007; in effect ninety days from passage.]

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Senate Bill No. 396

(BY SENATORS FANNING, BOWMAN AND BARNES)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-29, relating to authorizing the Director of the Division of Natural Resources to exempt site-specific data on certain rare plant or animal species and their habitats from disclosure under the Freedom of Information Act; providing exceptions thereto; and placing limitations on the use of released information.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §20-2-29,

to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-29. Conservation of species and request for public records.

1 (a) The director may exempt from disclosure under the
2 Freedom of Information Act, article one, chapter
3 twenty-nine-b of this code, any record concerning the
4 site-specific location of an animal species protected
5 under the Endangered Species Act of 1973, 7 U. S. C.
6 §136, a plant protected under the Plant Variety
7 Protection Act, 7 U. S. C. §2321:2583 and any plant or
8 animal species native to West Virginia determined by
9 the director to be sensitive and in need of conservation
10 to maintain viability or existence.

11 (b) The director may not deny the release of records
12 under subsection (a) of this section if requested:

13 (1) By the owner of the land upon which the resource
14 is located;

15 (2) By an entity which can take the land through the
16 right of eminent domain; or


17 (3) For scientific purposes which include, but are not
18 limited to, conservation and education, by a person or
19 entity that demonstrates to the director's satisfaction
20 that the request for information is necessary, will not
21 cause harm to the plant or animal species, and that the
22 person or entity will use the information only for the
23 limited purpose which is the basis for the request of
24 information. The director retains the right to provide
25 any such data in a form which in his or her opinion, is

26 of sufficient resolution to satisfy that request and is not
27 obligated to provide exact coordinate data.

28 (c) Persons or entities receiving records under this
29 subsection may not release the information to the public
30 or release the information to another entity for
31 commercial purposes.

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


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Chairman Senate Committee

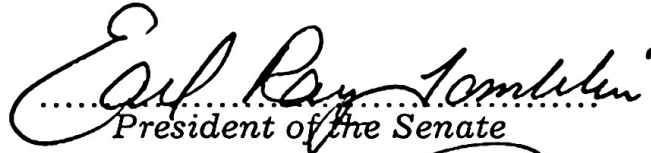

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

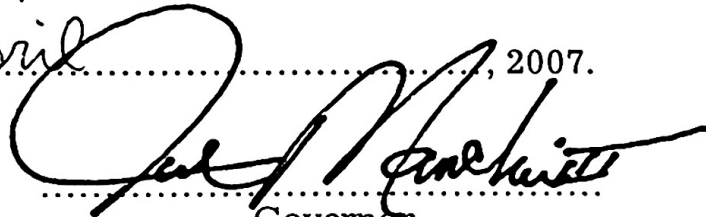

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this
the 3rd Day of April , 2007.


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Governor

PRESENTED TO THE
GOVERNOR

APR 03 2007

Time 1:35 p