Enrolled Committee Substitute for Senate Bill 175

SENATOR BLAIR, original sponsor

[Passed March 7, 2020; in effect 90 days from passage]
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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; to amend said code by adding thereto a new article, designated §8-39-1; and to amend said code by adding thereto two new sections, designated §17A-2-26 and §17A-2-27, all relating to governmental entities distribution of information; requiring executive branch agencies to maintain websites that contain specific information; requiring county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; allowing municipalities to maintain websites with specific information available to the public at no charge; providing for exceptions to disclosing certain information in defined circumstances; requiring information to be updated; requiring updated information to be provided to the Office of Technology; requiring the Division of Motor Vehicles to establish and maintain an enrollment list of persons who have communication disabilities; authorizing the Division of Motor Vehicles to promulgate rules; exempting Division of Motor Vehicles enrollment list from the Freedom of Information Act; providing for submission of certain information to the Division of Motor Vehicles; and authorizing the Division of Motor Vehicles to provide enrollment list information to law-enforcement officers through automated data system.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-7. Website content and required information.

Beginning December 31, 2020, each agency shall maintain a website that provides the following information in a searchable form by the public, if applicable:
(1) The office contact information, including office location and mailing address, telephone number, facsimile number, office hours, and a secure electronic means of contacting the office such as a contact portal or other interface;

(2) The contact information of each administrative agency official, including office location and mailing address, office telephone number, facsimile number, and an organizational electronic mail address: *Provided*, That the agency may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations;

(3) Organizational chart;

(4) A list of governing statutes and legislative and procedural rules;

(5) Meeting minutes;

(6) Annual reports;

(7) Frequently asked questions and descriptive answers;

(8) Available state grant opportunities to include, but not be limited to:

(A) Available grant information and application information;

(B) Grant eligibility requirements; and

(C) Award ranges and award deadlines; and

(9) State grants that are awarded in an amount greater than $20,000 to include, but not be limited to:

(A) The name and address of the grantee’s organization;

(B) The purpose of the award;

(C) The amount of the award;

(D) The effective date and duration of the award; and

(E) Any financial and performance reports that are required by the State of West Virginia.
CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3rr. Accessible county records; required information.

(a) Beginning December 31, 2020, each county commission shall maintain a website that provides the following information without charge:

(1) The title and name of each elected county office holder;

(2) The contact information of each elected county office holder, including office telephone number, facsimile number, office location, and mailing address: Provided, That the county commission may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations;

(3) A secure electronic means of contacting each elected county office holder;

(4) A copy of each county ordinance in effect;

(5) A copy of the approved meeting minutes; and

(6) A schedule of regular meeting days for each calendar year.

(b) Beginning on or before December 31, 2020, and each year thereafter, each county commission shall provide to the Secretary of State the following information:

(1) A list of each elected county official by title, with the name of the elected official;

(2) The office contact information for each county office holder; and

(3) The website address of the county commission website, where available.

(c) The county commission shall update the information required pursuant to this section within 30 days of the date the change occurs and shall provide the updated information to the Office of Technology who shall update the information on the wv.gov website.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 39. MUNICIPAL WEBSITES.

§8-39-1. Accessible municipal records; required information.
(a) Beginning on or before December 31, 2020, each municipality may maintain a website that provides the following information accessible to the public without charge:

(1) The title and name of each elected office holder;

(2) The contact information of each elected office holder, including office telephone number, facsimile number, office location, office hours, and mailing address: Provided, That the municipality may withhold contact information from disclosure that it deems necessary to protect their safety, the safety of their coworkers, and the integrity of law-enforcement operations;

(3) A secure electronic means of contacting each elected office holder;

(4) A copy of each municipal ordinance in effect;

(5) A copy of the approved meeting minutes; and

(6) A schedule of regular meeting days for each calendar year.

(b) Each municipality shall update the information required pursuant to this section within 30 days of the date the change occurs and provide the updated information to the Office of Technology who shall update the information on the wv.gov website.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 2. DIVISION OF MOTOR VEHICLES.


(a) As used in this section:

(1) “Communication disability” has the same meaning as in §17A-2-27 of this code.

(2) “Disability that can impair communication” has the same meaning as in §17A-2-27 of this code.

(3) “Legal guardian” has the same meaning as in §49-1-205 of this code.

(4) “Ward” means a person for whom a legal guardian has been appointed.
(b) The Division of Motor Vehicles shall establish and maintain an enrollment list of persons who enroll under this section as being diagnosed with a communication disability or a disability that can impair communication.

(c) Any person diagnosed with a communication disability or a disability that can impair communication who is 18 years of age or older may enroll with the division for inclusion in the enrollment list by submitting a completed verification form to the division.

(d) Any parent or guardian of a minor child or a ward diagnosed with a communication disability or a disability that can impair communication may enroll the minor child or the ward with the division for inclusion in the enrollment list by submitting a completed verification form to the division.

(e) (1) The division shall include in the enrollment list information provided on a completed verification form that the division determines is necessary for a law-enforcement officer to identify a person as diagnosed with a communication disability or a disability that can impair communication. The division shall make the enrollment list available to state and local law-enforcement officers through a law-enforcement automated data system.

(2) Information in the enrollment list is not a public record subject to inspection or copying under chapter 29B of this code.

(f) A person diagnosed with a communication disability or a disability that can impair communication who is included in the enrollment list, or the parent or guardian of a minor child or a ward diagnosed with a communication disability or a disability that can impair communication who is included in the enrollment list, may request removal of the person, minor, or ward, as applicable, from the enrollment list. The person, parent, or guardian shall do so by completing the verification form with only the information required under §17A-2-27(c)(1), §17A-2-27(c)(2), §17A-2-27(c)(3), §17A-2-27(c)(8), and §17A-2-27(c)(9) of this code, as applicable, and submitting the form to the division. Upon receipt of a properly completed verification form requesting the removal
of a person with a communication disability or a disability that can impair communication from the enrollment list, the division shall immediately remove that person from the enrollment list.

(g) The division may propose rules for promulgation in accordance with the provisions of §29A-3-1 et seq. of this code to carry out the requirements of this section.

§17A-2-27. Form for inclusion in enrollment list with a communication disability.

(a) As used in this section:

(1) "Communication disability" means a human condition involving an impairment in the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems that may result in a primary disability or may be secondary to other disabilities.

(2) "Disability that can impair communication" means a human condition with symptoms that can impair the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems.

(3) "Legal guardian" has the same meaning as in §49-1-205 of this code.

(4) "Health care provider" means a person as defined in §16-30-3 of this code.

(5) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American Medical Association, the committee on post-graduate education of the American Osteopathic Association, or the American Osteopathic Board of Neurology and Psychiatry.

(6) "Psychologist" means a person licensed under the provisions of §30-21-1 et seq. of this code.

(b) The form shall include the following information:

(1) The name of the person diagnosed with a communication disability or a disability that can impair communication;

(2) The name of the person completing the form on behalf of the person diagnosed with a communication disability or a disability that can impair communication, if applicable;
(3) The relationship between the person completing the form and the person diagnosed with a communication disability or a disability that can impair communication, if applicable;

(4) The driver’s license number or state identification card number issued to the person diagnosed with a communication disability or a disability that can impair communication, if that person has such a number;

(5) The license plate number of each vehicle owned, operated, or regularly occupied by the person diagnosed with a communication disability or a disability that can impair communication, or enrolled in that person’s name;

(6) A physician’s, psychiatrist’s, or psychologist’s signed certification that the person has been diagnosed with a communication disability or a disability that can impair communication;

(7) The name, business address, business telephone number, and medical license number of the physician, psychiatrist, or psychologist making the certification;

(8) The signature of the person diagnosed with a communication disability or a disability that can impair communication, or the signature of the person completing the form on behalf of such a person, that may indicate the desire to be removed from the database; and

(9) Option to explain – A place where the person or persons may include a short explanation of the type of disability, possible symptoms, and measures which could alleviate or lessen the symptoms.

(c) Any of the following persons may complete the verification form:

(1) Any person diagnosed with a communication disability or a disability that can impair communication who is 18 years of age or older;

(2) The parent or parents of a minor child diagnosed with a communication disability or a disability that can impair communication;

(3) The guardian of a person diagnosed with a communication disability or a disability that can impair communication, regardless of the age of the person.
(d) The Division of Motor Vehicles shall make the verification form electronically available on each of their respective websites.
Enr CS for SB 175

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

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 24th Day of March, 2020.

Governor
PRESENTED TO THE GOVERNOR

MAR 17 2020

Time  4:02 pm