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5-day public meeting notice might go online

By Phil Kabler

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CHARLESTON, W.Va. -- West Virginia's Open Meetings Act could get an update next legislative session, under a proposal adopted Thursday by the state Ethics Commission.

Under current law, notice of public meetings must be published in the State Register at least five days before the meeting. The Register is published by the Secretary of State's Office and distributed each Friday, but has a Wednesday deadline for agencies to submit notices for the next edition.

However, with advances in technology, Ethics Commission Executive Director Theresa Kirk noted that few people rely on the printed Register for notice of upcoming meetings.

"With the changing technology," she said, "the go-to source is the online meeting notices page, not the state Register."

While agencies can post meeting notices instantaneously on the secretary of state's website, Kirk said, it is not uncommon for agencies to be in violation of the Open Meetings Act because they miss the publication deadline for the Register -- even though the online notices comply with the five days notice.

Under the law, no official action can take place at meetings that fail to comply with the publication requirement.

The commission on Thursday gave its approval to draft legislation that would change the five-day timeline to the time the meeting is posted on the web page, not when it is published in the Register.

Jake Glance, spokesman for the Secretary of State's Office, said the secretary supports the change.

"We have been talking with them about it," he said. "That actually helps the agencies or whoever is posting the notices to know exactly when they need to submit them."

He said the office currently publishes 50 copies of the State Register each week, with 15 copies going to the State Archives, meaning that only a relatively small number of people have access to the printed version of the Register.

In a similar vein, he said, the office also is promoting electronic filing of legislative rules.

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Rule-making review law requires agencies to submit 15 printed copies of each proposed rule change, which requires a lot of paper, he said.

"Sometimes, people come in here with stacks of rules that are, literally, feet thick," Glance said.

Also Thursday, the Ethics Commission ruled that public officials and employees traveling on official business may not accept passes to health clubs or fitness centers from hotels or motels that lack on-site exercise facilities.

The commission voted not to make an exception to a 21-year-old rule that prohibits public employees and officials from accepting a variety of perks and benefits while traveling or attending conferences. In addition to being prohibited from accepting free passes to health clubs, public officials cannot accept free rounds of golf, for example.

At the time the ban was adopted, generally only upscale hotels had health clubs, and they tended to be luxury spas -- not exercise or workout facilities.

Commissioners denied the request from a state agency attorney, who pointed out that most hotels and motels these days either have exercise facilities on-site, or provide guests with passes to nearby fitness centers.

"West Virginia is at the top of the list for obesity and other health problems," the request noted. "The state should be encouraging people to exercise when traveling on government business."

Last month, the commission postponed action on a proposed advisory opinion that would have allowed public officials and employees to accept fitness center passes, after Commissioner Jack Buckalew raised objections.

Buckalew, a former State Police superintendent and state senator, said at the time he does not believe public officials should be forbidden from accepting such "enticements" when traveling on official business.

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