

SB 595

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

96 APR -1 PM 4: 46

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## ENROLLED

SENATE BILL NO. 595

(By Senator WOOTON, ET AL)

PASSED MARCH 9, 1996

In Effect NINETY DAYS FROM Passage

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### Senate Bill No. 595

(BY SENATORS WOOTON, BOWMAN, BUCKALEW,  
SCHOONOVER, WAGNER, WHITE AND YODER)

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[Passed March 9, 1996; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authority of subpoena witnesses; applicability of whistle-blower law; and penalty.

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

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

**ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF CAPITOL BUILDING; PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS; NEXT MEETING OF THE SENATE.**

**§4-1-5. Authority to subpoena witnesses and documents; penalty for refusal to comply; applicability of whistle-blower law.**

- 1 (a) When the Senate or House of Delegates, or a
- 2 committee of either house, authorized to examine

3 witnesses, by resolution or by rules of the Senate or of  
4 the House of Delegates, shall order the attendance of any  
5 witness, or the production of any books, papers, docu-  
6 ments or records necessary for the Senate, House of  
7 Delegates or a committee thereof to perform its duties, a  
8 summons shall be issued accordingly, signed by the  
9 presiding officer or clerk of such house, or the chairman  
10 of such committee, directed to the sheriff or other proper  
11 officer of any county, or to the sergeant at arms of such  
12 house, or any person deputed by him. When a committee  
13 is appointed by each house under any joint or concurrent  
14 resolution, and directed to sit jointly, with authority to  
15 examine witnesses or send for persons or documents, the  
16 subpoena aforesaid may be signed by the chairman of the  
17 committee on the part of the Senate or the chairman of  
18 the committee on the part of the House of Delegates.

19 (b) If any witness subpoenaed to appear at any hearing  
20 or meeting pursuant to subsection (a) of this section shall  
21 refuse to appear or to answer inquiries there pro-  
22 pounded, or shall fail or refuse to produce books, papers,  
23 documents or records within his or her control when the  
24 same are subpoenaed, the Senate, House of Delegates or  
25 a committee thereof, in its discretion may enforce  
26 obedience to its subpoena by attachment, fine or impris-  
27 onment, or it may report the facts to the circuit court of  
28 Kanawha county or any other court of competent juris-  
29 diction and such court shall compel obedience to the  
30 subpoena as though such subpoena had been issued by  
31 such court in the first instance.

32 Witnesses subpoenaed to attend such hearings or  
33 meetings, except officers or employees of the state, shall  
34 be allowed the same mileage and per diem as is allowed  
35 witnesses before any petit jury in this state.

36 (c) The provisions of article one, chapter six-c of this  
37 code are expressly applicable to persons testifying  
38 pursuant to the provisions of subsection (a) of this  
39 section.

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

*Randy Schoonover*

Chairman Senate Committee

*Rudy Seacrest*

Chairman House Committee

Originated in the Senate.  
In effect ninety days from passage.

*Russell E. Bell*

Clerk of the Senate

*Suzanne R. King*

Clerk of the House of Delegates

*Earl Ray Tomblin*

President of the Senate

*Robert L. Calkins*

Speaker House of Delegates

The within is approved this the 15<sup>th</sup> day of April, 1996.

*Robert L. Calkins*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/28/66

Time 9:55am