WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 411

(By Mr. Flannery)

PASSED March 6, 1957

In Effect 90 days from Passage
ENROLLED

House Bill No. 411
(By Mr. Speaker, Mr. Flannery)

[Passed March 6, 1937: in effect ninety days from passage.]

AN ACT to amend chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three, relating to the creation of a West Virginia legislative council, and defining the powers and duties thereof.

Be it enacted by the Legislature of West Virginia:

That chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three, to read as follows:

Article 3. West Virginia Legislative Council.

Section 1. Creation and Membership of Legislative Council.—There is hereby created in the legislative branch of the state government, for the purpose of aiding and assisting the Legislature in performing its functions, an
agency of the Legislature to be known as the legislative
council, hereinafter referred to as the "Council." It shall
be composed of the joint committee on government and
finance and the five Senate and five House members of
the West Virginia commission on interstate cooperation.
Prior to adjournment of the one thousand nine hun-
dred fifty-seven session of the Legislature, and prior to
adjournment of each session at biennial intervals there-
after, the president of the Senate shall appoint the Sen-
ate members and the speaker shall appoint the members
of the House of Delegates, of which not more than six
of each house, including the appointing officer, shall be
members of the same political party. A vacancy in the
appointive membership of the council shall be filled by
the officer making the original appointment. The presi-
dent of the Senate and the speaker of the House shall
serve as co-chairmen of the council.

The term for which a member of the council serves
shall continue, provided he remains a member of the
house from which he was appointed, until his successor
is designated.
Sec. 2. Meetings; Subcommittees; and Records of Proceedings.—The first meeting of the council shall be held in the Senate judiciary room at the state capitol on call of the co-chairmen of the council within fifteen days after the adjournment sine die of the Legislature. At its first meeting, the council may provide for adoption of rules of procedure and employment of necessary clerical, technical and professional assistance. Thereafter the council shall meet at such times and places as it may deem necessary: Provided, That it shall meet at least once in each quarter year and shall meet at any time upon the call of the co-chairmen or a call signed by eleven members. Eleven members shall constitute a quorum and a majority thereof may act on any matter within the jurisdiction of the council. The council may create and prescribe rules governing subcommittees consisting of its own members, other members of the Legislature or citizens having special knowledge on a particular subject as the council may determine, to study and report on assigned subjects. Any member of the Legislature shall have the right to attend any of the sessions of the coun-
cil or of its subcommittees and to present his views on any subject under consideration, but only members of the council shall participate in any decision which the council may make, and only members of a subcommittee shall participate in any decision which a subcommittee may make. The council shall cause to be kept accurate records of its own and subcommittee proceedings, shall make periodic reports to the members of the Legislature, and shall keep said members informed of all matters which may come before the council, the actions taken thereon, and the progress made in relation thereto.

Sec. 3. Staff and Assistance from Other Agencies.—

The council may employ an executive director who shall be a graduate of an accredited college or university with training or practical experience in governmental problems, and may employ such additional personnel as it may deem necessary for performing the functions and duties of the council and its subcommittees, and it shall determine the qualifications and fix the compensation of all such personnel. The council may, in effectuating the provisions of this act, contract with any public or
private agency, educational institution, or individual for research studies or the gathering of information. The council may call upon any department, agency, educational or other institution, or officer of the state or any political subdivision for such facilities and data as may be available and such departments, agencies, institutions and officers shall cooperate with the council to the fullest possible extent. It shall be the duty of the attorney general to render opinions and give council and assistance to the council on request of the chairman of the council.

Sec. 4. Duties.—The council shall have the following duties:

(1) To assist individual legislators in collecting data and drafting bills.

(2) To maintain in the state capitol for the use and information of the Legislature, legislative reference, library, and bill drafting services, and to collect, summarize, index and report on the content and status of pending legislation, and to prepare manuals and directories to assist the members of the Legislature. The
council may provide for such other office space as it may deem necessary.

(3) To prepare studies on important problems for the consideration of the Legislature, either on its own initiative or as directed by the Legislature or either house thereof.

(4) To study and survey generally matters of government and finance, in cooperation with the legislative auditor, including the problems and functions of the various departments, agencies and officers of the state and to make reports thereon to the Legislature.

(5) To submit a report of its findings, conclusions and recommendations to the governor and each regular session of the Legislature not later than thirty days before the opening of such session. It may submit with its report drafts of such bills as it may deem advisable.

(6) To organize and index all rules and regulations promulgated by any agency of the state and to publish them in such form as the council shall deem proper.

(7) To assist and cooperate with any interim legislative committee or other agency created by the Legislature.
(8) To receive messages and reports in person or in writing from the governor or any other state officials.

(9) To cooperate with similar agencies of other states, with the council of state governments, and with other interstate research organizations.

(10) To perform all other duties the council or the Legislature may deem essential to the efficient carrying on of the work of the legislative branch.

Nothing in this article shall be construed to disturb, abridge, impair, or supersede in any manner, the authority of the joint committee on government and finance presently existing, or the functions required of that committee, as set out in the joint rules of the Senate and House, or to disturb the duties and responsibilities of the legislative auditor as provided in chapter four, article two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, but the legislative council shall operate in conjunction and in cooperation with the duties and the responsibilities vested in said joint committee on government and finance.

Sec. 5. Hearings and Witnesses.—The council or any
Enr. H. B. No. 411]

subcommittee thereof when so authorized by the council is empowered to hold public or executive hearings at such times and places within the state as may be desirable and to make investigations and surveys deemed necessary to accomplish the purposes and intent of this act. Any member of the council or of any subcommittee shall have the power to administer oaths to persons testifying before said council or subcommittee. By subpoena, issued over the signature of its co-chairmen and served in the manner in which circuit court subpoenas are served, the council or any subcommittee when so authorized by the council may summon and compel the attendance of witnesses and the production of all books, papers, documents and records necessary or convenient to be examined and used by them in their investigation. If any witness subpoenaed to appear before said council or subcommittee shall refuse to appear or to answer inquiries propounded, or shall fail or refuse to produce books, papers, documents or records within his control when the same are demanded, the council or subcommittee shall report the facts to
the circuit court of Kanawha county and it shall be the
duty of such court to compel obedience to the council's or
the subcommittee's subpoena by attachment proceedings
for contempt as in the case of disobedience of the require-
ments of a subpoena issued from such court or a refusal
to testify therein. Witnesses attending the hearings or
meetings of the council or any subcommittee under pro-
cess, shall be allowed the same mileage and per diem as
is allowed witnesses before any grand jury in this state,
which shall be paid by the council out of funds ap-
propriated to it.

Sec. 6. Expenses and Salaries.—The members of the
council and the members of any subcommittee who are
at the same time members of the Legislature, established
pursuant to this act shall receive a per diem not to exceed
twenty-five dollars for each day spent in the performance
of their duties under this act and shall be reimbursed for
all necessary travel at the rate of ten cents a mile. All non-
legislative members of subcommittees shall be paid actual
expenses incurred in the performance of their duties. All
10 payments to members, payments to witnesses attending hearings or meetings under process, salaries of employees and other necessary expenses shall be paid upon warrant signed by the co-chairmen.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within Vetoes this the 13th day of March, 1957.

Governor

Filed in the Office of the Secretary of State of West Virginia MAR 14 1957

D. Pitt O'Brien
Secretary of State