

Vetoed

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 411

(By Mr. Flannery)



PASSED March 6, 1957

In Effect 90 days from Passage



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House Bill No. 411

(By MR. SPEAKER, MR. FLANNERY)

[Passed March 6, 1957: 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

5 agency of the Legislature to be known as the legislative
6 council, hereinafter referred to as the "Council." It shall
7 be composed of the joint committee on government and
8 finance and the five Senate and five House members of
9 the West Virginia commission on interstate cooperation.
10 Prior to adjournment of the one thousand nine hun-
11 dred fifty-seven session of the Legislature, and prior to
12 adjournment of each session at biennial intervals there-
13 after, the president of the Senate shall appoint the Sen-
14 ate members and the speaker shall appoint the members
15 of the House of Delegates, of which not more than six
16 of each house, including the appointing officer, shall be
17 members of the same political party. A vacancy in the
18 appointive membership of the council shall be filled by
19 the officer making the original appointment. The presi-
20 dent of the Senate and the speaker of the House shall
21 serve as co-chairmen of the council.

22 The term for which a member of the council serves
23 shall continue, provided he remains a member of the
24 house from which he was appointed, until his successor
25 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-

22 cil or of its subcommittees and to present his views on any
23 subject under consideration, but only members of the
24 council shall participate in any decision which the coun-
25 cil may make, and only members of a subcommittee
26 shall participate in any decision which a subcommittee
27 may make. The council shall cause to be kept accurate
28 records of its own and subcommittee proceedings, shall
29 make periodic reports to the members of the Legislature,
30 and shall keep said members informed of all matters
31 which may come before the council, the actions taken
32 thereon, and the progress made in relation thereto.

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

2 The council may employ an executive director who shall
3 be a graduate of an accredited college or university with
4 training or practical experience in governmental prob-
5 lems, and may employ such additional personnel as it
6 may deem necessary for performing the functions and
7 duties of the council and its subcommittees, and it shall
8 determine the qualifications and fix the compensation
9 of all such personnel. The council may, in effectuating
10 the provisions of this act, contract with any public or

11 private agency, educational institution, or individual
12 for research studies or the gathering of information. The
13 council may call upon any department, agency, educa-
14 tional or other institution, or officer of the state or any
15 political subdivision for such facilities and data as may
16 be available and such departments, agencies, institu-
17 tions and officers shall cooperate with the council to the
18 fullest possible extent. It shall be the duty of the at-
19 torney general to render opinions and give council and
20 assistance to the council on request of the chairman of
21 the council.

Sec. 4. *Duties.*—The council shall have the following

2 duties:

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

5 (2) To maintain in the state capitol for the use and
6 information of the Legislature, legislative reference,
7 library, and bill drafting services, and to collect, sum-
8 marize, index and report on the content and status of
9 pending legislation, and to prepare manuals and direc-
10 tories to assist the members of the Legislature. The

11 council may provide for such other office space as it may
12 deem necessary.

13 (3) To prepare studies on important problems for the
14 consideration of the Legislature, either on its own initia-
15 tive or as directed by the Legislature or either house
16 thereof.

17 (4) To study and survey generally matters of govern-
18 ment and finance, in cooperation with the legislative
19 auditor, including the problems and functions of the var-
20 ious departments, agencies and officers of the state and
21 to make reports thereon to the Legislature.

22 (5) To submit a report of its findings, conclusions and
23 recommendations to the governor and each regular ses-
24 sion of the Legislature not later than thirty days before
25 the opening of such session. It may submit with its re-
26 port drafts of such bills as it may deem advisable.

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

30 (7) To assist and cooperate with any interim legisla-
31 tive committee or other agency created by the Legislature.

32 (8) To receive messages and reports in person or in
33 writing from the governor or any other state officials.

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

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

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

Sec. 5. *Hearings and Witnesses.*—The council or any

2 subcommittee thereof when so authorized by the council
3 is empowered to hold public or executive hearings at
4 such times and places within the state as may be desirable
5 and to make investigations and surveys deemed necessary
6 to accomplish the purposes and intent of this act. Any
7 member of the council or of any subcommittee shall have
8 the power to administer oaths to persons testifying before
9 said council or subcommittee. By subpoena, issued over
10 the signature of its co-chairmen and served in the manner
11 in which circuit court subpoenas are served, the council
12 or any subcommittee when so authorized by the council
13 may summon and compel the attendance of witnesses
14 and the production of all books, papers, documents
15 and records necessary or convenient to be examined and
16 used by them in their investigation. If any witness
17 subpoenaed to appear before said council or subcommittee
18 shall refuse to appear or to answer inquiries propounded,
19 or shall fail or refuse to produce books, papers, documents
20 or records within his control when the same are demand-
21 ed, the council or subcommittee shall report the facts to

22 the circuit court of Kanawha county and it shall be the
23 duty of such court to compel obedience to the council's or
24 the subcommittee's subpoena by attachment proceedings
25 for contempt as in the case of disobedience of the require-
26 ments of a subpoena issued from such court or a refusal
27 to testify therein. Witnesses attending the hearings or
28 meetings of the council or any subcommittee under pro-
29 cess, shall be allowed the same mileage and per diem as
30 is allowed witnesses before any grand jury in this state,
31 which shall be paid by the council out of funds ap-
32 propriated to it.

Sec. 6. *Expenses and Salaries.*—The members of the
2 council and the members of any subcommittee who are
3 at the same time members of the Legislature, established
4 pursuant to this act shall receive a per diem not to exceed
5 twenty-five dollars for each day spent in the performance
6 of their duties under this act and shall be reimbursed for
7 all necessary travel at the rate of ten cents a mile. All non-
8 legislative members of subcommittees shall be paid actual
9 expenses incurred in the performance of their duties. All

10 payments to members, payments to witnesses attending
11 hearings or meetings under process, salaries of employees
12 and other necessary expenses shall be paid upon warrant
13 signed by the co-chairmen.

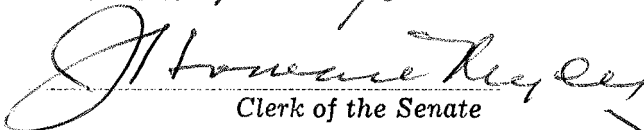
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

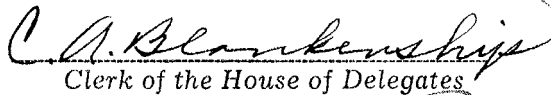

Chairman Senate Committee


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 Vetoed 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