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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

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ENROLLED

SENATE BILL NO. 521

(By Mr. Beathley, Jr. President)

—•—
PASSED March 17, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76

ENROLLED
Senate Bill No. 521

(By MR. BROTHERTON, MR. PRESIDENT)

[Passed March 17, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article three, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the Legislature; joint committee on government and finance; access by committee to records of state agencies and departments; compelling attendance of witnesses and production of evidence at hearings or meetings of the committee; and authorizing the committee to enforce subpoenas by attachment, fine or imprisonment, or, in the alternative, by petitioning a court of competent jurisdiction to compel obedience thereto.

Be it enacted by the Legislature of West Virginia:

That section four, article three, 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 3. JOINT COMMITTEE ON GOVERNMENT AND FINANCE.

§4-3-4. Purpose; access to records of state agency or department; public hearings; meetings; administering oaths to persons testifying; compelling access to records and attendance of witnesses; production of evidence; forfeiture of office or employment.

1 For the purpose of obtaining information in conjunc-
2 tion with the formulation of new laws or the revision of
3 existing laws or in conjunction with any investigation
4 or survey, the committee, or an employee duly autho-
5 rized by the committee, shall have access to any and
6 all records of every agency or department of the state.

7 In addition to its regular and special meetings, the com-
8 mittee, or any employee duly authorized by the com-
9 mittee, is empowered to hold public hearings in further-
10 ance of the purposes authorized by this article, at such
11 times and places within the state as may be desirable,
12 and either cochairman or any member of the committee
13 shall have the power to administer oaths to persons
14 testifying at such hearings or meetings.

15 By subpoena, issued over the signature of either co-
16 chairman of the committee and served in the manner
17 provided by law, the committee may summon and compel
18 the attendance of witnesses and their examination under
19 oath and the production of all books, papers, docu-
20 ments and records necessary or convenient to be ex-
21 amined and used by the committee in the performance
22 of its duties. If any witness subpoenaed to appear at
23 any hearing or meeting shall refuse to appear or to an-
24 swer inquiries there propounded, or shall fail or re-
25 fuse to produce books, papers, documents or records
26 within his or her control when the same are demanded,
27 the committee in its discretion may enforce obedience
28 to its subpoena by attachment, fine or imprisonment, as
29 provided in section five, article one of this chapter; or
30 it may report the facts to the circuit court of Kanawha
31 County or any other court of competent jurisdiction
32 and such court shall compel obedience to the subpoena
33 as though such subpoena had been issued by such court
34 in the first instance.

35 Witnesses subpoenaed to attend such hearings or meet-
36 ings, except officers or employees of the state, shall be
37 allowed the same mileage and per diem as is allowed
38 witnesses before any petit jury in this state.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. P. Gillan, Jr.
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. O. B. [Signature]
President of the Senate

Lewis H. McShaw
Speaker House of Delegates

The within *approved* this the *31st*
day of *March*, 1976

Arch A. [Signature]
Governor



PRESENTED TO THE
GOVERNOR

Date 3/25/76

Time 2:00 p.m.