

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-22-80

Time 10:00 A.M.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

ENROLLED

SENATE BILL NO. 356

(By Mr. Brotherton, Mr. President)

PASSED March 8. 1980

In Effect ninety days from Passage

no. 356

ENROLLED

Senate Bill No. 356

(By MR. BROTHERTON, MR. PRESIDENT)

[Passed March 8, 1980; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and two, article five, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing and changing the name of the state purchasing practices and procedures commission to the state "commission on special investigations"; expanding the powers of said commission to permit investigations for violations of criminal or civil statutes at any level of state government; allowing personnel of said commission to administer oaths and take affidavits and depositions within the state; providing for referring matters to and cooperating with the United States attorney; and generally broadening the powers and duties of said commission to investigate and take actions upon certain violations of state law.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article five, 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 5. COMMISSION ON SPECIAL INVESTIGATIONS.

§4-5-1. Commission continued as "commission on special investigations"; composition; appointment and terms of members.

1 The purchasing practices and procedures commission,
2 heretofore created, shall continue in existence but on
3 and after the effective date of this section shall be named
4 and designated the "commission on special investiga-
5 tions." The commission shall continue to be composed
6 of five members of the Senate, to be appointed by the

7 president thereof, no more than three of whom shall be
8 appointed from the same political party, and five mem-
9 bers of the House of Delegates, to be appointed by the
10 speaker thereof, no more than three of whom shall be
11 appointed from the same political party. The commis-
12 sion shall be headed by two cochairmen, one to be selected
13 by and from the members appointed from the Senate,
14 and one to be selected by and from the members appointed
15 from the House of Delegates. All members of the commis-
16 sion shall serve until their successors shall have been
17 appointed as heretofore provided.

§4-5-2. Powers and duties generally.

1 The commission on special investigations shall have
2 the power, duty and responsibility, upon a majority vote
3 of the members appointed, to:

4 (1) Conduct a comprehensive and detailed investiga-
5 tion into the purchasing practices and procedures of
6 the state;

7 (2) Determine if there is reason to believe that the
8 laws or public policy of the state in connection with
9 purchasing practices and procedures have been violated
10 or are inadequate;

11 (3) Determine if any criminal or civil statutes relating
12 to the purchasing practices and procedures in this state
13 are necessary to protect and control the expenditures
14 of money by the state;

15 (4) Investigate or examine any matter involving con-
16 flicts of interest, bribery of state officials, malfeasance,
17 misfeasance or nonfeasance in office by any employee
18 or officer of the state;

19 (5) Conduct comprehensive and detailed investiga-
20 tions to determine if any criminal or civil statutes have
21 been violated at any level of state government;

22 (6) Determine whether to recommend criminal prose-
23 cution or civil action for any violation, either criminal
24 or civil, at any level of state government and, if it is
25 determined that action is necessary, to make appropriate
26 recommendation to the attorney general, prosecuting
27 attorney or other authority empowered to act on such
28 recommendation; and

29 (7) Make such written reports to the members of the
30 Legislature between sessions thereof as the commission
31 may deem advisable and on the first day of each regular
32 session of the Legislature make an annual report to
33 the Legislature containing the commission's findings and
34 recommendations including in such report drafts of any
35 proposed legislation which it deems necessary to carry
36 such recommendations into effect.

37 The commission is also expressly empowered and
38 authorized to:

39 (1) Sit during any recess of the Senate and House of
40 Delegates;

41 (2) Recommend to the judge of any circuit court
42 that a grand jury be convened pursuant to the provisions
43 of section fourteen, article two, chapter fifty-two of this
44 code, to consider any matter which the commission may
45 deem in the public interest and, in support thereof,
46 make available to such court and such grand jury the
47 contents of any reports, files, transcripts of hearings or
48 other evidence pertinent thereto;

49 (3) Employ such legal, technical, investigative, clerical,
50 stenographic, advisory and other personnel as it
51 deems needed and, within the appropriation herein
52 specified, fix reasonable compensation of such persons
53 and firms as may be employed: *Provided, That such*
54 *personnel as the commission may determine shall have*
55 *the authority to administer oaths and take affidavits and*
56 *depositions anywhere in the state;*

57 (4) Consult and confer with all persons and agencies,
58 public (whether federal, state or local) and private, that
59 have information and data pertinent to an investigation;
60 and all state and local governmental personnel and
61 agencies shall cooperate to the fullest extent with the
62 commission;

63 (5) Call upon any department or agency of state or
64 local government for such services, information and assistance
65 as it may deem advisable; and

66 (6) Refer such matters as are appropriate to the
67 office of the United States attorney and cooperate with
68 such office in the disposition of matters so referred.

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

James L. Davis
Chairman Senate Committee

Maureen L. Chuston Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Joel C. Wick
Clerk of the Senate

CA Blankenship
Clerk of the House of Delegates

J. G. Buchanan Jr.
President of the Senate

Clifford M. Lee Jr.
Speaker House of Delegates

The within is approved this the 22
day of March, 1980.

John D. Rhyne
Governor

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SECY. OF STATE