WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
SENATE BILL NO. 678

(By Mr. Chapin, et al)

PASSED March 12, 1983
In Effect from Passage

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-83

OFFICE OF THE GOVERNOR

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ENROLLED

Senate Bill No. 678

(By Mr. Chafin, Mr. Huffman, Mr. Ash, Mr. Rogers, Mr. Sacco, Mr. Tomblin, Mr. Chernenko, Mrs. Spears, Mr. Loehr, Mr. Holliday, Mr. Colombo, Mr. White, Mr. Boettner, Mr. Heck and Mr. Holmes)

(Passed March 12, 1983; in effect from passage.)

AN ACT to amend and reenact section seventeen, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appearance of members of Legislature and designated employees in court, administrative, or tribunal hearings during sessions, committee meetings or caucuses, and setting aside sentences, judgments, orders and decrees entered contrary to provisions.

Be it enacted by the Legislature of West Virginia:

That section seventeen, 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.

§4-1-17. Members not required to attend court ten days before, during or thirty days after sessions, two days before, during or three days after interim committee and party caucus meetings; legislative employees; sentences, judgments, etc., contrary to section.

1 No member of the Legislature, without his consent, 2 may be required to appear in any action or proceeding 
3 in any court of the state of West Virginia and/or any
court sitting in said state or in or before any administrative agency of this state or any other state or local governmental tribunal, either as a party, witness or attorney within ten days immediately before, at any time during any session of the Legislature, and within thirty days thereafter, or two days immediately before, at any time during any interim meetings of any committee of the Legislature or party caucus, and within three days thereafter. Five temporary legislative employees may be designated in writing by the speaker of the House of Delegates to the clerk of the House of Delegates and five temporary legislative employees may be designated in writing by the president of the Senate to the clerk of the Senate. No such designee, without his or her consent, may be required to appear in any action or proceeding in any court of the state of West Virginia and/or any court sitting in said state or in or before any administrative agency of this state or any other state or local governmental tribunal either as a party, witness or attorney at any time during any period of designation or session of the Legislature, and within thirty days thereafter.

Any sentence, judgment, order or decree made contrary to the provisions of this section, in any action or proceeding, without the consent of such member of the Legislature or designated employee who is a party or attorney therein, if in a court having regular terms, shall be set aside upon the application by motion of any party to the action or proceedings or by the attorney of such party, if made at the next regular term of such court commencing after the adjournment of such session of the Legislature, and, if in a court not having regular terms or by a magistrate, or by an administrative agency of this state, or any other state or local governmental tribunal, shall be set aside upon such application if made within thirty days next following such adjournment. Such sentences, judgments, orders and decrees shall not be invalid by reason of the provisions hereof until and unless set aside in the manner and within the time limits herein prescribed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Donald Anello
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ___________ is approved ______ this the ___________ day of ___________, 1983.

Governor