

No: 678

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APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-83

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983



ENROLLED

SENATE BILL NO. 678

(By Mr. Chapin, et al)



PASSED March 12 1983

In Effect from Passage



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

4 court sitting in said state or in or before any administra-
5 tive agency of this state or any other state or local gov-
6 ernmental tribunal, either as a party, witness or attorney
7 within ten days immediately before, at any time during
8 any session of the Legislature, and within thirty days
9 thereafter, or two days immediately before, at any time
10 during any interim meetings of any committee of the
11 Legislature or party caucus, and within three days there-
12 after. Five temporary legislative employees may be
13 designated in writing by the speaker of the House of
14 Delegates to the clerk of the House of Delegates and five
15 temporary legislative employees may be designated in
16 writing by the president of the Senate to the clerk of
17 the Senate. No such designee, without his or her con-
18 sent, may be required to appear in any action or proceed-
19 ing in any court of the state of West Virginia and/or any
20 court sitting in said state or in or before any administra-
21 tive agency of this state or any other state or local govern-
22 mental tribunal either as a party, witness or attorney at
23 any time during any period of designation or session of
24 the Legislature, and within thirty days thereafter.

25 Any sentence, judgment, order or decree made con-
26 trary to the provisions of this section, in any action or
27 proceeding, without the consent of such member of the
28 Legislature or designated employee who is a party or
29 attorney therein, if in a court having regular terms, shall
30 be set aside upon the application by motion of any party
31 to the action or proceedings or by the attorney of such
32 party, if made at the next regular term of such court
33 commencing after the adjournment of such session of
34 the Legislature, and, if in a court not having regular
35 terms or by a magistrate, or by an administrative agency
36 of this state, or any other state or local governmental
37 tribunal, shall be set aside upon such application if made
38 within thirty days next following such adjournment.
39 Such sentences, judgments, orders and decrees shall not
40 be invalid by reason of the provisions hereof until and
41 unless set aside in the manner and within the time
42 limits herein prescribed.

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

Harrell B. Bell
Chairman Senate Committee

Donald Anello
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jedd C. Keltus
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Warren R. McHenry
President of the Senate

John W. M. Seelye, Jr.
Speaker House of Delegates

The within is approved this the 29
day of March, 1983.

John A. Poyne
Governor



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