WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 595

(By Senator Wooton, et al)

PASSED March 9, 1996
In Effect NINETY DAYS FROM PASSAGE
Senate Bill No. 595

(BY SENATORS WOOTON, BOWMAN, BUCKALEW, SCHOONOVER, WAGNER, WHITE AND YODER)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authority of subpoena witnesses; applicability of whistleblower law; and penalty.

Be it enacted by the Legislature of West Virginia:

That section five, 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; PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS; NEXT MEETING OF THE SENATE.

§4-1-5. Authority to subpoena witnesses and documents; penalty for refusal to comply; applicability of whistle-blower law.

(a) When the Senate or House of Delegates, or a committee of either house, authorized to examine
witnesses, by resolution or by rules of the Senate or of
the House of Delegates, shall order the attendance of any
witness, or the production of any books, papers, docu-
ments or records necessary for the Senate, House of
Delegates or a committee thereof to perform its duties, a
summons shall be issued accordingly, signed by the
presiding officer or clerk of such house, or the chairman
of such committee, directed to the sheriff or other proper
officer of any county, or to the sergeant at arms of such
house, or any person deputed by him. When a committee
is appointed by each house under any joint or concurrent
resolution, and directed to sit jointly, with authority to
examine witnesses or send for persons or documents, the
subpoena aforesaid may be signed by the chairman of the
committee on the part of the Senate or the chairman of
the committee on the part of the House of Delegates.

(b) If any witness subpoenaed to appear at any hearing
or meeting pursuant to subsection (a) of this section shall
refuse to appear or to answer inquiries there pro-
pounded, or shall fail or refuse to produce books, papers,
documents or records within his or her control when the
same are subpoenaed, the Senate, House of Delegates or
a committee thereof, in its discretion may enforce
obedience to its subpoena by attachment, fine or impris-
onment, or it may report the facts to the circuit court of
Kanawha county or any other court of competent juris-
diction and such court shall compel obedience to the
subpoena as though such subpoena had been issued by
such court in the first instance.

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

(c) The provisions of article one, chapter six-c of this
code are expressly applicable to persons testifying
pursuant to the provisions of subsection (a) of this
section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee
Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

[Signatures]

Clerk of the Senate
Clerk of the House of Delegates

President of the Senate
Speaker House of Delegates

The within is approved this the 1st day of , 1996.

[Signature]
Governor