WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

SENATE BILL No. 236

(By Mr. Paul)

PASSED March 6, 1937

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 236

(By Mr. PAULL) (by request)

[Passed March 6, 1937; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article three, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, relating to duties of the attorney general.

Be it enacted by the Legislature of West Virginia:

That section two, article three, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. He shall appear as counsel for the state in all causes pending in the supreme court of appeals, or in any
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3 federal court, in which the state is interested; he shall ap-
4 pear in any cause in which the state is interested that is
5 pending in any other court in the state, on the written
6 request of the governor, and when such appearance is en-
7 tered he shall take charge of and have control of such
8 cause; he shall defend all actions and proceedings against
9 any state officer in his official capacity in any of the courts
10 of this state or any of the federal courts, when the state
11 is not interested in such cause against such officer, but
12 should the state be interested against such officer, he shall
13 appear for the state; he shall institute and prosecute all
14 civil actions and proceedings in favor of or for the use of
15 the state which may be necessary in the execution of the
16 official duties of any state officer, board or commission, on
17 the written request of such officer, board or commission;
18 he may consult with and advise the several prosecuting
19 attorneys in matters relating to the official duties of their
20 office, and may require a written report from them of the
21 state and condition of the several causes, in which the state
22 is a party, pending in the courts of their respective coun-
ties; he may require the several prosecuting attorneys to perform, within the respective counties in which they are elected, any of the legal duties required to be performed by the attorney general, which are not inconsistent with the duties of the prosecuting attorneys as the legal representatives of their respective counties; when the performance of any such duties by the prosecuting attorney conflicts with his duties as the legal representative of his county, or for any reason any prosecuting attorney is disqualified from performing such duties, the attorney general may require the prosecuting attorney of any other county to perform such duties, in any county other than that in which such prosecuting attorney is elected, and for the performance of which duties outside of the county in which he is elected the prosecuting attorney shall be paid his actual traveling and other expenses out of the appropriation for contingent expenses for the department for which such services are rendered; he shall keep, in proper books, a register of all causes prosecuted or defended by him in behalf of the state or its officers and of the proceedings had
in relation thereto, and deliver the same to his successor in office; he shall preserve in his office all his official opinions and publish the same in his biennial report.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the ____________________________________________

Takes effect ___________________________________________ passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ____________________________________________ this the __________

day of ____________________________, 1937.

Governor

Filed in the office of the Secretary of State of West Virginia. MAR 15 1937
Wm. S. O'BRIEN, Secretary of State