

RECEIVED

1992 MAR 27 PM 4:31

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

# ENROLLED

*Com. Sub. For*  
**HOUSE BILL No. 2911**

(By Delegates *Huffman and Rowe*)

— ● —

Passed *March 6,* 1992

In Effect *Ninety Days From* Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2911**  
(By DELEGATES HUFFMAN AND ROWE)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to repeal sections nine, ten, eleven and twelve, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section six, article three, chapter fifty-six of said code; and to amend and reenact section thirty-one, article one, chapter fifty-nine of said code, relating to the administration of courts generally; removing obsolete statutory language relating to the appointment of special judges; eliminating circuit court bookkeeping requirements regarding service of process documentation, and eliminating certain required reports.

*Be it enacted by the Legislature of West Virginia:*

That sections nine, ten, eleven and twelve, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section six, article three, chapter fifty-six of said code be amended and reenacted; and that section thirty-one, article one, chapter fifty-nine of said code be amended and reenacted, all to read as follows:

**CHAPTER 56. PLEADING AND PRACTICE.**

**ARTICLE 3. WRITS, PROCESS AND ORDER OF PUBLICATION.**

**§56-3-6. Delivery of process.**

1     The clerk of every court from whose office may be  
2     issued any process, original, mesne or final, or any order  
3     or decree to be served on any person, shall, unless the  
4     party interested, or his attorney, direct otherwise,  
5     deliver the same to the sheriff or other proper officer  
6     of the county for which the court is held, if it is to be  
7     executed therein, and if it is to be executed in any other  
8     county, shall enclose the same in an envelope properly  
9     addressed to the sheriff or other proper officer thereof,  
10    pay the postage thereon and mail it in the post office.  
11    Documentation of service of process will be according  
12    to rules promulgated by the supreme court of appeals.

**CHAPTER 59. FEES, ALLOWANCES AND COSTS;  
NEWSPAPERS; LEGAL ADVERTISEMENTS.**

**ARTICLE 1. FEES AND ALLOWANCES.**

**§59-1-31. Monthly payments; how credited; report  
required.**

1     Except for the funds designated in section twenty-  
2     eight-a of this article, each of the officers named in  
3     section twenty-nine of this article shall at the end of each  
4     month pay into the county treasury all fees, costs,  
5     percentages, penalties, commissions, compensation,  
6     income and all other perquisites of whatever kind  
7     collected by his office during such month, which money  
8     shall be credited to the general county fund.

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

*Homer Leck*

Chairman Senate Committee

*Ernest C. Moore*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*David E. Adams*

Clerk of the Senate

*Donald S. Hupp*

Clerk of the House of Delegates

*Keith Funtun*

President of the Senate

*Robert C. ...*

Speaker of the House of Delegates

The within *is approved* this the *27<sup>th</sup>* day of *March*, 1992.

*Gaston Caperton*

Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/92

Time 2:45 pm