

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2028

BY DELEGATES FOLK, HANSHAW, SHOTT, DEAN,
FLEISCHAUER, FLUHARTY, MCGEEHAN, PAYNTER, MARTIN
AND WILSON

[Passed March 8, 2018; in effect ninety days from passage.]

1 AN ACT to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating
2 to the venue for suits and other actions against the state; allowing a plaintiff or petitioner
3 to file a claim or petition against the state, a state officer, or state agency in the circuit
4 court of a county in which the plaintiff or petitioner resides or in which a claim arose or,
5 alternatively, in the circuit court of Kanawha County.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-2. Venue for certain suits and actions.

1 (a) Any suit, action, or proceeding in which the state, the Governor, any other state officer,
2 or a state agency is made a party defendant, or any suit attempting to enjoin or otherwise suspend
3 or affect a judgment or decree on behalf of the state obtained in any circuit court, may be brought
4 and prosecuted in the circuit court of any county wherein the plaintiff or petitioner who is appearing
5 in the action or proceeding resides, or where the cause of action arose; or, alternatively, in the
6 circuit court of Kanawha County.

7 (b) Any proceeding for injunctive or mandamus relief involving the taking, title, or collection
8 for or prevention of damage to real property may be brought and presented in the circuit court of
9 the county in which the real property affected is situate.

10 (c) This section shall apply only to such proceedings as are not prohibited by the
11 Constitutional immunity of the state from suit under section thirty-five, article six of the Constitution
12 of the State.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor