

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 2028

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FLEISCHAUER, FLUHARTY, MCGEEHAN, PAYNTER,
MARTIN, AND WILSON

[Introduced January 10, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL 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) The following proceedings shall be brought and prosecuted only in the circuit court of~~
2 ~~Kanawha County:~~

3 ~~(1) Any suit, action, or proceeding in which the state, the Governor, any other state officer,~~
4 ~~or a state agency is made a party defendant, except as garnishee or suggestee;~~

5 ~~(2) Any or any suit attempting to enjoin or otherwise suspend or affect a judgment or~~
6 ~~decree on behalf of the state obtained in any circuit court, may be brought and prosecuted in the~~
7 ~~circuit court of any county wherein the plaintiff or petitioner who is appearing in the action or~~
8 ~~proceeding resides, or where the cause of action arose; or, alternatively, in the circuit court of~~
9 ~~Kanawha County.~~

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

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

NOTE: The purpose of this bill is to allow a plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose as well as in the Circuit Court of Kanawha County.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.