

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974



ENROLLED

HOUSE BILL No. 1125

(By Mr. Terry)



PASSED March 8 1974

In Effect 90 days Passage



FILED IN THE OFFICE OF THE
COMMISSIONER OF REVENUE
ON MARCH 19 1974
AT CHARLOTTE, NORTH CAROLINA
THIS DATE 3-19-74

1125
11

ENROLLED

H. B. 1125

(By MR. TERRY)

[Passed March 8, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to venue for certain suits and actions against the state and permitting certain such actions involving real estate to be brought in the county where such real estate is located.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. CLAIMS AGAINST THE STATE.

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

- 1 (a) The following proceedings shall be brought and prose-
2 cuted only in the circuit court of Kanawha county:
 - 3 1. Any suit in which the governor, any other state officer,
4 or a state agency is made a party defendant, except as gar-
5 nishee or suggestee.
 - 6 2. Any suit attempting to enjoin or otherwise suspend or
7 affect a judgment or decree on behalf of the state obtained in
8 any circuit court.

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

13 This section shall apply only to such proceedings as are not
14 prohibited by the constitutional immunity of the state from suit
15 under section thirty five, article six of the constitution of the
16 state.

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

H. Laurel Darby
Chairman Senate Committee

Clarence C. Chestnut, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Harold Watson
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

H. T. Brotherton, Jr.
President of the Senate

Lewis G. Thomas
Speaker House of Delegates

The within approved this the 18th
March, 1974.
day of _____, 1974.

Arch A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/15/74

Time 2:50 p.m.