WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee Substitute for
HOUSE BILL No. 1034

(By Mrs. Spears and Mr. Letter)

PASSED March 12, 1976
In Effect ninety days from Passage

FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA
THIS DATE 3/4/76
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; venue in actions seeking injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property.

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 prosecuted only in the circuit court of Kanawha County:

3 (1) Any suit in which the governor, any other state officer, or a state agency is made a party defendant, except as garnishee or suggestee.
(2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on behalf of the state obtained in any circuit court.

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

This section shall apply only to such proceedings as are not prohibited by the constitutional immunity of the state from suit under section thirty-five, article six of the constitution of the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

JQ Holeman
Clerk of the Senate

Clerk of the House of Delegates

W.T. Bostic
President of the Senate

Speaker House of Delegates

The within ___________________ this the 23d day of ________________________, 1976.

andrew phares
Governor
PRESENTED TO THE GOVERNOR

Date  3/17/76
Time  3:47 p.m.