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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

— ● —

ENROLLED

Committee Substitute for

HOUSE BILL No. 1034

(By Mrs. *Spears* & Mr. *Satter*.....)

— ● —

PASSED March 12,..... 1976

In Effect ninety days from..... Passage



FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/24/76

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1034

(By MRS. SPEARS and MR. SATTES)

—
(Originating in the House Committee on the Judiciary)

[Passed March 12, 1976; 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; 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 pro-
- 2 secuted 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
- 5 garnishee or suggestee.

6 (2) Any suit attempting to enjoin or otherwise suspend
7 or affect a judgment or decree on behalf of the state obtained
8 in any circuit court.

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

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

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

James L. Davis
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John Willson, Jr.
Clerk of the Senate

L. A. Blankenship
Clerk of the House of Delegates

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

Lewis T. McManus
Speaker House of Delegates

The within *approved* this the *23rd*
March day of _____, 1976.

Arch A. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/76

Time 3:47 p.m.