

FILED

2004 APR -6 P 3: 34

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3097

(By Delegates Craig, Leach, Morgan, Smirl,
Beach and Amores)

Passed March 13, 2004

In Effect Ninety Days from Passage

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FOR

H. B. 3097

(BY DELEGATES CRAIG, LEACH, MORGAN, SMIRL,
BEACH AND AMORES)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2-2a, relating to prescribing proper venue in suits involving West Virginia University or Marshall University.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §14-2-2a, to read as follows:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-2a. Venue for suits and actions involving West Virginia University and Marshall University.

1 (a) Notwithstanding the provisions of section two of this
2 article, any civil action in which the West Virginia University
3 board of governors, West Virginia University, the West
4 Virginia University Medical School, or any department or
5 office of any of those entities, or any officer, employee, agent,
6 intern or resident of any of those entities, acting within the
7 scope of his or her employment, is made a party defendant,
8 shall be brought in the circuit court of any county wherein the
9 cause of action arose, unless otherwise agreed by the parties.

10 (b) Notwithstanding the provisions of section two of this
11 article, any civil action in which Marshall University board of
12 governors, Marshall University, the Marshall University School
13 of Medicine or any department or office of any of those entities,
14 or any officer, employee, agent, intern or resident of any of
15 those entities, acting within the scope of his or her employment,
16 is made a party defendant, shall be brought in the circuit court
17 of any county wherein the cause of action arose, unless other-
18 wise agreed by the parties.

19 (c) The exclusive venue provisions of this section are not
20 applicable to:

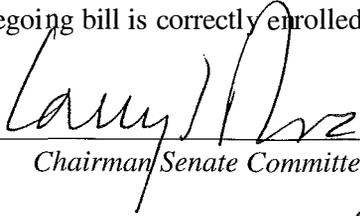
21 (1) An action involving an entity or person named in
22 subsections (a) or (b) of this section as garnishee or suggestee;

23 and

24 (2) A proceeding for injunctive or mandamus relief
25 involving the taking, title, or collection for or prevention of
26 damage to real property, and where general laws or court rules
27 provide that proper venue is in the county in which the real
28 property affected is situate.

29 (d) This section shall apply only to such proceedings as are
30 not prohibited by the constitutional immunity of the state from
31 suit under section thirty-five, article VI of the constitution of
32 the state.

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



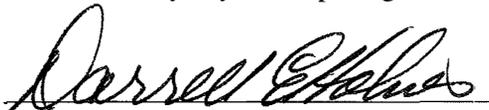
Chairman Senate Committee



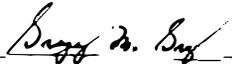
Chairman House Committee

Originating in the House.

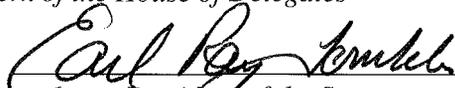
In effect ninety days from passage.



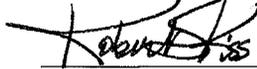
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 6th
day of April, 2004.



Governor

PRESENTED TO THE

GOVERNOR

DATE 3/26/04

TIME 3:30 p