

SB 107 S

(Veto)

FILED

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CLERK OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

Committee Substitute for

SENATE BILL NO. 107

(By Senator Chafin)

PASSED March 10, 2006

In Effect 90 days from Passage

FILED

2006 APR -5 P 6: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 107

(SENATOR CHAFIN, *original sponsor*)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to venue in actions and proceedings against the state; and authorizing civil actions against the state to be filed in the county in which the cause of action arose where the recovery being sought is limited to the coverage available under the state's liability insurance policy.

Be it enacted by the Legislature of West Virginia:

That §14-2-2 of the Code of West Virginia, 1931, 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) Except as provided in subsection (b) of this section,
2 the following proceedings shall only be brought and
3 prosecuted in the circuit court of Kanawha County:

4 (1) Any suit in which the Governor, any other state
5 officer or a state agency is made a party defendant, except
6 as garnishee or suggestee.

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

10 (b) The following proceedings shall be filed as hereafter
11 provided:

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

17 (2) Any civil action in which the Governor, any other
18 state officer or a state agency is made a party defendant
19 and recovery is being sought only to the extent of the
20 applicable state liability insurance coverage, may be
21 brought in or transferred to the circuit court of the county
22 wherein the cause of action arose along with any related
23 claims arising out of the same transaction or occurrence.
24 The parties may agree that such an action can be adjudi-
25 cated in the circuit court of Kanawha County.

26 The provisions of this section shall not be construed to in
27 any way limit the constitutional immunity of the state
28 from suit under section thirty-five, article VI of the
29 Constitution of the state.

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

Chandy White
.....
Chairman Senate Committee

W. Bean
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell E. Hobbs
.....
Clerk of the Senate

Bruce M. Ford
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

Robert K.
.....
Speaker House of Delegates

The within *is disapproved* this the *5th*
Day of *April*, 2006.

Paul Hancock
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 3 0 2006

Time 12:15 pm