Committee Substitute

for

House Bill 2028

BY DELEGATES FOLK, HANSHAW, SHOTT, DEAN,
FLEISCHAUER, FLUHARTY, McGEEHAN, PAYNTER, MARTIN
AND WILSON

[Passed March 8, 2018; in effect ninety days from passage.]
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AND WILSON

[Passed March 8, 2018; 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 the venue for suits and other actions against the state; allowing a plaintiff or petitioner
to file a claim or petition against the state, a state officer, or state agency in the circuit
court of a county in which the plaintiff or petitioner resides or in which a claim arose or,
alternatively, in the circuit court of Kanawha County.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CLAIMS AGAINST THE STATE.

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

(a) Any suit, action, or proceeding in which the state, the Governor, any other state officer,
or a state agency is made a party defendant, or any suit attempting to enjoin or otherwise suspend
or affect a judgment or decree on behalf of the state obtained in any circuit court, may be brought
and prosecuted in the circuit court of any county wherein the plaintiff or petitioner who is appearing
in the action or proceeding resides, or where the cause of action arose; or, alternatively, in the
circuit court of Kanawha County.

(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.

(c) 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.

[Signatures]
Chairman, House Committee
Member, Senate Committee

Originating in the House.
In effect ninety days from passage.

[Signatures]
Clerk of the House of Delegates
Clerk of the Senate
Speaker of the House of Delegates
President of the Senate

The within is approved this the 27th day of March, 2018.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

Time 1:28 pm