1 **H. B. 2233**

2

3   (By Delegate Doyle)

4   [Introduced January 12, 2011; referred to the

5   Committee on the Judiciary.]

6

7

8

9

10 A BILL to amend and reenact §14-2-2 of the Code of West Virginia,

11   1931, as amended, relating to providing that actions in

12   which the state is a party be brought in the county

13   which is affected or related to the controversy.

14 *Be it enacted by the Legislature of West Virginia:*

15   That §14-2-2 of the Code of West Virginia, 1931, as amended,

16 be amended and reenacted to read as follows:

17 **ARTICLE 2. CLAIMS AGAINST THE STATE.**

18 **§14-2-2. Venue for certain suits and actions.**

19   (a) The following proceedings, with the agreement of the

20 parties, shall may be brought and prosecuted only in the circuit

21 court of Kanawha County:

22   (1) Any suit in which the Governor, any other state officer,

23 or a state agency is made a party defendant, except as garnishee or

1 suggestee.

2   (2) Any suit attempting to enjoin or otherwise suspend or

3 affect a judgment or decree on behalf of the state obtained in any

4 circuit court.

5   (3) If any party to any action, as described in subdivisions

6 (1) and (2) of this subsection, does not agree to venue lying in

7 the circuit court of Kanawha County, then the action shall be tried

8 in the county bearing the greatest relation to the controversy at

9 hand.

10   (b) Any proceeding for injunctive or mandamus relief involving

11 the taking, title, or collection for or prevention of damage to

12 real property may be brought and presented in the circuit court of

13 the county in which the real property affected is situate.

14   This section shall apply applies only to such proceedings as

15 are not prohibited by the constitutional immunity of the state from

16 suit under section 35, article VI of the Constitution of the State.

     NOTE: The purpose of this bill is to remove the requirement
that venue properly lies in Kanawha County in relation to certain
controversies involving the state.

     Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.