

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 3

FISCAL
NOTE

BY SENATORS TRUMP AND CLINE

[Introduced January 10, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating
 2 to venue for certain claims against the state; allowing civil actions for which insurance
 3 coverage administered by the State Board of Risk and Insurance Management exists to
 4 be brought in the circuit court of any county where the acts or omissions giving rise to the
 5 suit occurred; and allowing civil actions filed under West Virginia's Open Meetings Act
 6 against a public agency to be brought and prosecuted in the circuit court of any county
 7 where the public agency regularly meets.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CLAIMS AGAINST THE STATE.

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

1 (a) The following proceedings ~~shall~~ may be brought and prosecuted only in the circuit court
 2 of Kanawha County:

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

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

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

10 (c) Any suit for which insurance coverage administered by the State Board of Risk and
 11 Insurance Management under §29-29-12 of this code exists may be brought and prosecuted in
 12 the circuit court of any county where the acts or omissions giving rise to the suit occurred or in
 13 the circuit court of Kanawha County.

14 (d) A suit filed under §6-9A-6 of this code against a public agency may be brought and
 15 prosecuted in the circuit court of any county where the public agency regularly meets or in the
 16 circuit court of Kanawha County.

17 (e) This section ~~shall apply~~ applies only to ~~such~~ proceedings ~~as that~~ are not prohibited by
18 the constitutional immunity of the state from suit under section thirty-five, article six of the
19 Constitution of the State.

NOTE: The purpose of this bill is to allow civil actions:

(1) For which insurance coverage administered by the State Board of Risk and Insurance Management exists to be brought in the circuit court of any county where the acts or omissions giving rise to the suit occurred; and

(2) Filed under West Virginia's Open Meetings Act against a public agency to be brought and prosecuted in the circuit court of any county where the public agency regularly meets.

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