

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 223

By Senator Tarr

[Introduced January 16, 2023; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §55-17-3b, relating to permitting the Legislature to file suit in limited
 3 circumstances against the Executive in order to faithfully execute laws passed.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. PROCEDURES FOR CERTAIN ACTIONS AGAINST THE STATE.

§55-17-3b. Limited civil action by Legislature permitted against Executive to faithfully execute laws passed.

1 (a) Notwithstanding any other section of this code to the contrary, the Legislature may file a
 2 civil action against the Executive branch of government in order for the Executive branch to
 3 faithfully execute laws that have been passed by the Legislature.

4 (b) The Legislature may bring a civil action only, and shall only be awarded injunctive relief,
 5 rather than monetary damages.

6 (c) Any action taken by form of the Legislature against the Executive branch shall be
 7 brought in the form of a writ of mandamus before the West Virginia Supreme Court of Appeals. The
 8 writ must follow other appropriate guidelines set forth in §53-1-1 et seq. of this code.

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NOTE: The purpose of this bill is to allow the Legislature to file suit against the Executive to faithfully execute the laws passed by the Legislature.

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