WEST virginia legislature

2021 regular session

Introduced

Senate Bill 504

By Senators Rucker, Smith, Azinger, Karnes, and Grady

[Introduced March 1, 2021; referred  
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to review of any executive order issued by the President of the United States by the Legislature; and prohibiting the state, a political subdivision, or any other publicly funded organization from implementing an executive order that restricts a person’s rights or that is determined unconstitutional by the West Virginia Attorney General.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF CAPITOL BUILDING; PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS; NEXT MEETING OF THE SENATE.

§4-1-24. Review of executive order issued by the president of the United States.

(a) The Legislature may review any executive order issued by the President of the United States which has not been affirmed by a vote of the Congress of the United States and signed into law as prescribed by the Constitution of the United States and recommend to the Attorney General and the Governor that the executive order be further reviewed. Upon recommendation from the Speaker of the House of Delegates and the President of the Senate, the Attorney General shall review the executive order to determine the constitutionality of the order and whether the state should seek an exemption from the application of the order or seek to have the order declared to be an unconstitutional exercise of legislative authority by the President of the United States.

(b) Notwithstanding any other provision of law, the state, a political subdivision, or any other publicly funded organization may not implement an executive order that restricts a person's rights or that the attorney general determines to be unconstitutional under subsection (a) of this section and which relates to:

(1) Pandemics or other health emergencies;

(2) The regulation of natural resources, including coal and oil;

(3) The regulation of the agriculture industry;

(4) The use of land;

(5) The regulation of the financial sector as it relates to environmental, social, or governance standards; or

(6) The regulation of the constitutional right to keep and bear arms.

NOTE: The purpose of this bill is to authorize review of any executive order issued by the President of the United States 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.