

# **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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §4-1-24, relating to review of any executive order issued by the President of  
3 the United States by the Legislature; and prohibiting the state, a political subdivision, or  
4 any other publicly funded organization from implementing an executive order that restricts  
5 a person's rights or that is determined unconstitutional by the West Virginia Attorney  
6 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.**

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

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

- 14           (1) Pandemics or other health emergencies;
- 15           (2) The regulation of natural resources, including coal and oil;
- 16           (3) The regulation of the agriculture industry;
- 17           (4) The use of land;
- 18           (5) The regulation of the financial sector as it relates to environmental, social, or  
19 governance standards; or
- 20           (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.