

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 38

By Senator Tarr

[Introduced January 14, 2026; referred

to the Committee on the Judiciary; and then to the

Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §12-3-21, relating to establishing the revocation of authority for spending by an
3 agency in support of a challenge to West Virginia law; and providing for exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. LIMITATIONS ON AGENCY SPENDING.

§12-3-21. Limitation on agencies' use of funding.

1 Notwithstanding any provision to the contrary, there is no spending authority for any
2 political subdivision or state agency for the purposes of challenging a West Virginia state law:
3 Provided, That the provisions of this section shall not apply to the Attorney General of West
4 Virginia who may, from time to time, have reason to challenge any and all laws of the state of West
5 Virginia: Provided, however, That the provisions of this section shall not apply to the Governor,
6 Secretary of State, State Treasurer, State Auditor, the Commissioner of Agriculture, or other
7 constitutionally elected officers when challenging a West Virginia state law directly related to the
8 constitutional duties and functions of their respective offices.

NOTE: The purpose of this bill is to prohibit spending authority for money used by an agency in support of a challenge to West Virginia law.

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