

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2786

By Delegates Dillon, Ross, Chiarelli and Holstein

[Introduced January 18, 2023; Referred to the Committee

on Government Organization then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §4-16-1, §4-16-2, and §4-16-3, all relating to the creation of the Objective
 3 Reality in Government Act; providing for a short title; providing for legislative findings; and
 4 providing for the establishment of the act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. OBJECTIVE REALITY IN GOVERNMENT ACT.

§4-16-1. Short title.

1 This article shall be known as the "Objective Reality in Government Act."

§4-16-2. Legislative findings.

1 The Legislature finds that the primacy of objective truth and reality as a foundational ideal
 2 in our government should be clearly defined. An impartial rule of law cannot entertain subjectivity
 3 as a valid approach to governing. Education and the pursuit of justice both require recognition of
 4 truth as the prime ideal, and objective truth depends upon a philosophical framework of objective
 5 reality. Additionally, this framework is one and the same as that held by founders of our state and
 6 nation when drafting our charter documents. Good governance depends upon objective fact as its
 7 basis in law. The establishment of material evidence and matters of fact in judicial proceedings
 8 depend upon this basis. Finally, sound education can only proceed in this environment.

§4-16-3. Establishment.

1 (a) All government action shall be considered in good order when action is based upon
 2 demonstrable and objective fact.

3 (b) This shall include, but not be limited to, a biological basis for identification of individuals
 4 beginning at birth and continuing throughout the entirety of individual human life.

5 (c) Subjective interpretations of material facts shall carry no legal standing.

6 (d) All agents, employees, and representatives of the State of West Virginia shall be held
 7 harmless, blameless and under safe harbor when addressing individuals and interacting based
 8 upon such objective facts.

9 (e) In cases of ambiguity, the agent, employee, or representative shall be presumed to be
10 acting in good faith, thus held blameless, harmless and under safe harbor unless objective
11 evidence proves that such individual had knowledge to the contrary and chose to act contrary to
12 such knowledge.

NOTE: The purpose of this bill is to create the Objective Reality in Government Act.

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