WEST virginia legislature

2023 regular session

Introduced

Senate Bill 223

By Senator Tarr

[Introduced January 16, 2023; 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 §55-17-3b, relating to permitting the Legislature to file suit in limited 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.

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

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

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

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.