

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5616

By Delegates Ridenour, Martin, C. Pritt, Kirby, Phillips,
McGeehan, Foster, Kimble, Steele, and Hillenbrand

[Introduced February 12, 2024; 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 section
 2 designated §5A-1-13, relating to prohibiting state contracts with entities who engage in
 3 specific activities found to be inimical to the people of West Virginia; termination of
 4 contracts and state employees for failure to comply; and duties of The Secretary of State,
 5 in coordination with the Governor, Attorney General, State Treasurer and State Auditor to
 6 maintain lists of entities not complying with this prohibition.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-13. Prohibiting certain state contracts; legislative findings; failure to comply by employees.

1 (a) Legislative findings. -- The Legislature finds that:

2 (1) The Constitution of the State of West Virginia states "The Constitution of the United
 3 States, and the laws and treaties made in pursuance thereof, shall be the supreme law of the
 4 land";

5 (2) Actions counter to the Constitution of the United States of America and Constitution of
 6 West Virginia are repugnant and will not be tolerated within the government of West Virginia;

7 (3) Unrestricted abortion is abhorrent and unacceptable to civilized peoples and states;

8 (4) Genocide, terrorism, rape and racism are illegal and must be eradicated;

9 (5) Grooming of children to facilitate their mutilation via surgery or chemical means is
 10 abhorrent and unacceptable to civilized peoples and states; and

11 (6) Corporations, companies and other entities that use environmental, social and
 12 governance (ESG) agendas to further their activities are inimical to the people of West Virginia.

13 (b) Contracts not permitted. The government of the State of West Virginia, as well as any
 14 entities that receive any funding by the State of West Virginia, may not undertake nor maintain any
 15 contracts with, affiliations with, or employment of, any corporations, companies, or other entities,
 16 including educational institutions or individuals, which:

17 (1) Conducted actions or efforts to infringe on the Constitutional rights of Americans,
18 including efforts coordinated with or voluntarily in support of the federal government, or any state
19 or local governments;

20 (2) Conducted actions or efforts designed to undermine the Constitution of West Virginia or
21 the Constitution of the United States of America;

22 (3) Supported abortion, genocide, terrorism, rape or racism;

23 (4) Supported use of surgery or chemical means to attempt to alter the sex or sexual
24 appearance of anyone under the age of 18; or

25 (5) Use or incorporate environmental, social and governance (ESG) agendas as part of
26 any financial activities or investments.

27 (c) *Contracts currently in force.* Contracts currently in force with the State of West Virginia
28 shall be terminated at the earliest opportunity, ensuring services are maintained by contracting
29 with entities which do not violate the above.

30 (d) *Entities or state employees failure to comply with this section.*

31 (1) Entities funded by the State of West Virginia in any capacity that fail to, or refuse to,
32 enforce the measures above shall receive a termination of any funding, and shall be required to
33 reimburse the State of West Virginia for all funds provided during the fiscal year.

34 (2) West Virginia government employees that fail to or refuse to terminate contracts in
35 accordance with the above shall be terminated for cause.

36 (e) *Duties and responsibilities of The Secretary of State, in coordination with the Governor,*
37 *Attorney General, State Treasurer and State Auditor.*

38 (1) The Secretary of State, in coordination with the Governor, Attorney General, State
39 Treasurer, and State Auditor shall maintain a list of corporations, companies, and other entities,
40 including individuals, that have identified as having conducted the activities in subsection (b) (2) of
41 this section.

42 (2) The Secretary of State shall annually present the list, or any updates, to the Joint

43 Committee on Government and Finance at the final interim session for review and comment
44 before the next legislative session begins.

45 (3) The Secretary of State, Attorney General, State Treasurer, and State Auditor shall
46 coordinate with their counterparts in the several states to determine if they maintain and will share
47 similar lists of entities conducting the activities above.

NOTE: The purpose of this bill is to prohibit state contracts with entities who engage in specific activities found to be inimical to the people of West Virginia; termination of contracts and state employees for failure to comply; and duties of The Secretary of State, in coordination with the Governor, Attorney General, State Treasurer and State Auditor to maintain lists of entities not complying with this prohibition.

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