

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3178

BY DELEGATE PRITT

[Introduced March 16, 2021; Referred to the
Committee on Government Organization then
Finance]

1 A BILL to amend and reenact §5-1-30 of the Code of West Virginia, 1931, as amended, relating
 2 to halting payment of salaries of all employees of state government, during periods of a
 3 pandemic, if private businesses are ordered closed; and exceptions for emergency
 4 personnel.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. THE GOVERNOR.

§5-1-30. Authority to direct payment of certain debt in emergency; when state government pay may be halted.

1 (a) The Legislature makes the following findings:

2 (1) Subdivision (12), subsection (d), section fifty-one, article VI of the Constitution of West
 3 Virginia authorizes the Legislature to enact laws as are necessary and proper to carry out the
 4 purposes of section fifty-one, article VI of the Constitution of West Virginia.

5 (2) One of the purposes of section fifty-one, article VI of the Constitution of West Virginia
 6 is to ensure the solvency and fiscal well-being of the State of West Virginia.

7 (3) Ensuring payment of the debt service on the notes and bonded indebtedness of the
 8 state and its agencies, boards and commissions is necessary and proper to ensure the solvency
 9 and fiscal well-being of the State of West Virginia.

10 (b) If, on June 30 of any year, no budget bill has been enacted and made effective for the
 11 next ensuing fiscal year, the Governor shall have plenary power and authority by executive order
 12 to direct the scheduled payment of the principal and interest due on bonds or notes of the state
 13 or its agencies, boards and commissions.

14 (c) Upon issuance by the Governor of an executive order pursuant to subsection (b) of this
 15 section, the State Auditor and State Treasurer shall take such actions as are necessary to ensure
 16 payment of the principal and interest due on the bonds or notes of the state, its agencies, boards
 17 and commissions as directed by the Governor.

18 (d) Any executive order issued pursuant to subsection (b) of this section shall continue in

19 full force and effect until the effective date of the budget bill enacted for the fiscal year beginning
20 July 1

21 (e) At any time, upon issuance by the Governor of an executive order declaring the
22 existence of a pandemic and ordering the closure of private businesses in this state, no payments
23 of salary or similar benefits may be made to any constitutional office holder of the state, appointed
24 officials of the state, or any other employees of the state, during the period the private businesses
25 of this state are ordered to remain closed: *Provided, That* first responders, including law
26 enforcement, firefighters, paramedics EMS, doctors, nurses, and other emergency personnel
27 trained to provide rescue or other emergency services shall continue to receive their salaries or
28 other benefits during the period private businesses remain closed.

NOTE: The purpose of this bill is to halt payment of salaries of all employees of state government, during periods of a pandemic, if private businesses are ordered closed. Emergency personnel are exempted.

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