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]

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

(a) The Legislature makes the following findings:

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

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

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

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

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

(d) Any executive order issued pursuant to subsection (b) of this section shall continue in full force and effect until the effective date of the budget bill enacted for the fiscal year beginning July 1

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