

WEST VIRGINIA LEGISLATURE
2016 FIRST EXTRAORDINARY SESSION

ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill 116

BY MR. SPEAKER (MR. ARMSTEAD)

BY REQUEST OF THE EXECUTIVE

[Passed June 14, 2016; in effect from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new
 2 section, designated §5-1-30, relating generally to granting Governor plenary power and
 3 authority to direct scheduled payment of the principal and interest due on bonds or notes
 4 of the state or its agencies, boards and commissions if no budget bill has been enacted
 5 on June 30 of any year for the ensuing fiscal year; making legislative findings; authorizing
 6 the Governor to direct said payments by executive order; directing State Auditor and State
 7 Treasurer to take such actions as are necessary to ensure payments as directed by the
 8 executive order; and clarifying that an executive order remains effective until the effective
 9 date of a budget bill enacted for the fiscal year beginning July 1.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §5-1-30, to read as follows:

ARTICLE 1. THE GOVERNOR.

§5-1-30. Authority to direct payment of certain debt in emergency.

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
15 this section, the State Auditor and State Treasurer shall take such actions as are necessary to
16 ensure payment of the principal and interest due on the bonds or notes of the state, its agencies,
17 boards 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.