

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 589**

BY SENATORS PREZIOSO, BALDWIN, BEACH, FACEMIRE,  
HARDESTY, IHLENFELD, JEFFRIES, LINDSAY, PALUMBO,  
PLYMALE, ROMANO, STOLLINGS, UNGER, AND WOELFEL

[Introduced January 22, 2020; referred  
to the Committee on Transportation and  
Infrastructure; and then to the Committee on Finance]

1 A BILL to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; and  
 2 to amend said code by adding thereto a new section, designated §31-15A-17c, all relating  
 3 to critical needs in state water and sewer systems; creating a Critical Needs/Failing  
 4 Systems Sub Account; funding the sub account with state excess lottery funds; authorizing  
 5 loans or grants to address a critical immediate need of water or sewer services; and  
 6 exempting the sub account from grant limitations contained in §31-15A-10 of said code.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 22. STATE LOTTERY ACT.**

**§29-22-18d. Increase in allocation to West Virginia Infrastructure Fund from State Excess Lottery Revenue Fund.**

1 ~~Notwithstanding any provision of subsection (d), section eighteen-a of this article to the~~  
 2 ~~contrary, the deposit of \$40 million into the West Virginia Infrastructure Fund set forth above is for~~  
 3 ~~the fiscal year beginning July 1, 2010, only~~

4 For the fiscal year beginning July 1, ~~2014~~ 2020, and each fiscal year thereafter, in lieu of  
 5 the deposits required under §29-22-18a(d)(5) of this code, the commission shall, ~~first,~~ deposit in  
 6 the following order:

7 (1) \$6 million into the West Virginia Infrastructure Lottery Revenue Debt Service Fund  
 8 created in §31-15a-9(h) of this code, to be spent in accordance with the provisions of that  
 9 subsection; ~~and, second~~

10 (2) \$40 million into the West Virginia Infrastructure Fund created in §31-15a-9(a) of this  
 11 code, to be spent in accordance with the provisions of ~~that article~~ §31-15a-1 et seq. of this code;

12 (3) \$10 million into the West Virginia Infrastructure Fund created §31-15A-9(a) of this  
 13 code, to be spent in accordance with the provisions of §31-15A-17c of this code. Provided, That  
 14 ~~for the fiscal year beginning July 1, 2014, the deposit to the West Virginia Infrastructure Fund shall~~

15 ~~be \$20 million: Provided, however, That notwithstanding the provisions of §31-15a-10(a) of this~~  
 16 ~~code, for the fiscal year beginning July 1, 2014, any moneys disbursed from the West Virginia~~  
 17 ~~Infrastructure Fund in the form of grants may not exceed fifty percent of the total funds available~~  
 18 ~~for the funding of projects: Provided further, That for the fiscal year beginning July 1, 2015, the~~  
 19 ~~deposit to the West Virginia Infrastructure Fund shall be \$30 million: And provided further, That~~  
 20 ~~notwithstanding the provisions of §31-15a-10(a) of this code, for the fiscal year beginning July 1,~~  
 21 ~~2015, any moneys disbursed from the West Virginia Infrastructure Fund in the form of grants may~~  
 22 ~~not exceed fifty percent of the total funds available for the funding of projects: And provided~~  
 23 ~~further, That for the fiscal year beginning July 1, 2016, the deposit to the West Virginia~~  
 24 ~~Infrastructure Fund shall be \$20 million: And provided further, That notwithstanding the provisions~~  
 25 ~~of §31-15a-10(a) of this code, for the fiscal year beginning July 1, 2016, any moneys disbursed~~  
 26 ~~from the West Virginia Infrastructure Fund in the form of grants may not exceed fifty percent of~~  
 27 ~~the total funds available for the funding of projects~~

## CHAPTER 31. CORPORATIONS.

### ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT COUNCIL.

#### **§31-15A-17c. Critical Needs/Failing Systems Sub Account.**

1 (a) The council shall direct the West Virginia Water Development Authority to establish a  
 2 sub account in the Infrastructure Fund designated as the "Critical Needs/Failing Systems Sub  
 3 Account" into which the moneys allocated by §29-22-18d(3) of this code shall be deposited.

4 (b) The council shall direct the Water Development Authority to make loans or grants from  
 5 the Critical Needs/Failing Systems Sub Account when the council determines that a project will  
 6 address a critical immediate need by:

7 (1) The continuation of water or sewer services;

8 (2) Addressing water or sewer system failure due to the age of the system; or

- 9           (3) Providing extensions to a water or sewer system that will add customers with a total  
10 project cost of less than \$500,000.
- 11           (c) Grant limitations contained in §31-15A-10(b) of this code do not apply to grants made  
12 from the Critical Needs/Failing Systems Account.

NOTE: The purpose of this bill is to authorize the West Virginia Infrastructure and Jobs Development Council to direct the Water Development Authority to make loans or grants to address critical needs in water and sewer systems around the state from moneys allocated from the excess lottery funds.

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