

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2528

By Delegate Linville

[By Request of the Department of Transportation]

[Introduced January 13, 2023; Referred to the
Committee on Finance]

1 A BILL to amend and reenact §17-3-2, of the Code of West Virginia, 1931, as amended; relating to
 2 payments from the state road fund; authorizing transfer of spending authority between
 3 appropriations; and requiring reports to the Governor and the Joint Legislative
 4 Commission of the Department of Transportation Accountability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. STATE ROAD FUND.

§17-3-2. Payment of state road costs from moneys received by commission.

1 (a) The cost and expense of the construction, reconstruction, improvement, or
 2 maintenance of all state roads and other authorized state road purposes shall be paid out of any
 3 moneys received by or appropriated to the state road commission Commissioner of the Division of
 4 Highways for that purpose. The commissioner may transfer spending authority between
 5 appropriation lines within the State Road Fund’s annual budget to meet obligations when
 6 previously forecasted spending needs are insufficient.

7 (b) The Division of Highways shall report annually, or as requested, to the Governor and to
 8 the Joint Legislative Commission of the Department of Transportation Accountability on all uses of
 9 the transfer of spending authority, including the name of the funds from which and into which
 10 spending authority was transferred; the amounts transferred; the date of transfer; the reasons for
 11 the transfers.

NOTE: The purpose of this bill is to allow the Commissioner of the Division of Highways to utilize the spending authority of the State Road Fund to pay current obligations by moving spending authority within the fund for a fiscal year. This would also give the DOH the same or similar ability to transfer spending authority the other Special Revenue agencies have.

When the agency forecasts what funding it will need two years out, the estimates for each appropriation line are never exact. DOH may predict it will need \$1 million in maintenance but halfway through the fiscal year the need in maintenance is greater than anticipated. Under this proposed legislation, spending authority could be moved to maintenance from any other appropriation which had been allocated more than will be utilized that fiscal year. The Legislature would still approve the overall allocation for the State Road Fund through the annual budget bill and the Division would report the transfers to the Governor and the Legislature at least annually.

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