

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 31

BY SENATORS SWOPE, JEFFRIES, MAYNARD, AND

PLYMALE

[Originating in the Committee on Finance;

reported on February 9, 2023]

1 A BILL to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended,
2 relating to permissible expenditures by the Water Development Authority from the
3 Infrastructure Fund; modifying the upper limit of funds which may be transferred in to
4 subaccount; raising the cap on total project costs for certain facilities for use of Critical
5 Needs and Failing Systems Sub Account funding; and allowing the authority to grant
6 infrastructure grant money from the Critical Needs and Failing Systems Sub Account to
7 certain projects for the upgrading of a water facility or wastewater facility to reduce
8 maintenance costs, operations costs, or waterline leakages.

Be it enacted by the Legislature of West Virginia:

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

§31-15A-17c. Critical Needs and Failing Systems Sub Account.

1 Notwithstanding any provision of this article to the contrary:

2 (a) The Water Development Authority shall establish a separate and segregated sub
3 account in the Infrastructure Fund designated the Critical Needs and Failing Systems Sub
4 Account into which the council may instruct the Water Development Authority to transfer from the
5 uncommitted loan balances on June 30 each year, up to ~~\$12 million~~ \$14 million.

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

9 (1) The continuation of water or wastewater services;

10 (2) Addressing water facility or wastewater facility failure due to the age of the facility or
11 facilities; or

12 (3) Providing extensions to a water facility or wastewater facility that will add customers
13 with a total project cost of less than ~~\$2 million~~ \$3 million: *Provided*, That a person or governmental

14 agency, as those terms are defined in §31-15A-2 of this code, shall pay any overage not to exceed
15 10 percent of the total project cost.

16 (4) Upgrading a water facility or wastewater facility to reduce the maintenance costs,
17 operations costs or waterline leakages with a total project cost of less than \$300,000.

18 (c) Grant limitations and allocations contained in §31-15A-10(b) and §31-15A-10(c) of this
19 code do not apply to grants made from the Critical Needs and Failing Systems Sub Account.