

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 440

By Senators Clements, Swope, and Jeffries

[Originating in the Committee on Transportation and
Infrastructure; reported on February 15, 2023]

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 reporting by the Division of Highways.

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 maintenance of
2 all state roads and other authorized state road purposes shall be paid out of any moneys received
3 by or appropriated to the ~~state road commission~~ Commissioner of Highways for that purpose. The
4 commissioner may transfer spending authority between appropriation lines within the State Road
5 Fund's annual budget to meet obligations when previously forecasted spending needs are
6 insufficient: *Provided*, That such transfer is solely used to benefit infrastructure construction or
7 maintenance projects.

8 (b) The Division of Highways shall report quarterly each year, in electronic format, to the
9 Governor and the Joint Committee on Government and Finance on all uses of the transfer of
10 spending authority granted in this section, including the name of the funds and appropriation lines
11 from which and into which spending authority was transferred, the amounts transferred, the date of
12 the transfers, and the reasons for and benefits of the transfers.

NOTE: The purpose of this bill is to allow the Commissioner 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 give the DOH the same or similar ability to transfer spending authority that other Special Revenue agencies have.

When the agency forecasts what funding it will need two years out, the estimates for each appropriation line are not exact. DOH may predict it will need \$1 million dollars in maintenance, but halfway through the fiscal year, the need in maintenance may be greater than anticipated. Under this legislation, spending authority can be moved to maintenance from any other appropriation which had been allocated more than will be utilized that fiscal year. The Legislature would 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.

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