

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 440

BY SENATORS CLEMENTS, SWOPE, AND JEFFRIES

[Originating in the Committee on Finance; reported on

February 24, 2023]

1 A BILL to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating
2 to 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
2 of all state roads and other authorized state road purposes shall be paid out of any moneys
3 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: *Provided*, That such transfer is solely used
7 to benefit infrastructure construction or maintenance projects. The authority to transfer spending
8 authority between appropriation lines as provided for in this subsection shall terminate, unless
9 further extended by act of the Legislature, on July 1, 2027.

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

15 (c) The Division of Highways shall also prepare an annual report to the Joint Legislative
16 Oversight Commission on the Department of Transportation Accountability. The purpose of this
17 report is to show progress in the maintenance, repair, and construction of projects undertaken by
18 the Division of Highways attributable to the authority to transfer funds as provided for in this
19 section. The report shall:

20 (1) Compare the number, cost, and scope of repair and maintenance projects either
21 completed or undertaken in the previous fiscal year with repair and maintenance projects in each
22 of the five previous fiscal years;

23 (2) Compare the number of claims against the state found to be valid by the West Virginia
24 Claims Commission in the current calendar year and which are attributable to poor road conditions
25 with the number of claims against the state found to be valid by the West Virginia Claims
26 Commission in the five previous calendar years; and

27 (3) Provide a detailed list of all repair and maintenance projects which have benefited from
28 the transfer provided for in this section. This shall include the location of the projects, the
29 estimated time from commencement of the project to completion, the total cost of the project, and
30 any other pertinent details relevant to the project.