

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4017

BY DELEGATES SUMMERS, D. JEFFRIES, SYPOLT, D.

KELLY, TONEY, HARDY, MANDT, MAYNARD, LINVILLE,

PHILLIPS AND CRISS

[Passed March 7, 2020; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17-2A-6b, relating to establishing country roads accountability and
3 transparency; directing the State Auditor to develop and maintain a searchable website of
4 funding actions and expenditures relating state and public roads; setting forth the minimum
5 content to be contained in the website; directing the Commissioner of Highways to provide
6 information and data to the State Auditor; and requiring an annual update to the Joint
7 Committee on Government and Finance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§ 17-2A-6b. Country roads accountability and transparency.

1 (a) The Legislature finds that taxpayers should be able to easily access the details of how
2 the state is spending their tax dollars to build and repair state and public roads. The taxpayers
3 should also be able to easily access and compare the budgeted moneys and the performance
4 results that are achieved for those expenditures. It is the intent of the Legislature, therefore, to
5 direct the Auditor to create and maintain a searchable website detailing where, how much, and
6 from what source the taxpayer moneys in state government are expended for state and public
7 roads.

8 (b) No later than July 1, 2020, the Auditor shall develop and make publicly available a
9 searchable website containing, at a minimum, the following information for a given fiscal year,
10 and the three immediately preceding fiscal years:

11 (1) The project number or name for each state and public road in which moneys have
12 been expended to build or repair or in which funding has been directed;

13 (2) The county location for each such project;

14 (3) The funding source for a given funding action or expenditure;

15 (4) The budget program or activity related to a given funding action or expenditure;

16 (5) The name and the address, principal location or residence of the recipients of a given
17 funding action or expenditure; and

18 (6) Additional information as to the funding action or expenditure the Auditor considers
19 valuable for the public.

20 (c) For the purposes of this section:

21 "Auditor" means the State Auditor of West Virginia, by himself or herself, or by any person
22 appointed, designated or approved by the State Auditor to perform the service;

23 "Funding action or expenditure" includes details on the type of spending (grant, contract,
24 appropriations, etc.). This includes, but is not limited to, tax exemptions, tax credits, or any
25 expenditure from any civil contingency or similar fund. Where possible, a hyperlink to the actual
26 grants or contracts shall be provided: *Provided*, That any private or confidential information is
27 redacted: *Provided*, That any private or confidential information contained in the contract shall be
28 redacted;

29 "Funding source" means the state account from which the funding action or expenditure
30 is appropriated;

31 "Recipients" means any individual, person, corporation, association, union, limited liability
32 corporation, limited liability partnership, legal business entity including nonprofit organizations,
33 grantees, contractors, or any county, municipal or other local government entity that directly
34 receives the benefit of a funding action or expenditure;

35 "Searchable website" means a website that allows the public at no cost to search and
36 aggregate information regarding the state's budget and spending.

37 (d) The searchable website shall be updated periodically as new data becomes available
38 and is submitted by the commissioner to the Auditor. The commissioner shall provide to the
39 Auditor, in a format specified by the Auditor, all the data that is required to be included in the
40 searchable website no later than 30 days after the data becomes available to the agency. The

41 Auditor shall provide guidance and specifications to the commissioner to promote compliance
42 with this section.

43 (e) Nothing in this section may be construed to require the commissioner to provide
44 information in a form that is not already available in the Division of Highways' accounting system:
45 *Provided*, That when funding action or expenditure is not available separately for a road, the
46 commissioner shall provide available information by county.

47 (f) The Auditor shall annually provide an update to the Joint Committee on Government
48 and Finance as to the status of the website and shall make known to the Joint Committee and the
49 public any failure by the commissioner to timely submit to the Auditor appropriate and requested
50 information.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2020.

.....
Governor