WEST virginia legislature

2023 regular session

Committee Substitute

for

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for

Senate Bill 440

By Senators Clements, Swope, and Jeffries

[Originating in the Committee on Finance; reported on February 24, 2023]

A BILL to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to payments from the State Road Fund; authorizing transfer of spending authority between 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.

(a) The cost and expense of the construction, reconstruction, improvement, or maintenance of all state roads and other authorized state road purposes shall be paid out of any moneys received by or appropriated to the ~~state road commission~~ Commissioner of the Division of Highways for that purpose. The commissioner may transfer spending authority between appropriation lines within the State Road Fund’s annual budget to meet obligations when previously forecasted spending needs are insufficient: *Provided*, That such transfer is solely used to benefit infrastructure construction or maintenance projects. The authority to transfer spending authority between appropriation lines as provided for in this subsection shall terminate, unless further extended by act of the Legislature, on July 1, 2027.

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

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

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

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

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