

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 174

By Senators Clements, Phillips, Tarr, Oliverio, Swope,
Roberts, Nelson, Rucker, Queen, Woodrum, Plymale,
Maroney, and Jeffries

[Introduced January 10, 2024; referred
to the Committee on Finance]

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 the Division of Highways for that
 4 purpose. The commissioner may transfer spending authority between appropriation lines within
 5 the State Road Fund's annual budget to meet obligations when previously forecasted spending
 6 needs are insufficient: *Provided*, That such transfer is solely used to benefit infrastructure
 7 construction or maintenance projects. The authority to transfer spending authority between
 8 appropriation lines as provided for in this subsection shall terminate, unless further extended by
 9 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 completed

21 or undertaken in the previous fiscal year with repair and maintenance projects in each of the five
22 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 the
28 transfer provided for in this section. This shall include the location of the projects, the estimated
29 time from commencement of the project to completion, the total cost of the project, and any other
30 pertinent details relevant to the project.

NOTE: The purpose of this bill generally relates to payments from the State Road Fund. The bill authorizes transfer of spending authority between appropriations. Finally, the bill requires reporting by the Division of Highways.

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