

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1015

FISCAL
NOTE

By Senator Morris

[Introduced February 19, 2026; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §17-16-10, relating to establishing the Drainage Relief Fund; creating project
 3 process selection procedures; providing for stakeholder contributions for requested
 4 changes or upgrades; and providing for rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. OBSTRUCTIONS.

§17-16-10. Funds for drainage obstruction in counties or municipalities.

1 (a) The Legislature finds that:

2 (1) Water drainage issues that adversely affect or may affect state roads may extend onto
 3 private property beyond the bounds of the state road system;

4 (2) Such drainage issues may evolve over time and may develop, foreseeably or
 5 unforeseeably, for various reasons, including degradation of drainage structures installed by
 6 current or prior tenants, landowners, or other occupiers of such property;

7 (3)The remediation of these drainage issues is necessary and beneficial to the citizens and
 8 communities of West Virginia; and

9 (4) Oftentimes private landowners do not have the expertise or financial resources to
 10 remedy such drainage issues.

11 (b) There is hereby created in the State Treasury a special revenue fund designated and
 12 known as the Drainage Remediation Fund which is an interest-and-earnings accumulating
 13 account. The fund shall receive legislative appropriations, grants, gifts, devises, and donations
 14 from any public or private source. All interest and other returns derived from the deposit and
 15 investment of moneys in the Drainage Remediation Fund shall be credited to the fund. Any
 16 balance, including accrued interest and other returns, remaining in the fund at the end of each
 17 fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be
 18 expended as provided in this section.

19 (c) The fund shall be administered by the Commissioner of Highways who, upon

20 application by county commissions and municipalities in such form as required by the
21 Commissioner of Highways, may expend the funds in his or her discretion on drainage projects for
22 the maintenance and preservation of the state road system, which projects may include work and
23 expenditure of funds outside of state property if necessary or most effective for the protection of
24 the roads.

25 (c) Drainage remediation projects may be performed without resort to the obstruction
26 procedures provided in this article.

27 (d) County commissions, municipalities, and private landowners may request a desired
28 upgrade of a project under this section with the agreement that the county commission,
29 municipalities, or private landowners fully reimburse the fund for the requested upgrade.

30 (e) If necessary, the Commissioner may utilize the powers of eminent domain as provided
31 in §17-2A-17 of this code, and any projects pursuant to this section shall be considered "state road
32 purposes" for the purposes thereof.

33 (f) After evaluation of applications received, the Commissioner may select projects to be
34 performed based upon available funds and the percentage of costs any county commission,
35 municipality, or other person or entity commits to a project.

36 (g) At the end of each fiscal year, all unobligated monies in excess of the fund's needs may
37 revert back to the State Road Fund at the discretion of the Commissioner.

38 (h) The Commissioner of Highways may propose legislative, procedural, or emergency
39 rules for promulgation in accordance with §29A-3-1 et seq. of this code to implement this section.

NOTE: The purpose of this bill is to create the Drainage Remediation Fund and to provide a procedure to remedy drainage and obstruction matters which may degrade the state road system.

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