

**H. B. 4120**

(By Delegates Staggers, Hall and Ferro)

[By Request of the Division of Highways]

[Introduced January 18, 2012; referred to the

Committee on Roads and Transportation then Finance.]

A BILL to amend and reenact §17-3A-1 of the Code of West Virginia, 1931, as amended, relating to funding of the industrial access road fund.

*Be it enacted by the Legislature of West Virginia:*

That §17-3A-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3A. INDUSTRIAL ACCESS ROAD FUND.**

**§17-3A-1. Industrial access road fund created; construction guarantees by municipalities and counties.**

(a) Any other provision of this code notwithstanding, there is hereby continued in the State Treasury the "industrial access road fund", referred to in this article as "the fund". There shall be deposited into the fund three fourths of one percent of all state tax collections which are otherwise specifically dedicated by the provisions of this code to the state road fund or the percentage of

1 those tax collections that will produce \$3 million for each fiscal  
2 year. At the end of each fiscal year, all ~~unused~~ unobligated  
3 moneys in the fund revert to the state road fund.

4 (b) The moneys in the fund shall be expended by the Division  
5 of Highways for constructing and maintaining industrial access  
6 roads within counties and municipalities to industrial sites on  
7 which manufacturing, distribution, processing or other economic  
8 development activities, including publicly owned airports, are  
9 already constructed or are under firm contract to be constructed.  
10 In the event there is no industrial site already constructed or for  
11 which the construction is under firm contract, a county or  
12 municipality may guarantee to the Division of Highways an  
13 acceptable surety or a device in an amount equal to the estimated  
14 cost of the access road or that portion provided by the Division of  
15 Highways, that an industrial site will be constructed and if no  
16 industrial site acceptable to the Division of Highways is  
17 constructed within the time limits of the surety or device, the  
18 surety or device shall be forfeited.

NOTE: The purpose of this bill is to correct current legislation that requires any unused industrial funds to return to the road fund. The amendment allows for all unobligated funds to return to the road fund.

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