

1 **ENROLLED**

2 **Senate Bill No. 215**

3 (BY SENATORS BEACH, EDGELL, D. FACEMIRE, MILLER, KLEMPA AND WILLS)

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5 [Passed March 8, 2012; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §17-3A-1 of the Code of West Virginia,
11 1931, as amended, relating to funding of the Industrial Access
12 Road Fund.

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

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

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

17 **§17-3A-1. Industrial Access Road Fund created; construction**
18 **guarantees by municipalities and counties.**

19 (a) Any other provision of this code notwithstanding, there is
20 hereby continued in the State Treasury the Industrial Access Road
21 Fund, referred to in this article as "the fund". There shall be
22 deposited into the fund three fourths of one percent of all state
23 tax collections which are otherwise specifically dedicated by the

1 provisions of this code to the State Road Fund or the percentage of
2 those tax collections that will produce \$3 million for each fiscal
3 year. At the end of each fiscal year, all unobligated moneys in
4 the fund revert to the State Road Fund.

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