

ENROLLED

Senate Bill No. 215

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

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT 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.

1 (a) Any other provision of this code notwithstanding,
2 there is hereby continued in the State Treasury the Industrial
3 Access Road Fund, referred to in this article as "the fund".
4 There shall be deposited into the fund three fourths of one
5 percent of all state tax collections which are otherwise
6 specifically dedicated by the provisions of this code to the
7 State Road Fund or the percentage of those tax collections
8 that will produce \$3 million for each fiscal year. At the end
9 of each fiscal year, all unobligated moneys in the fund revert
10 to the State Road Fund.

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