

# Senate Bill No. 215

(By Senators Beach, Edgell, D. Facemire,  
Miller, Klempa and Wills)

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[Introduced January 17, 2012; referred to the  
Committee on Transportation and Infrastructure;  
and then to the Committee on Finance.]

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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.**

- 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 ~~unused~~ unobligated moneys in the  
10 fund revert 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 munic-  
20 ipality 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.

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(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.)