

HB 2359

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2359

(By Delegate Warner)



Passed March 9, 1999

In Effect July 1, 1999

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STH. /
SECRETARY OF STATE

ENROLLED

H. B. 2359

(BY DELEGATE WARNER)

[Passed March 9, 1999; in effect July 1, 1999.]

AN ACT to amend and reenact sections one and four, article three-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the type of funding approved for constructing industrial road sites; providing for an increase in the amount of funding which may be allocated per county per fiscal year; and providing for surety in estimated amount to be expended by the division of highways.

Be it enacted by the Legislature of West Virginia:

That sections one and four, article three-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all 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, there
- 2 is hereby continued in the state treasury the "industrial access
- 3 road fund", referred to in this article as "the fund". There shall
- 4 be deposited into the fund three fourths of one percent of all
- 5 state tax collections which are otherwise specifically dedicated
- 6 by the provisions of this code to the state road fund or the

7 percentage of those tax collections that will produce three
8 million dollars for each fiscal year. At the end of each fiscal
9 year, all unused moneys in the fund revert to the state road
10 fund.

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

§17-3A-4. Restrictions on use of fund.


1 (a) The fund may not be used for the adjustment of utilities
2 or for the construction of industrial access roads to schools,
3 hospitals, libraries, armories, shopping centers, apartment
4 buildings, government installations or similar facilities, whether
5 public or private. The fund may not be used to construct
6 industrial access roads on private property.

7 (b) Moneys from the fund may not be expended until the
8 governing body of the county or municipality certifies to the
9 division of highways that the industrial site is constructed and
10 operating or is under firm contract to be constructed or oper-
11 ated, or upon the presentation of an acceptable surety or device
12 in an amount equal to the estimated cost of the access road or
13 that portion provided by the division of highways in accordance
14 with section one of this article.

15 (c) Not more than four hundred thousand dollars of
16 unmatched moneys from the fund may be allocated for use in

17 any one county in any fiscal year. The maximum amount of
18 unmatched moneys which may be allocated from the fund is ten
19 percent of the fair market value of the designated industrial
20 establishment. The amount of unmatched funds allocated may
21 be supplemented with additional matched moneys from the
22 fund, in which case the matched moneys allocated from the
23 fund may not exceed one hundred fifty thousand dollars, to be
24 matched equally from sources other than the fund. The amount
25 of matched moneys which may be allocated from the fund over
26 and above the unmatched funds may not exceed five percent of
27 the fair market value of the designated industrial site.

28 (d) Funds may only be allocated to those items of construc-
29 tion and engineering which are essential to providing an
30 adequate facility to serve the anticipated traffic. Funds may not
31 be allocated for items such as storm sewers, curbs, gutters and
32 extra pavement width unless necessary to extend or connect an
33 existing access road.



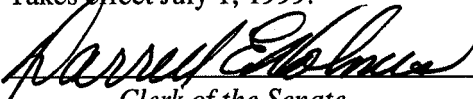
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

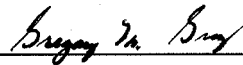

Chairman Senate Committee

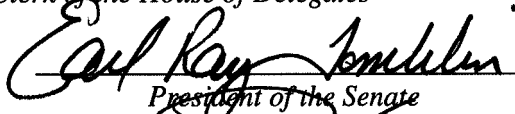

Chairman House Committee

Originating in the House.

Takes effect July 1, 1999.

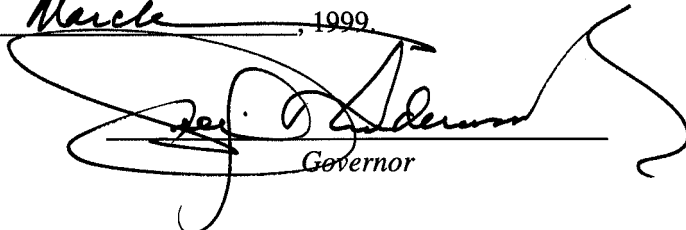

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 20th
day of March, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/99

Time 3:32 pm