WEST VIRGINIA LEGISLATURE  
FIRST REGULAR SESSION, 1999  

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ENROLLED

House Bill No. 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 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 those tax collections that will produce three
million dollars for each fiscal year. At the end of each fiscal
year, all unused moneys in the fund revert to the state road
fund.

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

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

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

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

(c) Not more than four hundred thousand dollars of
unmatched moneys from the fund may be allocated for use in
any one county in any fiscal year. The maximum amount of
unmatched moneys which may be allocated from the fund is ten
percent of the fair market value of the designated industrial
establishment. The amount of unmatched funds allocated may
be supplemented with additional matched moneys from the
fund, in which case the matched moneys allocated from the
fund may not exceed one hundred fifty thousand dollars, to be
matched equally from sources other than the fund. The amount
of matched moneys which may be allocated from the fund over
and above the unmatched funds may not exceed five percent of
the fair market value of the designated industrial site.

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