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OFFICE WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE

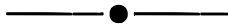
SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4455

(By Delegates Warner and Michael)



Passed March 11, 2004

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 4455

(BY DELEGATES WARNER AND MICHAEL)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §17-24-4 and §17-24-6 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-24-10, all relating to the waste tire remediation program; allowing balance in fund at end of fiscal year to be transferred to state road fund in certain circumstances; and continuation of the waste tire remediation program.

Be it enacted by the Legislature of West Virginia:

That §17-24-4 and §17-24-6 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §17-24-10, all to read as follows:

ARTICLE 24. WASTE TIRE REMEDIATION.

§17-24-4. Division of highways to administer funds for waste tire remediation; rules authorized; duties of commissioner.

1 (a) The division of highways shall administer all funds
2 made available to the division for remediation of waste tire
3 piles and for the proper disposal of waste tires removed from
4 waste tire piles. The commissioner of the division of highways
5 may: (i) Propose for legislative promulgation in accordance
6 with article three, chapter twenty-nine-a of this code emergency
7 and legislative rules necessary to implement the provisions of
8 this article; and (ii) administer all funds appropriated by the
9 Legislature to carry out the requirements of this article and any
10 other funds from whatever source, including, but not limited to,
11 federal, state or private grants.

12 (b) The commissioner also has the following powers:

13 (1) To apply and carry out the provisions of this article and
14 the rules promulgated under this article.

15 (2) To investigate, from time to time, the operation and
16 effect of this article and of the rules promulgated under this
17 article and to report his or her findings and recommendations to
18 the Legislature and the governor.

19 (c) The provisions of articles two-a and four of this chapter
20 and the policy, rules, practices and procedures under those
21 articles shall be followed by the commissioner in carrying out
22 the purposes of this article.

23 (d) On or before the first day of June, two thousand one, the
24 commissioner shall determine the location, approximate size
25 and potential risk to the public of all waste tire piles in the state
26 and establish, in descending order, a waste tire remediation list.

27 (e) The commissioner may contract with the department of
28 health and human resources or the division of corrections, or
29 both, to remediate or assist in remediation of waste tire piles
30 throughout the state. Use of available department of health and
31 human resources and the division of corrections work programs
32 shall be given priority status in the contract process so long as
33 such programs prove a cost-effective method of remediating
34 waste tire piles.

35 (f) Waste tire remediation shall be stopped and the division
36 of environmental protection notified upon the discovery of any
37 potentially hazardous material at a remediation site. The
38 division of environmental protection shall respond to the
39 notification in accordance with the provisions of article
40 eighteen, chapter twenty-two of this code.

41 (g) The commissioner may establish a tire disposal program
42 within the division to provide for a cost effective and efficient
43 method to accept passenger car and light truck waste tires at
44 such division of highways county headquarters as have suffi-
45 cient space for temporary storage of waste tires and personnel
46 to accept and handle waste tires. The commissioner may pay a
47 fee for each tire an individual West Virginia resident or West
48 Virginia business brings to the division. The commissioner may
49 establish a limit on the number of tires an individual or business
50 may be paid for during any calendar month. The commissioner
51 may in his or her discretion authorize commercial businesses to
52 participate in the collection program: *Provided*, That no person
53 or business who has a waste tire pile subject to remediation
54 under this article may participate in this program.

55 (h) The commissioner may pledge not more than two and
56 one-half million dollars annually of the moneys appropriated,
57 deposited or accrued in the A. James Manchin fund created by
58 section six of this article, to the payment of debt service,
59 including the funding of reasonable reserves, on bonds issued

60 by the water development authority pursuant to section seven-
61 teen-a, article fifteen-a, chapter thirty-one of this code to
62 finance infrastructure projects relating to waste tire processing
63 facilities located in this state: *Provided*, That a waste tire
64 processing facility shall be determined by the solid waste
65 management board, established pursuant to the provisions of
66 article three, chapter twenty-two-c of this code, to meet all
67 applicable federal and state environmental laws and rules and
68 regulations and to aid the state in efforts to promote and
69 encourage recycling and use of constituent component parts of
70 waste tires in an environmentally sound manner: *Provided*,
71 *however*, That the waste tire processing facility shall have a
72 capital cost of not less than three hundred million dollars, and
73 the council for community and economic development shall
74 determine that the waste tire processing facility is a viable
75 economic development project of benefit to the state's econ-
76 omy.

**§17-24-6. Creation of the A. James Manchin fund; proceeds from
sale of waste tires; fee on issuance of certificate of
title.**

1 (a) There is continued in the state treasury a special revenue
2 fund known as the "A. James Manchin Fund". All moneys
3 appropriated, deposited or accrued in this fund shall be used
4 exclusively for remediation of waste tire piles as required by
5 this article for the tire disposal program established under
6 section four of this article or for the purposes of subsection (h),
7 section four of this article or for the purposes of subsection (c),
8 section five of this article. The fund consists of the proceeds
9 from the sale of waste tires; fees collected by the division of
10 motor vehicles as provided in section sixteen, article ten,
11 chapter seventeen-a of this code; any federal, state or private
12 grants; legislative appropriations; loans; and any other funding
13 source available for waste tire remediation. Any unprogrammed

14 balance remaining in the fund at the end of any state fiscal year
15 shall be transferred to the state road fund.

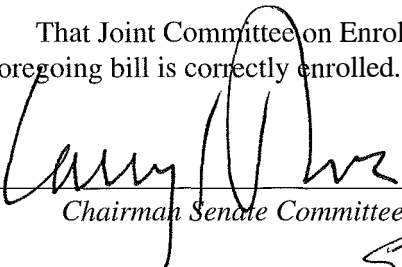
16 (b) No further collections or deposits shall be made after
17 the commissioner certifies to the governor and the Legislature
18 that the remediation of all waste tire piles that were determined
19 by the commissioner to exist on the first day of June, two
20 thousand one, has been completed and that all infrastructure
21 bonds issued by the water development authority pursuant to
22 section seventeen-a, article fifteen-a of chapter thirty-one of this
23 code have been paid in full or legally defeased.

24 (c) If infrastructure bonds are not issued by the water
25 development authority pursuant to section seventeen-a, article
26 fifteen-a, chapter thirty-one of this code to finance infrastruc-
27 ture projects relating to waste tire processing facilities located
28 in this state on or before the thirty-first day of December, two
29 thousand six, all further collections and deposits to the A. James
30 Manchin fund which are not programmed for remediation or
31 disposal shall be transferred to the state road fund at the end of
32 each fiscal year.

§17-24-10. Continuation of waste tire remediation program.

1 The waste tire remediation program shall continue to exist,
2 pursuant to the provisions of article ten, chapter four of this
3 code, until the first day of July, two thousand six, unless sooner
4 terminated, continued or reestablished pursuant to the provi-
5 sions of that article.

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



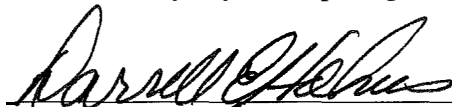
Chairman Senate Committee



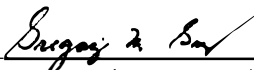
Chairman House Committee

Originating in the House.

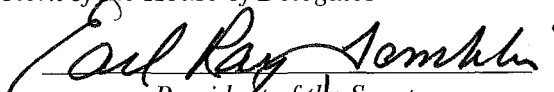
In effect ninety days from passage.



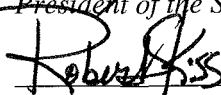
Clerk of the Senate



Clerk of the House of Delegates

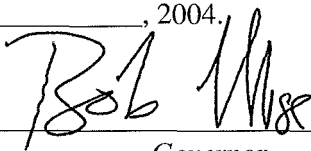


President of the Senate



Speaker of the House of Delegates

The within is Approved this the 5th
day of April, 2004.



Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/04
TIME 10:15 a