WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4521
(By Delegates Mahan, Craig, Michael and Amores)

Passed March 13, 2004
In Effect from Passage
AN ACT to amend and reenact §22-17-20 of the code of West Virginia, 1931, as amended, relating to the underground storage tank act; increasing the annual registration fee; requiring emergency rule; increasing cap amount for underground storage tank fund; and requiring annual report to the joint committee on government and finance.

Be it enacted by the Legislature of West Virginia:

That §22-17-20 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 17. UNDERGROUND STORAGE TANK ACT.

§22-17-20. Appropriation of funds; underground storage tank administrative fund.

(a) The secretary shall collect annual registration fees from owners of underground storage tanks. The registration fee collected under this section shall not exceed sixty-five dollars
per tank per year. All such registration fees and the net proceeds
of all fines, penalties and forfeitures collected under this article
including accrued interest shall be paid into the state treasury
into a special revenue fund designated “the underground storage
tank administrative fund” to be used to defray the cost of
administering this article in accordance with rules promulgated
pursuant to section six of this article. The secretary shall
promulgate an emergency rule in accordance with article three,
chapter twenty-nine-a of this code, implementing the increase
in registration fees. This fee of up to sixty-five dollars is
effective for the fiscal year ending the thirtieth day of June, two
thousand four.

(b) The total fee assessed shall be sufficient to assure a
balance in the fund not to exceed five hundred thousand dollars
at the beginning of each year.

(c) Any amount received pursuant to subsection (a) of this
section which exceeds the annual balance required in subsection
(b) of this section shall be deposited into the leaking under-
ground storage tank response fund established pursuant to this
article to be used for the purposes set forth for expenditure of
moneys in the fund.

(d) The net proceeds of all fines, penalties and forfeitures
collected under this article shall be appropriated as directed by
article XII, section 5 of the constitution of West Virginia. For
the purposes of this section, the net proceeds of such fines,
penalties and forfeitures are the proceeds remaining after
deducting from the proceeds those sums appropriated by the
Legislature for defraying the cost of administering this article.
In making the appropriation for defraying the cost of adminis-
tering this article, the Legislature shall first take into account
the sums included in the special fund prior to deducting
additional sums as may be needed from the civil fines, civil
penalties and forfeitures collected pursuant to this article. At the
end of each fiscal year any unexpended balance of the collected civil fines, civil penalties, forfeitures and registration fees shall not be transferred to the general revenue fund but shall remain in the fund.

(e) The secretary shall submit an annual report to the joint committee on government and finance on or before the first day of January each year providing information as to the status of the underground storage tank fund, the registration fees or forfeitures collected and any fines and penalties assessed pursuant to this article, the amount of net proceeds of fines, penalties and forfeitures paid into the fund and information as to the progress of the underground storage tank program in the protection of human health and the environment.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

Speaker of the House of Delegates

The within is approved this the 2nd day of April, 2004.

Governor