WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 443

(By Senator Kessler, et al)

PASSED March 10, 2006

In Effect from Passage
ENROLLED

Senate Bill No. 443

(By Senators Kessler, Dempsey, Fanning, Foster, Hunter, Jenkins, Minard, White, Barnes, Caruth, Deem, Lanham, McKenzie and Weeks)

[Passed March 10, 2006; in effect from passage.]

AN ACT to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to continuation of hazardous waste management fee.

Be it enacted by the Legislature of West Virginia:

That §22-18-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 18. HAZARDOUS WASTE MANAGEMENT ACT.


(a) The net proceeds of all fines, penalties and forfeitures collected under this article shall be appropriated as directed by article XII, section five of the Constitution of West Virginia. For the purposes of this section, the net proceeds of the fines, penalties and forfeitures shall be
considered the proceeds remaining after deducting therefrom those sums appropriated by the Legislature for defraying the cost of administering this article. All permit application fees collected under this article shall be paid into the State Treasury into a special fund designated the Hazardous Waste Management Fund. In making the appropriation for defraying the cost of administering this article, the Legislature shall first take into account the sums included in that special fund prior to deducting additional sums as may be needed from the fines, penalties and forfeitures collected pursuant to this article.

(b) Effective on the first day of July, two thousand three, and for the next two fiscal years, there is imposed an annual certification fee for facilities that manage hazardous waste, as defined by the federal Resource Conservation and Recovery Act, as amended. The fee will be set by rule promulgated by the secretary in accordance with the provisions of article three, chapter twenty-nine-a of this code. The rule shall be a product of a negotiated rule-making process with the facilities subject to the rule. The rule shall, at a minimum, establish different fee rates for facilities based on criteria established in the rule. The total amount of fees generated shall raise no more funds than are necessary and adequate to meet the matching requirements for all federal grants which support the hazardous waste management program, but shall not exceed seven hundred thousand dollars per year.

(c) The revenues collected from the annual certification fee shall be deposited in the State Treasury to the credit of the Hazardous Waste Management Fee Fund, which is hereby established. Moneys of the fund, together with any interest or other return earned thereon, shall be expended to meet the matching requirements of federal grant programs which support the hazardous waste management program. Expenditures from the fund shall be for the purposes set forth in this article and are not authorized from collections, but are to be made only in accordance
with appropriation by the Legislature and in accordance
with the provisions of article three, chapter twelve of this
code and upon the fulfillment of the provisions set forth in
article two, chapter five-a of this code: Provided, That for
the fiscal year ending the thirtieth day of June, two
thousand four, expenditures are authorized from collec-
tions rather than pursuant to an appropriation by the
Legislature. Amounts collected which are found from time
to time to exceed the funds needed for purposes set forth
in this article may be transferred to other accounts by
appropriation of the Legislature.

(d) The fee provided for in subsection (b) of this section
and the fund established in subsection (c) of this section
shall terminate on the thirtieth day of June, two thousand
eight. The division shall, by the thirty-first day of Decem-
ber of each year, report to the Joint Committee on Govern-
ment and Finance regarding moneys collected into the
Hazardous Waste Management Fee Fund and expenditures
by the agency, including any federal matching moneys
received, and providing an accounting on the collection of
the fee by type of permit activity, funds being expended
and current and future projected balances of the fund.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the... Day of................... 2006.

Governor
PRESENTED TO THE
GOVERNOR

MAR 2 7 2006

Time 9:10 am