

SB 443

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 443

(By Senator Kessler, et al)

PASSED March 10, 2006

In Effect from Passage

FILED

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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.

§22-18-22. Appropriation of funds; hazardous waste management fund.

1 (a) The net proceeds of all fines, penalties and forfeitures
2 collected under this article shall be appropriated as
3 directed by article XII, section five of the Constitution of
4 West Virginia. For the purposes of this section, the net
5 proceeds of the fines, penalties and forfeitures shall be

6 considered the proceeds remaining after deducting there-
7 from those sums appropriated by the Legislature for
8 defraying the cost of administering this article. All permit
9 application fees collected under this article shall be paid
10 into the State Treasury into a special fund designated the
11 Hazardous Waste Management Fund. In making the
12 appropriation for defraying the cost of administering this
13 article, the Legislature shall first take into account the
14 sums included in that special fund prior to deducting
15 additional sums as may be needed from the fines, penalties
16 and forfeitures collected pursuant to this article.

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

33 (c) The revenues collected from the annual certification
34 fee shall be deposited in the State Treasury to the credit of
35 the Hazardous Waste Management Fee Fund, which is
36 hereby established. Moneys of the fund, together with any
37 interest or other return earned thereon, shall be expended
38 to meet the matching requirements of federal grant
39 programs which support the hazardous waste management
40 program. Expenditures from the fund shall be for the
41 purposes set forth in this article and are not authorized
42 from collections, but are to be made only in accordance

43 with appropriation by the Legislature and in accordance
44 with the provisions of article three, chapter twelve of this
45 code and upon the fulfillment of the provisions set forth in
46 article two, chapter five-a of this code: *Provided*, That for
47 the fiscal year ending the thirtieth day of June, two
48 thousand four, expenditures are authorized from collec-
49 tions rather than pursuant to an appropriation by the
50 Legislature. Amounts collected which are found from time
51 to time to exceed the funds needed for purposes set forth
52 in this article may be transferred to other accounts by
53 appropriation of the Legislature.

54 (d) The fee provided for in subsection (b) of this section
55 and the fund established in subsection (c) of this section
56 shall terminate on the thirtieth day of June, two thousand
57 eight. The division shall, by the thirty-first day of Decem-
58 ber of each year, report to the Joint Committee on Govern-
59 ment and Finance regarding moneys collected into the
60 Hazardous Waste Management Fee Fund and expenditures
61 by the agency, including any federal matching moneys
62 received, and providing an accounting on the collection of
63 the fee by type of permit activity, funds being expended
64 and current and future projected balances of the fund.

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

Chandy White
.....
Chairman Senate Committee

R. Brown
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Daniel Edwards
.....
Clerk of the Senate

Bruce M. Bell
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert R. Witt
.....
Speaker House of Delegates

The within *is approved* this the *14th*
Day of *April*, 2006.

Paul M. Hancock
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 27 2006

Time 9:10 am