

SB 519

FILED

2008 MAR 20 AM 11:19

**WEST VIRGINIA LEGISLATURE**

**SEVENTY-EIGHTH LEGISLATURE**

**REGULAR SESSION, 2008**

FILED  
CLERK OF STATE

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COMMITTEE SUBSTITUTE

FOR

**ENROLLED**

**Senate Bill No. 519**

(SENATORS FANNING, FOSTER, KESSLER,  
PREZIOSO, PLYMALE, WELLS, WHITE AND  
UNGER, *original sponsors*)

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[Passed March 5, 2008; in effect from passage.]

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CLARENCE W. WALKER  
SECRETARY OF STATE CD

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AN ACT to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to extending the termination date of the Hazardous Waste Management Fee Fund to the thirtieth day of June, two thousand ten.

*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  
2 forfeitures collected under this article shall be  
3 appropriated as directed by section five, article XII of  
4 the Constitution of West Virginia. For the purposes of  
5 this section, the net proceeds of the fines, penalties and  
6 forfeitures shall be considered the proceeds remaining  
7 after deducting therefrom those sums appropriated by  
8 the Legislature for defraying the cost of administering  
9 this article. All permit application fees collected under  
10 this article shall be paid into the State Treasury into a  
11 special fund designated the Hazardous Waste  
12 Management Fund. In making the appropriation for  
13 defraying the cost of administering this article, the  
14 Legislature shall first take into account the sums  
15 included in that special fund prior to deducting  
16 additional sums as may be needed from the fines,  
17 penalties and forfeitures collected pursuant to this  
18 article.

19 (b) Effective on the first day of July, two thousand  
20 three, there is imposed an annual certification fee for  
21 facilities that manage hazardous waste, as defined by  
22 the federal Resource Conservation and Recovery Act, as  
23 amended. The fee will be set by rule promulgated by  
24 the secretary in accordance with the provisions of  
25 article three, chapter twenty-nine-a of this code. The  
26 rule shall be a product of a negotiated rule-making  
27 process with the facilities subject to the rule. The rule  
28 shall, at a minimum, establish different fee rates for

29 facilities based on criteria established in the rule. The  
30 total amount of fees generated shall raise no more funds  
31 than are necessary and adequate to meet the matching  
32 requirements for all federal grants which support the  
33 hazardous waste management program, but shall not  
34 exceed seven hundred thousand dollars per year.

35 (c) The revenues collected from the annual  
36 certification fees shall be deposited in the State Treasury  
37 to the credit of the Hazardous Waste Management Fee  
38 Fund, which is continued. Moneys of the fund, together  
39 with any interest or other return earned thereon, shall  
40 be expended to meet the matching requirements of  
41 federal grant programs which support the hazardous  
42 waste management program. Expenditures from the  
43 fund are for the purposes set forth in this article and are  
44 not authorized from collections, but are to be made only  
45 in accordance with appropriation by the Legislature  
46 and in accordance with the provisions of article three,  
47 chapter twelve of this code and upon the fulfillment of  
48 the provisions set forth in article two, chapter five-a of  
49 this code. Amounts collected which are found, from  
50 time to time, to exceed the funds needed for purposes  
51 set forth in this article may be transferred to other  
52 accounts by appropriation of the Legislature.

53 (d) The fee provided for in subsection (b) of this  
54 section and the fund established in subsection (c) of this  
55 section shall terminate on the thirtieth day of June, two  
56 thousand ten. The department shall, by the thirty-first  
57 day of December of each year, report to the Joint  
58 Committee on Government and Finance regarding  
59 moneys collected into the Hazardous Waste  
60 Management Fee Fund and expenditures by the agency,  
61 including any federal matching moneys received and

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62 providing an accounting on the collection of the fee by  
63 type of permit activity, funds being expended and  
64 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

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Darrell Holmes*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

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

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *20th* Day of *March* ....., 2008.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 17 2008

Time 11:12 AM