

HB 4187

2010 APR -1 PM 4: 21

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WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



**SECOND
ENROLLMENT**

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4187**

(By Delegates Barker and Wells)



Amended and again passed March 20, 2010,
as a result of the objections of the Governor

In Effect Ninety Days From Passage

S E C O N D
E N R O L L M E N T

FILED

2010 APR -1 PM 4:22

OFFICE OF THE CLERK
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

H. B. 4187

(BY DELEGATES BARKER AND WELLS)

[Amended and again passed March 20, 2010, as a result of the objections of the Governor; in effect ninety days from passage.]

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

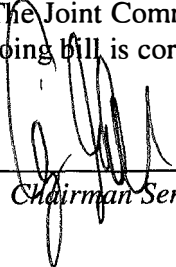
17 (b) Effective on July 1, 2003, there is imposed an annual
18 certification fee for facilities that manage hazardous waste, as
19 defined by the federal Resource Conservation and Recovery
20 Act, as amended. The secretary shall propose a rule for
21 legislative approval in accordance with the provisions of
22 article three, chapter twenty-nine-a of this code to establish
23 the certification fee. The rule shall be a product of a
24 negotiated rule-making process with the facilities subject to
25 the rule. The rule shall, at a minimum, establish different fee
26 rates for facilities based on criteria established in the rule.
27 The total amount of fees generated raise no more funds than
28 are necessary and adequate to meet the matching
29 requirements for all federal grants which support the
30 hazardous waste management program, but shall not exceed
31 \$700,000 per year.

32 (c) The revenues collected from the annual certification
33 fee shall be deposited in the State Treasury to the credit of the
34 Hazardous Waste Management Fee Fund, which is continued.

35 Moneys of the fund, together with any interest or other return
36 earned on the fund, shall be expended to meet the matching
37 requirements of federal grant programs which support the
38 hazardous waste management program. Expenditures from
39 the fund are for the purposes set forth in this article and are
40 not authorized from collections, but are to be made only in
41 accordance with appropriation by the Legislature and in
42 accordance with the provisions of article three, chapter
43 twelve of this code and upon the fulfillment of the provisions
44 set forth in article two, chapter five-a of this code. Amounts
45 collected which are found, from time to time, to exceed the
46 funds needed for purposes set forth in this article may be
47 transferred to other accounts by appropriation of the Legislature.

48 (d) The fee provided in subsection (b) of this section and
49 the fund established in subsection (c) of this section shall
50 terminate on June 30, 2015. The department shall, by
51 December 31 of each year, report to the Joint Committee on
52 Government and Finance regarding moneys collected into the
53 Hazardous Waste Management Fee Fund and expenditures
54 by the agency, including any federal matching moneys
55 received and providing an accounting on the collection of the
56 fee by type of permit activity, funds being expended and
57 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



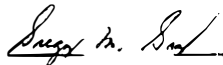
Chairman House Committee

Originating in the House.

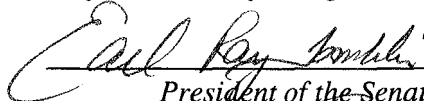
In effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

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OFFICE OF THE
SECRETARY OF STATE

The within is approved this the 15
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 31 2010

Time 2:55 pm