WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

ENROLLED

Senate Bill No. 366

(BY SENATORS GREEN, BEACH, KLEMPA,
PALUMBO, CHAFIN AND PLYMALE)

[Passed March 12, 2011; in effect ninety days from passage.]
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(BY SENATORS GREEN, BEACH, KLEMPA, PALUMBO, CHAFIN AND PLYMALE)

[Passed March 12, 2011; in effect ninety days 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 Administrative Fund; and raising from $500,000 to $1 million the balance allowed to be in this fund at the beginning of each year.

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.

1 (a) The secretary shall collect annual registration fees from owners of underground storage tanks. The registration fee collected under this section may not exceed $65 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.

11 The secretary shall promulgate an emergency rule in accor-
dance with article three, chapter twenty-nine-a of this code,  
implementing the increase in registration fees. This fee of up  
to $65 is effective for the fiscal year ending June 30, 2004.

(b) The total fee assessed shall be sufficient to assure a  
balance in the fund not to exceed one million 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 Underground Storage Tank Response Fund estab-
lished 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 administering 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 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.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th Day of March, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 2 4 2011

Time 10:30 am