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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4521

(By Delegates Mahan, Craig,
Michael and Amores)



Passed March 13, 2004

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4521

(BY DELEGATES MAHAN, CRAIG,
MICHAEL AND AMORES)

[Passed March 13, 2004; in effect 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 act; increasing the annual registration fee; requiring emergency rule; increasing cap amount for underground storage tank fund; and requiring annual report to the joint committee on government and finance.

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
- 2 owners of underground storage tanks. The registration fee
- 3 collected under this section shall not exceed sixty-five dollars

4 per tank per year. All such registration fees and the net proceeds
5 of all fines, penalties and forfeitures collected under this article
6 including accrued interest shall be paid into the state treasury
7 into a special revenue fund designated “the underground storage
8 tank administrative fund” to be used to defray the cost of
9 administering this article in accordance with rules promulgated
10 pursuant to section six of this article. The secretary shall
11 promulgate an emergency rule in accordance with article three,
12 chapter twenty-nine-a of this code, implementing the increase
13 in registration fees. This fee of up to sixty-five dollars is
14 effective for the fiscal year ending the thirtieth day of June, two
15 thousand four.

16 (b) The total fee assessed shall be sufficient to assure a
17 balance in the fund not to exceed five hundred thousand dollars
18 at the beginning of each year.

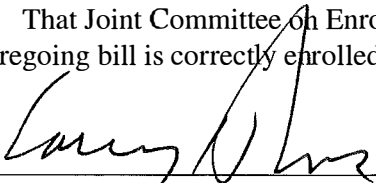
19 (c) Any amount received pursuant to subsection (a) of this
20 section which exceeds the annual balance required in subsection
21 (b) of this section shall be deposited into the leaking under-
22 ground storage tank response fund established pursuant to this
23 article to be used for the purposes set forth for expenditure of
24 moneys in the fund.

25 (d) The net proceeds of all fines, penalties and forfeitures
26 collected under this article shall be appropriated as directed by
27 article XII, section 5 of the constitution of West Virginia. For
28 the purposes of this section, the net proceeds of such fines,
29 penalties and forfeitures are the proceeds remaining after
30 deducting from the proceeds those sums appropriated by the
31 Legislature for defraying the cost of administering this article.
32 In making the appropriation for defraying the cost of adminis-
33 tering this article, the Legislature shall first take into account
34 the sums included in the special fund prior to deducting
35 additional sums as may be needed from the civil fines, civil
36 penalties and forfeitures collected pursuant to this article. At the

37 end of each fiscal year any unexpended balance of the collected
38 civil fines, civil penalties, forfeitures and registration fees shall
39 not be transferred to the general revenue fund but shall remain
40 in the fund.

41 (e) The secretary shall submit an annual report to the joint
42 committee on government and finance on or before the first day
43 of January each year providing information as to the status of
44 the underground storage tank fund, the registration fees or
45 forfeitures collected and any fines and penalties assessed
46 pursuant to this article, the amount of net proceeds of fines,
47 penalties and forfeitures paid into the fund and information as
48 to the progress of the underground storage tank program in the
49 protection of human health and the environment.

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




Chairman Senate Committee



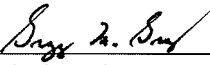
Chairman House Committee

Originating in the House.

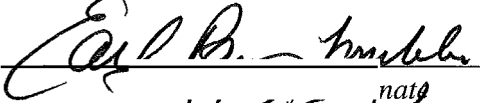
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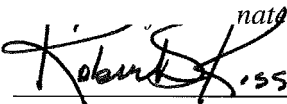


Clerk of the Senate



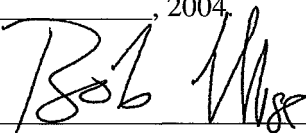
Clerk of the House of Delegates





Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2004.



Governor

3/26/04
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