1 **H. B. 2960**

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3   (By Delegates Caputo, Hall, Barker and Ashley)

4   (By Request of Department of Environmental Protection)

5   [Introduced February 1, 2011; referred to the

6   Committee on the Judiciary then Finance.]

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10 A BILL to amend and reenact §22-17-20 of the Code of West Virginia,

11   1931, as amended, relating to the Underground Storage Tank

12   Administrative Fund and raising from $500,000 to $1 million

13   the balance allowed to be in this fund at the beginning of

14   each year.

15 *Be it enacted by the Legislature of West Virginia*:

16   That §22-17-20 of the Code of West Virginia, 1931, as amended,

17 be amended and reenacted to read as follows:

18 **ARTICLE 17. UNDERGROUND STORAGE TANK ACT.**

19 **§22-17-20.   Appropriation of funds; Underground Storage Tank**

20   **Administrative Fund.**

21   (a) The secretary shall collect annual registration fees from

22 owners of underground storage tanks. The registration fee

23 collected under this section ~~shall~~ may not exceed $65 per tank per

24 year. All such registration fees and the net proceeds of all

25 fines, penalties and forfeitures collected under this article

26 including accrued interest shall be paid into the State Treasury

1 into a special revenue fund designated the "Underground Storage

2 Tank Administrative Fund" to be used to defray the cost of

3 administering this article in accordance with rules promulgated

4 pursuant to section six of this article. The secretary shall

5 promulgate an emergency rule in accordance with article three,

6 chapter twenty-nine-a of this code, implementing the increase in

7 registration fees. This fee of up to $65 is effective for the

8 fiscal year ending June 30, 2004.

9   (b) The total fee assessed shall be sufficient to assure a

10 balance in the fund not to exceed ~~five hundred thousand~~ one million

11 dollars at the beginning of each year.

12   (c) Any amount received pursuant to subsection (a) of this

13 section which exceeds the annual balance required in subsection (b)

14 of this section shall be deposited into the leaking Underground

15 Storage Tank Response Fund established pursuant to this article to

16 be used for the purposes set forth for expenditure of moneys in the

17 fund.

18   (d) The net proceeds of all fines, penalties and forfeitures

19 collected under this article shall be appropriated as directed by

20 article XII, section 5 of the Constitution of West Virginia. For

21 the purposes of this section, the net proceeds of such fines,

22 penalties and forfeitures are the proceeds remaining after

23 deducting from the proceeds those sums appropriated by the

24 Legislature for defraying the cost of administering this article.

25 In making the appropriation for defraying the cost of administering

26 this article, the Legislature shall first take into account the

1 sums included in the special fund prior to deducting additional

2 sums as may be needed from the civil fines, civil penalties and

3 forfeitures collected pursuant to this article. At the end of each

4 fiscal year any unexpended balance of the collected civil fines,

5 civil penalties, forfeitures and registration fees shall not be

6 transferred to the General Revenue Fund but shall remain in the

7 fund.

8   (e) The secretary shall submit an annual report to the Joint

9 Committee on Government and Finance on or before January 1 each

10 year providing information as to the status of the Underground

11 Storage Tank Fund, the registration fees or forfeitures collected

12 and any fines and penalties assessed pursuant to this article, the

13 amount of net proceeds of fines, penalties and forfeitures paid

14 into the fund and information as to the progress of the underground

15 storage tank program in the protection of human health and the

16 environment.

    NOTE: The purpose of this bill is to raise from $500,000 to
$1 million the balance allowed to be in the Underground Storage
Tank Administrative Fund at the beginning of each year.

    Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.