

# Senate Bill No. 366

(By Senators Green, Beach, Klempa,  
Palumbo, Chafin and Plymale)

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[Introduced February 1, 2011; referred to  
the Committee on the Judiciary; and then to  
the Committee on Finance.]

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A BILL 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
- 2 from owners of underground storage tanks. The registration

3 fee collected under this section ~~shall~~ may not exceed \$65 per  
4 tank per year. All such registration fees and the net proceeds  
5 of all fines, penalties and forfeitures collected under this  
6 article including accrued interest shall be paid into the State  
7 Treasury into a special revenue fund designated the “Under-  
8 ground Storage Tank Administrative Fund” to be used to  
9 defray the cost of administering this article in accordance  
10 with rules promulgated pursuant to section six of this article.  
11 The secretary shall promulgate an emergency rule in accor-  
12 dance with article three, chapter twenty-nine-a of this code,  
13 implementing the increase in registration fees. This fee of up  
14 to \$65 is effective for the fiscal year ending June 30, 2004.

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

18 (c) Any amount received pursuant to subsection (a) of  
19 this section which exceeds the annual balance required in  
20 subsection (b) of this section shall be deposited into the  
21 leaking Underground Storage Tank Response Fund estab-  
22 lished pursuant to this article to be used for the purposes set  
23 forth for expenditure of moneys in the fund.

24       (d) The net proceeds of all fines, penalties and forfeitures  
25 collected under this article shall be appropriated as directed  
26 by article XII, section 5 of the Constitution of West Virginia.  
27 For the purposes of this section, the net proceeds of such  
28 fines, penalties and forfeitures are the proceeds remaining  
29 after deducting from the proceeds those sums appropriated  
30 by the Legislature for defraying the cost of administering  
31 this article. In making the appropriation for defraying the  
32 cost of administering this article, the Legislature shall first  
33 take into account the sums included in the special fund prior  
34 to deducting additional sums as may be needed from the civil  
35 fines, civil penalties and forfeitures collected pursuant to this  
36 article. At the end of each fiscal year any unexpended  
37 balance of the collected civil fines, civil penalties, forfeitures  
38 and registration fees shall not be transferred to the General  
39 Revenue Fund but shall remain in the fund.

40       (e) The secretary shall submit an annual report to the  
41 Joint Committee on Government and Finance on or before  
42 January 1 each year providing information as to the status of  
43 the Underground Storage Tank Fund, the registration fees or  
44 forfeitures collected and any fines and penalties assessed  
45 pursuant to this article, the amount of net proceeds of fines,

46 penalties and forfeitures paid into the fund and information  
47 as to the progress of the underground storage tank program  
48 in the protection of human health and the environment.

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(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.)