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H. B. 2625

(By Delegates Ashley and Ireland)
[Introduced February 5, 2015; referred to the
Committee on Government Organization then the Judiciary.]

A BILL to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fee Fund, by extending its sunset provision from June 30, 2015 to June 30, 2020.

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.

(a) The net proceeds of all fines, penalties and forfeitures collected under this article shall be appropriated as directed by section five, article XII of the Constitution of West Virginia. For the purposes of this section, the net proceeds of the fines, penalties and forfeitures are considered the proceeds remaining after deducting therefrom those sums appropriated by the Legislature for defraying the cost of administering this article. All permit application fees collected under this article shall be paid into the State Treasury into a special fund designated the Hazardous Waste Management Fund. In making the appropriation for defraying the cost of administering this article, the Legislature shall first take into account the sums included in that special fund prior to deducting additional sums as may be needed from the fines, penalties and forfeitures collected pursuant to this

1 article.

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

11 (c) The revenues collected from the annual certification fee shall be deposited in the State
12 Treasury to the credit of the Hazardous Waste Management Fee Fund, which is continued. Moneys
13 of the fund, together with any interest or other return earned on the fund, shall be expended to meet
14 the matching requirements of federal grant programs which support the hazardous waste
15 management program. Expenditures from the fund are for the purposes set forth in this article and
16 are not authorized from collections, but are to be made only in accordance with appropriation by the
17 Legislature and in accordance with the provisions of article three, chapter twelve of this code and
18 upon the fulfillment of the provisions set forth in article two, chapter five-a of this code. Amounts
19 collected which are found, from time to time, to exceed the funds needed for purposes set forth in
20 this article may be transferred to other accounts by appropriation of the Legislature.

21 (d) The fee provided in subsection (b) of this section and the fund established in subsection
22 (c) of this section shall terminate on June 30, ~~2015~~ 2020. The department shall, by December 31 of
23 each year, report to the Joint Committee on Government and Finance regarding moneys collected
24 into the Hazardous Waste Management Fee Fund and expenditures by the agency, including any
25 federal matching moneys received and providing an accounting on the collection of the fee by type
26 of permit activity, funds being expended and current and future projected balances of the fund.

NOTE: The purpose of this bill is to continue the current hazardous waste management fee until 2020.

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