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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

House Bill No. 2669

(By Delegates Mahan, Cann, Kominar and Faircloth)



Passed March 7, 2003

In Effect Ninety Days from Passage

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E N R O L L E D

H. B. 2669

(BY DELEGATES MAHAN, CANN, KOMINAR AND FAIRCLOTH)

[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-two, article eighteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to terminating the hazardous waste management annual certification fee and the hazardous waste management fee fund.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article eighteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, 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.

- 1 (a) The net proceeds of all fines, penalties and forfeitures
- 2 collected under this article shall be appropriated as directed by
- 3 article XII, section 5 of the constitution of West Virginia. For
- 4 the purposes of this section, the net proceeds of the fines,

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5 penalties and forfeitures shall be considered the proceeds
6 remaining after deducting therefrom those sums appropriated
7 by the Legislature for defraying the cost of administering this
8 article. All permit application fees collected under this article
9 shall be paid into the state treasury into a special fund desig-
10 nated "The Hazardous Waste Management Fund." In making
11 the appropriation for defraying the cost of administering this
12 article, the Legislature shall first take into account the sums
13 included in that special fund prior to deducting additional sums
14 as may be needed from the fines, penalties and forfeitures
15 collected pursuant to this article.

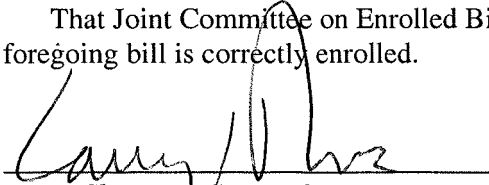
16 (b) Effective on the first day of July, two thousand three,
17 and for the next two fiscal years, there is imposed an annual
18 certification fee for facilities that manage hazardous waste, as
19 defined by the federal Resource Conservation and Recovery
20 Act, as amended. The fee will be set by rule promulgated by the
21 secretary in accordance with the provisions of article three,
22 chapter twenty-nine-a of this code. The rule shall be a product
23 of a negotiated rule-making process with the facilities subject
24 to the rule. The rule shall, at a minimum, establish different fee
25 rates for facilities based on criteria established in the rule. The
26 total amount of fees generated shall raise no more funds than
27 are necessary and adequate to meet the matching requirements
28 for all federal grants which support the hazardous waste
29 management program, but shall not exceed seven hundred
30 thousand dollars per year.

31 (c) The revenues collected from the annual certification fee
32 shall be deposited in the state treasury to the credit of the
33 "Hazardous Waste Management Fee Fund," which is hereby
34 established. Moneys of the fund, together with any interest or
35 other return earned thereon, shall be expended to meet the
36 matching requirements of federal grant programs which support
37 the hazardous waste management program. Expenditures from
38 the fund shall be for the purposes set forth in this article and are

39 not authorized from collections, but are to be made only in
40 accordance with appropriation by the Legislature and in
41 accordance with the provisions of article three, chapter twelve
42 of this code and upon the fulfillment of the provisions set forth
43 in article two, chapter five-a of this code: *Provided*, That for the
44 fiscal year ending the thirtieth day of June, two thousand four,
45 expenditures are authorized from collections rather than
46 pursuant to an appropriation by the Legislature. Amounts
47 collected which are found from time to time to exceed the funds
48 needed for purposes set forth in this article may be transferred
49 to other accounts by appropriation of the Legislature.

50 (d) The fee provided for in subsection (b) of this section
51 and the fund established in subsection (c) of this section shall
52 terminate on the thirtieth day of June, two thousand six.

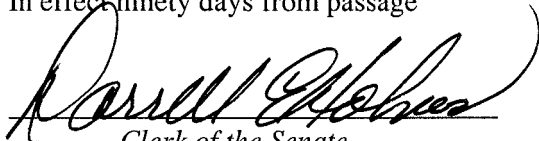
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

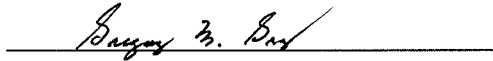

Chairman Senate Committee

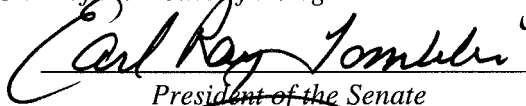

Chairman House Committee

Originating in the House.

In effect ninety days from passage

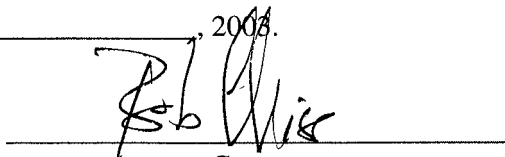

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 18
day of March, 2008.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/03

Time 9:07 am