

ENROLLED

Senate Bill No. 366

(BY SENATORS GREEN, BEACH, KLEMPA, PALUMBO, CHAFIN AND PLYMALE)

[Passed March 12, 2011; in effect ninety days 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 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 from
2 owners of underground storage tanks. The registration fee
3 collected under this section may not exceed \$65 per tank per
4 year. All such registration fees and the net proceeds of all
5 fines, penalties and forfeitures collected under this article
6 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 one million dollars at the
17 beginning of each year.

18 (c) Any amount received pursuant to subsection (a) of this
19 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 Joint
41 Committee on Government and Finance on or before January
42 1 each year providing information as to the status of the
43 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.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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Acting President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2011.

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Governor