

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 2630

BY DELEGATES REYNOLDS, HAYNES, WAMSLEY, RILEY,

TULLY AND HOTT

[Originating in the Committee on Finance; March 15, 2021]

1 A BILL to amend and reenact §22-1-16 of the Code of West Virginia, 1931, as amended, relating
2 to the payment of fines assessed by the West Virginia Department of Environmental
3 Protection against a political subdivision of the state; and authorizing certain forgiveness
4 of a fine under certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

§22-1-16. Time for commencing proceedings.

1 Notwithstanding any provision of this code to the contrary, no action, suit or proceeding
2 for the administrative, civil or criminal enforcement of any provision of this chapter may be
3 entertained unless commenced within three years from the date the right to bring the action, suit
4 or proceeding has accrued. The limitation of this section applies, but is not limited to, actions,
5 suits or proceedings for the recovery of any fine, penalty or forfeiture, pecuniary or otherwise. This
6 section does not apply to the enforcement of any provision when the violation is part of a
7 continuing violation and the last act of the continuing violation occurred within three years from
8 the date of the commencement of the enforcement action.

9 If a political subdivision of the state, including, but not limited to, a municipality, town,
10 county or public service district, is assessed a fine by the Department of Environmental Protection
11 for a violation or violations, not related to a consent order in existence at the time of the enactment
12 of the amendments to this section during the 2020 regular session of the Legislature, the
13 Department of Environmental Protection shall allow the political subdivision to take necessary
14 actions to resolve the violation. The political subdivision so choosing shall pay ten percent of any
15 fine assessed, which assessment shall include any authorized discount based upon the political
16 subdivision's ability to pay, with the remainder of the fine held in abeyance and then forgiven when
17 the necessary actions resolving the violation are complete.

NOTE: The purpose of this bill is to require the West Virginia Department of Environmental Protection to pay back fines to political subdivisions if they make required upgrades or fixes in relation to those fines.

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