

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974



ENROLLED

SENATE BILL NO. 367

(By Mr. Calpin)



PASSED February 22, 1974

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-2-74

367

ENROLLED

Senate Bill No. 367

(By Mr. Galperin)

[Passed February 23, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section three-f, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting county courts to expend general revenue funds for the establishment and operation of garbage and refuse collection and disposal services.

Be it enacted by the Legislature of West Virginia:

That section three-f, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COUNTY COURTS GENERALLY.

§7-1-3f. Establishment and operation of garbage and refuse collection and disposal service.

1 In addition to all other powers and duties now conferred
2 by law upon county courts, such courts are hereby em-
3 powered to establish, operate and maintain, either direct-
4 ly or by contract, garbage and refuse collection and
5 disposal services, and to pay for the establishment, opera-
6 tion and maintenance of such collection and disposal
7 services, in whole or in part, either out of general funds
8 in the county treasury, or out of special funds to be
9 derived from fees charged to and paid by the users of
10 such services or a combination of both such general rev-
11 enue or special fund: *Provided*, That the power and au-
12 thority hereby conferred upon county courts shall not be

13 exercised in territory included within the boundaries of
14 any municipal corporation, except as provided herein.
15 Any county court for the purpose of implementing this
16 section is hereby authorized to enter into such contract
17 or contracts with any municipality or county within this
18 state for the purposes of carrying out the powers vested
19 in such county courts by this section, and all said county
20 courts may, pursuant to such contract, exercise the author-
21 ity herein granted within such contracting municipality:
22 *Provided, however,* That where an area is furnished gar-
23 bage and refuse collection service by an existing carrier
24 under authority issued by the public service commission
25 of West Virginia, the county court may enter into con-
26 tracts or agreements with such carrier to supplement such
27 existing service, but shall not enter into any competing
28 service without authority being granted by the public
29 service commission.

30 The term "users" as used herein shall mean and include
31 any person to whom such services are made available
32 under the provision of this section.

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

H. Darrel Darby
Chairman Senate Committee

Clarence G. Christman Jr.
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

W. T. Brotherton Jr.
President of the Senate

Lewis T. McManus
Speaker House of Delegates

The within approved this the 2nd
day of March, 1974.

Arch A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/26/74

Time 4:37 p.m.