

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

SENATE BILL NO. 41

(By Senators Senletts, Mr. President & Sparnes)



PASSED March 9, 1990

In Effect 90 days from Passage

ENROLLED

Senate Bill No. 41

(By SENATORS BURDETTE, MR. PRESIDENT, AND WARNER)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article eleven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to specifying the percentage of registered voters required for petitions to establish or rescind a county recycling program for solid waste; establishing filing deadlines; giving the secretary of state the authority to prescribe the form of the petition; and including certain identifying information on the petition.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11. WEST VIRGINIA RECYCLING PROGRAM.

§20-11-5. Establishment of county recycling programs for solid waste; petition for referendum; ballot contents; election procedure; effect of such election.

1 (a) A comprehensive recycling program for solid

2 waste may be established in any county of this state by
3 action of a county commission in accordance with the
4 provisions of this section. Such program shall require:

5 (1) That, prior to collection at its source, all solid
6 waste shall be segregated into separate identifiable
7 recyclable materials by each person, partnership,
8 corporation and governmental agency subscribing to a
9 solid waste collection service in the county or trans-
10 porting solid waste to a commercial solid waste facility
11 in the county;

12 (2) That each commercial solid waste facility located
13 in the county and each person engaged in the com-
14 mercial collection, transportation, processing or dis-
15 posal of solid waste within the county shall accept only
16 such solid waste from which recyclable materials in
17 accordance with said county's comprehensive recy-
18 cling program have been segregated; and

19 (3) That the provisions of the recycling plan pre-
20 pared pursuant to section four of this article shall, to
21 the extent practicable, be incorporated in said county's
22 comprehensive recycling program.

23 (b) For the purposes of this article, recyclable
24 materials shall include, but not be limited to, steel and
25 bi-metallic cans, aluminum, glass, paper and such
26 other solid waste materials as may be specified by the
27 county commission with the advice of the county or
28 regional solid waste authority.

29 (c) A comprehensive recycling program for solid
30 waste may be established in any county of this state
31 by: (1) A petition filed with the county commission
32 bearing the signatures of registered voters of the
33 county equal to not less than five percent of the
34 number of votes cast within the county for governor
35 at the preceding gubernatorial election; and (2) appro-
36 val by a majority of the voters in a subsequent
37 referendum on the issue. A referendum to determine
38 whether it is the will of the voters of a county that a
39 comprehensive recycling program for solid waste be
40 established in the county may be held at any regular
41 primary or general election or in conjunction with any

42 other countywide election. Any election at which the
 43 question of establishing a policy of comprehensive
 44 recycling for solid waste is voted upon shall be held at
 45 the voting precincts established for holding primary or
 46 general elections. All of the provisions of the general
 47 election laws, when not in conflict with the provisions
 48 of this article, shall apply to voting and elections
 49 hereunder, insofar as practicable. The secretary of
 50 state shall prescribe the form of the petition which
 51 shall include the printed name, address and date of
 52 birth of each person whose signature appears on the
 53 petition. Upon verification of the required number of
 54 signatures on the petition, the county commission
 55 shall, not less than seventy days before the election,
 56 order that the issue be placed on the ballot and
 57 referendum held at the next primary, general or
 58 special election to determine whether it is the will of
 59 the voters of said county that a policy of comprehen-
 60 sive recycling of solid waste be established in the
 61 county: *Provided*, That the petition bearing the neces-
 62 sary signatures has been filed with the county com-
 63 mission at least one hundred days prior to the election.

64 The ballot, or the ballot labels where voting
 65 machines are used, shall have printed thereon sub-
 66 stantially the following:

67 "Shall the County Commission be required to
 68 establish a comprehensive recycling program for solid
 69 waste in _____County, West Virginia?

70 For Recycling

71 Against Recycling

72 (Place a cross mark in the square opposite your
 73 choice.)"

74 If a majority of legal votes cast upon the question be
 75 for the establishment of a policy of comprehensive
 76 recycling of solid waste, the county commission shall,
 77 after the certification of the results of the referendum,
 78 thereafter establish by ordinance a comprehensive
 79 recycling program for solid waste in the county within
 80 ninety days of said certification. If a majority of the

81 legal votes cast upon the question be against the
82 establishment of a policy of comprehensive recycling
83 of solid waste, said policy shall not take effect, but the
84 question may again be submitted to a vote at any
85 subsequent election in the manner herein provided.

86 (d) A comprehensive recycling program for solid
87 waste established by petition and referendum may be
88 rescinded only pursuant to the procedures set out
89 herein to establish the program.

90 To rescind the program, the ballot, or the ballot
91 labels where voting machines are used, shall have
92 printed thereon substantially the following:

93 "Shall the County Commission be required to
94 terminate the comprehensive recycling program for
95 solid waste in _____ County, West Virginia?

96 Continue Recycling

97 End Recycling

98 (Place a cross mark in the square opposite your
99 choice.)"

100 (e) If a majority of legal votes cast upon the question
101 be for the termination of a policy of comprehensive
102 recycling of solid waste previously established in the
103 county, the county commission shall, after the certifi-
104 cation of the results of the referendum, thereafter
105 rescind by ordinance the comprehensive recycling
106 program for solid waste in the county within ninety
107 days of said certification. If a majority of the legal
108 votes cast upon the question be for the continuation of
109 the policy of comprehensive recycling of solid waste,
110 said ordinance shall not be rescinded, but the question
111 may again be submitted to a vote at any subsequent
112 election in the manner herein provided.

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

Frederick L. Perdue
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harvey E. Adams
.....
Clerk of the Senate

Donald H. Hoyle
.....
Clerk of the House of Delegates

Neil S. Dunette
.....
President of the Senate

Walter B. DeLoach
.....
Speaker House of Delegates

The within *is approved* this the *28th*
day of *March* 1990

Easton Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/90

Time 3:50 pm

RECEIVED

1930 MAR 28 PM 4:35

OFFICE OF WEST VIRGINIA
SENATOR J. S. HAY