WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

HOUSE BILL No. 4084

(By Delegates Martin, Michael & Bender)

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Passed FEB. 16, 1994

In Effect JULY 1, 1994
AN ACT to amend and reenact sections two and six, article one-d, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuation of West Virginia's membership in the Ohio River valley water sanitation commission compact and changing ex officio membership to the director of the division of environmental protection.

Be it enacted by the Legislature of West Virginia:

That sections two and six, article one-d, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1D. OHIO RIVER VALLEY WATER SANITATION COMMISSION.

§29-1D-2. Appointment of members of commission; director of the division of environmental protection member ex officio.

1 In pursuance of article four of said compact, there
2 shall be three members of the "Ohio River valley water
3 sanitation commission" from the state of West Virginia.
4 The governor, by and with the advice and consent of the
5 Senate, shall appoint two persons as two of such
6 commissioners, each of whom shall be a resident and
7 citizen of this state. The terms of one of the said two
8 commissioners first appointed shall be three years and
of the other shall be six years; and their successors shall be appointed by the governor, by and with the advice and consent of the Senate, for terms of six years each. Each commissioner shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of any such commissioner from any reason or cause shall be filled by appointment by the governor, by and with the advice and consent of the Senate, for the unexpired term. The third commissioner from this state shall be the director of the division of environmental protection ex officio, and the term of any such ex officio commissioner shall terminate at the time he ceases to hold the office of director of the division of environmental protection, and his successor as a commissioner shall be his successor as the director of the division of environmental protection. With the exception of the issuance of any order under the provisions of article nine of the compact, the ex officio commissioner may delegate, from time to time, to any deputy or other subordinate in his division or office, the power to be present and participate, including voting, as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the two appointive commissioners, provided the said compact shall then have gone into effect in accordance with article eleven of the compact; otherwise shall begin upon the date which said compact shall become effective in accordance with said article eleven.

Any commissioner may be removed from office by the governor.

§29-1D-6. When article effective; findings; continuation.

This article shall take effect and become operative and the compact be executed for and on behalf of this state only from and after the approval, ratification and adoption, and entering into thereof by the states of New York, Pennsylvania, Ohio and Virginia.

After having conducted a preliminary performance review through its joint committee on government
operations, pursuant to article ten, chapter four of this
code, the Legislature hereby finds and declares that
West Virginia should remain a member of the compact.
Accordingly, notwithstanding the provisions of article
ten, chapter four of this code, West Virginia shall
continue to be a member of this compact until the first
day of July, two thousand.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect July 1, 1994.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 25th day of January, 1994.

Governor