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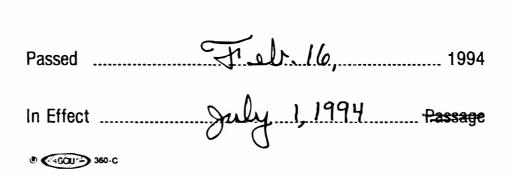
### WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1994** 

# ENROLLED

HOUSE BILL No. 4084

(By Delegates martin, michael + Border)



## ENROLLED H. B. 4084

(By Delegates Martin, Michael and Border)

[Passed February 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 shall be three members of the "Ohio River valley water 2 sanitation commission" from the state of West Virginia. 3 The governor, by and with the advice and consent of the 4 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 Enr. H. B. 4084]

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9 of the other shall be six years; and their successors shall be appointed by the governor, by and with the advice 10 11 and consent of the Senate, for terms of six years each. 12 Each commissioner shall hold office until his successor 13 shall be appointed and qualified. Vacancies occurring in 14 the office of any such commissioner from any reason or 15 cause shall be filled by appointment by the governor, by 16 and with the advice and consent of the Senate, for the 17 unexpired term. The third commissioner from this state 18 shall be the director of the division of environmental 19 protection ex officio, and the term of any such ex officio 20 commissioner shall terminate at the time he ceases to 21 hold the office of director of the division of environmen-22 tal protection, and his successor as a commissioner shall 23 be his successor as the director of the division of 24 environmental protection. With the exception of the 25 issuance of any order under the provisions of article nine 26 of the compact, the ex officio commissioner may 27 delegate, from time to time, to any deputy or other 28 subordinate in his division or office, the power to be 29 present and participate, including voting, as his 30 representative or substitute at any meeting of or hearing 31 by or other proceeding of the commission. The terms of 32 each of the initial three members shall begin at the date 33 of the appointment of the two appointive commissioners, 34 provided the said compact shall then have gone into 35 effect in accordance with article eleven of the compact; 36 otherwise shall begin upon the date which said compact 37 shall become effective in accordance with said article 38 eleven.

Any commissioner may be removed from office by thegovernor.

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

1 This article shall take effect and become operative and 2 the compact be executed for and on behalf of this state 3 only from and after the approval, ratification and 4 adoption, and entering into thereof by the states of New 5 York, Pennsylvania, Ohio and Virginia.

6 After having conducted a preliminary performance 7 review through its joint committee on government 8 operations, pursuant to article ten, chapter four of this 9 code, the Legislature hereby finds and declares that 10 West Virginia should remain a member of the compact. 11 Accordingly, notwithstanding the provisions of article 12 ten, chapter four of this code, West Virginia shall 13 continue to be a member of this compact until the first 14 day of July, two thousand.

Enr. H. B. 4084] 4 The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee 10 . . Chairman House Committee Originating in the House. Takes effect July 1, 1994. Clerk of the Senate Donald In Kopp the House egates President of the Senate Speaker of the House of Delegates The within day of Jehna 1994. Governor 

PRESENTED TO THE

GOVERNOR Date <u>2/24/94</u> Time <u>3:3/</u>pm