WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

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ENROLLED

SENATE BILL NO. 448

(By Senator Bowman, et al.)

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PASSED March 8, 2000
In Effect July 1, 2000
ENROLLED

Senate Bill No. 448

(By Senators Bowman, Bailey, Ball, Boley, Dawson, Kessler, McCabe, Minard, Minear, Redd and Snyder)

[Passed March 8, 2000; to take effect July, 1, 2000.]

AN ACT to amend and reenact sections three and four, article four, chapter twenty-two-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the county and regional solid waste authorities; and the appointments to the authorities by the division of environmental protection and the public service commission.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. COUNTY AND REGIONAL SOLID WASTE AUTHORITIES.

§22C-4-3. Creation of county solid waste authority; appointment to board of directors; vacancies.
(a) Each and every county solid waste authority authorized and created by the county commission of any county pursuant to former article sixteen, chapter seven of this code is hereby abolished on and after the first day of January, one thousand nine hundred eighty-nine. On and after the first day of January, one thousand nine hundred eighty-nine, a new county solid waste authority is hereby created and established as a public agency in every county of the state and is the successor to each county solid waste authority which may have been created by the county commission: Provided, That such county solid waste authorities shall not be established or shall cease to exist, as the case may be, in those counties which establish a regional solid waste authority pursuant to section four of this article. The solid waste management board may require a county solid waste authority to cooperate and participate in programs with other authorities if the need arises.

(b) The authority board of directors is comprised of five members who are appointed as follows: One by the director of the division of environmental protection, two by the county commission, one by the board of supervisors for the soil conservation district in which the county is situated and one by the chairman of the public service commission. The members of the board are appointed for terms of four years for which the initial shall start on the first day of July, one thousand nine hundred eighty-eight: Provided, That the first two members appointed by the county commission shall be appointed to initial terms of two and four years, respectively, and for terms of four years for each appointment thereafter: Provided, however, That on and after the first day of July, two thousand, the member appointed by the director of the division of environmental protection shall be appointed to an initial term of one year and for a term of four years for each appointment thereafter: Provided further, That the member appointed by the chairman of the public service commission shall be appointed to an initial term of three
years and for a term of four years for each appointment thereafter. The members of the board shall receive no compensation for their service thereon but shall be reimbursed for their actual expenses incurred in the discharge of their duties. Vacancies in the office of member of the board of directors shall be filled for the balance of the remaining term by the appropriate appointing authority within sixty days after such vacancy occurs. No member who has any financial interest in the collection, transportation, processing, recycling or the disposal of refuse, garbage, solid waste or hazardous waste shall vote or act on any matter which directly affects the member's personal interests.

§22C-4-4. Establishment of regional solid waste authorities authorized; successor to county solid waste authorities; appointments to board of directors; vacancies.

(a) On and after the first day of January, one thousand nine hundred eighty-nine, any two or more counties within the same solid waste shed and with the approval of the solid waste management board, may establish a regional solid waste authority. Such a regional solid waste authority is a public agency and is the successor to any county solid waste authority existing on the date of said approval by the solid waste management board. The solid waste management board may require a county authority to cooperate and participate in programs with other county and regional authorities if the need arises.

(b) The board of directors of the regional solid waste authority are appointed as follows: One by the director of the division of environmental protection, two by the county commission of each county participating therein, one by the board of supervisors for each soil conservation district in which a county of the region is situated, one by the chairman of the public service commission and two municipal representatives from each county having one or more participating municipality to be selected by the
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21 mayors of the participating municipality from each such
22 county. The members of the board are appointed for terms
23 of four years for which the initial terms start on the first
24 day of July, one thousand nine hundred eighty-eight:
25 Provided, That the members appointed by the county
26 commission shall be appointed to initial terms of two and
27 four years, respectively, and to terms of four years after
28 the expiration of each such initial term: Provided, how-
29 ever, That on and after the first day of July, two thousand,
30 the member appointed by the director of the division of
31 environmental protection shall be appointed to an initial
32 term of one year and for a term of four years for each
33 appointment thereafter: Provided further, That the
34 member appointed by the chairman of the public service
35 commission shall be appointed to an initial term of three
36 years and for a term of four years for each appointment
37 thereafter: And provided further, That of the two mem-
38 bers appointed by the mayors from each county, one shall
39 be appointed to an initial term of one year and for a term
40 of four years for each appointment thereafter, and one
41 shall be appointed to an initial term of three years and for
42 a term of four years for each appointment thereafter. The
43 members of the board shall receive no compensation for
44 their service thereon but shall be reimbursed their actual
45 expenses incurred in the discharge of their duties. Vacan-
46 cies in the office of member of the board of directors shall
47 be filled for the balance of the remaining term by the
48 appropriate appointing authority within sixty days after
49 such vacancy occurs. No member who has any financial
50 interest in the collection, transportation, processing,
51 recycling or the disposal of refuse, garbage, solid waste or
52 hazardous waste shall vote or act on any matter which
53 directly affects the member's personal interests.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect July 1, 2000.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th Day of March 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 5/14/00
Time 12:25pm