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**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 ~~Passage~~

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CLERK OF SENATE  
STATE OF WEST VIRGINIA

## 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.**

1 (a) Each and every county solid waste authority autho-  
2 rized and created by the county commission of any county  
3 pursuant to former article sixteen, chapter seven of this  
4 code is hereby abolished on and after the first day of  
5 January, one thousand nine hundred eighty-nine. On and  
6 after the first day of January, one thousand nine hundred  
7 eighty-nine, a new county solid waste authority is hereby  
8 created and established as a public agency in every county  
9 of the state and is the successor to each county solid waste  
10 authority which may have been created by the county  
11 commission: *Provided*, That such county solid waste  
12 authorities shall not be established or shall cease to exist,  
13 as the case may be, in those counties which establish a  
14 regional solid waste authority pursuant to section four of  
15 this article. The solid waste management board may  
16 require a county solid waste authority to cooperate and  
17 participate in programs with other authorities if the need  
18 arises.

19 (b) The authority board of directors is comprised of five  
20 members who are appointed as follows: One by the  
21 director of the division of environmental protection, two  
22 by the county commission, one by the board of supervisors  
23 for the soil conservation district in which the county is  
24 situated and one by the chairman of the public service  
25 commission. The members of the board are appointed for  
26 terms of four years for which the initial shall start on the  
27 first day of July, one thousand nine hundred eighty-eight:  
28 *Provided*, That the first two members appointed by the  
29 county commission shall be appointed to initial terms of  
30 two and four years, respectively, and for terms of four  
31 years for each appointment thereafter: *Provided, however*,  
32 That on and after the first day of July, two thousand, the  
33 member appointed by the director of the division of  
34 environmental protection shall be appointed to an initial  
35 term of one year and for a term of four years for each  
36 appointment thereafter: *Provided further*, That the  
37 member appointed by the chairman of the public service  
38 commission shall be appointed to an initial term of three

39 years and for a term of four years for each appointment  
40 thereafter. The members of the board shall receive no  
41 compensation for their service thereon but shall be  
42 reimbursed for their actual expenses incurred in the  
43 discharge of their duties. Vacancies in the office of  
44 member of the board of directors shall be filled for the  
45 balance of the remaining term by the appropriate appoint-  
46 ing authority within sixty days after such vacancy occurs.  
47 No member who has any financial interest in the collec-  
48 tion, transportation, processing, recycling or the disposal  
49 of refuse, garbage, solid waste or hazardous waste shall  
50 vote or act on any matter which directly affects the mem-  
51 ber'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.**

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

12 (b) The board of directors of the regional solid waste  
13 authority are appointed as follows: One by the director of  
14 the division of environmental protection, two by the  
15 county commission of each county participating therein,  
16 one by the board of supervisors for each soil conservation  
17 district in which a county of the region is situated, one by  
18 the chairman of the public service commission and two  
19 municipal representatives from each county having one or  
20 more participating municipality to be selected by the

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.

*[Handwritten Signature]*

Chairman Senate Committee

*[Handwritten Signature]*

Chairman House Committee

Originated in the Senate.

In effect July 1, 2000.

*[Handwritten Signature]*

Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates

*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

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

*[Handwritten Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/14/00

Time

12:25pm