

SB 524 S

FILED

2007 MAR 28 PM 2: 37

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 524**

(Senators Kessler, Oliverio, Barnes,  
McKenzie, Plymale and Unger, *original sponsors*)

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[Passed March 10, 2007; in effect from passage.]

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AN ACT to amend and reenact §22C-4-10 of the Code of West Virginia, 1931, as amended, relating to proof of lawful disposal of solid waste as a defense to a violation of disposal law; and establishing penalties for littering.

*Be it enacted by the Legislature of West Virginia:*

That §22C-4-10 of the Code of West Virginia, 1931, as

amended, be amended and reenacted to read as follows:

**ARTICLE 4. COUNTY AND REGIONAL SOLID WASTE AUTHORITIES.**

**§22C-4-10. Mandatory disposal; proof required; penalty imposed; requiring solid waste management board and the Public Service Commission to file report.**

1 (a) Each person occupying a residence or operating a  
2 business establishment in this state shall either:

3 (1) Subscribe to and use a solid waste collection  
4 service and pay the fees established therefor; or

5 (2) Provide proper proof that said person properly  
6 disposes of solid waste at least once within every thirty-  
7 day period at approved solid waste facilities or in any  
8 other lawful manner. The Secretary of the Department  
9 of Environmental Protection shall promulgate rules  
10 pursuant to chapter twenty-nine-a of this code  
11 regarding an approved method or methods of supplying  
12 such proper proof. A civil penalty of one hundred fifty  
13 dollars may be assessed to the person not receiving solid  
14 waste collection services in addition to the unpaid fees  
15 for every year that a fee is not paid. Any person who  
16 violates the provisions of this section by not lawfully  
17 disposing of his or her solid waste or failing to provide  
18 proper proof that he or she lawfully disposes of his or  
19 her solid waste at least once a month is guilty of a  
20 misdemeanor. Upon conviction, he or she is subject to  
21 a fine of not less than fifty dollars nor more than one  
22 thousand dollars or sentenced to perform not less than  
23 ten nor more than forty hours of community service,  
24 such as picking up litter, or both fined and sentenced to  
25 community service.

26 (b) The Solid Waste Management Board, in  
27 consultation and collaboration with the Public Service  
28 Commission, shall prepare and submit, no later than the  
29 first day of October, one thousand nine hundred  
30 ninety-two, a report concerning the feasibility of  
31 implementing a mandatory fee for the collection and  
32 disposal of solid waste in West Virginia: *Provided*, That  
33 such plan shall consider such factors as affordability,  
34 impact on open dumping and other relevant matters.  
35 The report shall be submitted to the Governor, the  
36 President of the Senate and the Speaker of the House of  
37 Delegates.

38 (c) The Public Service Commission, in consultation  
39 and collaboration with the Division of Human Services,  
40 shall prepare and submit, no later than the first day of  
41 October, one thousand nine hundred ninety-two, a  
42 report concerning the feasibility of reducing solid waste  
43 collection fees to individuals who directly pay such fees  
44 and who receive public assistance from state or federal  
45 government agencies and are therefore limited in their  
46 ability to afford to pay for solid waste disposal. This  
47 report shall consider the individual's health and income  
48 maintenance and other relevant matters. This report  
49 shall also include recommended procedures for  
50 individuals or households to qualify for and avail  
51 themselves of a reduction in fees. This report shall be  
52 submitted to the Governor, the President of the Senate  
53 and the Speaker of the House of Delegates.

Enr. Com. Sub. for S. B. No. 524] 4

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

  
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Chairman Senate Committee

  
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Chairman House Committee

Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved ..... this  
the 28<sup>th</sup> Day of March ....., 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 1:50 pm