

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5413

FISCAL
NOTE

By Delegate Howell

[Introduced February 01, 2024; Referred to the
Committee on Political Subdivisions then the
Judiciary]

1 A BILL to amend and reenact §24-2-1b of the Code of West Virginia, 1931, as amended, relating
2 generally to Public Service Commission's jurisdiction over the collection fees charged by
3 private commercial carriers of solid waste in West Virginia border counties; requiring
4 commission survey of fees in those counties and establishment of a maximum rate for solid
5 waste collection and transportation; and allowing carriers of solid waste to adjust their
6 rates up to the maximum rate with notice to customers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1b. Additional jurisdiction of commission.

1 (a) Effective July 1, 1988, in addition to all other powers and duties of the commission as
2 defined in this article, the commission shall establish, prescribe and enforce rates and fees
3 charged by commercial solid waste facilities, as defined in section two, article fifteen, chapter
4 twenty-two of this code, that are owned or under the direct control of persons or entities who are
5 regulated under section five, article two, chapter twenty-four-a of this code. The commission shall
6 establish, prescribe and enforce rules providing for the safe transportation of solid waste in the
7 state. The commission shall establish rules for the collection of waste tires by private commercial
8 carriers of solid waste.

9 (b) ~~The Public Service Commission shall study the feasibility of incorporating and adopting~~
10 ~~guidelines for solid waste collection fees that are based upon the volume of solid waste generated~~
11 ~~by any person. This report shall be submitted to the Governor and the members of the Legislature~~
12 ~~on or before January 1, 1993~~ conduct a survey of counties that border the state of West Virginia to
13 determine the solid waste collection fees and transportation rates in those counties. The Public
14 Service Commission shall establish an annual maximum rate for solid waste collection and
15 transportation in West Virginia border counties by no later than October 1, 2024, each year, and
16 shall allow private commercial carriers of solid waste operating in those counties to adjust fees as
17 necessary without exceeding the commission's established maximum rate: *Provided, That no*

18 increase in collection fees by a commercial carrier of solid waste shall take effect until the carrier
19 provides customers with written notice of at least one billing cycle prior to the expected increase.

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NOTE: The purpose of this bill relates generally to Public Service Commission's jurisdiction over the collection fees charged by private commercial carriers of solid waste in West Virginia border counties. The bill requires a commission survey of fees in those counties; establishment of maximum rate for solid waste collection and transportation; and allows carriers of solid waste to adjust their rates up to the maximum rate with notice to customers.

Strike-throughs language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.