

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4046

By Delegate Pritt

[Introduced January 14, 2026; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to
2 cooperative associations; and providing an exception when a cooperative may continue
3 services.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. COOPERATIVE ASSOCIATIONS.

§19-4-1.

Definitions.

1 As used in this article:

2 (a) "Agricultural products" means horticultural, viticultural, forestry, dairy, livestock, poultry,
3 bee, and any farm products in their natural form or processed.

4 (b) "Goods and services" means food and beverages, arts and crafts, woodworking and
5 furniture-making, and recycling, composting and repurposing materials.

6 (c) "Member" means a member of an association without capital stock and a holder of
7 common stock in an association organized with capital stock.

8 (d) "Cooperative association" or "association" means any corporation organized under this
9 article. Each association shall also comply with the requisite business corporation provisions of
10 chapter 31D or 31F of this code, or the nonprofit corporation provisions of chapter 31E of this
11 code.

12 Except within a 35 mile radius of a facility that has been permitted and classified by the
13 West Virginia Department of Environmental Protection as a mixed waste processing resource
14 recovery facility, a recycling cooperative association may be organized as a nonprofit corporation
15 pursuant to chapter thirty-one-e of this code. The recyclable goods must be generated by
16 members of the recycling cooperative association and shall be limited to recyclable goods not
17 collected by a certified waste motor carrier as defined pursuant to §24A-1-2 of this code in the
18 same area the recycling cooperative is located. If a motor carrier receives a certificate of need to
19 serve the same area with the same services as the cooperative, then the cooperative shall cease
20 providing those services: Provided, That any recycling cooperative association, operating

21 continuously for at least 12 consecutive months before a certified waste motor carrier begins
22 providing the same service in the same area, may continue to serve its members.

23 (e) "Qualified person" means a person who is engaged in the producing, preserving,
24 harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling,
25 utilizing, marketing, financing, selling, distributing, shipping, procuring or providing of agricultural
26 products, or other goods and services, or the by-products thereof.

27 (f) "Qualified activity" means those engaged in the producing, preserving, harvesting,
28 drying, processing, manufacturing, canning, packing, grading, storing, handling, utilizing,
29 marketing, financing, selling, distributing, shipping, procuring or providing of agricultural products,
30 or other goods and services, or the by-products thereof.

NOTE: The purpose of this bill is to allow cooperatives, operating continuously for at least 12 consecutive months before a certified waste motor carrier begins providing the same service in the same area, to continue to serve its members.

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