

2 **H. B. 2902**

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4 (By Delegates Brown, D. Poling, Fleischauer and Talbott)  
5 [Introduced January 27, 2011; referred to the Committee  
6 on the Judiciary]

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10 A BILL to amend and reenact article 3, chapter 64 of the Code of  
11 West Virginia, 1931, as amended, relating to authorizing the  
12 Department of Environmental Protection to promulgate a  
13 legislative rule relating to surface mining reclamation.

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

15 That article 3, chapter 64 of the Code of West Virginia, 1931,  
16 as amended, be amended and reenacted to read as follows:

17 **ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL**  
18 **PROTECTION TO PROMULGATE LEGISLATIVE RULES.**

19 **§64-3-1. Department of Environmental Protection.**

20 The legislative rule filed in the state register on the  
21 thirtieth day of July, two thousand ten, authorized under the  
22 authority of section four, article three, chapter twenty-two, of  
23 this code, modified by the Department of Environmental Protection  
24 to meet the objections of the Legislative Rule-Making Review  
25 Committee and refiled in the state register on the eighteenth day

1 of January, two thousand eleven, relating to the Department of  
2 Environmental Protection (surface mining reclamation, 38 CSR 2), is  
3 authorized.

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5 NOTE: The purpose of this bill is to authorize the Department  
6 of Environmental Protection to promulgate a legislative rule  
7 relating to Surface Mining Reclamation.

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9 This section is new; therefore, strike-throughs and  
10 underscoring have been omitted.