

2 **H. B. 4151**

3 (By Delegate(s) Brown, Poling, D., Fleischauer and Talbott)

4 [Introduced January 19, 2012; referred to the Committee on the
5 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 determining conformity of general
14 federal actions to applicable implementation plans (general
15 conformity).

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

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

19 **ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL**
20 **PROTECTION TO PROMULGATE LEGISLATIVE RULES.**

21 **§64-3-1. Department of Environmental Protection.**

22 The legislative rule filed in the State Register on the
23 twenty-ninth day of July, two thousand eleven, authorized under the
24 authority of section four, article five, chapter twenty-two, of
25 this code, relating to the Department of Environmental Protection

1 (determining conformity of general federal actions to applicable
2 implementation plans (general conformity), [45 CSR 35](#)), 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 Determining Conformity of General Federal Actions to
8 Applicable Implementation Plans (General Conformity).

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