ENROLLED

Committee Substitute for

SENATE BILL NO. 498

(By Senator Brackenridge)

PASSED March 7, 1992

In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 498

(Senator Brackenrich, original sponsor)

[Passed March 7, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact article five-d, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the dam control and safety act; legislative findings; intent and purpose of the act; defining terms; general powers and duties of director; maximum fee established for certificates of approval and annual registration; exempting soil conservation service from assessment of fees; prohibiting persons from placing, constructing, enlarging, altering, repairing, removing or abandoning any dam without filing an application for certificate of approval with the division and excluding certain routine repairs; requiring registered professional engineer to prepare plans and specifications; granting and rejecting applications for certificates of approval; publication of notice of application; hearing upon application; content of certificates of approval; revocation or suspension of certificates; inspections during work progress and certain exemptions; corrections of deficiencies; certificates of completion to director from
soil conservation service for certain dams; procedures for handling emergencies involving dams; remedial actions; payment of costs of remedial actions; requirements for dams completed prior to effective date of section; legal responsibilities of dam owners; criminal penalties; enforcement orders; hearings; civil penalties; injunctive relief; establishing schedule of application and annual registration fees; creating dam safety fund; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

That article five-d, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5D. DAM CONTROL ACT.

§20-5D-1. Short title.

1 This article shall be known and cited as the “Dam Control and Safety Act”.

§20-5D-2. Legislative findings; intent and purpose of article.

1 The Legislature finds that dams may constitute a potential hazard to people and property; therefore, dams in this state must be properly regulated and controlled to protect the health, safety and welfare of people and property in this state. It is the intent of the Legislature by this act to provide for the regulation and supervision of dams in this state to the extent necessary to protect the public health, safety and welfare. The Legislature has ordained this act to fulfill its responsibilities to the people of this state and to protect their lives and private and public property from the danger of a potential or actual dam failure. The Legislature finds and declares that in light of the limited state resources available for the purposes of this act, and in view of the high standards to which the United States soil conservation service designs dams, independent state review of the plans and specifications for dams designed by the soil conservation service and construction oversight should not be required. The Legislature further finds and declares that dams designed and constructed by the soil conser-
§20-5D-3. Definition of terms used in article.

1. As used in this article, unless used in a context that clearly requires a different meaning, the term:

(a) "Alterations" or "repairs" means only those changes in the structure or integrity of a dam which may affect its safety, which determination shall be made by the director.

(b) "Application for a certificate of approval" means the request in writing by a person to the director requesting that person be issued a certificate of approval.

(c) "Appurtenant works" means any structure or facility which is an adjunct of, or connected, appended or annexed to a dam, including, but not limited to, spillways, a reservoir and its rim, low level outlet works or water conduits such as tunnels, pipelines and penstocks either through the dam or its abutments.

(d) "Certificate of approval" means the approval in writing issued by the director to a person who has applied to the director for a certificate of approval which authorizes the person to place, construct, enlarge, alter, repair or remove a dam and specifies the conditions or limitations under which the work is to be performed by that person.

(e) "Director" means the director of the division of natural resources or his or her authorized agents.

(f) "Division" means the division of natural resources.

(g) "Dam" means an artificial barrier or obstruction, including any works appurtenant to it and any reservoir created by it, which is or will be placed, con-
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structured, enlarged, altered or repaired so that it does
or will impound or divert water and: (1) Is or will be
twenty-five feet or more in height from the natural
bed of the stream or watercourse measured at the
downstream toe of the barrier and which does or can
impound fifteen acre-feet or more of water; or (2) is or
will be six feet or more in height from the natural bed
of the stream or watercourse measured at the down-
stream toe of the barrier and which does or can
impound fifty acre-feet or more of water: Provided,
That the term “dam” shall not include: (A) Any dam
owned by the federal government; (B) any dam for
which the operation and maintenance thereof is the
responsibility of the federal government; (C) slack-
water dams constructed and maintained in connection
with public highways, streets, bridges, culverts or
viaducts, which shall continue to be regulated and
controlled as provided in article five of this chapter;
(D) farm ponds constructed and used primarily for
agricultural purposes, including, but not limited to,
livestock watering, irrigation, retention of animal
wastes and fish culture, and which have no potential
to cause loss of human life in the event of embank-
ment failure; or (E) structures which do not or will not
impound water under normal conditions and which
have a designed culvert or similar conveyance or such
capacity as would be used under a highway at the
same location: Provided, however, That the director
may apply the provisions of section ten of this article
for hazardous, non-impounding structures which are
brought to his or her attention.

(h) “Enlargement” means any change in or addition
to an existing dam which: (1) Raises the height of the
dam; (2) raises or may raise the water storage eleva-
tion of the water impounded by the dam; (3) increases
or may increase the amount of water impounded by
the dam; or (4) increases or may increase the waters-
shed area from which water is impounded by the dam.

(i) “Person” means any public or private corpora-
tion, institution, association, society, firm, organization
or company organized or existing under the laws of
this or any other state or country; the state of West Virginia; any state governmental agency; any political subdivision of the state or of its counties or municipalities; sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any other legal entity whatever. The term "person", when used in this article includes and refers to any authorized agent, lessee or trustee of any of the foregoing or receiver or trustee appointed by any court for any of the foregoing.

(j) "Reservoir" means any basin which contains or will contain impounded water.

(k) "Soil conservation service" means the soil conservation service of the United States department of agriculture or any successor agency.

(l) "Water" means any liquid, including any solids or other matter which may be contained therein, which is or may be impounded by a dam.

(m) "Water storage elevation" means the maximum elevation that water can reach behind a dam without encroaching on the freeboard approved for the dam under flood conditions.

§20-5D-4. General powers and duties of director; maximum fee established for certificates of approval and annual registration.

The director shall have the following powers and duties:

(a) To control and exercise regulatory jurisdiction over dams as provided for in this article;

(b) To review all applications for a certificate of approval for the placement, construction, enlargement, alteration, repair or removal of any dam;

(c) To grant, modify, amend, revoke, restrict or refuse to grant any certificate of approval if proper or necessary to protect life and property as provided in this article;
(d) To adopt, modify, repeal and enforce rules and issue orders, in such manner as the director may otherwise do, to implement and make effective the powers and duties vested in it by the provisions of this article;

(e) To take any lawful action considered necessary for the effective enforcement of the provisions of this article;

(f) To establish and charge reasonable fees not to exceed three hundred dollars for the review of applications for certificates of approval and the issuance thereof and for assessment of an annual registration fee not to exceed one hundred dollars for persons holding a certificate of approval for existing dams. The director shall promulgate rules to establish a schedule of application fees and to establish annual registration fees: Provided, That no fee shall be assessed for dams designed and constructed by the soil conservation service for soil conservation districts.

(g) To employ qualified consultants or additional persons as necessary to review applications for certificates of approval and to recommend whether they should be approved, to inspect dams and to enforce the provisions of this article;

(h) To cooperate and coordinate with agencies of the federal government, this state and counties and municipalities of this state to improve, secure, study and enforce dam safety and dam technology within this state;

(i) To investigate and inspect dams as is necessary to implement or enforce the provisions of this article and when necessary to enter the public or private property of any dam owner. The director may investigate, inspect or enter private or public property after notifying the dam owner or other person in charge of the dam of an intent to investigate, inspect or enter: Provided, That where the owner or person in charge of the dam is not available, the director may investigate, inspect and enter without notice; and
(j) To prepare and publish within a reasonable time, criteria to govern the design, construction, repair, inspection and maintenance of proposed dams herein defined, and to review these criteria annually in order to consider improved technology for inclusion in such criteria.

§20-5D-5. Unlawful to place, construct, enlarge, alter, repair, remove or abandon dam without certificate of approval; application required to obtain certificate.

It is unlawful for any person to place, construct, enlarge, alter, repair, remove or abandon any dam under the jurisdiction of the director until he or she has first: (a) Filed an application for a certificate of approval with the division; and (b) obtained from the division a certificate of approval: Provided, That routine repairs which do not affect the safety of a dam are not subject to the application and approval requirements. A separate application for a certificate of approval must be submitted by a person for each dam he or she desires to place, construct, enlarge, alter, repair, remove or abandon. One application may be valid for more than one dam involved in a single project or in the formation of a reservoir.

Each application for a certificate of approval shall be made in writing on a form prescribed by the director and shall be signed and verified by the applicant. The application shall contain and provide information which may be reasonably required by the director to administer the provisions of this article.

In the case of dams designed by the soil conservation service for transfer to any political subdivision, the director shall, within sixty days after receipt of a completed application therefor, issue a certificate of approval without review of the plans and specifications.

§20-5D-6. Plans and specifications for dams to be in charge of registered professional engineer.

Plans and specifications for the placement, construction, enlargement, alteration, repair or removal of
3 dams shall be in the charge of a registered professional
4 engineer licensed to practice in West Virginia. Any
5 plans or specifications submitted to the division shall
6 bear the seal of a registered professional engineer.

§20-5D-7. Granting or rejecting applications for certificate
of approval by division; publication of notice
of application; hearing upon application.

1 Upon receipt of an application for a certificate of
2 approval and the fee required under the provisions of
3 this article, the director shall proceed to consider the
4 application for sufficiency. The director shall approve
5 or disapprove the application within sixty days after
6 receipt.

7 If an application is defective, it shall be returned to
8 the applicant by certified or registered mail, return
9 receipt requested, in order that the applicant may
10 correct any defect: Provided, That a defective applica-
11 tion must be returned to the division by the applicant
12 within thirty days after it has been returned to the
13 applicant or it shall be treated as a new application:
14 Provided, however, That for good cause shown, the
15 director may extend the thirty-day period.

16 Upon approval by the director of the sufficiency of
17 the application, the applicant shall immediately pub-
18 lish the application as a Class I legal advertisement in
19 compliance with the provisions of article three, chap-
20 ter fifty-nine of this code, and the publication area for
21 the publication shall be the county in which the
22 proposed dam is to be located or in which the existing
23 dam is located. The notice shall include, but not be
24 limited to, the name and address of the owner of the
25 dam and the location of the dam for which the
26 application was filed.

27 Any person who may be adversely affected by the
28 issuance of a certificate of approval has a right to a
29 hearing before the director if the person demands the
30 hearing in writing within fifteen days of publication of
31 the certificate of approval. The written request for
32 hearing shall include specific objections to the certif-
33 icate of approval.
Upon receipt by the director of the written request for hearing, the director shall immediately set a date for the hearing and shall notify the person or persons demanding a hearing. The hearing shall be held within ten days after receipt of the written request. The director shall hear evidence from all interested parties and shall either: (1) Refuse to issue a certificate of approval; or (2) issue a certificate of approval which shall be subject to terms, conditions and limitations as the director may consider necessary to protect life and property.

Unless otherwise extended by the director, a certificate of approval is valid for a period of not more than one year.

§20-5D-8. Content of certificates of approval for dams; revocation or suspension of certificates.

Each certificate of approval issued by the director under the provisions of this article may contain other terms and conditions as the director may prescribe.

The director may revoke or suspend any certificate of approval whenever it is determined that the dam for which the certificate was issued constitutes a danger to life and property. If necessary to safeguard life and property, the director may also amend the terms and conditions of any certificate by issuing a new certificate containing the revised terms and conditions.

Before any certificate of approval is amended or revoked by the director, the director shall hold a hearing in accordance with the provisions of article five, chapter twenty-nine-a of this code.

Any person adversely affected by an order entered following the hearing has the right of judicial review of the order in accordance with the provisions of section four, article five, chapter twenty-nine-a of this code.

§20-5D-9. Inspections during progress of work on dam.

During the placement, construction, enlargement,
repair, alteration or removal of any dam, the director shall, either with the division's own engineers or by consulting engineers or engineering organizations, make periodic inspections for the purpose of ascertaining compliance with the certificate of approval. The director shall require the owner at his or her expense to perform work or tests as necessary and to provide adequate supervision during the placement, construction, enlargement, repair, alteration or removal of a dam: Provided, That with respect to dams designed by and constructed under the supervision of the soil conservation service, as to such dams no state inspections shall be required.

If at any time during placement, construction, enlargement, repair, alteration or removal of any dam, the director finds that the work is not being done in accordance with the provisions of the original or revised certificate of approval, the director shall notify the owner by certified or registered mail, return receipt requested, to correct the deficiency, cease and desist work or to show cause as to why the certificate of approval should not be revoked.

The notice shall state the reason or reasons why the work is not in accordance with the certificate of approval. The director may order that work on the dam cease until the owner has complied with the notice.

If the director finds that amendments, modifications or changes are necessary to ensure the safety of the dam, the director may order the owner to revise his or her plans and specifications. If conditions are revealed which will not permit the placement, construction, enlargement, repair, alteration or removal of the dam in a safe manner, the certificate of approval may be revoked.

Immediately upon completion of a new dam or enlargement, repair or alteration of a dam, the owner shall notify the director: Provided, That immediately upon completion of a dam constructed under the supervision of the soil conservation service, a certifica-
tion of completion shall be sent to the director by the soil conservation service, and a complete set of design documents “as built” plans, and specifications and safety plan of evacuation shall be provided to the director within ninety days after completion of the dam.

§20-5D-10. Procedures for handling emergencies involving dams; remedial actions to alleviate emergency; payment of costs of remedial actions to be paid by dam owner.

1 The owner of a dam has the primary responsibility for determining when an emergency involving a dam exists. When the owner of a dam determines an emergency does exist, the owner shall take necessary remedial action and shall notify the director and the owner shall also notify any persons who may be endangered if the dam should fail.

2 The director shall notify any persons, not otherwise notified, who may be endangered if the dam should fail. The director may take any remedial action necessary to protect life and property if: (a) The condition of the dam so endangers life and property that time is not sufficient to permit the issuance and enforcement of an order for the owner to correct the condition; or (b) passing or imminent floods or other conditions threaten the safety of the dam. Remedial actions may include, but are not limited to:

1. Taking full charge and control of the dam.
2. Lowering the level of water impounded by the dam by releasing such impounded water.
3. Completing releasing all water impounded by the dam.
4. Performing any necessary remedial or protective work at the site of the dam.
5. Taking any other steps necessary to safeguard life and property.

Once the director has taken full charge of the dam, the director shall remain in charge and control until in
29 the director's opinion it has been rendered safe or the
30 emergency occasioning the action has ceased and the
31 director concludes that the owner is competent to
32 reassume control of the dam and its operation. The
33 assumption of control of the dam will not relieve the
34 owner of a dam of liability for any negligent act or acts
35 of the owner or the owner's agent or employee.
36
37 When the director declares that making repairs to
38 the dam or breaching the dam is necessary to safe-
39 guard life and property, repairs or breaching shall be
40 started immediately by the owner, or by the director
41 at the owner's expense, if the owner fails to do so. The
42 owner shall notify the director at once of any emer-
43 gency repairs or breaching the owner proposes to
44 undertake and of work he or she has under way to
45 alleviate the emergency. The proposed repairs, breach-
46 ing and work shall be made to conform with orders of
47 the director. The director may obtain equipment and
48 personnel for emergency work from any person as is
49 necessary and expedient to accomplish the required
50 work. Any person undertaking work at the request of
51 the division shall be paid by the division and shall be
52 immune from civil liability under the provisions of
53 section fifteen, article seven, chapter fifty-five of this
54 code.
55
56 The costs reasonably incurred in any remedial
57 action taken by the director shall be paid out of funds
58 appropriated to the division. All costs incurred by the
59 division shall be promptly repaid by the owner upon
60 request or, if not repaid, the division may recover
61 costs and damages from the owner by appropriate civil
62 action.

§20-5D-11. Requirements for dams completed prior to
effective date of this section.

1 The director shall give notice to file an application
2 for a certificate of approval to every owner of a dam
3 which was completed prior to the effective date of this
4 section; Provided, That no such notice need be given
5 to a person who has applied for and obtained a
6 certificate of approval on or after the first day of July,
one thousand nine hundred seventy-three, in accordance with the provisions of the prior enactment of section five of this article. Such notice shall be given by certified or registered mail, return receipt requested, to the owner at his last address of record in the office of the county assessor of the county in which the dam is located and such mailing shall constitute service. A separate application for each dam a person owns shall be filed with the director in writing upon forms supplied by him and shall include or be accompanied by appropriate information concerning the dam as the director requires.

The director shall make inspections of such dams or reservoirs at state expense. The director shall require owners of such dams to perform at their expense such work or tests as may reasonably be required to disclose information sufficient to enable the director to determine whether to issue a certificate of approval or to issue an order directing further work at the owner's expense necessary to safeguard life and property. For this purpose, the director may require an owner to lower the water level of, or to empty, water impounded by the dam adjudged by the director to be unsafe. If, upon inspection or upon completion to the satisfaction of the director of all work that he ordered, the director finds that the dam is safe to impound water, a certificate of approval shall be issued.

§20-5D-12. Dam owner not relieved of legal responsibilities by any provision of article.

Nothing in this article shall be construed to relieve the owner of a dam of the legal duties, obligations or liabilities incident to the ownership or operation of a dam.

§20-5D-13. Offenses and penalties.

(a) Any person who violates any of the provisions of this article or any certificate of approval, order, rule or requirement of the director or division is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail.
not more than six months, or both fined and
imprisoned.

(b) Any person who willfully obstructs, hinders or prevents the director or division or its agents or employees from performing the duties imposed on them by the provisions of this article or who willfully resists the exercise of the control and supervision conferred by the provisions of this article upon the director or division or its agents or employees or any owner or any person acting as a director, officer, agent or employee of an owner, or any contractor or agent or employee of a contractor who engages in the placement, construction, enlargement, repair, alteration, maintenance or removal of any dam who knowingly does work or permits work to be executed on the dam without a certificate of approval or in violation of or contrary to any approval as provided for by the provisions of this article; and any inspector, agent or employee of the division who has knowledge of and who fails to notify the director of unapproved modifications to a dam is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned in the county jail not more than one year, or both fined and imprisoned.

§20-5D-14. Enforcement orders; hearings.

(a) If the director, upon inspection, investigation or through other means observes, discovers or learns of a violation of the provisions of this article, any certificate of approval, notice, order or rules or regulations issued or promulgated hereunder, he or she may:

1. Issue an order stating with reasonable specificity the nature of the violation and requiring compliance immediately or within a specified time. An order under this section includes, but is not limited to, any or all of the following: Orders suspending, revoking or amending certificates of approval, orders requiring a person to take remedial action or cease and desist orders;

2. Seek an injunction in accordance with subsection
(d) of this section; fifteen of this article.

(3) Institute a civil action in accordance with subsection (c) of this section; fifteen of this article.

(4) Request the attorney general, or the prosecuting attorney of the county in which the alleged violation occurred, to bring a criminal action in accordance with section twelve of this article.

(b) Any person issued a cease and desist order may file a notice of request for reconsideration with the director not more than seven days from the issuance of the order and shall have a hearing before the director contesting the terms and conditions of the order within ten days of the filing of the notice of a request for reconsideration. The filing of a notice of request for reconsideration shall not stay or suspend the execution or enforcement of the cease and desist order.

§20-5D-15. Civil penalties and injunctive relief.

(a) Any person who violates any provision of this article, any certificate of approval or any rule, regulation, notice or order issued pursuant to this article is subject to a civil administrative penalty, to be levied by the director, of not more than two hundred dollars for each day of the violation, not to exceed a maximum of four hundred dollars. In assessing any penalty, the director shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements as well as any other appropriate factors as may be established by rules and regulations promulgated by the director. No assessment shall be levied pursuant to this subsection until after the alleged violator has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, rule, regulation, notice, order or statement of the certificate of approval's terms that was allegedly violated, a concise statement of the facts alleged to constitute the violation, a statement of the amount of the administrative penalty to be imposed and a statement of the alleged violator's right to an informal hearing. The
alleged violator has twenty calendar days from receipt of the notice within which to deliver to the director a written request for an informal hearing. If no hearing is requested, the notice becomes a final order after the expiration date of the twenty day period. If a hearing is requested, the director shall inform the alleged violator of the time and place of the hearing. Within thirty days following the informal hearing, the director shall issue and furnish to the violator a written decision, and the reasons therefor, concerning the assessment of a civil administrative penalty. The authority to levy an administrative penalty is in addition to all other enforcement provisions of this article and the payment of any assessment does not affect the availability of any other enforcement provision in connection with the violation for which the assessment is levied: Provided, That no combination of assessments against a violator shall exceed four hundred dollars per day of each violation: Provided, however, That any violation for which the violator has paid a civil administrative penalty assessed under this subsection is not subject to a separate civil penalty action under this article to the extent of the amount of the civil administrative penalty paid. Civil administrative penalties shall be levied in accordance with the rules and regulations promulgated under the authority of section four of this article. The net proceeds of assessments collected pursuant to this subsection shall be deposited in the dam safety fund established pursuant to section seventeen of this article. Any person adversely affected by the assessment of a civil administrative penalty has the right of judicial review of the assessment in accordance with the provisions of section four, article five, chapter twenty-nine-a of this code.

(b) No assessment levied pursuant to subsection (a) of this section is due and payable until the procedures for review of the assessment as set out in said subsection have been completed.

(c) The director may seek an injunction, or may institute a civil action against any person in violation
of any provisions of this article or any certificate of
approval, rule, regulation, notice or order issued
pursuant to this article. In seeking an injunction, it is
not necessary for the director to post bond on or to
allege or prove at any stage of the proceeding that
irreparable damage will occur if the injunction is not
issued or that the remedy at law is inadequate. An
application for injunctive relief or a civil penalty
action under this section may be filed and relief
granted notwithstanding the fact that all administra-
tive remedies provided for in this article have not
been exhausted or invoked against the person or
persons against whom the relief is sought.

(d) Upon request of the director, the attorney
general or the prosecuting attorney of the county in
which the violation occurs, shall assist the director in
any civil action under this section.

(e) In any action brought pursuant to the provisions
of this section, the state or any agency of the state
which prevails, may be awarded costs and reasonable
attorney’s fees.

§20-5D-16. Schedule of application fees established.

The director shall promulgate rules in accordance
with the provisions of section four of this article, to
establish a schedule of application fees for which the
appropriate fee shall be submitted by the applicant to
the division together with the application for a certif-
icate of approval filed pursuant to this article. The
schedule of application fees shall be designed to
establish reasonable categories of certificate applica-
tion fees based upon the complexity of the permit
application review process required by the director
pursuant to the provisions of this article and the rules
promulgated under this article. The director shall not
process any certificate application pursuant to this
article until the certificate application fee has been
received.

§20-5D-17. Schedule of annual registration fees established.

The director shall promulgate rules in accordance
with the provisions of section four of this article, to
establish a schedule of annual registration fees which
shall be assessed annually upon each person holding a
certificate of approval issued pursuant to this article.
Each person holding a certificate of approval shall pay
the prescribed annual registration fee to the division
pursuant to the rules and regulations promulgated
under this article. The schedule of annual registration
fees shall be designed to establish reasonable catego-
ries of annual registration fees, including, but not
limited to, the size of the dam and its classification.
Any certificate of approval issued pursuant to this
article shall become void without notification to the
person holding a certificate of approval when the
annual registration fee is more than one hundred
eighty days past due pursuant to the rules promul-
gated under this section.

§20-5D-18. Creation of dam safety fund; components of
fund.

(a) A special fund designated “The Dam Safety
Fund” hereinafter referred to as “the fund” shall be
established in the state treasury on the thirtieth day of
September, one thousand nine hundred ninety-two.

(b) All certificate application fees and annual regis-
tration fee assessments, any interest or surcharge
assessed and collected by the division, interest accru-
ing on investments and deposits of the fund, and any
other moneys designated by the division shall be paid
into the fund. Accrual of funds shall not exceed three
hundred thousand dollars per year, exclusive of
application fees. The division shall expend the pro-
ceeds of the fund for the review of applications,
inspection of dams, payment of costs of remedial
emergency actions and enforcement of the provisions
of this article.

§20-5D-19. Effective date.

The provisions of this article take effect on the
thirtieth day of September, one thousand nine hun-
dred ninety-two.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 30th day of __________________________, 1992.

Governor