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LEGISLATIVE STAFF

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

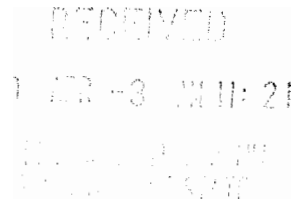
House Bill No. 4033

(By Delegate Staton)



Passed March 11, 2000

In Effect Ninety Days from Passage



ENROLLED
H. B. 4033

(BY DELEGATE STATON)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section sixteen, relating to the time for commencement of civil and criminal enforcement proceedings under environmental statutes.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section sixteen, to read as follows:

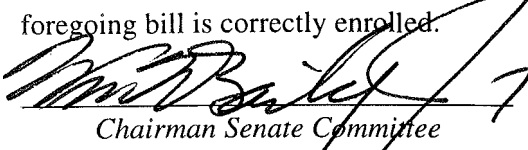
ARTICLE 1. DIVISION OF ENVIRONMENTAL PROTECTION.

§22-1-16. Time for commencing proceedings.

- 1 Notwithstanding any provision of this code to the contrary,
- 2 no action, suit or proceeding for the administrative, civil or
- 3 criminal enforcement of any provision of this chapter may be

4 entertained unless commenced within three years from the date
5 the right to bring the action, suit or proceeding has accrued. The
6 limitation of this section applies, but is not limited to, actions,
7 suits or proceedings for the recovery of any fine, penalty or
8 forfeiture, pecuniary or otherwise. This section does not apply
9 to the enforcement of any provision when the violation is part
10 of a continuing violation and the last act of the continuing
11 violation occurred within three years from the date of the
12 commencement of the enforcement action.

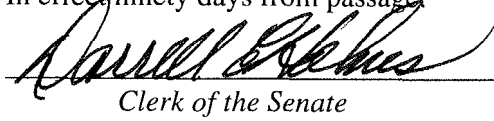
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

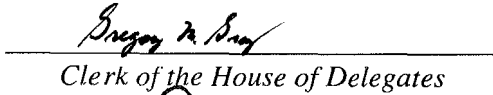

Chairman Senate Committee

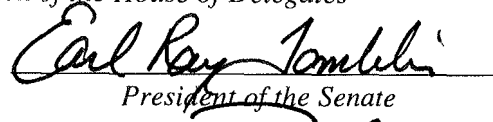

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

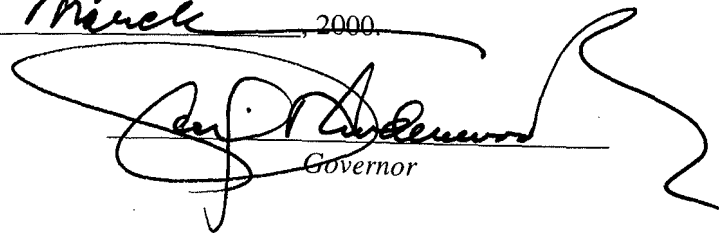

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 3/5
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/00

Time 3:05pm