

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Introduced**

### **House Bill 2643**

BY Delegate Foster

[Introduced January 17, 2023; Referred to the  
Committee on Energy and Manufacturing then the  
Judiciary]

1 A BILL to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to  
 2 authorizing the Department of Environmental Protection to promulgate a legislative rule  
 3 relating to control of ozone season nitrogen oxides emissions.

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

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

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

1 The legislative rule filed in the State Register on July 21, 2022, authorized under the  
 2 authority of §22-5-4 of this code, modified by the Department of Environmental Protection to meet  
 3 the objections of the Legislative Rule-Making Review Committee and refiled in the State Register  
 4 on September 16, 2022, relating to the Department of Environmental Protection (control of ozone  
 5 season nitrogen oxides emissions, [45 CSR 40](#)), is authorized.

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions.

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