

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3018**

By Delegates Dillon, Dean, Bridges, and Kump

[Introduced February 27, 2025; referred to the  
Committee on Energy and Public Works then  
Government Organization]

1 A BILL to amend and reenact §22-23-1 and §22-23-2 of the Code of West Virginia, 1931, as  
 2 amended, relating to the Kyoto Protocol; providing legislative findings; and clarifying  
 3 restrictions on rules related to greenhouse gas emissions.

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

**ARTICLE 23. KYOTO PROTOCOL; ENFORCEMENT PROHIBITIONS.**

**§22-23-1. Findings and purposes.**

1 The West Virginia Legislature hereby finds that:

2 ~~(a) The United States is a signatory to the 1992 United Nations Framework Convention on~~  
 3 ~~Global Climate Change Treaty("FCCC");~~

4 ~~(b) A protocol to expand the scope of the FCCG was negotiated in December, 1997 in~~  
 5 ~~Kyoto, Japan ("Kyoto Protocol"), requiring the United States to reduce emissions of greenhouse~~  
 6 ~~gases such as carbon dioxide and methane by seven percent from 1990 emission levels during~~  
 7 ~~the years 2008 to 2012, with similar reduction obligations for other major industrial nations;~~

8 ~~(c) Developing nations, including China, India, Mexico, Indonesia and Brazil, are exempt~~  
 9 ~~from greenhouse gas emission limitation requirements in the FCCG;~~

10 ~~(d) Developing nations refused in the Kyoto negotiations to accept any new commitments~~  
 11 ~~for greenhouse gas emission limitations through the Kyoto Protocol or other agreements;~~

12 ~~(e) With respect to new commitments under the FCCG, President William J. Clinton~~  
 13 ~~pledged on October 22, 1997, that "The United States will not assume binding obligations unless~~  
 14 ~~key developing nations meaningfully participate in this effort";~~

15 ~~(f) On July 25, 1997, the United States Senate adopted Senate Resolution Number Ninety-~~  
 16 ~~eight by a vote of ninety-five to zero, expressing the sentiment of the Senate that "the United~~  
 17 ~~States should not be a signatory to any protocol to other agreement regarding, the Framework~~  
 18 ~~Convention on Climate Change... which would require the advice and consent of the Senate to~~  
 19 ~~ratification, and which would mandate new commitments to mitigate greenhouse gas emissions~~  
 20 ~~for the Developed Country Parties, unless the protocol or other agreement also mandates specific~~

21 ~~scheduled commitments within the same compliance period to mitigate greenhouse gas~~  
22 ~~emissions for Developing Country Parties";~~

23 ~~(g) The Kyoto Protocol fails to meet the tests established for acceptance of new climate~~  
24 ~~change commitments by President Clinton and by United States Senate Resolution Number~~  
25 ~~ninety-eight;~~

26 ~~(h) Achieving the emission reductions proposed by the Kyoto Protocol would require more~~  
27 ~~than a thirty-five percent reduction in projected United States carbon dioxide and other~~  
28 ~~greenhouse gas emissions during the period between 2008 to 2012;~~

29 ~~(i) Developing countries exempt from emission limitations under the Kyoto Protocol are~~  
30 ~~expected to increase their rates of fossil fuel use over the next two decades, and to surpass the~~  
31 ~~United States and other industrialized countries in total emissions of greenhouse gases;~~

32 ~~(j) Increased emissions of greenhouse gases by developing countries would offset any~~  
33 ~~potential environmental benefits associated with emissions reductions achieved by the United~~  
34 ~~States and by other industrial nations;~~

35 ~~(k) Economic impact studies by the United States government estimate that legally binding~~  
36 ~~requirements for the reduction of United States greenhouse gases to 1990, emission levels would~~  
37 ~~result in the loss of more than nine hundred thousand jobs in the United States, sharply increased~~  
38 ~~energy prices, reduced family incomes and wages, and severe losses of output in energy-~~  
39 ~~intensive industries important to the West Virginia economy such as aluminum, steel, rubber,~~  
40 ~~chemicals and utilities;~~

41 ~~(l) The failure to provide for commitments by developing countries in the Kyoto Protocol~~  
42 ~~creates an unfair competitive imbalance between industrial and developing nations, potentially~~  
43 ~~leading to the transfer of jobs and industrial development from the United States to developing~~  
44 ~~countries;~~

45 ~~(m) Federal implementation of the Kyoto Protocol, if ratified by the United States Senate,~~  
46 ~~would entail new congressional legislation whose form and requirements cannot be predicted at~~

47 ~~this time, but could include national energy taxes or emission control allocation schemes that~~  
48 ~~would preempt state-specific programs intended to reduce emissions of greenhouse gases;~~

49 ~~(n) Piecemeal or other uncoordinated state regulatory initiatives intended to reduce~~  
50 ~~emissions of greenhouse gases may be inconsistent with subsequent congressional~~  
51 ~~determinations concerning the Kyoto Protocol, and with federal legislation implementing the Kyoto~~  
52 ~~Protocol;~~

53 ~~(o) Individual state responses to the Kyoto Protocol, including development of new~~  
54 ~~regulatory programs intended to reduce greenhouse gas emissions, are premature prior to Senate~~  
55 ~~ratification of that Protocol, in its current or amended form, and congressional enactment of related~~  
56 ~~implementing legislation.~~

57 The West Virginia Legislature hereby finds that former participation by the federal  
58 government in international treaties and protocols such as the Kyoto Protocol, Paris Accord, or  
59 other international agreements which limited the ability of our state to utilize our natural resources  
60 to the fullest extent for the benefit of our citizens was not in the best interest of our state.

**§22-23-2. Restrictions on state rules related to greenhouse gas emissions.**

1 (a) The West Virginia Division of Environmental Protection shall refrain from proposing or  
2 promulgating any new rule intended, in whole or in part, to reduce emissions of greenhouse gases  
3 from the residential, commercial, industrial, electric utility or transportation sectors in order to  
4 comply with the Kyoto Protocol or Paris Accord;

5 (b) In the absence of an act of the Legislature of the State of West Virginia approving same,  
6 the West Virginia Division of Environmental Protection shall not submit to the United States  
7 environmental protection agency or to any other agency of the federal government any legally  
8 enforceable commitments related to the reduction of greenhouse gases, as such gases are  
9 defined by the Kyoto Protocol or Paris Accord;

10 ~~(c) Nothing in this section shall be construed to limit or to impede state or private~~  
11 ~~participation in any on-going voluntary initiatives to reduce emissions of greenhouse gases,~~

12 ~~including, but not limited to, the federal environmental protection agency's "Green Lights"~~  
13 ~~program, the federal department of energy's climate challenge program, and similar state and~~  
14 ~~federal initiatives relying on voluntary participation.~~

15 ~~(d) This article shall remain in effect until repealed by an Act of the Legislature of the State~~  
16 ~~of West Virginia, or until ratification of the Kyoto Protocol by the United States Senate and~~  
17 ~~enactment of federal legislation implementing the Kyoto Protocol.~~

NOTE: The purpose of this bill is to ban state participation in the Kyoto Protocols and Paris Accord.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.