

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

**Senate Bill 262**

BY Senator Rucker

[Introduced January 15, 2026; referred

to the Committee on 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 cross-state air pollution to control annual nitrogen oxides emissions, annual  
4 sulfur dioxide emissions, and 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 23, 2025, authorized under the  
2 authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-  
3 state air pollution to control annual nitrogen oxides emissions, annual sulfur dioxide emissions,  
4 and ozone season nitrogen oxides emissions, 45 CSR 43), is authorized.

NOTE: The purpose of this bill is to authorize the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution to control annual nitrogen oxides emissions, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions.

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