



The Senate Committee on Finance

Budget Bulletin

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RULE-MAKING

Each state agency has the opportunity each year to implement, extend, apply or interpret the laws under their purview. Changes to these “rules” are governed by a complex rule-making process, which is laid out in state code. The agencies must submit changes to rules for a 30-day public comment period. After that period, the rules must be approved by the Legislature.

KNOW THE RULES!

BACKGROUND

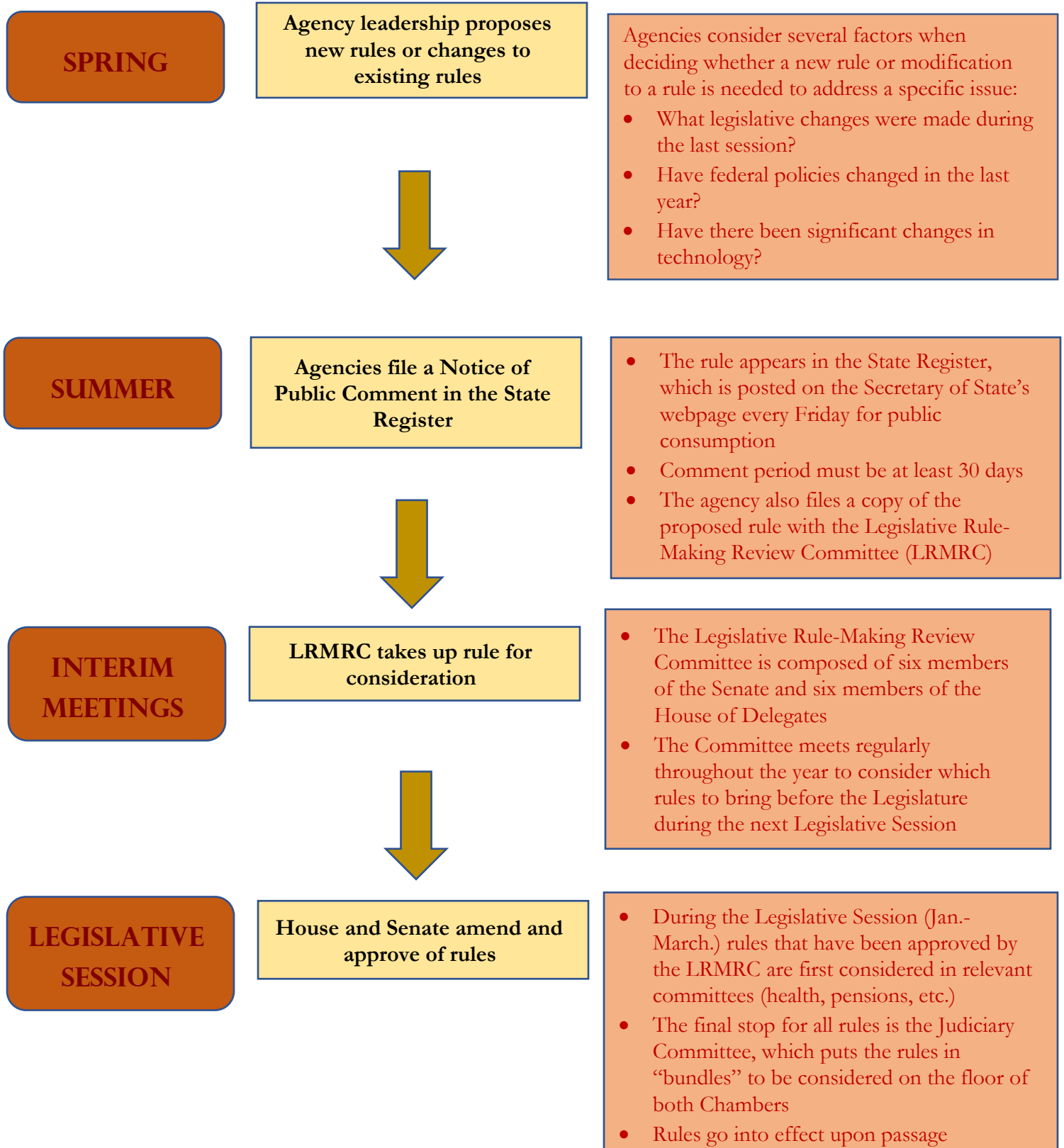
Exemptions from the Administrative Procedures Act

- WV Board of Parole
- Public Service Commission
- Board of Public Works
- Secondary Schools Activity Commission
- Conduct of Inmates
- Open Seasons of Wildlife
- Conduct of Persons in Military Service

In 1964, the Legislature enacted the West Virginia Administrative Procedures Act. The Legislative Rule-Making Review Committee (LRMRC), made up of members from both the House and Senate, reviews all proposed rules or amendments to existing rules. The Committee has the power to amend rules or to recommend changes to an agency. The LRMRC then decides whether or not to recommend that the Legislature takes up the rule.

RULE-MAKING PROCESS

The following is a brief summary of the rule-making process, which is governed by the Administrative Procedures Act (Chapter 29A of the West Virginia code).



HOW TO COMMENT

Now is the perfect time to exercise your right as a West Virginia citizen to comment on the rules. The public comment period has just begun for a large list of rules from the various state agencies.

To look up rules:

- 1) Go to the WV Secretary of State's homepage
- 2) Go to the Administrative Law drop down menu
- 3) Choose Proposed Rules
- 4) Browse the rules or enter preferred search terms

To comment:

- 1) Address a letter to the Secretary of State
- 2) Make sure to list the title and series number of the rule
- 3) Say what you think of the rule
- 4) Your comments will be considered by the agency and included in a package to legislators explaining each rule

The screenshot shows the website for the West Virginia Secretary of State, Mac Warner. The header includes the state logo and navigation links: About Us, Administrative Law, Business, Licensing, Elections, and Live Help. The main content area is titled 'Proposed Rules' and contains the following text:

Secretary of State > Administrative Law > Proposed Rules

Proposed Rules

The table below contains rules that have been proposed and are currently involved in the rule-making process. The status of a rule will change as it progresses. Upon completion of all required steps, they will become an official part of the Code of State Rules.

To find specific information, simply enter criteria in the search box. Additionally, the table can be displayed as needed by clicking the header of any of the columns. The table will automatically sort by selection.

Rules out for Public Comment	Agency Approved Rules	Modified Rules	Emergency Rules
<p>When an agency proposes a new rule or amends an existing rule, it must be made available to the public for written comments, public hearing or both.</p> <p>All comments go directly to the Agency proposing the rule.</p> <p>Detailed information is available on the form filed with the rule.</p>	<p>After the comment period is closed, the agency may modify the proposed rule based on the comments received.</p> <p>The rule is filed with the Legislative Rule Making Review Committee (LRMRC) along with copies of the comments and the agency's response to them.</p> <p>If LRMRC recommends no changes to the rule, this is the version that will be presented during the Legislative session.</p>	<p>When LRMRC recommends changes to the rule, the agency makes them and files it again as a <i>Modified Rule</i>.</p> <p>This becomes the version that will be presented during the Legislative session.</p>	<p>When a legislative rule is needed before it can complete the normal rule-making process and all statutory requirements are met, an emergency filing can be made.</p> <p>Emergency is not a stand-alone rule type. It is a condition of a legislative rule that allows the needed changes to be in effect while going through the rule-making process.</p> <p>An <i>Emergency Rule</i> can remain valid for up to 15 months or until the legislative rule becomes effective.</p>