

1                                   **H. B. 4358**

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3                    (By Delegates Ellington, Armstead, Butler,  
4                        Cowles, Frich, Gearheart, Householder,  
5                        Howell, Shott and Sobonya)

6                    [Introduced January 28, 2014; referred to the  
7                        Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11       adding thereto a new section, designated §29A-3-16a, relating  
12       to legislative rule-making; and requiring an agency to review  
13       rules every four years and, when necessary, provide revisions  
14       and reports of changes.

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

16       That the Code of West Virginia, 1931, as amended, be amended  
17 by adding thereto a new section, designated §29A-3-16a, to read as  
18 follows:

19 **ARTICLE 3.   RULE MAKING.**

20 **§29A-3-16a.   Agency review, revision, and report.**

21       (a) Each agency shall review its rules as often as necessary  
22 to ensure that its rules are correct and comply with statutory  
23 requirements: Provided, That each agency shall perform a formal  
24 review of its rules beginning January 1, 2015, and every four

1 years, thereafter.

2 (b) Beginning May 1, 2015, and four years thereafter, the head  
3 of each agency shall complete a formal review of his or her  
4 agencies' rules and file the report with the President of the  
5 Senate, the Speaker of the House of Delegates, the Governor and the  
6 Legislative Rule-making Review Committee. The report must specify  
7 any recommended changes including changes that will promote public  
8 safety, efficiency, reduce paperwork or decrease costs to  
9 government and the private sector.

10 In the review, each agency shall recommend changes which:

11 (1) Identify any deficiencies and suggested improvements in  
12 its rules;

13 (2) Review the scope of the rules to determine if they are  
14 overly broad or too narrow to fulfill the stated purpose of the  
15 rules;

16 (3) Clarify and simplify its rules;

17 (4) Delete obsolete or unnecessary rules;

18 (5) Delete rules that are redundant of statutes;

19 (6) Seek to improve efficiency, reduce paperwork or decrease  
20 costs to government and the private sector;

21 (7) Contact agencies that have concurrent or overlapping  
22 jurisdiction to determine whether their rules can be coordinated to  
23 promote efficiency, reduce paperwork or decrease costs to  
24 government and the private sector;

1       (8) Determine whether the rules should be continued without  
2 change or should be amended or repealed to ensure appropriate  
3 efficiency of regulated entities without compromising public  
4 safety; and

5       (9) Comply with all requirements of this article.

NOTE: The purpose of this bill is to require an agency to review legislative rules every four years, and provide revisions, when necessary and reports of changes with the President of the Senate, the Speaker of the House of Delegates, the Governor and the Legislative Rule-making and Review Committee.

§29A-3-16a is new; therefore, it has been completely underscored.