

H. B. 2233

(By Delegates Walters, Sobonya, Rohrbach, Ambler, Mr. Speaker
(Mr. Armstead), Storch, H. White, R. Phillips, Ireland, Hanshaw
and E. Nelson)

[Introduced January 22, 2015; referred to the
Committee on the Judiciary then Finance.]

A BILL to amend and reenact §29A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislative Rule-Making Committee and the Legislative Auditor’s Office to review legislative rules five years after initial approval by the Legislature; and authorizing rule- making proposal authority to the committee and auditor.

Be it enacted by the Legislature of West Virginia:

That §29A-3-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. RULE-MAKING.

§29A-3-16. Legislative review of procedural rules, interpretive legislative rules.

(a) The Legislative Rule-Making Review Committee may review ~~any procedural rules,~~ procedural and interpretive rules ~~or existing legislative rules~~ and may make recommendations concerning ~~such rules~~ these to the Legislature, ~~or~~ to the agency or to both the Legislature and the agency. The Legislative Rule-Making Review Committee may review legislative rules and make recommendations concerning these rules to the Legislature, to the agency or both the Legislature and the agency for rules which were approved by the Legislature prior to the enactment of subsection (b)

1 of this section.

2 (b) All rules lawfully promulgated after the effective date of this subsection shall be reviewed
3 by the committee and the Legislative Auditor five years following initial approval. Areas of review
4 shall include the following:

5 (1) Whether the rule is achieving its purpose;

6 (2) A cost-benefit analysis; and

7 (3) Whether the rule should be eliminated, continued or amended.

8 (c) Following its review, the committee and the auditor shall summarize their findings and
9 make recommendations. A report of the findings and recommendations shall be submitted to the
10 Legislature for any action the Legislature may consider necessary.

11 (d) Subsection (c) of this section does not apply to rules of professions and occupations found
12 in chapter thirty of this code.

13 (e) The committee and the legislative auditor shall collaborate and propose rules for
14 legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this
15 code for the purpose of developing and implementing the rule review process consistent with the
16 provisions of this section.

NOTE: The purpose of this bill is to require that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office and to provide rule-making authority by that committee and auditor.

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