

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4002

BY DELEGATES HOWELL, ANDERSON, MR. SPEAKER (MR.
ARMSTEAD), FAIRCLOTH, FRICH, HANSHAW, MCCUSKEY,
ROHRBACH, SUMMERS, SHOTT AND WALTERS

[Introduced January 13, 2016; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §29A-3-1 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §29A-3A-2 of said code; and to amend and reenact §29A-3B-2 of said code,
 3 all relating to rule making under the state Administrative Procedures Act; providing for a
 4 sunset of rules five years after the effective date of this amendment and legislation
 5 approving rules and five years after the effective date of all new or modified rules.

Be it enacted by the Legislature of West Virginia:

1 That §29A-3-1 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; that §29A-3A-2 of said code be amended and reenacted; and that §29A-3B-2 of said
 3 code be amended and reenacted, all to read as follows:

ARTICLE 3. RULE MAKING.

§29A-3-1. Rules to be promulgated only in accordance with this article; sunset provisions.

1 In addition to other rule-making requirements imposed by law and except to the extent
 2 specifically exempted by the provisions of this chapter or other applicable law, and except as
 3 provided for in article three-a of this chapter, every rule and regulation (including any amendment
 4 of or rule to repeal any other rule) shall be promulgated by an agency only in accordance with this
 5 article and shall be and remain effective only to the extent that it has been or is promulgated in
 6 accordance with this article.

7 On and after the effective date of the amendment of this section, every existing rule and
 8 regulation shall expire in five years, unless sooner continued, amended or repealed pursuant to
 9 this article. Any new rule, including modifications to an existing rule, shall terminate five years
 10 after the effective date of the enactment of modification, unless sooner continued, amended or
 11 repealed pursuant to this article.

ARTICLE 3A. HIGHER EDUCATION RULE MAKING.

§29A-3A-2. Rules to be promulgated only in accordance with this article; sunset provisions.

1 In addition to other rule-making requirements imposed by law and except to the extent
2 specifically exempted by the provisions of this chapter or other applicable law, every rule and
3 regulation (including any amendment of or rule to repeal any other rule) shall be promulgated by
4 the board only in accordance with this article and shall be and remain effective only to the extent
5 that it has been or is promulgated in accordance with this article.

6 On and after the effective date of the amendment of this section, every existing rule and
7 regulation shall expire in five years, unless sooner continued, amended or repealed pursuant to
8 this article. Any new rule, including modifications to an existing rule, shall terminate five years
9 after the effective date of the enactment of modification, unless sooner continued, amended or
10 repealed pursuant to this article.

ARTICLE 3B. STATE BOARD OF EDUCATION RULE MAKING.

§29A-3B-2. Rules to be promulgated in accordance with this article; sunset provisions.

1 In addition to other rule-making requirements imposed by law and except to the extent
2 specifically exempted by the provisions of this chapter or other applicable law, every rule and
3 regulation (including any amendment of or rule to repeal any other rule) shall be promulgated by
4 the board in accordance with this article and shall be and remain effective only to the extent that
5 it has been or is promulgated in accordance with this article

6 On and after the effective date of the amendment of this section, every existing rule and
7 regulation shall expire in five years, unless sooner continued, amended or repealed pursuant to
8 this article. Any new rule, including modifications to an existing rule, shall terminate five years
9 after the effective date of the enactment of modification, unless sooner continued, amended or
10 repealed pursuant to this article.

NOTE: The purpose of this bill is to provide for a sunset of administrative rules under the state Administrative Procedures Act. Rules are subject to sunset five years after the effective date of this bill and five years after the effective date of all new or modified rules.

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