WEST virginia legislature

2024 regular session

Committee Substitute

for

Senate Bill 31

By Senator Woodrum

[Originating in the Committee on the Judiciary; reported January 17, 2024]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-5A-1 and §64-5A-2, all relating generally to authorizing certain agencies of the Department of Human Services to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Human Services to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Human Services to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect; and authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. Authorization for Department of human services to promulgate legislative rules.

§64-5A-1. Department of Human Services.

1. The legislative rule filed in the State Register on July 18, 2023, authorized under the authority of §16-5T-5 of this code, modified by the Department of Human Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Human Services (collection and exchange of data related to overdoses, [67 CSR 01](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=67-01)), is authorized.
2. The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §49-4-601b of this code, modified by the Department of Human Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Department of Human Services (procedure to contest the substantiation of child abuse or neglect, [78 CSR 27](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=78-27)), is authorized with the following amendment:

On page 2, subsection 3.1, by striking out the word “either” and inserting in lieu thereof the word “any”.

§64-5A-2. Family Protection Services Board.

The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §48-26-403 of this code, modified by the Family Protection Services Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Family Protection Services Board (domestic violence program licensure standards, [191 CSR 02](http://apps.sos.wv.gov/adlaw/csr/rule.aspx?rule=191-02)), is authorized.