

1 H. B. 4110

2  
3 (By Delegates Morgan, Stephens, Hall,  
4 Hartman, Householder, Howell, Nelson,  
5 Snuffer, Staggers and Swartzmiller)

6 [Introduced January 18, 2012; referred to the  
7 Committee on Government Organization then 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 article, designated §29A-3C-1 and  
12 §29A-3C-2, all relating to requiring agencies to review their  
13 legislative rules.

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

15 That the Code of West Virginia, 1931, as amended, be amended  
16 by adding thereto a new article, designated §29A-3C-1 and  
17 §29A-3C-2, all to read as follows:

18 **ARTICLE 3C. REVIEW, REPORTS, ETC. REQUIRED OF ALL AGENCIES.**

19 **29A-3C-1. Agency review, revision and report.**

20 (a) Each agency shall review and revise its rules as often as  
21 necessary to ensure that its rules are correct and comply with  
22 statutory requirements. Each agency shall perform a formal review  
23 of its rules beginning January 1, 2013, and every four years,  
24 thereafter.

1 (b) Beginning May 1, 2013, and four years thereafter, the head  
2 of each agency shall complete a formal review of his or her  
3 agencies' rules and file the report with the President of the  
4 Senate, the Speaker of the House of Delegates, the Governor and the  
5 Legislative Rule-making Review Committee. The report must specify  
6 any changes made to the agency's rules as a result of the review  
7 and, when appropriate, recommend changes that will promote  
8 efficiency, reduce paperwork, or decrease costs to government and  
9 the private sector. In the review, each agency must:

- 10 (1) Identify and correct deficiencies in its rules;  
11 (2) Clarify and simplify its rules;  
12 (3) Delete obsolete or unnecessary rules;  
13 (4) Delete rules that are redundant of statutes;  
14 (5) Seek to improve efficiency, reduce paperwork, or decrease  
15 costs to government and the private sector;  
16 (6) Contact agencies that have concurrent or overlapping  
17 jurisdiction to determine whether their rules can be coordinated to  
18 promote efficiency, reduce paperwork, or decrease costs to  
19 government and the private sector; and  
20 (7) Determine whether the rules should be continued without  
21 change or should be amended or repealed to reduce the impact on  
22 regulated entities.

23 **§29A-3C-2. Public comment review and report; objections.**

1       (a) Public comments on reports may be provided by stating an  
2 objection to the information required in section one and  
3 identifying the entire rule or any subpart to which the objection  
4 relates, and shall be submitted in writing or electronically to the  
5 person designated in the report.

6       (b) A comment shall include facts upon which the objection is  
7 based, stating the precise information upon which a contrary  
8 evaluation of probable impact may be made.

9       © Comments shall be submitted by any interested person no  
10 later than June 1, 2013.

11       (d) The agency shall determine whether to sustain an objection  
12 based on the information provided with the objection and whether  
13 any further review of information available to the agency is  
14 necessary to correct its report.

15       (e) No later than twenty days after the date a comment is  
16 submitted, the agency shall publish in an amended report its  
17 determination of the objection.

18       (f) On or before July 1, 2013, the agency shall deliver to the  
19 committee a written certification by the agency head or designee  
20 verifying the completion of determinations of all comments under  
21 this subsection and of any report amendments.

NOTE: The purpose of this bill is to require all agencies to review their rules, file certain reports, and address objections.

Article 3C is new; therefore, it is completely underlined.