

1 **H. B. 2876**

2
3 (By Delegates Walters, Frich, Canterbury, Craig,
4 Miller and Skaff)

5 [Introduced March 8, 2013; referred to the
6 Committee on the Judiciary then Finance.]

7 **FISCAL**
8 **NOTE**

9
10 A BILL to amend and reenact §29A-3-16 of the Code of West Virginia,
11 1931, as amended, relating to a requirement that the
12 Legislative Rule-Making Committee and the Legislative
13 Auditor's Office review legislative rules five years after
14 initial approval by the Legislature; and providing rule-
15 making authority.

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

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

19 **ARTICLE 3. RULE-MAKING.**

20 **§29A-3-16. Legislative review of procedural rules, interpretive**
21 **legislative rules.**

22 (a) The Legislative Rule-Making Review Committee may review
23 ~~any procedural rules, procedural and interpretive rules or existing~~
24 ~~legislative rules~~ and may make recommendations concerning such

1 ~~rules these~~ to the Legislature, ~~or~~ to the agency or to both the
2 Legislature and the agency. The Legislative Rule-Making Review
3 Committee may review legislative rules and make recommendations
4 concerning these rules to the Legislature, to the agency or both
5 the Legislature and the agency for rules which were approved by the
6 Legislature prior to the enactment of subsection (b) of this
7 section.

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

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

13 (2) A cost-benefit analysis; and

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

16 (c) Following its review, the committee and the auditor shall
17 summarize its findings and make recommendations. A report of the
18 findings and recommendations shall be submitted to the Legislature
19 for any action the Legislature may consider necessary.

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

22 (e) The committee and the legislative auditor shall
23 collaborate and propose rules for legislative approval in
24 accordance with the provisions of article three, chapter twenty-

1 nine-a of this code for the purpose of developing and implementing
2 the rule review process consistent with the provisions of this
3 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.

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