

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5026

By Delegates Funkhouser, Ridenour, Willis, Masters,
Horst, Linville, Phillips, D. Cannon, Butler, Kimble,
and Hott

[Introduced February 02, 2026; referred to the
Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5-1F-1, §5-1F-2, §5-1F-3, §5-1F-4, §5-1F-5, §5-1F-6, §5-1F-7, §5-1F-8, §5-1F-9, §5-1F-10, §5-1F-11, §5-1F-12, §5-1F-13, §5-1F-14, §5-1F-15, §5-1F-16, and §5-1F-17, relating to the creation of the West Virginia Unfunded Federal Mandate Accountability Act; providing for legislative findings; setting forth definitions; providing for the Governor's authority; setting forth a period of comprehensive review; providing for cost documentation; setting forth the requirements for a report; providing for bill and amendment preparation; providing for integrating the process in the budget report; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1F. WEST VIRGINIA UNFUNDED FEDERAL MANDATE ACCOUNTABILITY

ACT.

§5-1F-1. Short Title

This Act shall be known and may be cited as the "West Virginia Unfunded Federal Mandate Accountability Act."

§5-1F-2. Legislative Findings.

The Legislature finds that:

The federal government has imposed numerous unfunded mandates upon the State of West Virginia, requiring state and local governments to expend significant resources without providing corresponding federal funding.

These unfunded mandates place an undue financial burden on West Virginia taxpayers and divert resources from state priorities.

The State has a responsibility to identify, quantify, and seek reimbursement for costs associated with federal unfunded mandates.

§5-1F-3. Definitions.

1 For purposes of this Act:

2 "Federal unfunded mandate" means any federal statute, regulation, rule, or executive
3 order that requires the State of West Virginia or its political subdivisions to undertake activities,
4 provide services, or comply with requirements without providing sufficient federal funding to cover
5 the associated costs.

6 "State agency" means any executive department, administrative officer, bureau, board,
7 commission, agency, or institution that expends or supervises the expenditure of state moneys.

8 "Compliance costs" means all direct and indirect expenses incurred by the State in
9 implementing or complying with federal unfunded mandates, including personnel costs,
10 administrative expenses, equipment, and infrastructure requirements.

§5-1F-4. Governor's Authority.

1 The Governor shall have the power and duty to require from all state agencies itemized
2 estimates and detailed information regarding federal unfunded mandates and associated
3 compliance costs. W. Va. Const. Art. VI, § 51. Such information shall be provided in the form and at
4 such times as the Governor shall direct. W. Va. Const. Art. VI, § 51.

§5-1F-5. Comprehensive Review.

1 Each state agency shall conduct an annual comprehensive review to identify all federal
2 unfunded mandates affecting their operations and shall provide detailed cost assessments for
3 each identified mandate.

§5-1F-6. Cost Documentation.

1 All compliance costs shall be documented with supporting evidence, including but not
2 limited to:

3 Personnel time and salary allocations;

4 Administrative and operational expenses;

5 Equipment and technology costs;

6 Training and certification expenses;

7 Infrastructure modifications or improvements; and

8 Third-party contractor costs.

§5-1F-7. Report Preparation.

1 The Governor shall prepare an annual Unfunded Mandate Report that contains a complete
2 accounting of all federal unfunded mandates and their associated costs to the State. W. Va. Const.
3 Art. VI, § 51. The report shall include estimated costs for the current fiscal year, actual costs to the
4 extent available, and projected costs for the next fiscal year. W. Va. Const. Art. VI, § 51.

§5-1F-8.	Report	Contents.
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1 The annual report shall contain:

2 A comprehensive list of all identified federal unfunded mandates;

3 Detailed cost analysis for each mandate;

4 Total annual compliance costs by agency and statewide;

5 Historical cost data for comparison purposes; and

6 Documentation supporting all cost calculations.

§5-1F-9.	Bill	Preparation.
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1 The Governor shall prepare and deliver a bill to the appropriate federal agencies and
2 congressional delegation for all costs associated with federal unfunded mandates, clearly
3 itemized and classified in such detail as the Governor shall determine. W. Va. Const. Art. VI, § 51.
4 The bill shall follow the same format and documentation standards required for the state budget
5 bill. W. Va. Const. Art. VI, § 51.

§5-1F-10. Supporting Documentation.

1 Each bill submitted to federal authorities shall be accompanied by:
2 The complete annual Unfunded Mandate Report;
3 Detailed cost breakdowns by mandate and agency;
4 Supporting documentation for all claimed expenses; and
5 Legal analysis of the federal requirement creating the unfunded mandate.

§5-1F-11. Amendment Process.

1 The Governor may amend or supplement any federal bill to correct oversights or provide
 2 additional cost documentation, and such amendments shall become part of the billing submission.
 3 W. Va. Const. Art. VI, § 51.

§5-1F-12. Integration with Budget Process.

1 All costs associated with federal unfunded mandates shall be clearly identified and
 2 separately categorized in the state budget submitted to the Legislature. W. Va. Const. Art. VI, § 51.
 3 The budget shall show the impact of unfunded mandates on the state's financial condition and
 4 available resources. W. Va. Const. Art. VI, § 51.

§5-1F-13. Legislative Reporting.

1 The Governor shall include in the annual budget submission an explanation of the
 2 important features of federal unfunded mandate costs and suggestions for methods to seek
 3 federal reimbursement or relief. W. Va. Const. Art. VI, § 51.

§5-1F-14. Public Hearings.

1 The Governor may provide for public hearings on federal unfunded mandate costs and
 2 may require the attendance of representatives from affected state agencies. W. Va. Const. Art. VI,
 3 § 51. After such hearings, the Governor may revise cost estimates and billing amounts as
 4 appropriate. W. Va. Const. Art. VI, § 51.

§5-1F-15. Implementation Timeline.

1 Within six months of the effective date of this Act, all state agencies shall complete an initial
 2 comprehensive assessment of federal unfunded mandates affecting their operations.

§5-1F-16. Annual Cycle.

1 Beginning with the fiscal year following the effective date of this Act, the unfunded mandate
 2 assessment and billing process shall be integrated with the annual state budget cycle.

§5-1F-17. Effective Date.

1 This Act shall take effect 90 days after passage.

NOTE: The purpose of this bill is to create the West Virginia Unfunded Federal Mandate Accountability Act. The bill provides for legislative findings. The bill sets forth definitions. The bill provides for the Governor's authority. The bill sets forth a period of comprehensive review. The bill provides for cost documentation. The bill sets forth the requirements for a report. This bill provides for bill and amendment preparation. The bill provides for integrating the process in the budget report. Finally, the bill provides for an effective date.

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