

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5680**

By Delegates Ridenour, Leavitt, Dean, Brooks,  
Foggin, Pinson, Phillips, Hott, Browning, T. Howell,  
and Street

[Introduced February 17, 2026; referred to the  
Committee on Government Organization then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §29A-10-1, §29A-10-2, §29A-10-3, §29A-10-4, §29A-10-5, §29A-10-6, §29A-  
 3 10-7, §29A-10-8, and §29A-10-9, all relating to establishing a comprehensive regulatory  
 4 sunset and zero-based review system; providing legislative findings; requiring automatic  
 5 expiration of administrative rules; mandating zero-based justification for renewal;  
 6 establishing regulatory burden budgets and mandatory net reductions; creating an  
 7 independent West Virginia Regulatory Review and Sunset Commission; authorizing  
 8 legislative mass repeal and enforcement; eliminating judicial deference; creating citizen  
 9 enforcement rights; providing remedies; and providing for severability.

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

**ARTICLE 10. WEST VIRGINIA REGULATORY SUNSET, ZERO-BASED REVIEW, AND**  
**BURDEN REDUCTION ACT.**

**§29A-10-1. Short title.**

1 This article may be cited as the "West Virginia Regulatory Sunset and Zero-Based Review  
 2 Act."

**§29A-10-2. Legislative findings and purpose.**

1 (a) The Legislature finds that:

2 (1) The number, complexity, and scope of administrative rules in West Virginia have  
 3 expanded substantially over time without a systematic process for comprehensive repeal, cost  
 4 control, or necessity review;

5 (2) Many existing rules remain in force for decades without meaningful legislative  
 6 reconsideration, even when economic conditions, technology, statutory frameworks, and  
 7 constitutional standards have materially changed;

8 (3) The unchecked accumulation of regulatory requirements imposes significant financial,  
 9 operational, and liberty-based burdens on citizens, small businesses, health care providers, local

10 governments, and nonprofit organizations;

11 (4) The Constitution of West Virginia vests legislative power in the Legislature and requires  
12 that lawmaking authority delegated to administrative agencies remain strictly limited, accountable,  
13 and subject to periodic reauthorization;

14 (5) A regulatory system that presumes permanence rather than justification reverses the  
15 proper burden of proof and undermines democratic oversight.

16 (b) The purpose of this article is to:

17 (1) Establish a comprehensive system of automatic regulatory sunset;

18 (2) Require agencies to periodically justify every rule under a zero-based standard;

19 (3) Mandate the repeal of obsolete, ineffective, duplicative, or unnecessarily burdensome  
20 regulations;

21 (4) Create a regulatory burden budgeting and offset framework;

22 (5) Provide independent oversight, measurable accountability, and enforceable  
23 consequences for noncompliance.

**§29A-10-3.**

**Definitions.**

1 As used in this article:

2 (1) "Agency" means any state department, division, board, bureau, commission, authority,  
3 or officer authorized by law to promulgate rules.

4 (2) "Rule" means any legislative, interpretive, or procedural rule, regulation, standard,  
5 guideline, policy, or requirement having the force or practical effect of law.

6 (3) "Regulatory burden" means any obligation imposed on persons or entities, including  
7 compliance costs, paperwork, reporting, record-keeping, licensing, permitting, inspections, fees,  
8 operational restrictions, or limitations on economic activity.

9 (4) "Zero-based review" means a comprehensive evaluation in which no rule is presumed  
10 necessary and the agency bears the full burden of proof for continuation.

11 (5) "Commission" means the West Virginia Regulatory Review and Sunset Commission

12 created by this article.

**§29A-10-4. Automatic sunset of all administrative rules.**

1 (a) Notwithstanding any other provision of law, every rule of every agency shall  
2 automatically expire and be repealed unless affirmatively renewed in accordance with this article.

3 (b) All rules in effect on the effective date of this article shall expire on a staggered basis as  
4 follows:

5 (1) One-third two years after the effective date;

6 (2) One-third four years after the effective date;

7 (3) One-third six years after the effective date.

8 (c) Any rule adopted after the effective date of this article shall expire not later than five  
9 years after its effective date.

10 (d) A rule that expires is void and unenforceable.

11 (e) No rule may be renewed for a period longer than five years.

**§29A-10-5. Zero-based renewal petitions; burden of proof.**

1 (a) An agency seeking renewal of any rule shall file a renewal petition with the commission  
2 and the Legislative Rule-Making Review Committee demonstrating, by clear and convincing  
3 evidence, that:

4 (1) The rule is expressly authorized by statute;

5 (2) The rule is necessary to protect public health, safety, or welfare;

6 (3) The rule is the least restrictive means available;

7 (4) The benefits exceed the economic, constitutional, and social costs;

8 (5) The rule does not duplicate or conflict with other state or federal requirements;

9 (6) The rule is written in clear, objective, and enforceable terms.

10 (b) The burden of proof rests entirely with the agency.

11 (c) Failure to satisfy any element of this section requires nonrenewal and repeal.

**§29A-10-6. Regulatory burden budgets; mandatory offsets.**

1 (a) Beginning two years after the effective date of this article, each agency shall be subject  
2 to an annual regulatory burden cap established by the Legislature.

3 (b) For every new regulatory burden imposed, the agency shall repeal or reduce existing  
4 burdens of equal or greater impact.

5 (c) The commission shall develop uniform methods to measure regulatory burdens,  
6 including cost, time, complexity, and economic effect.

7 (d) No rule may take effect without a burden-offset certification.

**§29A-10-7. West Virginia Regulatory Review and Sunset Commission.**

1 (a) The West Virginia Regulatory Review and Sunset Commission is hereby created.

2 (b) The commission shall consist of twelve members:

3 (1) Four appointed by the Governor;

4 (2) Four appointed by the Speaker of the House of Delegates;

5 (3) Four appointed by the President of the Senate.

6 (c) The commission shall include representation from regulated industries, small business,  
7 local government, legal professions, and the public.

8 (d) The commission shall:

9 (1) Conduct independent regulatory audits;

10 (2) Evaluate renewal petitions;

11 (3) Publish annual regulatory burden reports;

12 (4) Recommend mass repeal legislation;

13 (5) Develop burden-measurement standards.

14 (6) Coordinate with regulatory agencies to develop and publicize a comprehensive  
15 process to prioritize agency regulations that have the most negative effects on the public,  
16 businesses and the economy for review by agencies in accordance with §29A-10-4 of this code.

17 (e) The commission may issue subpoenas, compel testimony, and require sworn cost  
18 justifications.

19 (f) The commission will comply with Chapter 6, Article 9A of the West Virginia Code,  
 20 commonly referred to as the Open Governmental Proceedings Act. Meetings, including sworn  
 21 testimony, may be via virtual electronic means.

**§29A-10-8. Legislative authority; enforcement; construction.**

- 1 (a) The Legislature may repeal any class of rules by general bill or concurrent resolution.
- 2 (b) Failure of an agency to file a renewal petition results in automatic repeal.
- 3 (c) The commission may recommend budgetary withholding or enforcement actions for  
 4 noncompliance.
- 5 (d) Courts shall not defer to agency determinations under this article.
- 6 (e) All ambiguities shall be resolved in favor of repeal.

**§29A-10-9. Judicial enforcement; remedies; severability.**

- 1 (a) Any person aggrieved by a rule maintained or enforced in violation of this article has  
 2 standing to seek declaratory and injunctive relief.
- 3 (b) A prevailing plaintiff shall be awarded reasonable attorney’s fees and costs.
- 4 (c) A rule continued without compliance is void ab initio.
- 5 (d) The provisions of this article are severable.

NOTE: The purpose of this bill is to establish a comprehensive regulatory sunset and zero-based review system.

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