

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 961

By Senators Willis and Thorne

[Reported February 20, 2026, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §29A-3-20 of the Code of West Virginia, 1931, as amended, relating
2 to rule-making policies; providing that for every new rule proposed, at least two prior rules
3 be identified for repeal; and eliminating the 2017 and 2020 reports to the Legislative Rule-
4 Making Review Committee.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. RULE MAKING.

§29A-3-20. Executive review of agency rules, guidelines, policies, and recommendations.

1 (a) All executive agencies with rule-making authority shall:

2 (1) Review and evaluate all state rules, guidelines, policies, and recommendations under
3 their jurisdiction that have similar federal rules, guidelines, policies, and recommendations;

4 (2) Determine whether the state rules, guidelines, policies and recommendations are more
5 stringent than federal counterparts;

6 (3) Provide for a comment period for all rules, guidelines, policies, and recommendations;
7 and

8 ~~(4) Submit a report to the Joint Committee on Government and Finance and the Legislative~~
9 ~~Rule-Making Review Committee on or before November 1, 2017, which shall include:~~

10 ~~(A) A description of the state rules, guidelines, policies and recommendations that are~~
11 ~~more stringent than federal counterparts; and~~

12 ~~(B) Comments received from the comment period provided for in subdivision (3) of this~~
13 ~~subsection.~~

14 ~~(b) Within four years of the enactment of this law, each executive agency with rule-making~~
15 ~~authority shall review all of its rules and determine whether the rules should be continued without~~
16 ~~change, modified or repealed. On or before July 1, 2020, each agency shall submit a report to the~~
17 ~~Legislative Rule-Making Review Committee which includes the following information for each rule~~
18 ~~under the agency's jurisdiction:~~

19 ~~(1) A description of the rule;~~

20 ~~(2) A determination of whether the rule should continue without change, be modified or~~
21 ~~repealed; and~~

22 ~~(3) The reasoning for said determination.~~

23 (b) Unless prohibited by law, whenever an executive agency publicly proposes for notice
24 and comment or otherwise promulgates a new rule, it shall make a good faith effort to identify at
25 least two existing rules that may be considered for repeal by the legislature in accordance with
26 §29A-3-1a and §29A-3A-2a of this code.