

**STATE OF WEST VIRGINIA**

**EXECUTIVE DEPARTMENT**

**AT CHARLESTON**

**EXECUTIVE ORDER NO. 2-18**

**By the Governor**

**WHEREAS**, over several decades the proliferation of administrative rules and regulations at all levels of government has increased the complexity and expense of economic life;

**WHEREAS**, outmoded, ineffective, excessively burdensome and unnecessary rules contained in the United States Code of Regulations and the West Virginia Code of State Rules (CSR) have created a heavy regulatory burden on West Virginians;

**WHEREAS**, more than 160 CSR rules have been repealed as a result of recent regulatory reform efforts;

**WHEREAS**, continuing to reduce the heavy regulatory burden on West Virginians created by the CSR will promote citizens' freedom to lawfully engage in individual, family and business pursuits;

**WHEREAS**, these business pursuits are critical to economic growth and job creation in a dynamic economy;

**WHEREAS**, excessively burdensome CSR rules: (1) stifle economic growth and job creation, (2) create barriers to entry in many industries and (3) discourage potential entrepreneurs from introducing beneficial products and processes;

**WHEREAS**, when promulgating and modifying CSR rules, it is important that state agencies consider the impact on economic growth and job creation for West Virginia and its citizens;

**WHEREAS**, Article VII, Section 5 of the West Virginia Constitution vests the executive power of the State of West Virginia in the Governor;

**WHEREAS**, the Governor's executive power may be exercised through Executive Orders; and

**WHEREAS**, an administrative rule-making moratorium known as a "Regulatory Moratorium" established by this Executive Order will be an important part of the regulatory reform efforts by this administration.

**NOW, THEREFORE, I, JIM JUSTICE**, by the authority vested in me as the Governor of the State of West Virginia, do hereby **ORDER** that:

1. This action shall be known as the "Regulatory Moratorium".
2. All agencies shall suspend rule-making action on any proposed rules that have not been filed with the Secretary of State's office on or before the date this Regulatory Moratorium Executive Order becomes effective.
3. Rules relating to the following issues shall be exempted from this Regulatory Moratorium:
  - (a) Legislative exempt rules enumerated in West Virginia Code §29A-1-3;
  - (b) Interpretive rules as defined in West Virginia Code §29A-1-2(c);
  - (c) Procedural rules as defined in West Virginia Code §29A-1-2(i);
  - (d) Emergency rules meeting the requirements of West Virginia Code §29A-3-15(f);
  - (e) Amending state rules to be no more stringent than federal rules;
  - (f) Implementing a federal mandate and no waiver is permitted;
  - (g) Updating state rules to comply with federal law requirements;
  - (h) Necessary to avoid violation of a court order;
  - (i) New rules promulgated as a result of legislation enacted after the effective date of this Regulatory Moratorium Executive Order;
  - (j) Matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency;
  - (k) Job creation;
  - (l) Increasing investment in West Virginia;

(m) Improving the quality of West Virginia's workforce;

(n) Repealing existing rules;

(o) Reducing the regulatory impact of existing rules;

(p) Reducing State spending;

or

(q) Rules deemed necessary by the Governor.

4. Prior to filing any proposed rule with the Secretary of State and the Legislative Rule-Making Review Committee agencies shall provide written notice to the Governor.

5. The written notice shall explain why the proposed rule should be exempted from the Regulatory Moratorium under the provisions of paragraph 3 of this Executive Order.

6. The Governor shall make a determination regarding whether the proposed rule should be exempted from the Regulatory Moratorium under the provisions of paragraph 3 of this Executive Order.

7. All agencies shall cooperate with and provide assistance in the implementation of this Regulatory Moratorium Executive Order to the fullest extent permitted by law.

8. This Regulatory Moratorium Executive Order shall remain in effect until expressly modified or terminated by a subsequent Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**By the Governor**

DONE at the Capitol, in the City of Charleston, State of West Virginia, this tenth day of January, in the year of our Lord, Two Thousand Eighteen, an in the One Hundred Fifty-Fifth year of the State.

  
GOVERNOR

  
SECRETARY OF STATE

**STATE OF WEST VIRGINIA**

**EXECUTIVE DEPARTMENT**

**AT CHARLESTON**

**EXECUTIVE ORDER NO. 3-18**

**By the Governor**

**WHEREAS**, over several decades the proliferation of administrative rules and regulations at all levels of government has increased the complexity and expense of economic life;

**WHEREAS**, outmoded, ineffective, excessively burdensome and unnecessary rules contained in the United States Code of Regulations and the West Virginia Code of State Rules (CSR) have created a heavy regulatory burden on West Virginians;

**WHEREAS**, continuing to reduce the heavy regulatory burden on West Virginians created by the CSR will promote citizens' freedom to lawfully engage in individual, family and business pursuits;

**WHEREAS**, Article VII, Section 5 of the West Virginia Constitution vests the executive power of the State of West Virginia in the Governor;

**WHEREAS**, the Governor's executive power may be exercised through Executive Orders;  
and

**WHEREAS**, the CSR rule review known as a "Regulatory Review" established by this Executive Order will be an important part of the regulatory reform efforts by this administration.

**NOW, THEREFORE, I, JIM JUSTICE**, by the authority vested in me as the Governor of the State of West Virginia, do hereby **ORDER** that:

1. This action shall be known as the "Regulatory Review".
2. All executive agencies with rule-making authority shall review all rules under each agencies' jurisdiction.

3. These rules shall be reviewed to determine which rules are outmoded, ineffective, excessively burdensome and unnecessary that have created a heavy regulatory burden on West Virginians.

4. These rule-making agencies shall submit a Regulatory Review report to the Governor and the Legislative-Rule Making Review Committee on or before November 1, 2018.

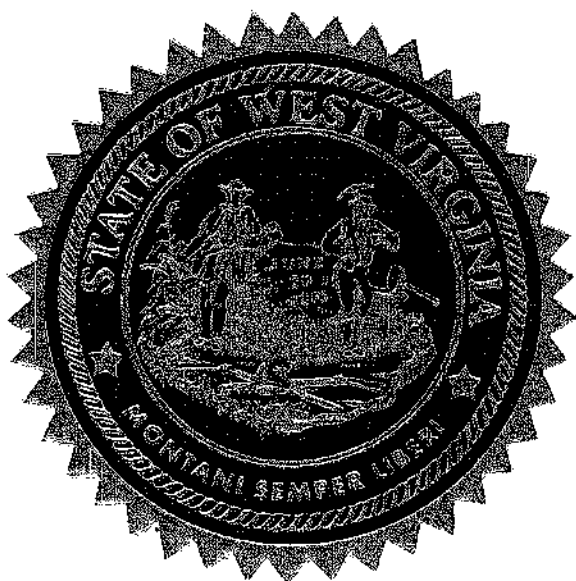
5. The Regulatory Review report submitted to the Governor and the Legislative- Rule Making Review Committee shall contain the following information regarding each rule under the agency's jurisdiction:

- (a) a description of the rule to include the date of the first promulgation of the rule and any subsequent modifications;
- (b) a determination of whether the rule should be continued without change, be modified or repealed; and
- (c) the reasoning for said determination.

6. All agencies shall cooperate with and provide assistance in the implementation of this Regulatory Review Executive Order to the fullest extent permitted by law.

7. This Regulatory Review Executive Order shall remain in effect until expressly modified or terminated by a subsequent Executive Order.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**DONE** at the Capitol, in the City of Charleston, State of West Virginia, this tenth day of January, in the year of our Lord, Two Thousand Eighteen, an in the One Hundred Fifty-Fifth year of the State.

*Jim Justice*  
**GOVERNOR**

*Mac Warner*  
**SECRETARY OF STATE**