

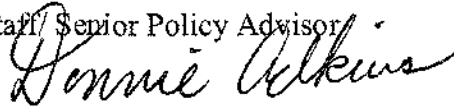
MEMORANDUM

TO: Agencies

FROM: Donnie Adkins, Deputy Chief of Staff/ Senior Policy Advisor

DATE: February 12, 2018

SUBJECT: Regulatory Reform – Executive Orders



On January 10, 2018, Governor Jim Justice signed two Executive Orders (EOs) regarding proposed agency rules. For the purpose of this memorandum, the term “agency” shall mean “agency” as defined by the West Virginia Code State Administrative Procedures Act §29A-1-2(a) “... any state board, commission, department, office or officer authorized by law to make rules or adjudicate contested cases, except those in the legislative or judicial branches.”.

The Board of Public Work’s proposed rules shall not be subject to the two EOs. For the purpose of this memorandum “The Board of Public Works” shall include those enumerated in West Virginia Code §5-4-1(a) except the Governor “... The Governor, Secretary of State, Auditor, Superintendent of Free Schools, Treasurer, Attorney General, and Commissioner of Agriculture shall be and constitute a corporation under the style of “The Board of Public Works ...”.

Please find attached copies of both EOs.

EO (2-18) Regulatory Moratorium

The first EO (2-18) implements an administrative rule-making moratorium on proposed agency rules filed with the West Virginia Secretary of State (SoS) after January 10, 2018. The EO outlines a number of exemptions to the moratorium, including legislative exempt rules enumerated in §29A-1-3, interpretative rules, procedural rules, emergency rules and others.

Agencies shall submit their proposed rules to Governor’s office for review, using the attached form, prior to filing proposed rules with the SoS. Any application of the exemptions to the moratorium will be applied *after* review by the Governor’s office staff. After reviewing proposed agency rules, the Governor’s staff will contact the agency and the SoS’s office, to provide notification regarding whether an exemption to the moratorium has been applied.

EO (3-18) Regulatory Review

The second EO (3-18) requires agencies with rule-making authority to review all current rules under their jurisdiction to determine if they are outmoded, ineffective, unnecessary or excessively burdensome.

After completion of the agency rule review, a report must be submitted by each agency to the Governor and the Legislative-Rule-Making Review Committee on or before November 1, 2018. The report shall contain the following:

- (1) a description of each rule, including the date of first promulgation and any subsequent modifications;
- (2) a recommendation of whether the rule should be unchanged, modified or repealed; and
- (3) the reason(s) for the recommendation.

Additionally, in this report, with each recommendation for modification or repeal please identify any stakeholders that may be impacted.

Governor's Office Contacts

The Governor's office staff contacts for both Regulatory Reform EOs are Ashley Summitt and Manda Bickoff. They may be contacted either by telephone at (304) 558-2000 or via email at ashley.e.summitt@wv.gov and manda.o.bickoff@wv.gov.

**Regulatory Moratorium Proposed Agency
Rule Exemption Request Information Form**

Date:

Agency:

Contact information:

Proposed rule title and citation:

Statute authorizing proposed rule:

Reason(s) for requesting an exemption to the regulatory moratorium EO:

Other important information to consider for a potential exemption to the regulatory moratorium EO: