

**STATE OF WEST VIRGINIA**

**EXECUTIVE DEPARTMENT**

**AT CHARLESTON**

**EXECUTIVE ORDER NO. 21-21**

**By the Governor**

I, **JIM JUSTICE**, by virtue of the authority vested in me as the Governor of the State of West Virginia, do hereby **AMEND** Executive Order 2-18, dated January 10, 2018, relating to a Regulatory Moratorium, as follows:

1. The “Regulatory Moratorium” created by Executive Order 2-18 is hereby continued as amended herein.

2. The following types of rules shall be exempt from the 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) Rules amending state rules to be no more stringent than federal rules;
- (f) Rules implementing a federal mandate where no waiver is permitted;
- (g) Rules updating state rules to comply with federal law requirements;
- (h) Rules necessary to avoid violation of a court order;
- (i) Rules promulgated to comply with legislation enacted after the effective date of this Order;
- (j) Rules pertaining to the control, mitigation or eradication of waste, fraud, or abuse within a state agency;
- (k) Rules promoting job creation;
- (l) Rules increasing investment in West Virginia;
- (m) Rules improving the quality of West Virginia’s workforce;
- (n) Rules merely repealing of existing rules;
- (o) Rules reducing the regulatory impact of existing rules;
- (p) Rules the effect of which reduce State spending; and
- (q) Rules deemed necessary by the applicable Secretary or agency head.

3. 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 of the proposed rule, which shall include a certification that the proposed rule is exempt from the Regulatory Moratorium under the provisions of Section 2 of this Order, such certification to explicitly state which provision(s) of Section 2 of this Order make such proposed rule(s) exempt from the Regulatory Moratorium and to be signed by the applicable Secretary or agency head.

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

5. The Order shall remain in effect until expressly modified or terminated by 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 Twenty-Ninth day of June, in the Year of our Lord, Two Thousand Twenty-One, an in the One Hundred Fifty-Ninth Year of the State.



**By the Governor**

  
**GOVERNOR**

  
**SECRETARY OF STATE**