



Executive Order Establishes Expedited Permitting Process June 2018

After issuing two executive orders establishing regulatory reform and a regulatory moratorium earlier this year, on April 23, Governor Justice signed EO 9-18, "Expediting Permitting Process," targeting the state's process of reviewing permit applications for industry, business and economic development projects. The executive order asks that state agencies review permit applications when they're received and either reject or grant permits more efficiently. The West Virginia Development Office will have 45 days to decide whether a project is of critical economic concern, and agencies will have to prioritize that project. Previous executive orders on regulation have led to the repeal of over 1,360 rules (60% of the code of state rules). The moratorium blocked state agencies from changing or adopting new regulations; the regulatory review asked rule-making agencies to examine rules that were burdensome or outdated and submit a report by Nov. 1.

Gov. Justice was recently quoted, saying "West Virginia has consistently been ranked at or near the bottom among all states for our regulatory environment by publications such as Forbes and CNBC. This is an area where we need to improve." In addition, CNBC called West Virginia the worst state for business in 2017, characterizing the state as "in an economic death spiral."

A reminder and brief explanation of Governor Justice's earlier EOs on Regulatory Reform is noted below.

[Executive Order 2-18](#) is being called the Regulatory Moratorium and requires all state agencies to suspend rulemaking action on any proposed rules that have not yet been filed with the Secretary of State. Prior to filing any proposed rule with the Secretary of State, agencies must provide written notice to the Governor, after which the Governor will make a determination on whether the proposed rule should be exempted from this Regulatory Moratorium. The Moratorium is to remain in effect until expressly modified or terminated by a subsequent E.O.

[Executive Order 3-18](#) is the Governor's Regulatory Review Order, requiring all state agencies to review their regulations in an effort to identify rules that are outdated, ineffective, excessively burdensome and/or unnecessary. Agencies must submit a Regulatory Review report to the Governor and Legislative Rulemaking Review Committee by November 1, 2018, identifying rules to be continued without change, with modifications, or repealed.