

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
At Charleston

EXECUTIVE ORDER NO. 9-18

By the Governor

WHEREAS, West Virginia's State regulatory system over-regulates our citizens; and
WHEREAS, over-regulation has increased the complexity and expense of economic life for all West Virginians; and

WHEREAS, our State regulatory environment needs efficiency and implementation improvements; and

WHEREAS, this administration is focused on improving the functioning of our State regulatory environment by alleviating unnecessary regulatory burdens; and

WHEREAS, this administration has taken several recent actions to address over-regulation by removing problematic rules contained in the West Virginia Code of State Rules (CSR); and

WHEREAS, earlier this year I signed Executive Orders to establish a "Regulatory Moratorium" and "Regulatory Review" and Senate bills 350 and 522 to address over-regulation; and

WHEREAS, due to recent regulatory reform efforts over 60% (over 1,360 rules) of the CSR has been repealed; and

WHEREAS, continuing to address over-regulation will promote economic development and job creation; and

WHEREAS, an expedited permitting process is a critical aspect of regulatory reform; and

WHEREAS, this action will provide security and certainty to job creators who are considering investing in West Virginia; and

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

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

WHEREAS, this “Expedited Permitting Process” established by this Executive Order will be an important part of the regulatory reform efforts by this administration.

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

TITLE

1. This action shall be known and cited as the "Expedited Permitting Process".

PURPOSE

2. The purpose of this action is to provide an expedited permitting process for business and industry to secure all necessary permits.

EXPEDITED PERMITTING PROCESS

3. Executive State agencies shall immediately review all completed permit applications upon receipt.

4. Executive State agencies shall grant or reject all permits in an expeditious manner without compromising the integrity of a thorough analysis or statutory requirements.

DEFINITIONS

5. As used in this action, the following words and phrases shall have the meanings given to them below unless the context clearly indicates otherwise:

(a) “Certificate for a project of critical economic concern” means a certificate issued for a project by the Development Office after reviewing a complete certificate application designating it as a project of critical economic concern.

(b) “Complete certificate application” means a certificate for a project of critical economic concern application submitted by a certificate applicant to the Development Office containing all required information without technical deficiencies or other inadequacies which require further information.

(c) “Complete permit application” means a permit application submitted by a permit applicant to an Executive State agency containing all required information without technical deficiencies or other inadequacies which require further information.

(d) “Development Office” is the West Virginia Development Office established pursuant to the provisions of West Virginia Code §5B-2-1 et seq.

(e) “Executive director” is the Executive Director of the West Virginia Development Office established pursuant to the provisions of West Virginia Code §5B-2-2.

(f) “Executive State agency” means any executive office, department, board, commission, bureau, division, authority, public corporation, agency, or instrumentality of this State.

(g) "Permit" means any contract, license, permit, certificate, or other regulatory authority of any kind necessary to conduct business in this State.

(h) "Person" means any natural person, company, corporation, partnership, or any type of business entity.

(i) "Project of critical economic concern" means an undertaking designated by the executive director to be significant, in its operational stage, by its ability to stimulate economic development and job creation in West Virginia.

PROJECTS OF CRITICAL ECONOMIC CONCERN DETERMINATION

6. A person may submit a complete certificate application to the Development Office requesting a project be certified as a project of critical economic concern.

7. The Development Office shall issue a written decision on the request within 45 days of receiving a completed certificate application.

8. If a project is determined to be a project of critical economic concern, the Development Office shall issue a certificate of critical economic concern.

9. A certificate of critical economic concern expires two years from the date of issuance and may be extended for an additional period of two years at the discretion of the executive director.

FILING CERTIFICATES WITH EXECUTIVE STATE AGENCIES

10. A person shall file a certificate of critical economic concern with the appropriate Executive State agency that has permitting authority over the project.

11. A person shall file a certificate of critical economic concern at the time of filing the necessary completed permit application required for the project with the Executive State agency.

PERMIT PRIORITIZATION & STATUS REPORTING

12. The Executive State agency shall give priority to projects of critical economic concern in the handling and processing of complete permit applications, without compromising statutory requirements.

13. For projects of critical economic concern if a permit has not been granted or rejected:

(a) Prior to 90 days after the submission of a complete permit application, the Executive State agency shall issue a written report on the status of the completed permit application. The report shall be sent to the permit applicant and the executive director.

(b) Prior to 135 days after the submission of a complete permit application, the Executive State agency shall issue another written report on the status of the completed permit application. The report shall be sent to the permit applicant and the executive director.

(c) Prior to 180 days after the submission of a complete permit application, the Executive State agency shall issue a final written report on the status of the completed permit application. The report shall be sent to the permit applicant, the executive director and the Governor.

NO WAIVER OR GUARANTEE

14. The filing of a certificate of critical economic concern with an Executive State agency is not a waiver of any element, rule, regulation, or statute and does not guarantee a permit will be granted.

EXECUTIVE DIRECTOR ANNUAL REPORT

15. The executive director shall prepare and submit a written report to the Governor and the Joint Committee on Government and Finance on or before November 1, 2019, and on or before November 1 each year thereafter.

16. The written report shall specifically explain whether, in his or her professional opinion, this action is operating successfully.

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 the twenty-third day of April, in the Year of Our Lord Two Thousand Eighteen, and in the One Hundred Fifty-Fifth year of the State.

A blue ink signature of the name "Jim Justice".

GOVERNOR

By the Governor

A blue ink signature of the name "Mac Warner".

SECRETARY OF STATE