

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
CHARLESTON
EXECUTIVE ORDER NO. 20-03
By the Governor

WHEREAS, a vibrant and growing small business sector is critical to creating jobs in a dynamic economy; and

WHEREAS, small businesses sustain a heavy financial burden due to high fixed costs of complying with uniform regulations that pertain to businesses of all sizes; and

WHEREAS, State Government must be responsive to the needs of small businesses; and

WHEREAS, it is important that the State seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on small businesses; and

WHEREAS, failing to recognize differences in the scale and resources of regulated businesses can adversely affect competition in the marketplace, discourage innovation, and restrict improvements in productivity; and

WHEREAS, unnecessary regulations create entry barriers in many industries and discourage potential entrepreneurs from introducing beneficial products and processes; and

WHEREAS, the practice of treating all regulated businesses as equivalent may lead to inefficient use of regulatory agency resources, enforcement problems and, in some cases, actions inconsistent with the legislative intent of health, safety, environmental and economic welfare legislation; and

WHEREAS, alternative regulatory approaches which do not conflict with applicable statutes may be available to minimize negative economic impact on small businesses, while concurrently allowing for better health, safety, and environmental outcomes at a lower cost; and

WHEREAS, when developing and reforming their regulations, it is important that State entities solicit the ideas and comments of small businesses, examine the impact of proposed and existing rules on such businesses, and review the continued need for existing rules.

NOW THEREFORE I, BOB WISE, pursuant to the authority vested in me as the Governor of West Virginia, do hereby **ORDER** that:

1. The Director of the Small Business Development Center of the West Virginia Development Office (“the Director”) shall have the power and authority to execute the requirements of this Order, and shall also control the management and oversight of implementing appropriate related procedures as approved and directed by the Governor.
2. Each State agency, board, commission, department, or bureau (“agencies”) shall designate an individual to be responsible for compliance with the provisions of this Order and the requirements to be set forth by the Director.
3. Within three months of the issuance of this Order, the Director shall establish specific guidelines for approval by the Governor, requiring that all agencies:
 - A. Prepare and deliver to the Director, prior to the adoption of any proposed regulation that may adversely impact small businesses, an economic impact statement that shall include, along with other regulations established by the

Director:

- (1) An estimate of the number of small businesses subject to the proposed regulation;
- (2) Projected administrative costs required for compliance with the proposed regulation;

- (3) The probable effect on impacted small businesses; and
 - (4) Whether less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation exist and, if so, why they are not instead recommended for implementation.
- B. Provide an analysis regarding the feasibility of utilizing regulatory methods that will accomplish the objectives of applicable laws, while minimizing adverse impact on small businesses.
 - C. Review their existing regulations and determine if such regulations are consistent with the established objectives of the Director and as set forth herein, and provide a report of their findings to the Director, as shall be specified by the Director.
 - D. Continue their review of applicable statutes and regulations and provide reports on a periodic basis, in order to ensure a continued minimization of negative economic impact on small businesses.

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-seventh day
of August, in the year of our Lord, Two Thousand
Three, and in the One Hundred Forty-First year of
the State.

GOVERNOR

By the Governor

SECRETARY OF STATE