

Highlights of Executive Order 14, as amended July 16, 2018

Definition of exempt rulemaking process: Adds a requirement that “Agencies should consult with their respective cabinet secretary prior to promulgating a regulation under the exempt process” (page 2).

Definition of Mandate: Modifies the definition to now include directives of the federal government or a court that requires that a regulation be promulgated, amended, or repealed in whole or in part (page 2).

Policies and Principles (General): “B” clarifies a requirement that these principles be considered when agencies periodically review their regulations (page 3).

Policies and Principles (Regulatory Development): “A” adds a requirement that statistical data be used when developing regulatory proposals (page 4).

OAG role in proposed stage, revised proposed stage, fast-track, and emergency regulations: Adds new language requiring the OAG to “determine whether the content of the proposed regulation conflicts with existing law” (pages 7, 8, 9).

Revised proposed stage: There is no substantive change here, but the section was shortened to state that executive branch review will be the same as for the proposed stage, except that DPB’s review remains at 21 days (page 7).

Final stage: DPB’s review period is now 21 days to allow for a more thorough review of the changes between the proposed and final stages, and to prepare a revised economic impact analysis when necessary in accordance with the provisions of Virginia Code § 2.2-4007.04.E, which became effective in 2017 (pages 7-8).

Emergency rulemaking process: DPB’s review period is now 14 days, in recognition that 10 calendar days did not provide sufficient time for DPB and the proposing agency to review the action (pages 9-10).

Periodic review of existing regulations: Additional information on periodic reviews will be provided over the next several weeks, as changes are made to Town Hall to address the revisions made in the Executive Order and the requirements of the regulatory reform legislation, [Chapters 444](#) and [445](#) of the 2018 *Acts of Assembly* (pages 10-11).

Petitions for rulemaking, electronic availability of meeting agenda and minutes, and electronic availability of guidance documents: These sections have been combined into one entitled “Electronic Availability of Petitions and Documents.” The only substantive change was to update the Code citation to the definition of guidance document, from Virginia Code § 2.2-4001 to Virginia Code § 2.2-4101, to reflect the 2017 removal of the definition of guidance document from the Administrative Process Act (page 11).

Regulatory timeframe deadlines: Eliminates the end of the year reporting requirement for missed deadlines (previously on page 11).

Legislative mandates: This section has been eliminated from the Executive Order. However, the regulatory reform legislation requires “all executive branch agencies subject to the Administrative Process Act...[to] develop a baseline regulatory catalog and report their catalog data, and any specific federal or state mandates or statutory authority that require the regulations and associated regulatory requirements.” [Chapters 444](#) and [445](#) of the 2018 *Acts of Assembly*. Additional information about this process will be provided in the coming months (previously on page 12).

Effective date of the executive order: Rescinds Governor Gilmore’s Executive Order 58 (1999) requiring agencies to consider the impact of the proposed regulation on families. Governor Northam’s Executive Order 14, as amended, took effect on July 16, 2018 and remains in effect until June 30, 2022, unless amended or rescinded (page 12).