

JAY INSLEE
Governor



STATE OF WASHINGTON

OFFICE FOR REGULATORY INNOVATION AND ASSISTANCE

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 725-0626

The Office for Regulatory Innovation and Assistance (ORIA) per RCW 34.05.328(6) compiles a report about your activities related to Significant Legislative Rules. ORIA, in turn, prepares a report to the governor and legislature. See [RCW 34.05.328](#). Our most recent report is available here: <http://www.ofm.wa.gov/reports/regreform.pdf>.

Anne Knapp, ORIA Regulatory Improvement Consultant, and I will prepare the report, which is due January 31, 2016. This is an early reminder to help you work this into your schedules. Please provide this **information back to us no later than November 2, 2015**.

ORIA will facilitate a meeting on May 14, 2015 from 10:00 am –12:00 pm in the Columbia Room of the Department of Commerce Facilities at Town Square to discuss strategies for efficient and timely reporting. An outlook appointment will be sent out with details, please share this information with your staff as appropriate. Anne can be reached at anne.knapp@gov.wa.gov and (509) 575-2384.

My office has used Lean strategies to streamline the 2014 reporting process. Michael McNabb, ORIA's Information Technology Systems Architect, developed a template for your agency to use to improve reporting efficiency and effectiveness. It is similar to the Permit Timeliness and Regulatory Handbook reporting currently in place. Please visit the ORIA Portals see examples of our portals. <https://www.ezview.wa.gov/?alias=home&pageid=35540>

The new template will make the required information much easier to collect. Data can also be entered each time you act on a rule. We are asking you to include the following information in your report. We will total the information from all agencies and include the individual agency reports as appendices to the report as we have done in the past.

Here are the requirements from the statute about what ORIA must include in the report.

(6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of regulatory assistance, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, must report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report must document:

- (a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;
- (b) The costs incurred by state agencies in complying with this section;
- (c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;
- (d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;
- (e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

1. Significant legislative rules your agency **adopted from Jan. 1, 2014 through Dec. 31, 2015**. Please let us know whether your totals are for the number of WAC sections adopted or whether it's something else, like by WAC chapter or by topic. If your totals are something other than WAC sections, please also include the number of WAC sections your agency adopted that were covered by the significant legislative rules requirements. For consistency, the report will show the number of sections for each agency. We'll include narrative where appropriate to describe which "rules" included multiple sections or requirements.
2. **Title or description for each rule** (or grouping of WAC sections) adopted. So ORIA can describe the types of rules that are "significant legislative rules."
3. **Whether compliance with this section affected the substance** of the rules you adopted. You can answer this generally, rather than as a yes or no for each WAC section. Assuming something changed, either in the early development of the rule or after taking public comments, or based on the cost-benefit analysis, it would be very helpful to **give us an example** or two.
4. **Costs** of complying with the requirements. We don't seem to have a consistent approach to this question. If you are able to give a cost figure, please do and describe roughly what is included in the costs. If you can't give me a cost figure, please give me a description or qualitative assessment of whether the costs of doing a significant legislative rule are lots higher or a little higher or something. In general, I think the point is to consider whether the outcomes, based on the extra requirements of this process are worth the costs.
5. **Information on any legal actions** from subsection c above, -- seems clear.
6. **Narrative responses to parts d, e, and f**. Again, these seem clear. We've gotten some thoughtful answers in years past.

ORIA will be contacting the business, environmental, city, county and labor groups to see if they have comments. If you have information or comments from any of them, I would be glad to have this information included in the responses. Please contact me or Anne Knapp, anne.knapp@gov.wa.gov (509) 575-2384 if you have questions.

Thank you for your help.

Jesus Sanchez



Director, Public Servant
Governor's Office for Regulatory Innovation and Assistance

Cc: Anne Knapp, ORIA Regulatory Improvement Consultant