

**Gov. Office**

**Burrell, Kari (GOV)**

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**Attachments:** Template for EO report.docx

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**From:** Hultman, Shelby (GOV)  
**Sent:** Friday, December 09, 2011 09:44 AM  
**To:** Rules Moratorium Rules Coordinators 2011  
**Cc:** McGill, Jason (GOV); Hultman, Shelby (GOV)  
**Subject:** Rules Moratorium Executive Order 11-03

Dear Rule Coordinators:

Pursuant to Executive Order 10-06 and the subsequent Executive Order 11-03 that suspended non-critical rule development and adoption, agencies shall provide a progress report to the Governor.

- **Please use the attached template to report your agency's activity; and return the 2010-2011 portion of the report to Shelby.Hultman@gov.wa.gov by December 23, 2011.**

(The Executive Order also requires agencies to subsequently report by the end of 2012, so we have included a section in the attachment for next year. Obviously you do not need to include information for 2012 at this time – we provide this for your pre-planning for next year.)

- The Order applies to all cabinet agencies and boards, commissions and other agencies that report to the Governor.
- All other elected officials, institutions of higher education, agencies, boards, commissions and other entities with rule making authority are also invited to submit a report.
- Please indicate your agency name in the footer of the form so we can compile the information.

The following is a link to the Governor's October 13, 2011 press release regarding the extension of the rules moratorium, Executive Order 11-03 issues October 11, 2011, and the OFM Guidance document dated October 12, 2011: <http://governor.wa.gov/news/news-view.asp?pressRelease=1784&newsType=1>.

If you have substantive questions regarding what to report on the template, please contact [Jason.McGill@gov.wa.gov](mailto:Jason.McGill@gov.wa.gov) or (360) 902-0448.

Again, please complete the attached template and return the 2010-2011 portion to [Shelby.Hultman@gov.wa.gov](mailto:Shelby.Hultman@gov.wa.gov) no later than December 23, 2011.

Thank you,

Jason T. McGill  
Executive Policy Advisor for Health Care  
Governor's Executive Policy Office

Office: (360) 902-0448

**Template for Reporting on Executive Order 10-06  
(Rules Moratorium)**

Agency Name			
Cabinet Agency or Report to Gov	(Circle)	Yes	or No
Contact			
Contact Phone			
Contact Email			

Rules Permanently Adopted CR 103(P)					
	11/17/2010 - 12/31/2011		1/1/2012 - 12/31/2012		
Exemption Category	Rules	Sections	Rules	Sections	Give One Example (Rule topic; Brief description of rule; How or why it fits exemption category)
Required by state or federal law					
Court order					
Manage budget					
Protect public health, safety					
Beneficial, requested by stakeholders					
<i>Totals</i>					

Rules Currently in Process or Expected to Proceed*			
Exemption Category	As of Dec. 2011	As of Dec. 2012	Give One Example (Rule topic; Brief description of rule; How or why it fits exemption category)
Required by state or federal law			
Court order			
Manage budget			
Protect public health, safety			
Beneficial, requested by stakeholders			
<i>Totals</i>			



STATE OF WASHINGTON  
**GOVERNOR'S EXECUTIVE POLICY OFFICE**  
100 Insurance Building, PO Box 43113 • Olympia, Washington 98504-0113

October 12, 2011

**TO:** Agency Directors  
Statewide Elected Officials  
Presidents of Higher Education Institutions  
Boards and Commissions

**FROM:** Kari Burrell  
Director

**SUBJECT: EXTENDING EXECUTIVE ORDER 10-06,  
SUSPENDING NON-CRITICAL RULE DEVELOPMENT AND ADOPTION**

Our country and our state remain in the worst recession in 80 years. Small businesses are struggling. State and local governments have experienced severe revenue losses which have led to significant budget cuts. Both small businesses and governments benefit from having a stable and predictable regulatory environment in these difficult times.

Governor Chris Gregoire's Executive Order 10-06 is extended and directs state agencies to suspend development and adoption of rules until December 31, 2012. The Governor is directing agencies to suspend rule making that is not immediately necessary. She recognizes, however, that agencies should not suspend all rule making, as rule making is an essential government operations tool. She has asked the Office of Financial Management to provide guidance as to circumstances in which rule making should proceed.

This Executive Order applies to all cabinet agencies and boards, commissions and other agencies that report to the Governor. All other elected officials, institutions of higher education, agencies, boards, commissions and other entities with rule making authority are invited to follow the requirements of the Executive Order and these guidelines.

This memorandum provides guidelines for agencies to use when determining whether rule making should proceed:

**Guidelines**

1. Agencies shall review all rules in progress and their proposed rule making agenda for next year and identify those rules that can be suspended until after December 31, 2012.
2. In determining whether a rule should be suspended, agencies shall recognize the benefits of a stable regulatory environment. Where possible, agencies should redirect scarce resources away from rule making to front-line service delivery, including implementing and enforcing existing rules.

3. Rule making proceedings are non-critical unless the rule is:
  - a. required by federal or state law or required to maintain federally delegated or authorized programs;
  - b. required by court order;
  - c. necessary to manage budget shortfalls, maintain fund solvency, or for revenue generating activities;
  - d. necessary to protect public health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources;
  -  e. beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects; or,
  - f. necessary to respond to current economic conditions or assist in long-term economic recovery, to include employment assistance, consumer protection or government reform.
4. If an agency decides to proceed with a rule that has a small business impact or an impact to local government, the agency must consult with small businesses and/or governments on how the impact can be mitigated. Agencies shall use online resources and technology to maximize efficiency of the rulemaking process for stakeholders.
5. Agencies may continue to adopt rules that have been the subject of negotiated rule making or pilot rule making that involved substantial participation by interested parties before the development of the proposed rule. Agencies can also proceed to finalize permanent rule making that has previously been covered by emergency rules.
6. Agencies may continue to adopt expedited rules under RCW 34.05.353 where the proposed rules relate only to internal governmental operations.
7. Each agency shall provide progress reports by December 31, 2011 and December 31, 2012 on the number of rules eliminated or suspended in response to this order as well as the number of and justification for rules that proceeded through development and/or adoption.

CHRISTINE O. GREGOIRE

Governor



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

*P.O. Box 40002 · Olympia, Washington 98504-0002 · (360) 753-6780 · [www.governor.wa.gov](http://www.governor.wa.gov)*

**EXECUTIVE ORDER 11-03**

**EXTENDING EXECUTIVE ORDER 10-06  
SUSPENDING NON-CRITICAL RULE DEVELOPMENT AND ADOPTION**

**WHEREAS**, state regulations are essential to protecting the health, safety, welfare and quality of life for the people of the state of Washington; and

**WHEREAS**, we are called upon in these unprecedented economic times to both conserve resources and continue to meet our responsibilities; and

**WHEREAS**, the current recession is causing severe economic stress for small businesses and governments; and

**WHEREAS**, in a time of severe budget constraints, small businesses and governments find it more difficult to monitor and respond to proposed changes in rules and policies; and

**WHEREAS**, a stable and predictable regulatory and policy environment will conserve resources for small businesses and local governments and promote economic recovery; and

**WHEREAS**, suspending non-critical rule making will allow agencies to focus staff resources on direct service delivery;

**NOW, THEREFORE**, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the power vested in me by the Constitution and statutes of the state of Washington do hereby order and direct:

- (1) The suspension of non-critical rule development and adoption from the date of this Executive Order through December 31, 2012.
- (2) The Office of Financial Management to publish guidelines identifying circumstances in which rule making may proceed.

This Order applies to all cabinet agencies and boards, commissions and other agencies that report to the Governor. I invite all other elected officials, institutions of higher education, agencies, boards, commissions and other entities with rule-making authority to follow the requirements of this Order.

This Order is not intended to, and does not confer any legal rights and shall not be used as a basis for legal challenges to rules or other actions or to any inaction of the governmental entity subject to it.

This Order shall expire by its own terms on January 1, 2013.

Signed and sealed with the official seal of the state of Washington on this 11th day of October, 2011 at Olympia, Washington.

By:

/s/

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Christine O. Gregoire

Governor

BY THE GOVERNOR:

/s/

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Secretary of State

**Lindstrand, Laura (HUM)**

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**To:** Oliver, Alexis (GOV); Ortiz, Sharon (HUM)  
**Subject:** WACs that need updating

Hi Alexis,

Sharon asked me to send you a list of our WACs that need drafting and/or updating. I am listing subject areas -- if you need actual WAC numbers, let me know and I can provide those.

Sexual Orientation/Gender Identity (no WACS)

Veterans Status (no WACs)

Breastfeeding in a place of public accommodation (no WACs)

Disability (needs updating after new definition)

Sex discrimination/pregnancy/pregnancy related disability (needs updating after court decision, generally needs clarification)

**Laura Lindstrand**  
**Interim Enforcement Manager**  
**Washington State Human Rights Commission**  
**711 S. Capitol Way, Ste. 402, PO Box 42490**  
**Olympia, WA 98504**  
**(360) 359-4923**  
**(800) 233-3247**

*Done*