

Agenda Date: September 24, 2015  
Item Numbers: A1 and A2

**Dockets:** A-151775 and A-090485  
Topic: Replace Delegation Order

Staff: Suzanne Stillwell, Licensing Services Manager

### **Recommendation**

Rescind the current delegation order (docket A-090485) and replace it with the proposed delegation order (docket A-151775). Delegate authority to execute routine tasks, via the proposed delegation order, to the Director for Safety and Consumer Protection, the Assistant Director for Transportation Safety, and the Licensing Services Manager.

### **Discussion**

#### **Background**

As a result of Lean process improvements, Licensing Services staff (Licensing) identified a number of opportunities to reduce both the number and time involved in issuing orders. In November 2014, Licensing eliminated insurance-related suspension and lifting orders, reducing the number of insurance-related orders by about ten per month. Licensing also reviewed other state agencies that perform similar functions in the issuance of permits, licenses and certificates. Only two of seven agencies reported that they issue orders. One issues orders only under certain circumstances as required by statute for specific types of permits and the other issues orders only in contested cases.

Next, Licensing explored the option of delegating routine licensing tasks lower in the organization and to consider executing those routine tasks by letter rather than order. Staff reviewed the potential time savings inherent in moving from orders to letters. For the majority of orders the estimated time savings is about 200 hours annually.

Our review of other agency activities, agency data on time savings, and conversation with the Attorney General's Office led to Licensing's recommendation to expand the authority of designated employees to execute routine licensing tasks by letter, rather than order. This change allows staff to realize significant time savings and streamline the process. Instituting this change, along with the elimination of insurance-related suspension and lifting orders will result in a decrease of approximately 775 orders annually.

#### **Legal authority**

The commission has broad authority to delegate licensing tasks under RCW 80.01.030, which reads, "The commission may, by rule or order, delegate to designated assistants any of the powers and duties vested in or imposed upon the commission by law except matters governed by chapter 34.05 RCW [the Administrative Procedure Act]." Both routine ("ministerial") and policy-oriented ("discretionary") tasks can be delegated under this provision. The proposed delegation order in this docket would delegate "ministerial" or routine tasks only.

We believe this change will increase efficiency. Orders involving non-routine tasks and "judgment calls" will still be reviewed and approved by the Commission Secretary (Secretary) or

Commissioners. The proposed delegation order will allow the commission to remain flexible. The Licensing Services Manager and AD for Transportation Safety will perform most delegated actions. If they are unavailable, the Director for Safety and Consumer Protection and the Secretary can perform the task.

**How has the delegation order changed?**

The proposed order accomplishes two primary goals: (1) expanded delegation of routine licensing tasks to employees “closer to the action” and (2) elimination of delegation language that also appears in rule.

<b>Existing order (Order 04, A-090485)</b>	<b>Proposed order (Order 01, A-151775)</b>
Section I, paragraphs 3-4, duplicates WAC 480-07-903(4).	Duplicative language removed.
Section I, paragraphs 1-2, 5-6, contains general and miscellaneous delegation provisions.	Carried over to proposed order Section I.
Section II duplicates WAC 480-07-904(1).	Duplicative language removed.
Section III (A) through (G) duplicates WAC 480-07-905(1) through (7) and adds provisions regarding motor freight carriers. Powers are delegated primarily to the Secretary. Employees below the Secretary have limited powers.	In what is now labeled Section II, the Secretary retains existing powers. A large subset of power is delegated namely to the Director for Safety and Consumer Protection, the Assistant Director for Transportation Safety, and the Licensing Services Manager. These three employees, along with the Secretary, are considered redundant for delegation purposes.
Section III (H) duplicates WAC 480-07-905(9).	Duplicative language removed.
Section III (I) duplicates WAC 480-07-905(8).	Duplicative language removed.
Section IV duplicates WAC 480-07-903(2)(d).	Duplicative language removed.
Section V duplicates WAC 480-07-903(2)(b).	Duplicative language removed.
Section VI duplicates WAC 480-07-903(2)(c).	Duplicative language removed.
Section VII duplicates WAC 480-07-903(1)(d).	Duplicative language removed.
Section VIII rescinds prior order.	Addressed in rescission order in A-090485.
Wording generally tracks rule language.	Wording simplified as appropriate.

**Conclusion**

We recommend the commission adopt the proposed delegation order at today’s open meeting by rescinding the existing delegation order in docket A-090485 and replace it with the proposed delegation order in docket A-151775.