



Summary: *Government agencies enjoy broad authority to write, interpret, and enforce their own rules. But agency officials aren't elected or otherwise accountable to the public. This model policy provides an appropriate check on agency authority by requiring the Governor—who is accountable to the people and responsible for executive branch agencies—to ratify new or amended agency rules.*

Accountability in Rulemaking Act

Section 1.

- (a) The adoption or amendment of any rule by any state agency shall be subject to the approval of the governor.
- (b) No agency may submit for publication in the [state Administrative Register] any required notice of the adoption of a new rule or the amendment of an existing rule without first receiving from and including a copy of the written approval of the adopted or amended rule by the governor.
- (c) For purposes of this section/act, a covered rule is any agency statement of general applicability and future effect that is binding on the public or that more than nominally affects private rights, privileges, or other obligations, whether it is a rule issued after public notice and comment or an emergency rule. A covered rule does not include agency adjudications, permits or rules of individual applicability, or matters of internal agency management that have no substantial effect on non-government parties.

*States with legislative review of agency rules may instead consider providing that rules must be approved by the governor before being submitted to the legislature for review.