

# HOUSE BILL REPORT

## SSB 6425

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### As Passed House:

March 4, 1998

**Title:** An act relating to legal authority of agency heads.

**Brief Description:** Clarifying legal authority of an agency head.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen and Fraser).

### Brief History:

#### Committee Activity:

Government Reform & Land Use: 2/25/98, 2/27/98 [DPA].

#### Floor Activity:

Passed House: 3/4/98, 97-0.

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## HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; and Fisher.

**Staff:** Joan Elgee (786-7135).

**Background:** The state Administrative Procedure Act specifies the procedures agencies must follow when adopting rules. These procedures include publishing notice of a proposed rule and conducting a rule-making hearing. The agency head, a member of the agency head, or a presiding officer designated by the agency head must preside at the rule-making hearing. Unless the agency head presides or is present at substantially all the hearings, the presiding official must prepare a memorandum of the rule-making hearing for consideration by the agency head. The agency head is the individual or body of individuals in whom the ultimate legal authority of the agency is vested.

**Summary of Bill:** The requirement to prepare a summarizing memorandum of a rule-making hearing is clarified to include the case where the agency head has delegated rule-making authority. Regardless of whether the agency head has delegated rule-making

authority, the presiding official must prepare a summarizing memorandum unless the agency head presides or appears at substantially all of the hearings.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.