

# ~~Government Reform and Land~~ Use Committee

---

## BILL ANALYSIS

### SSB 6425

---

**Title of the Bill:** Clarifying legal authority of an agency head.

**What this Bill Does:** Revises requirements for preparation of memoranda summarizing rule-making hearings.

**Sponsors:** Senators McCaslin, Haugen and Fraser.

**Hearing Date:** 2/25/98

**Fiscal Note:** Not Requested.

**Analysis Prepared By:** 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:

The requirement to prepare a summarizing memorandum 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.