

HOUSE BILL REPORT

SSB 6425

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.

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.