

FINAL BILL REPORT

SSB 6425

C 125 L 98
Synopsis as Enacted

Brief Description: Clarifying legal authority of an agency head.

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

Senate Committee on Government Operations
House Committee on Government Reform & Land Use

Background: The Administrative Procedure Act (APA) requires that a memorandum be prepared by the presiding official at a rule-making hearing. That memorandum must summarize the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and must be made available to any person in accordance with the Public Records Disclosure Act.

The exceptions to the requirement to prepare the summarizing memorandum are when the agency head either presides or is present at substantially all of the hearings. The APA defines the agency head as 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. In that case, as well as all others, where the agency head does not preside or appear at substantially all of the hearings, the presiding officer must prepare a summarizing memorandum.

Votes on Final Passage:

Senate	46 0
House	97 0

Effective: June 11, 1998