

SENATE BILL REPORT

SB 6425

As Reported By Senate Committee On:
Government Operations, February 2, 1998

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

Brief Description: Clarifying legal authority of an agency head.

Sponsors: Senators McCaslin, Haugen and Fraser.

Brief History:

Committee Activity: Government Operations: 2/2/98 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6425 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Haugen, Horn, Patterson and T. Sheldon.

Staff: Diane Smith (786-7410)

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 of Substitute Bill: 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.

Substitute Bill Compared to Original Bill: The original bill was not considered.

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: No one.