

HOUSE BILL REPORT

SSB 6425

As Reported By House Committee On:
Government Reform & Land Use

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].

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.

In 1991, three Growth Management Hearings Boards were created to hear and determine petitions involving issues related to the implementation of the Growth Management Act. Each board's jurisdiction is limited to matters within its geographical boundaries. Each board is composed of three members. Members are appointed by the Governor for 6-year terms, with the terms of the initial board members staggered to expire during the

period 1994 to 1998. Any vacancy on a board is filled by gubernatorial appointment for the remaining unexpired term.

Summary of Amended 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.

Growth Management Hearings Board members must be confirmed by the Senate. No board member appointed after July 1, 1998, may begin to serve until the Senate confirmation process is complete. Board members appointed on or before July 1, 1998, must be confirmed by the Senate by July 1, 1999, to continue to serve on the board after that date.

Amended Bill Compared to Substitute Bill: The provisions for Senate confirmation of Growth Management Hearings Board members are added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: None.