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5 On page 4, after line 32, insert the following:

6 "Sec. 5. RCW 34.05.325 and 1992 c 57 s 1 are each amended to read
7 as follows:

8 (1) The agency shall make a good faith effort to insure that the
9 information on the proposed rule published pursuant to RCW 34.05.320
10 accurately reflects the rule to be presented and considered at the oral
11 hearing on the rule. Written comment about a proposed rule, including
12 supporting data, shall be accepted by an agency if received no later
13 than the time and date specified in the notice, or such later time and
14 date established at the rule-making hearing.

15 (2) The agency shall provide an opportunity for oral comment to be
16 received by the agency in a rule-making hearing.

17 (3) If the agency possesses equipment capable of receiving
18 telefacsimile transmissions or recorded telephonic communications, the
19 agency may provide in its notice of hearing filed under RCW 34.05.320
20 that interested parties may comment on proposed rules by these means.
21 If the agency chooses to receive comments by these means, the notice of
22 hearing shall provide instructions for making such comments, including,
23 but not limited to, appropriate telephone numbers to be used; the date
24 and time by which comments must be received; required methods to verify
25 the receipt and authenticity of the comments; and any limitations on
26 the number of pages for telefacsimile transmission comments and on the
27 minutes of tape recorded comments. The agency shall accept comments
28 received by these means for inclusion in the official record if the
29 comments are made in accordance with the agency's instructions.

30 (4) The agency head, a member of the agency head, or a presiding
31 officer designated by the agency head shall preside at the rule-making
32 hearing. Rule-making hearings shall be open to the public. The agency
33 shall cause a record to be made of the hearing by stenographic,
34 mechanical, or electronic means. Unless the agency head presides or is
35 present at substantially all the hearings, the presiding official shall
36 prepare a memorandum for consideration by the agency head, summarizing

1 the contents of the presentations made at the rule-making hearing. The
2 summarizing memorandum is a public document and shall be made available
3 to any person in accordance with chapter 42.17 RCW.

4 (5) Rule-making hearings are legislative in character and shall be
5 reasonably conducted by the presiding official to afford interested
6 persons the opportunity to present comment. Rule-making hearings may
7 be continued to a later time and place established on the record
8 without publication of further notice under RCW 34.05.320.

9 (6) Before the adoption of a final rule, an agency shall prepare a
10 written summary of all comments received regarding the proposed rule,
11 and a substantive response to the comments by category or subject
12 matter, indicating how the final rule reflects agency consideration of
13 the comments, or why it fails to do so. The agency shall provide the
14 written summary and response to any person upon request or from whom
15 the agency received comment."

16 Renumber the remaining sections consecutively and correct any
17 internal references accordingly.

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