

SHB 1552 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 34.05.325 and 2005 c 274 s 262 are each amended to
4 read as follows:

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

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

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

27 (4) The agency head, a member of the agency head, or a presiding
28 officer designated by the agency head shall preside at the rule-making
29 hearing. Rule-making hearings shall be open to the public. The agency
30 shall cause a record to be made of the hearing by stenographic,

1 mechanical, or electronic means. Regardless of whether the agency head
2 has delegated rule-making authority, the presiding official shall
3 prepare a memorandum for consideration by the agency head, summarizing
4 the contents of the presentations made at the rule-making hearing,
5 unless the agency head presided or was present at substantially all of
6 the hearings. The summarizing memorandum is a public document and
7 shall be made available to any person in accordance with chapter 42.56
8 RCW.

9 (5) Rule-making hearings are legislative in character and shall be
10 reasonably conducted by the presiding official to afford interested
11 persons the opportunity to present comment individually. All comments
12 by all persons shall be made in the presence and hearing of other
13 attendees. Written or electronic submissions may be accepted and
14 included in the record. Rule-making hearings may be continued to a
15 later time and place established on the record without publication of
16 further notice under RCW 34.05.320.

17 (6)(a) Before it files an adopted rule with the code reviser, an
18 agency shall prepare a concise explanatory statement of the rule:

19 (i) Identifying the agency's reasons for adopting the rule;

20 (ii) Describing differences between the text of the proposed rule
21 as published in the register and the text of the rule as adopted, other
22 than editing changes, stating the reasons for differences; and

23 (iii) Summarizing all comments received regarding the proposed
24 rule, and responding to the comments by category or subject matter,
25 indicating how the final rule reflects agency consideration of the
26 comments, or why it fails to do so.

27 (b) The agency shall provide the concise explanatory statement to
28 any person upon request or from whom the agency received comment."

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29 On page 1, line 1 of the title, after "meetings;" strike the
30 remainder of the title and insert "and amending RCW 34.05.325."

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