
SUBSTITUTE HOUSE BILL 1552

State of Washington 61st Legislature 2009 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove, and McCune)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to public access at open public meetings; and
2 amending RCW 34.05.325.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

15 (3) If the agency possesses equipment capable of receiving
16 telefacsimile transmissions or recorded telephonic communications, the
17 agency may provide in its notice of hearing filed under RCW 34.05.320
18 that interested parties may comment on proposed rules by these means.
19 If the agency chooses to receive comments by these means, the notice of

1 hearing shall provide instructions for making such comments, including,
2 but not limited to, appropriate telephone numbers to be used; the date
3 and time by which comments must be received; required methods to verify
4 the receipt and authenticity of the comments; and any limitations on
5 the number of pages for telefacsimile transmission comments and on the
6 minutes of tape recorded comments. The agency shall accept comments
7 received by these means for inclusion in the official record if the
8 comments are made in accordance with the agency's instructions.

9 (4) The agency head, a member of the agency head, or a presiding
10 officer designated by the agency head shall preside at the rule-making
11 hearing. Rule-making hearings shall be open to the public. The agency
12 shall cause a record to be made of the hearing by stenographic,
13 mechanical, or electronic means. Regardless of whether the agency head
14 has delegated rule-making authority, the presiding official shall
15 prepare a memorandum for consideration by the agency head, summarizing
16 the contents of the presentations made at the rule-making hearing,
17 unless the agency head presided or was present at substantially all of
18 the hearings. The summarizing memorandum is a public document and
19 shall be made available to any person in accordance with chapter 42.56
20 RCW.

21 (5) Rule-making hearings are legislative in character and shall be
22 reasonably conducted by the presiding official to afford interested
23 persons the opportunity to present comment individually. All comments
24 by all persons shall be done orally in the presence and hearing of all
25 other hearing attendees. Rule-making hearings may be continued to a
26 later time and place established on the record without publication of
27 further notice under RCW 34.05.320.

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

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

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

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

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

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