

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6289**

Chapter 57, Laws of 1992

52nd Legislature  
1992 Regular Session

RULE-MAKING HEARINGS--ELECTRONIC TRANSMISSION OF COMMENTS TO

EFFECTIVE DATE: 6/11/92

Passed by the Senate March 8, 1992  
Yeas 46 Nays 0

JOEL PRITCHARD

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**President of the Senate**

Passed by the House March 4, 1992  
Yeas 95 Nays 0

JOE KING

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**Speaker of the  
House of Representatives**

Approved March 26, 1992

BOOTH GARDNER

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**Governor of the State of Washington**

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6289** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB

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**Secretary**

FILED

March 26, 1992 - 12:05 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 6289**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

**State of Washington                      52nd Legislature                      1992 Regular Session**

**By** Senators Bauer, Sellar, Gaspard, Newhouse, Sutherland, Snyder, Owen, Madsen, McMullen, Vognild and Rasmussen

Read first time 01/23/92.      Referred to Committee on Governmental Operations.

1            AN ACT Relating to electronic transmission of comments to  
2 administrative rule-making hearings; and 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 1988 c 288 s 304 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.

1       (3) If the agency possesses equipment capable of receiving  
2 telefacsimile transmissions or recorded telephonic communications, the  
3 agency may provide in its notice of hearing filed under RCW 34.05.320  
4 that interested parties may comment on proposed rules by these means.  
5 If the agency chooses to receive comments by these means, the notice of  
6 hearing shall provide instructions for making such comments, including,  
7 but not limited to, appropriate telephone numbers to be used; the date  
8 and time by which comments must be received; required methods to verify  
9 the receipt and authenticity of the comments; and any limitations on  
10 the number of pages for telefacsimile transmission comments and on the  
11 minutes of tape recorded comments. The agency shall accept comments  
12 received by these means for inclusion in the official record if the  
13 comments are made in accordance with the agency's instructions.

14       (4) The agency head, a member of the agency head, or a presiding  
15 officer designated by the agency head shall preside at the rule-making  
16 hearing. Rule-making hearings shall be open to the public. The agency  
17 shall cause a record to be made of the hearing by stenographic,  
18 mechanical, or electronic means. Unless the agency head presides or is  
19 present at substantially all the hearings, the presiding official shall  
20 prepare a memorandum for consideration by the agency head, summarizing  
21 the contents of the presentations made at the rule-making hearing. The  
22 summarizing memorandum is a public document and shall be made available  
23 to any person in accordance with chapter 42.17 RCW.

24       (~~(4)~~) (5) Rule-making hearings are legislative in character and  
25 shall be reasonably conducted by the presiding official to afford  
26 interested persons the opportunity to present comment. Rule-making  
27 hearings may be continued to a later time and place established on the  
28 record without publication of further notice under RCW 34.05.320.

Passed the Senate March 8, 1992.

Passed the House March 4, 1992.

Approved by the Governor March 26, 1992.

Filed in Office of Secretary of State March 26, 1992.