

2 SSB 6425 - H COMM AMD

3 By Committee on Government Reform & Land Use

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 34.05.325 and 1995 c 403 s 304 are each amended to
8 read as follows:

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

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

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

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

1 the agency head has delegated rule-making authority, the presiding
2 official shall prepare a memorandum for consideration by the agency
3 head, summarizing the contents of the presentations made at the rule-
4 making hearing, unless the agency head presided or was present at
5 substantially all of the hearings. The summarizing memorandum is a
6 public document and shall be made available to any person in accordance
7 with chapter 42.17 RCW.

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

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

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

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

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

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

25 **Sec. 2.** RCW 36.70A.260 and 1994 c 249 s 30 are each amended to
26 read as follows:

27 (1) Each growth management hearings board shall consist of three
28 members qualified by experience or training in matters pertaining to
29 land use planning and residing within the jurisdictional boundaries of
30 the applicable board. At least one member of each board must be
31 admitted to practice law in this state and at least one member must
32 have been a city or county elected official. Each board shall be
33 appointed by the governor and confirmed by the senate and not more than
34 two members at the time of appointment or during their term shall be
35 members of the same political party. No more than two members at the
36 time of appointment or during their term shall reside in the same
37 county. The term of each member shall be six years.

1 (2) Each member of a board shall be (~~appointed for a term of six~~
2 ~~years~~) subject to senate confirmation. No member of a board appointed
3 after July 1, 1998, shall begin to serve until the senate has confirmed
4 his or her appointment. No member of the board appointed on or before
5 July 1, 1998, may continue to serve the remainder of his or her term
6 unless the senate confirms his or her appointment by July 1, 1999.

7 (3) A vacancy shall be filled by appointment by the governor and
8 shall be subject to senate confirmation. The member appointed to fill
9 a vacancy shall serve on the board for the unexpired portion of the
10 term in which the vacancy occurs. (~~The terms of the first three~~
11 members of a board shall be staggered so that one member is appointed
12 to serve until July 1, 1994, one member until July 1, 1996, and one
13 member until July 1, 1998.)) No member appointed to fill a vacancy on
14 a board may begin to serve until the senate has confirmed his or her
15 appointment. No member appointed to fill a vacancy on the board on or
16 before July 1, 1998, may continue to serve the remainder of his or her
17 term unless the senate confirms his or her appointment by July 1,
18 1999."

19 Correct the title.

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