

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1552**

Chapter 336, Laws of 2009

61st Legislature  
2009 Regular Session

RULE-MAKING HEARINGS--PUBLIC COMMENTS

EFFECTIVE DATE: 07/26/09

Passed by the House April 18, 2009  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 9, 2009  
Yeas 45 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 5, 2009, 2:13 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1552** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1552**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**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 made in the presence and hearing of other  
25 attendees. Written or electronic submissions may be accepted and  
26 included in the record. Rule-making hearings may be continued to a  
27 later time and place established on the record without publication of  
28 further notice under RCW 34.05.320.

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

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

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

35 (iii) Summarizing all comments received regarding the proposed  
36 rule, and responding to the comments by category or subject matter,  
37 indicating how the final rule reflects agency consideration of the  
38 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.

Passed by the House April 18, 2009.

Passed by the Senate April 9, 2009.

Approved by the Governor May 5, 2009.

Filed in Office of Secretary of State May 8, 2009.