

**MINUTES OF A SPECIAL MEETING OF THE STATUTE LAW COMMITTEE
2009-2011 Biennium**

January 19, 2011

The Statute Law Committee held a special meeting at 12:05 p.m., January 19, in the Senate Rules Room in the Legislative Building in Olympia.

The meeting was called to order by Chair Marty Brown. (I)

Members present: Alexander, Conte, Goodman, Hoemann, Panesko, and Rodger.

Members absent: Baker, Carrell, Kline, and Rodne.

Also in attendance were Kyle Thiessen, Code Reviser, who serves as the committee's secretary; Lew Lewis, Deputy Code Reviser; Kerry Radcliff, Washington State Register Editor; and Debbie Deibert, Administrative Secretary.

Kyle offered introductory remarks by first welcoming Kay Newman, the state law librarian and Sue Bellevue, librarian for the attorney general's office. Kyle reported that the session law scanning project covering the period of time of 1980 to 1999 had been completed and is available on our website. He explained that the code reviser's office would be receiving the rest of the session laws back to 1854 from William S. Hein & Company in Buffalo, New York at no cost and that within a few months the remainder of the session laws would be on our website and it would be searchable. In the past, the office had been quoted a cost of \$70,000 to obtain and post all of Washington's session laws on-line. By speaking with the librarians, the office learned of the William S. Hein & Company and accomplished this long-term goal of a complete and searchable session law base. He noted that the company would like to have all 50 states' session laws on-line. (II)

On December 8, the statute law committee met and discussed a bill draft concerning its publication authority. A group of librarians voiced their concerns

and Kyle Thiessen was charged with redrafting the bill to address these concerns. Kyle reported that since the last meeting, the new bill draft removed the provision giving the statute law committee authority to publish the official version of the RCW on-line.

The bill draft revises the committee's authority to provide a limited number of free paper copies of the WAC to archival libraries. It clarifies that free copies of the session laws could be distributed to libraries where internet access is limited.

The bill draft has a purpose section which is revised to recognize the committee's obligation to promote widespread access in both digital and print formats, and it provides for reasonably priced print alternatives. The section also recognizes that permanent public access to our web-based materials must be maintained and preserved.

The bill draft includes a requirement that the committee provide authentication for any digital publication that is declared official if it is cost-effective and not a burden to the users. The federal government uses authentication as do two states. Kerry Radcliff and Kyle tested the Delaware site for easy access to an authenticated section of its code. She and Kyle noted that they had to go through many screens, but were finally able to view a section of Delaware's code which had a key symbol in the upper right-hand corner indicating it was authentic. When Kerry tried to access the same site at home with an older computer, she was not able to bring up the same site.

Kyle offered an amendment concerning authentication and a discussion was held. The amendment read: "The statute law committee shall provide digital authentication for any publication in a digital format that is declared official, if in the discretion of the committee such authentication is cost-effective and does not interfere with public access." Kay Newman was concerned about the cost-effective language. Currently, it may not be cost effective, but in the future it could be. A brief discussion was held on the definition of reasonable access and cost effective.

An amendment to the amendment was offered taking out "is cost-effective and" so that the sentence would read: "The statute law committee shall provide digital authentication for any publication in a digital format that is declared official, if in the discretion of the committee such authentication does not interfere with public access." Members of the committee and guests agreed that deleting those four words would convey the intended purpose. (III)

Justice Gerry Alexander moved to approve the proposal, Joe Panesko seconded the motion. The committee voted to approve deleting the words “is cost-effective and” in the amendment and Kyle was charged with updating the bill draft.

Kyle reported that there was no other business to discuss. (IV)

Thereupon, the meeting adjourned at 12:35 p.m., the next meeting to be held at the call of the Chair.

K. KYLE THIESSEN, Secretary

MARTY BROWN, Chair

Date