

**MINUTES OF THE THIRD MEETING OF THE STATUTE LAW COMMITTEE
2007-2009 Biennium**

June 17, 2009

The Statute Law Committee held its third meeting of the 2007-2009 biennium at 1:30 p.m. in the Senate Rules Room in the Legislative building in Olympia.

The meeting opened with Chair Marty Brown presiding.

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

Members absent: Rodne.

Also in attendance were Kyle Thiessen, Code Reviser, who also served as the committee's secretary; Lew Lewis, Deputy Code Reviser; and Debbie Deibert, Administrative Secretary.

The Chair noted that minutes to the November 19, 2008, meeting had been distributed. (Tab 1) A motion was made to adopt the minutes to the previous meeting. The motion was seconded and adopted.

Kyle Thiessen presented a brief overview of office events which included a report on the number of bill requests per day for the 2007, 2008 and 2009 legislative sessions.

Mr. Thiessen expressed his appreciation for the efforts that Mr. Hoemann and Ms. Baker took in organizing a legislative agency approach to budget reductions.

Mr. Panesko announced that he had been reappointed by the Washington State Bar Association to serve another term on the Statute Law Committee.

Low Lewis noted that the Code Reviser's Office experienced no difficulties with the latest publication jobs which included the 2009 Washington Administrative Code. An order form was presented which shows the publications currently offered by the Office of the Code Reviser. A Google Analysis of visitors to the RCW website was presented and discussed. The publication account revenue and expense reports were displayed, and production schedules for the WAC, the 2009 Session Laws and the 2009 RCW Supplement were presented for review. (Tab 2)

Mr. Lewis reported that 75-day deadline to provide the bound session laws will be met. The session laws will be published as a four volume set. He noted that finding bidders to print the session laws was a task. The publishing houses are not storing paper but instead are ordering paper on demand if their bid is accepted for a printing job. Consolidated Press was awarded the bid for the session laws after presenting a bid which was 20% below the previous bidder who published last years' session laws. Language was included in the bid which guarantees to replace defective volumes on a book by book basis. This would include the possible fading of the cover when exposed to sunlight.

Mr. Thiessen gave a general overview of the publication account's balances over the past three years. It is possible that the balance in the publication account is more stable. He reported that the production run for each of our publications has been adjusted to the fewest number of copies necessary to meet predicted demand, for cost-effective savings. It was suggested that the committee review and amend statutes which specify that certain entities receive free paper copy of any of our publications. One alternative explored was to amend the law to provide a free CD Rom.

Mr. Thiessen reported that before the office stopped publishing a paper bound subscription for the Washington State Register, that he and Kerry Radcliff conducted not only a paper survey to all customers on the need for a paper subscription to the WSR, but also toured the state and spoke with librarians as to their need for a bound copy of the register. A survey concerning paper copy use of our publications, specifically the Washington Administrative Code may be developed and sent out during the summer. It was mentioned that an unbound copy of specific WAC titles and chapters would be available for purchase since most agencies and other customers are only interested in title specific areas.

Ms. Deibert presented an overview of Fiscal Year 2009 general fund finances. The office will be able to meet all billings and payroll for the fiscal year

ending June 30, 2009. A discussion was held on payments made to national organizations for dues. Payment of the Uniform Legislation Committee's billing of \$44,900 received in March of 2009 was approved by a motion made by Representative Goodman and seconded by Chief Justice Gerry Alexander. The Code Reviser's Office will follow the lead of the House and Senate on future payments, which may be partial in nature. A final report was presented on the Pritchard remodel capital projects fund. An office weekly report and a copy of staff names were provided for review. (Tab 3)

The operating budget expenditure authority schedule for 2009-2011 was presented to the committee. Mr. Thiessen presented materials to support potential plans for dealing with the lesser amount appropriated to the office than was asked for in its original budget request. The code reviser reported that the office is not filling two positions which were vacated during the last year and that with six retirements, the office was able to fill those positions with employees who are at a lower pay rate. Mr. Thiessen reviewed the costs savings of merging our warehouse operation with that of the legislative warehouse through the organizing efforts of Andy Stepelton. (Tab 4)

Mr. Thiessen presented an expedited rule change to be filed in the Washington State Register concerning office hours. SB 6104 amended RCW 42.04.060 and 42.56.090 which allows offices to design their forty hour work week for the transaction of business; it also allows an agency to have public records available for inspection thirty hours a week. A discussion concerning the merits of new office hours ensued. A motion was made by Joe Panesko and seconded by Tom Hoemann and passed by the committee to allow the Code Reviser's Office to file a CR105 in the state register which designates that public records shall be available for inspection and copying from 8 a.m. to noon and from 1:00 p.m. to 4:00 p.m. and that the office is open to accept physical paper filings of agency rules from 8 a.m. until 4 p.m. (including the noon hour) Monday through Friday, except for legal holidays. See WSR 09-14-023.

Mr. Thiessen presented the new and improved CR 103 forms: CR-103E (Emergency Rule Form) and CR-103P (Permanent Rule Form) which implements the changes asked for in RCW 34.05.360 which was amended by chapter 559, Laws of 2009. (Tab 5)

Mr. Thiessen thanked Representative Roger Goodman and Senator Phil Rockefeller for sponsoring and scheduling statute law committee bills. Four such committee sponsored bills passed the legislature. These included a gender-neutral

bill, a bill which updates the editorial authority of the code reviser's office, a technical clean-up bill, and a bill concerning respectful terminology in the statutes.

Mr. Thiessen reported that the office's report concerning public records exemptions will be delivered to the Sunshine Committee in August.

Mr. Thiessen submitted a report on the double or multiple amendments which occurred during the 2009 legislative session. (Tab 6) The report contains information on attorney assignment, RCW number affected, what chapter law was amended, comment by the assigned attorney, and the recommendation on how to display the section(s). A motion was made by Chief Justice Gerry Alexander and seconded by Richard Rodger that the committee be given two weeks to review the recommendations before code reviser staff proceeds with displaying or merging the conflicting language. The motion carried.

Comments were made by the chair concerning how clean our code is which points to the fact that attention is paid to detail in order to avoid clutter.

Thereupon, the meeting adjourned at 3:00 p.m., the next meeting to be held at the call of the Chair.

K. KYLE THIESSEN, Secretary

MARTY BROWN, Chair

Date

(Tab references are to the meeting binder.)