

## **MINUTES OF THE FIRST MEETING OF THE STATUTE LAW COMMITTEE**

June 29, 2005

The Statute Law Committee held its first meeting of the 2005-2007 biennium at 1:30 p.m. in the House Rules Room in the Legislative Building in Olympia.

The meeting opened with temporary Chair Marty Brown presiding.

Members present: Alexander, Brown, Conte, Hoemann, Johnson, Nafziger, Panesko, Priest, Pynch, Rockefeller, and Williams.

Members absent: None.

Also in attendance were Dennis W. Cooper, Code Reviser, who also served as secretary; Gary L. Reid, Chief Assistant Code Reviser; and Debbie Deibert, Agency Financial Officer and Administrative Secretary.

Marty Brown and Tom Hoemann were respectively nominated for offices of Chair and Vice Chair and were each elected by unanimous ballot.

Chair Brown continued to conduct the meeting.

Mr. Cooper reported that an appreciation award was presented to retiring Chair John Schultz, and that additional certificates were being prepared for retiring Vice Chair Roger Chase, and retiring members James Hamilton, Linda Portnoy, John Strait and Annie Wong-Daly, thanking them for their service upon the Statute Law Committee.

The minutes of the prior meeting of October 15, 2004 were approved.

Thereupon, the following resolutions relating to organization and procedure were reviewed and adopted:

RESOLVED:

(1) That meetings shall be at the call of the Chair or on a schedule established by the Committee, and the Chair may establish such subcommittees as may further the best interests of the Committee.

(2) That presiding officers may propose and second motions, vote, and otherwise participate in Committee activities.

(3) That the Reviser shall perform the duties of secretary of the Committee with the scope of his duties to include the ministerial duties of the Committee and shall also act as its treasurer.

(4) That the Reviser is authorized to sign and approve Committee vouchers against all appropriations to or for the operations of the Committee.

(5) That withdrawals from the Statute Law Committee Publications account shall be by voucher or warrant signed by the Reviser.

(6) That the minutes of meetings shall be circulated in advance of the next meeting and unless corrections are requested will be confirmed without reading.

(7) That the Reviser, with the approval of the Chair, may authorize designated staff members to attend conferences or seminars in and out of state in the best interest of the Committee.

(8) That with regard to proposals for access to the RCW or WAC data bases, that an executive Committee composed of the Chair, Vice Chair, Chair of the subcommittee on Computer Access to Laws and Regulations, if any, and the Code Reviser be authorized to consider all such requests in further detail and be authorized to negotiate and conclude agreements in accordance with the Statute Law Committee's copyright policy subject to circulating such agreements to the full Committee for comment and objection, if any, prior to execution.

(9) That SLC staff attorneys be authorized to participate in indigent legal assistance programs sponsored by the Thurston County Bar Association, but that such work be "in addition to their regular work" and in compliance with the 1994 Ethics Act.

(10) That the Committee will reimburse any lawyer staff member for continuing legal education registration and in-state travel and other related expenses required to maintain active bar association membership.

Mr. Cooper presented information on the committee's history and statutory powers and duties. (Tab 3) Mr. Cooper, further, presented the Office Policy and Procedures Manual for the members information and orientation. (Tab 4)

Mr. Cooper, further, presented data showing the bills, substitutes, amendments, and measures drafted by our office in 2005, and the numbers passed into law, with appropriate comparisons to prior years. (Tab 5)

Mr. Reid presented the production schedule for the 2005 RCW Supplement. (Tab 6)

Mr. Cooper presented the recommended merger of 2005 double amended sections. (Tab 7)

Following a discussion of these matters, the Committee adopted the following motion:

RESOLVED, That the double amended Code sections be approved for publication and notation in the 2005 RCW Supplement as recommended by the Code Reviser, subject to any modification requested by any Committee member and approved by the Code Reviser.

Mr. Reid presented information for the committee's review on agency rule filing, including 2005 data and historical data, and also the Quarterly Rule-Making Report. (Tab 8)

Vice Chair Hoemann continued to conduct the meeting upon the departure of Chair Brown.

Mr. Cooper presented information on Statute Law Committee publications including electronic publications on CD-ROM and internet availability. An order form showing all committee publication prices was presented for review.

Chief Justice Alexander presented a proposed amendment to a licensing agreement with the Supreme Court authorizing committee access to additional head notes and other previously copyrighted data in court decisions created by Lexis/Nexis. (Addendum 1)

After discussion, the Committee passed the following motion:

RESOLVED, The proposed amendment to the licensing agreement be authorized and executed by the Chair.

Mr. Cooper reported on the fiscal affairs on the Committee, including our current fiscal status and local fund status. (Tab 10)

Mr. Cooper further reported on the committee's appropriation for the 2005-2007 biennium (Tab 11). \$8,510,000 was appropriated to us in the operating budget. \$103,523 of our appropriation is to support the Uniform Legislation Commission during the 2005-2007 biennium. \$188,000 was added by the Legislature for a 3.2% cost-of-living increase in 2005 and a 1.6% increase on September 1, 2006.

Mr. Cooper presented information on a 3.2% cost-of-living salary increase that was authorized by the Legislature to commence September 1, 2005 for exempt employees. Funds were added to our appropriation by the Legislature to support the increase.

After discussion, the Committee passed the following motion:

RESOLVED, That committee staff salaries be adjusted by 3.2% as authorized by the Legislature to commence September 1, 2005.

Mr. Cooper further presented information on personnel and salary for the Code Reviser staff showing staff identity, tenure, and salary, as well as the seniority list for the office. The Code Reviser also gave a summary of the retire/rehire program authorized by RCW 41.40.037(2)(b) as it pertains to our staff. (Addendum II)

Mr. Cooper further announced that after 36 years of service with the Committee, and over 27 years as Code Reviser, he wished to retire on September 30, 2005, and indicated his willingness to work with the new person for a period to promote a smooth transition if that suits the Committee.

Following comments and discussion, the Committee designated members Alexander, Brown, Nafziger, and Hoemann to constitute a Code Reviser Selection Subcommittee to devise and effectuate a replacement process and to keep the full Committee informed thereon.

Mr. Cooper further gave a status report on the office location situation (Tab

13), including its recent move to the Pritchard Building basement and potential future move to the first floor in October or November of 2006.

After comment and discussion, the Committee acknowledged the need to secure permanent quarters for the staff at a location convenient to the Legislature.

Mr. Cooper reported on the travel plan for staff in the near future.

Mr. Panesko raised the issue of the null and void clauses associated with HB 1542, chapter 157, Laws of 2005. After discussion, the Committee directed staff to review the details of this situation and report its conclusion and recommendation to the Committee.

Thereupon, the meeting adjourned at 3:30 p.m., the next meeting to be held at the call of the Chair.

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DENNIS W. COOPER, Secretary

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MARTY BROWN, Chair                      Date

(Tab references are to the meeting binder.)