

**MINUTES OF THE FINAL MEETING OF THE STATUTE LAW  
COMMITTEE  
FOR THE 2005-2007 BIENNIUM**

June 6, 2007

The Statute Law Committee held its final meeting of the 2005-2007 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, Conte, Goodman, Hoemann, Nafziger, Panesko, and Rodger.

Members absent: Rockefeller and Rodne.

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

The Chair introduced Representative Roger Goodman as a new member to the Statute Law Committee.

A motion was made and seconded to approve the minutes of the prior meeting of December 13, 2006. The motion carried. (Tab 1).

Mr. Thiessen made opening comments concerning how busy the 2007 legislative session had been. He reported that 7,928 bill drafting files had been created which is approximately an eight percent increase over the 2005 session. He complimented the office staff for working together to manage the demanding workload. Mr. Thiessen also expressed thanks for the support given by committee members concerning the office's operating and capital budgets and for the bills which affected our office's publication duties.

The Code Reviser noted that the move to the first floor of the Pritchard building was a very advantageous move. The location provides daylight, a wonderful view

and more convenience for the clients we serve. The Code Reviser's Office was awarded a 1.1 million dollar appropriation in the state's capital budget. (Tab 2) Design plans have been on-going and have changed because the office has been working on in its new location first-hand. Andy Stepelton is managing the remodeling project, and Sandi Construction was awarded the contract. The office will move to the basement of the Pritchard building on July 5 and 6. It is hoped the staff will relocate to their new office spaces in late October or early November.

Lew Lewis reported on the office's decision to end the warehouse lease with General Administration at Union street. This warehouse has stored miscellaneous office supplies, files, equipment, and furniture for approximately twenty years. Its location was close and convenient for the purpose of retrieving needed supplies and files when our space in the Legislative building became inadequate for storage purposes. In preparation for ending the lease with General Administration, much effort has been put into transferring surplus furniture and equipment to GA or to our warehouse in Tumwater, recycling, and discarding useless items. The work will be completed by June 30.

Mr. Lewis gave an overview of publications produced by the office. (Tab 3) The office has received all of the chapters from the Secretary of State's office. The session laws will be published as a perfect bound set. The three-volume set will look like the hard bound session law books of previous years so that they will blend nicely on library shelves. Two volumes have been sent out to CDS Publications and returned as proof copies and the third volume is not far behind. The twelve-volume set of the 2007 WAC became available in March. A problem with the packaging of these 70 pound sets has been resolved. The Code Reviser's Office is on schedule in its RCW codification process. The RCW Supplement is expected to be on-line before Labor Day and the paper edition by September 21.

Mr. Thiessen noted that with the passage of HB 1859, the Statute Law Committee would be able to declare the internet version of the Washington State Register as the official version. During the past six years, subscriptions to the WSR has steadily declined. Producing the paper copy of this 24 issue subscription costs between \$120,000 to \$150,000 per year. Prior to 2007, a subscription cost \$195 with only 120 paying customers. By getting away from the binding costs, the office is able to save over \$100,000 per year. Also, noted was that as subscriptions declined, the office is close to losing its 2<sup>nd</sup> class postage rate with the United Postal Service. Mr. Thiessen requested that at the next Statute Law Committee meeting a decision be made concerning the official copy of the Washington State Register. Mr. Thiessen introduced Kerry Radcliff, editor of the Register, to explain

further the office's outreach strategy with librarians and other subscribers.

Kerry Radcliff sent a survey to 231 subscribers of the WSR and we received 121 responses. Many current subscribers noted that they would no longer be purchasing a subscription because of the WSR being on the internet. Ms. Radcliff described the features on our internet web site. A discussion was held on the authentication of each Register edition. It was noted that our office has the certified copy of each register filing and if any person or entity needed a paper copy of the original filing, that we are glad to copy it for them. It is estimated that there are 10 to 15 archival libraries which would be interested in a paper copy of the register. Ms. Radcliff gave the committee information on how quickly a paper edition of the register could be put together and sent out upon request.

A second survey was sent out concerning the use of our website. Ms. Radcliff noted that our clients need to be educated on the full potential of the Washington State Register website. She will be traveling throughout the state teaching about the merits of our website. It was mentioned that the success of e-filings are largely due to her traveling to various agencies in Washington, teaching agencies how to e-file. WSR staff will be traveling to Portland in July to the National Association of Secretaries of State convention where rules coordinators from various states meet and discuss agency rules publications. One subject that interests the Code Reviser's office will be on electronic publication.

Mr. Thiessen reviewed the expenditures from the publication account. It was noted that the office is reducing expenditures from this account through new publishing techniques and at least maintaining break-even revenues from certain publications so that we may continue paying for legal publications out of the publication account instead of asking for an appropriation from the General Fund.

(Tab 4)

Mr. Thiessen presented a survey conducted by our attorney, Jennifer Arnold, concerning the amount of money other states charge for their code-related publications to those entities which re-sell it. It was noted that some states have a common date when all contracts begin and end. Some states post their prices on their website. Mr. Thiessen asked that the committee allow the Code Reviser's Office to modernize the commercials sales of our codes in price, advertising and contract . He suggested that a proposal be sent out to the members of the committee for their comments and suggestions. If the proposal is satisfactory, a vote could be taken electronically on the modernization of commercials sales of code publications. (Tab 5)

Mr. Thiessen presented the financial report to the committee. (Tab 6) The 2005-2007 general fund appropriation for the Code Reviser's office has enough remaining for the last two months of general operations. It was noted that before the \$200,000 payment for the WAC Supplement, that the Publication Account had a balance of \$1,004,311. A copy of the 2007-09 Expenditure Authority Schedule for the operating and capital appropriation was included.

A copy of the exit conference for the Statute Law Committee from the Auditor's Office was provided for the members' information. (Tab 7) This audit covered the period beginning July 1, 2001 and ending June 30, 2006. There were no findings.

Mr. Thiessen introduced the subject of updating the office's editorial standards. (Tab 8) He gave examples such as whether there is the need to keep RCW section notes that are older than 10 years in the paper edition of the RCW. A discussion was held on modernizing drafting procedures and language and on preparing a bill that would update chapters 1.08 and 1.12 RCW. This discussion led to ESB 5063 which directs the Code Reviser's Office to fix gender references in the code. The revision shall be complete by June 30, 2015. Mr. Thiessen would like our office to meet with committee staff to agree upon gender-specific terms. An approved list could be included in the Bill Drafting Guide. A discussion was held concerning respectful language in the code. A blanket approach did not seem to work well in changing terms some deem as not respectful. Great care is being taken so as not to make a term obsolete if there is a definition in federal code. Once more, it may be wise to work with committee staff on respectful terms.

SSB 5435 relates to public records exemptions accountability. SSB 5435 creates a Public Records Exemptions Accountability Committee. The committee consists of 13 members. By August 1 of each year, beginning in 2007, the Code Reviser shall provide the committee with a list of all exemptions from public disclosure. By November 15 of each year, the committee must provide the Governor, Attorney General and the Legislature with recommendations regarding the exemptions. Staff support is to be provided by the Office of the Attorney General and the Office of Financial Management. Mr. Thiessen mentioned that our office would be conducting a search in chapter 42.56 RCW for exemptions, but no doubt this will be an on-going duty.

Chief Justice Gerry Alexander asked about the expanding size of the code. A discussion concerning the size of the Revised Code of Washington was held with Joe Panesko adding historical comment on code compilation.

Mr. Thiessen presented the committee with a list of the 2007 multiple amendments. The list 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 and seconded that the committee be given two weeks to review the recommendations before Code Reviser staff proceeds with displaying or merging the conflicting language. A suggestion was made that leadership and prime sponsors should receive a notice when sections are unmergeable.

Gerry Alexander complimented the Code Reviser on his help on an advisory committee concerning publishing the Washington Reports. Mr. Thiessen's work on the committee has been very appreciated and the Chief Justice wished to make the committee aware of his involvement.

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

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K. KYLE THIESSEN, Secretary

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MARTY BROWN, Chair      Date

(Tab references are to the meeting binder.)