

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

November 14, 2007

The Statute Law Committee held its first meeting of the 2007-2009 biennium at 1:30 p.m. in the Reception Room in the Temple of Justice in Olympia.

The meeting opened with Chair Marty Brown presiding.

Members present: Alexander, Baker, Conte, Goodman, Hoemann, 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.

Chair Marty Brown welcomed Barbara Baker, Chief Clerk of the House, to membership in the Statute Law Committee. The Chair noted that minutes to the June 6, 2007 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 that the meeting would cover issues concerning publications, the construction of office space in the Pritchard building and bill drafting issues.

Mr. Thiessen welcomed the guests in attendance. He explained that the Committee would be reviewing the Code Reviser's Office transition to new business practices concerning distribution of the Washington State Register. Mr. Thiessen reported that for the past six years, the publication account has steadily declined and he reported on the progress that the office has made to update its publication and distribution practices.

Mr. Thiessen referenced a memo he composed which was addressed to the Committee outlining an action item concerning the Washington State Register. It is the Code Reviser's recommendation that the Committee declare that the publication of the Washington State Register on the Code Reviser's website be considered the official publication of the Register, and that agencies and libraries that have historically received a free paper copy will receive a free compact disk version, with the exception of a number of archival libraries that will continue to receive an unbound paper copy. (Tab 2)

A discussion ensued concerning the improvements that have been made to the Code Reviser's website so that the Register is easier to navigate through. It was suggested that an e-mail alert system of agency filings be available from our website. It was further suggested that there be a system in place for comments by interested parties be submitted and displayed on the Register's website.

Kyle confirmed to the Committee that the number of unbound paper copies of the Register to be distributed was flexible. Kay Newman, state librarian, informed the committee about the number of paper copies needed by archival libraries. She also noted that helping the general public search the Register on-line is a time intensive job. Mrs. Newman also had concerns for the prison population who sometimes needs access to the filings in the Register and who may not have permission for computer access. She conceded that the loose leaf edition of the Washington State Register would be a good middle ground.

Marcus Hochstetler, King County Law Librarian, gave a short summary of his survey of the county law libraries and what their needs are and members of the Committee received a copy of his summary. He explained that the various county law libraries have diverse needs because of their budget levels, access for patrons who may not be computer savvy, and storage space concerns. Our flexibility to send the Register in different formats was a key component to reducing the number of free printed copies of the Washington State Register.

Definition of the word "official" was examined and discussed by members of the Committee since a number of libraries are responsible for maintaining a paper copy if that happens to be the official copy. A discussion was also held on authentication. Kyle reported that the state of Delaware has an authenticated state register on its website. He explained its pros and cons to the Committee. Kerry Radcliff reminded the members that the Register is a compilation of filings. The Committee agreed that the original filing in the file drawer is the original document

and that the Register is merely a publication which displays what was filed.

The motion concerning the official publication of the Register was amended to read as follows:

The Statute Law Committee declares that the publication of the Washington State Register on the Code Reviser's website is considered the official publication of the Register, and that agencies and libraries that have historically received a free paper copy will receive a free compact disk version, with the exception of a number of archival libraries that will continue to receive an unbound paper copy. The Code Reviser's Office maintains and will continue to maintain a file of every document ever filed for the Register, and that when asked to certify a document, it is the original file copy that the Code Reviser will certify.

The motion carried.

The Committee reviewed that expenditures and revenue of the Publication Account. Kyle informed that Committee that the Revised Code of Washington Supplement had been paid for and that we could expect to pay approximately \$320,000 to publish the complete set of the RCW next fall. Currently the balance in the Publication Account is approximately \$747,800. (Tab 3)

Mr. Thiessen explained to the Committee that the office sells the RCW and WAC data bases to other commercial entities. It has been the goal of the office to provide a uniform contract and price to other commercial publishing companies for their republishing of the RCW and WAC, which has not been updated since 1992. The office has updated its prices and has decided to bill these companies uniformly in September. (Tab 4)

A report on the expenditures from the State General Fund was provided to the members. The Code Reviser's Office is well within its monthly allotment for the support of salaries, benefits, goods and services. The Committee also examined the expenses submitted in support of the construction project for office space on the first floor of the Pritchard Building. Mr. Thiessen reported that the space should be ready by December 16.

Mr. Thiessen reported on the retirement of Raye Jean Saar. He also informed the members of the Committee on hiring two drafting attorneys. Mr. Thiessen outlined the reorganization of the index and digest duties among the attorneys and reported on the general office staffing.

The Committee was provided with a set of photographs showing the demolition of the office space in late September and a series of more current pictures on the progress made to construct offices and create a workable floor plan. He explained that the carpet and tile would be consistent with the pallet of the mosaic outside of the Code Reviser's Office and reported on obtaining a Tobey mural commissioned for the space in 1959 which will be rehung inside the office. (Tab 5)

Mr. Thiessen reported to the Committee that the Reviser's office is working with House and Senate staff to correct gender-specific terms throughout the RCW. A list of terms is being developed so that the legislative community will be working with the same references. A discussion was held concerning how careful staff will need to be to amend some of the gender-specific terms in making determinations concerning scope, acceptable alternative terms and priority. Kyle pointed out that during the course of the last 20 years, the office has corrected gender references in its course of bill drafting business. (Tab 6)

Mr. Thiessen reported on the office's report to the Sunshine Committee concerning public records exemptions contained in the Revised Code of Washington. He reported that the office crafted each query to find exemptions with care. He reported that the Sunshine Committee requested that the office provide a list that is more defined. The office would like a clearer definition of exemptions. Mr. Thiessen reported that this report is due each year. The Sunshine Committee has no expiration date to the work that they are doing and can go at a pace that fits their needs. (Tab 7)

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

KYLE K. THIESSEN, Secretary

MARTY BROWN, Chair Date

(Tab references are to the meeting binder.)