

**MINUTES OF THE FIRST MEETING OF THE STATUTE LAW COMMITTEE
2015-2017 Biennium**

September 9, 2015

The Statute Law Committee held its first meeting of the 2015-2017 biennium in the Senate Rules Room, located on the second floor, southeast corner of the Legislative Building.

Chair Roger Goodman called the meeting to order at noon.

Members present: Barbara Baker, Nicolas Brown, Hunter Goodman, Susan Howson, Hillary Madsen, Rick Neidhardt, Mike Padden, Jamie Pedersen, and Jill Reinmuth.

Members absent: Jay 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; Debbie Deibert, Administrative Secretary; Kevin Shotwell, Index/Digest; Alice Im, Assistant Code Reviser and Rick Johnson from the Legislative Service Center.

Committee members and others in attendance introduced themselves. It was noted that the three branches of Washington state government comprise the Statute Law Committee. Kyle gave a brief history of the Code Reviser's Office and the committee from 1951 until present noting the accessibility of the code for users progressing from paper to electronic access.

Minutes to the prior meeting were presented. A motion was made by Senator Padden and seconded that the minutes of the previous Statute Law Committee meeting held on January 5, 2015, be approved. The motion carried. (Tab 1)

Kyle presented a letter from Bloomberg which states they are terminating a license agreement whose terms included the cost for their use of the RCW data

base. Kyle notified the committee that he had a telephone conversation with a Bloomberg representative who mentioned an offshore vendor could provide them with Washington code. (Tab 2)

Kyle listed the three companies who pay for the use of the RCW, WAC and WSR each year. The current charges are \$15,000 each for the RCW or WAC and \$1,500 for the WSR.

After a brief discussion, Barbara Baker and others on the committee directed Kyle, with the aid of the attorney general's office, to send a letter explaining our concerns and the committee's position on copyright and use of the Washington state code for commercial purposes.

Senator Padden cautioned that before legal action, if any is taken, that such action be approved by the committee.

Kyle introduced Rick Johnson. Rick gave a PowerPoint presentation on LSC's research on other states' implementation of authentication as mandated by passage of the Uniform Electronic Legal Material Act. Kyle prefaced Rick's presentation by affirming that our state already meets two out of three recommendations of the act which are accessibility and preservation.

Rick spoke first to the preservation of the electronic version of the Revised Code of Washington and offered a historical conversion timeline, beginning in 1990, for preservation of the electronic version of the RCW. He explained the Document Management System and how it is backed up nightly.

Authentic text is one whose content has been verified by a government entity to be complete and unaltered when compared to the previous version approved or published by the content originator. Each electronic document in the chain from Passed Legislature version to codification in the RCW goes through some form of edit/store/print/proof cycle to maintain accuracy.

Rick's presentation explained the safeguards, security and document handling context in place by the Legislative Service Center and the Code Reviser's Office during this process. This includes physical location security, staff security and electronic security. Senator Padden asked if outside consultants come in to do security audits and Rick replied that their systems have been tested in that manner.

Next, Rick spoke about California who went "live" with their authentication

method for chapters (session laws), statutes, and California Codes. The initial cost was \$45,000 and ongoing costs are estimated at \$19,000 per year. He also presented a contrast of California's and Delaware's method of authentication with that of Minnesota and Utah. California and Delaware require only one step on the user's part to authenticate the document and open the document in Adobe Acrobat. Whereas, Minnesota and Utah require two or more steps of the user.

Rick presented the new format of the RCW on the internet. The internet application is: <http://app.leg.wa.gov/rcw/> and it now is built with responsive design techniques. On a user's smart phone, tablet or PC monitor, the page organization responds to the size of the device screen. He also spoke to its search feature.

Further discussion was held concerning the value of authenticating. Presenting a fraudulent document would be a disbaring offense. Jamie Pedersen noted that if used on a regular basis, authentication may be useful and that if some people care, it would be worth it. (Tab 3)

Low reviewed the Code Reviser's Office's publication progress with the committee. He reported that the WAC has been delivered to customers. The cost of the WAC is \$550 plus shipping. The office is planning on using the presale method for the RCW sets and supplements also. The publication of the 2015 Session Laws has been delayed due to the length of the legislative sessions. This has delayed the publication of the RCW Supplement also. An order form displaying publications currently offered by the office was presented in the meeting materials. (Tab 4)

Kyle answered the committee's questions concerning who orders the various publications. Also mentioned was the success the code reviser's office's has had by using Legislative Support Services which coordinates each part of a publication job to companies within our state.

Kyle reported that the ending balance of our appropriation in the General Fund was \$13,000. The financial report portrayed expenses for fiscal year 2015. Also presented was the revenue and expenses of the publication account for the prior biennium.

A copy of the 2015-2017 Expenditure Authority Schedule was presented to the committee. Expenses for two months of the new fiscal year was provided to the committee for the general fund and the publication account. (Tab 5)

A discussion was held on strategies to be used for promoting the passage of technical correction bills which failed to pass last legislative session. It was agreed that Representative Roger Goodman and Senator Padden should keep aware of the progress of these bills. One correction bill concerns fixing dates in forms which are in the RCW and a second bill corrects a codification error of twenty years ago. Barbara Baker noted that it was helpful to provide to Cathy Maynard a list of changes to any technical correction bill in order to support it as corrective in nature with no policy involved.

Kyle described the success of passing a technical bill (the Zombie Bond Bill) in the 2015 legislative session which deleted expired bonds. The bill was a collaborative effort by the Code Reviser's legal intern, Kevin Shotwell, the Treasurer's Office and OFM. With its passage, the Revised Code of Washington will be reduced in size by 150 pages.

A chart of 2015 multiple amendments was presented to the committee. The chart documents code reviser staff who review the RCW section, the bill and subsequent chapter number, comments such as effective dates and the recommendation to merge or not to merge due to conflict. The chart is provided to the Office of Program Research and Senate Committee Services for valuable insight and recommendation. A motion was made by Nickolas Brown and seconded by Jamie Pedersen to adopt the recommendations as submitted. Jill Reinmuth added insight to her staff's review of multiple amendments to sections of the code during the legislative session. Kyle informed the committee that currently there are fewer than fifty RCW sections unmerged in the code. (Tab 6)

Thereupon, the meeting adjourned at 1:30 p.m., the next meeting to be held at the call of the Chair.

K. KYLE THIESSEN, Secretary

ROGER GOODMAN, Chair

Date