

MINUTES OF THE SECOND MEETING OF THE STATUTE LAW COMMITTEE

December 7, 2005

The Statute Law Committee held its second meeting of the 2005-07 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: Brown, Conte, Hoemann, Johnson, Nafziger, Panesko, Pynch, Rockefeller, and Williams.

Members absent: Alexander and Priest.

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

The minutes of the prior meeting of June 29, 2005 were approved (Tab 1).

Chair Brown commented that the subcommittee on hiring a new code reviser had narrowed the field of twenty-seven applicants to five for the interview process. After the interviews, it was the subcommittee's opinion that Kyle Thiessen was the best candidate for the position of code reviser. There was a round of congratulations.

Mr. Thiessen made introductions of staff participating in today's meeting. He reported on the hiring of two full-time attorneys and one administrative assistant. A temporary session staff of six would be employed by the office over the next three weeks. With the added personnel, he noted that the Code Reviser's Office is ready for the upcoming 2006 legislative session. Mr. Thiessen commented that the office is closer to more of its clients by being in the Pritchard Building; however, the office is farther away from the House and Senate workrooms. Therefore, provisions have been made to provide support to the workrooms in a safe and timely manner during floor action.

Mr. Thiessen provided a brief summary on the office's plans to provide appropriate training to personnel, transition planning and future office location. He also noted that the office would like to explore publication alternatives and a review of contracts with other publishers using our databases.

The Code Reviser introduced Kerry Radcliff, editor of the Washington State Register.

Kerry presented a PowerPoint presentation showing the office's web page, which includes the text of the RCW, WAC, WSR, information on Order Typing Service, bill drafting services, and publications order form. Also displayed is the makeup of the Statute Law Committee, minutes of its meeting and any pertinent announcements and links. (Tab 2)

Kerry demonstrated each web page's abilities, which includes the RCW, the RCW Supplement, dispositions, printing ability and links. The WAC's web page is updated every two weeks to keep current with adopted rules filed in the Washington State Register. Kerry explained that the WSR is published twice a month and that there are daily filings. Within days of the publication being sent to the State Printer, the most recent register is placed on the Internet. She explained the many reports, tables, indexes, search capabilities, and reference resources now available on each web site. Some of these reports have been mandated by the administrative procedure act (chapter 34.05 RCW). A question was posed as to how complex or advanced the search system is. This question is being addressed.

Kerry referred to the CR-101 behind Tab 2 stating that agencies have expressed an interest in filing rules electronically instead of using a postal service or coming in person. Mr. Thiessen asked the committee to approve a motion for the Code Reviser's office to file the CR-101 asking for a pilot project to investigating the feasibility for agencies to file rules electronically.

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

RESOLVED, That the Code Reviser's Office file the Preproposal Statement of Inquiry (CR-101) which investigates the feasibility of agencies filing rule making documents electronically.

Mr. Thiessen introduced Sue Cohen Goldstein who has been a bill-drafting attorney with the Code Reviser's Office for twenty-three years. Also, Sue has taken on the task of being the office's Legislative Systems Advisory Committee (LSAC) representative. Recently, there have been discussions about the probability of a migration from WordPerfect to Word. She presented the committee with a summary of problems concerning confidentiality, the labor involved in the conversion process, macro conversion, document compare applications and user learning curve. Mr. Pynch and Mr. Conte noted that OPR and SCS will have these issues to address also and that the migration will have to be done together. Sue noted that our office would also need to assess the impact on the accuracy of our text bases.

Mr. Thiessen informed the committee that he is attempting to keep every employee up to date on office matters. He introduced Lew Lewis, the Deputy Code Reviser, who reported on the office's desire to have a salary survey completed by the Department of Personnel. It is hoped that this survey will help to modernize job titles, identify training shortcomings, consider cross training needs and identify appropriate base salaries and pay ranges. Following Mr. Lewis's report, a discussion was held concerning salary surveys which were conducted for the House, Senate and for the Attorney General's Office. Further discussion was held about future salary surveys which could create a standardized salary grid for the legislative community. The committee commented that the survey by DOP for the Code Reviser's Office was the beginning

of a good systematic approach for fair compensation. (Tab 3)

The Code Reviser noted that since the Nisqually earthquake, the office has been through four moves. Currently, the first floor of the Pritchard building is occupied by the Senate Democratic caucus until the Cherberg building is completely renovated. Mr. Thiessen suggested a feasibility and predesign study be conducted for a permanent office location on the first floor of the Pritchard building after the current occupants move out. Andy Stepelton, facilities coordinator for the legislature, advised that steps should be taken for assessing the space on the first floor of the Pritchard building as a permanent office for the Code Reviser's Office. He further suggested that Bud Schorr of Barnett/Schorr Architects be contracted with to do a predesign. He will be in contact with the Code Reviser about the cost of the design. (Tab 4)

Under current state law, the Code Reviser's Office is directed to print a specific number of temporary and permanent session laws. Mr. Thiessen presented to the committee a bill draft that would give discretion as to the number of session law copies printed to the Code Reviser's Office. It has been found that many copies of the session laws are unsold and recycled. A brief discussion was held as to the future possibility of producing only perfect bound sets as a cost saving measure. Also noted in the bill draft was language concerning what entities receive the session laws for free and at what cost the sets are sold. The committee directed the Code Reviser to review those items and make changes where necessary. Thereupon, the following motion relating to the statutory amendment of session law publication was adopted:

RESOLVED, That the statutes concerning the number of session law booklets published be revised to allow the Office of the Code Reviser to determine the quantity to be published.

Mr. Thiessen reported on the popularity of the Code Reviser's web site containing the RCW, WAC, and WSR. According to statistics gathered by the Legislative Service Center and the Municipal Research Service Center, the databases on the web site are heavily used. A report on revenues received from sales of publications during the past two biennia was presented. It may be that revenues have decreased because of the availability of the codes and rules on the Internet.

Mr. Thiessen proposed that a study or analysis be done on contracts made and fees charged to publishing companies who use our data bases to create a product that they in turn sell to others. These fees may no longer reflect the national fair market value for legal material. It was noted that the Department of Printing might be knowledgeable in this area.(Tab 5)

The Code Reviser reported that with one-third of the fiscal year being completed, the financial status of the office was in good shape. The general fund and the publication account have sufficient funds to serve the public and the legislature.(Tab 6)

Mr. Thiessen reported that this year, the committee would not be producing any correction bills to be offered by the Statute Law Committee. The office is working with committee staff to prepare bills that provisions that are within the purview of the specific committee.

During the SLC meeting of June 29, 2005, Mr. Panesko raised the issue of the null and void clause 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. Mr. Thiessen reported that, although the language in the budget bill that referenced HB 1542 was nonstandard, it was sufficient to meet the conditions of the null and void clause that would allow this bill to take effect. It was therefore appropriate to publish this bill as a session law.

The Code Reviser asked the committee if there was a better day than Wednesday to meeting in the future. It was agreed that Wednesdays work very well.

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.)