

MINUTES OF THE FOURTH MEETING OF THE STATUTE LAW COMMITTEE

December 13, 2006

The Statute Law Committee held its fourth meeting of the 2005-2007 biennium at 1:30 p.m. in the Code Reviser's Conference Room in the Joel Pritchard Building in Olympia.

The meeting opened with Chair Marty Brown presiding.

Members present: Alexander, Hoemann, Panesko, Rockefeller, and Rodger.

Members absent: Conte, Johnson, Nafziger, Priest, and Williams.

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

A motion was made and seconded to approve the minutes of the prior meeting of June 7, 2006. The motion carried. (Tab 1).

Mr. Thiessen highlighted the agenda for today's meeting which included the office's move from the basement to various floors, primarily the 1st floor of the Pritchard building. He expressed appreciation to the committee for its support in the move to which will be a more functional and comfortable area of the building.

Mr. Thiessen reported on the success of the electronic filing pilot project. Kerry Radcliff, editor of the Washington State Register, has conducted classes for agencies throughout the state on filing electronically, providing a notebook with step by step instructions and other pertinent information on rule-filing procedures. Each class instructed participants in the use of our web site also. Mr. Thiessen noted that John Shiflett was in integral part of getting the computer program up and running for the pilot project. As of January 1, 2007, all agencies may file electronically. (Tab 2)

Mr. Thiessen presented plans and cost estimates for future permanent office designs for the Code Reviser's staff. A brief discussion ensued on capital project plans. The final renovation design of the Joel Pritchard Building is still unknown. (Tab 3)

Mr. Lewis reported on the Code Reviser's office participation in the salary survey as conducted by the NCSL. He reported that the office's final decision was to use the Legislative Salary grid developed by the House and Senate. A discussion was held on employees capping out on previous salary grids and on outdated or inaccurate information on professional and clerical salaries. A request was made to e-mail the Legislative Salary grid to committee members. (Tab 4)

Mr. Lewis introduced the next topic which concerned the sales of publications which in turn affects the balance in the publication account. The office has reduced the number of RCW, WAC, Washington State Register and Session Laws sets published because of a continued drop in sales. Kyle Thiessen informed the committee of a proposal to run a smaller reprint of the Washington Administrative Code and to also institute the selling of individual WAC Titles. A discussion was held on the merits of this proposal. Mr. Thiessen offered to submit a proposed price list on these and other publications. The committee concurred that they were comfortable with having the Code Reviser set the price on any of the office's publications.

Mr. Lewis reported on the reduced number of subscribers to the Washington State Register and the expense of publishing it on a twice-monthly basis. The office would like to do a survey or poll to see if an on-line version of the Register would be adequate for agencies and the public and whether it would meet the statutory requirement of publishing. A discussion ensued on archiving the Register electronically, on submitting a survey in the Bar News, on the possibility of a filing fee and on meetings with the State Printer concerning the cost of publishing the Washington State Register.

Mr. Lewis reported on the cost of publishing the soft (temporary) session laws and the hard bound (permanent) session laws. A discussion was held on the merits of publishing the session laws in a perfect binding format similar to the way the RCW and WAC are bound. The committee agreed that publishing the session laws once in a perfect bound format would be cost efficient. A motion was made and seconded to begin publishing the session laws in a perfect bound format. It was noted that revenue from the sales of the session laws reverts to the general fund. A motion was made and seconded to propose legislation to have revenue

received from session law book sales to be deposited and remain in the publication account. (Tab 5)

Mr. Thiessen presented the financial reports of the office. The Code Reviser's office concluded Fiscal Year 2006 with approximately \$8,000 left of its general fund appropriation. The office reported on the 1st quarter of the Fiscal Year 2007 expenditures out of the general fund and the publication account. Expenditures are within projected allotments.

Mr. Thiessen gave an overview of the Code Reviser's 2007-2009 operating budget as submitted to Chair Marty Brown and others on the budget subcommittee. Chair Brown noted the maintenance level and required workload change levels submitted in the budget request. A motion was made and seconded that the committee approve the 2007-2009 operating budget for submittal to OFM. (Tab 6)

Mr. Joe Panesko posed the question as to whether the Code Reviser's Office has the power to decodify sections of the code which have been found unconstitutional by a court when reviewing bills or initiatives. It was asked if these codes should be left for the legislature to formally fix by amending or repealing them. A discussion was held on explanatory notes within the code. It was noted that codes affected by court decisions could be marked with an asterisk asking the user to refer to the case cited in a note. A recommendation was made to members to review the statutes governing the powers and duties of the statute law committee.

On the subject of notes in sections of the Revised Code of Washington, Kyle submitted a future editorial change which may be posed to the legislature. It was suggested that aged notes to code sections be eliminated. Mr. Rodger commented that it would be a good 2007 interim project.

The Code Reviser received a letter from the Department of Revenue concerning certain contingencies that had been set in statute and that had been met. The department informed the code reviser's office that tax incentives would take effect as a result of meeting the act's requirements. Senator Rockefeller proposed that such a letter be published in the Washington State Register as a contingency notification.

Mr. Thiessen reported on progress made on the state law concerning the use of respectful language in code. The office employs a hidden note feature in its bill drafting files to alert the drafter that there is a reference which may need to be

updated if it is not too disruptive to the intent of the bill. A sample of this hidden note feature was displayed in the committee's meeting notebook. (Tab 7)

An invitation was extended to all members to tour the new office space in the Pritchard Building.

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

K. KYLE THIESSEN, Secretary

MARTY BROWN, Chair Date

(Tab references are to the meeting binder.)