

**MINUTES OF THE SECOND MEETING OF THE STATUTE LAW COMMITTEE
2009-2011 Biennium**

May 26, 2010

The Statute Law Committee held its second meeting of the 2009-2011 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, Baker, Carrell, Conte, Goodman, Panesko, and Rodger.

Members absent: Hoemann, Kline, 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, Washington State Register Editor; and Debbie Deibert, Administrative Secretary.

The Chair noted that minutes to the December 2, 2009, meeting had been distributed. (Tab 1) A motion was made by Representative Roger Goodman to adopt the minutes to the previous meeting. The motion was seconded by Senator Mike Carrell and adopted.

Kyle gave introductory remarks and highlights on achievements that the office has experienced since the last Statute Law Committee meeting. He noted that the office performed well during the legislative sessions despite the psychological tensions in these difficult economic times.

- Our tax drafting attorney experienced double the amount of work and performed admirably.
- The Code Reviser's website now has archived versions of the RCW and WAC back to 2002 thanks to the continued efforts of LSC to get this project done. This is a product that clients have asked for and that the legislative community will find useful too. It is doubtful that earlier

version of the codes will be on the website any time soon because formatting of the code was different prior to 2000, the material would have to be scanned which is expensive.

- Kerry Radcliff, the Washington State Register editor has been nominated to the position of Secretary-Treasurer for the Administrative Code and Registers Section of the National Association of Secretaries of State. This national organization has many objectives which includes fostering the development of better rule-writing skills and rule review techniques and encourages the development of administrative codes in jurisdictions where none exist. Kyle reported that over 80% of our register filings are now electronic and since the inception of electronic filing there have been no problems.
- The office has been working efficiently in order to stay within the means appropriated in the budget. Despite declining revenue, the Code Reviser's Office continues to provide and improve the access to the statutes and rules for all.
- Kyle informed the committee that the Pritchard building now has 80 new occupants from the Office of Program Research. The Pritchard building no longer has a cafeteria. During the legislative session, there will be modulars in the Pritchard parking lot. The JLOB building is being extensively remodeled which will take approximately 18 months.

Lew reported that the 2-volume WAC Supplement was published during the legislative session. During the bidding process, he and Kyle were able to talk with the private sector about improving the bid requirements in order to save on publishing costs. The information netted two changes which included dropping the bond requirement which was not only duplicative but it was found that printing companies were not interested in submitting a bid with that requirement. The second suggestion was to do away with delivery according to our schedule or deadline. These changes drove the price down by 20% since we had received bids prior to ending the two requirements.

Concerning the perfect bound session laws, RCW 44.20.050 states that "the statute law committee shall have published and bound within seventy-five days after final adjournment of the legislature for that year as many copies as necessary....." Printing 1300 copies of the session laws is considered a small job and by changing the requirement to having the session laws out on the internet as the official copy would meet the statutory deadline. The session law goes out onto the Internet as the governor signs them. A change to RCW 44.20.050 would allow the Code Reviser to eliminate the requirement of a specific due date on a work

order to a printing company and thereby lower the cost of publishing.

Kyle reported that the publication account balance of \$679,912 is about the same balance as last year. Revenue for the RCW, although lower than previous years, is keeping ahead of its publishing costs. (Tab 2)

Kyle offered the committee members various comparison charts which track the printing costs, revenue, number of copies sold, and the number of copies which are free of the office's various publications. (Tab 3) It was noted that the WAC is not quite meeting the costs of its publication costs. It may be possible with bidding specification changes and with a change to the size and shape of the WAC that the drain on the publication account could end. A chart describing proposed title by title prices for the WAC on a print-by-demand basis was studied. It was noted that most WAC titles were small and the cost would be \$5.00. The most expensive titles would cost \$30.00.

Ms. Baker suggested that the committee consider formulating a strategic plan for paper reduction. Included in this plan would be careful study as to how many copies of our publications are produced.

Over 1,000 copies of the session laws are given away free. Members of the committee offered questions and discussions concerning the needs of those entities which receive free copies of the office's publications. Since the office has the ability to print CDs on demand, a free CD would be much more cost effective. Discussion was held concerning the success of offering the Washington State Register on CD, about how the concerns of librarians was handled and the current status of paper archival copy of the WSR versus on CD or looking it up on-line. Kyle reported that he plans to contact interested groups concerning the WAC by survey and by meetings.

Kyle presented a copy of draft bill concerning free sets of the session laws, WAC, WSR, and RCW which would be available in a form specified by the Statute Law Committee. Chair Marty Brown suggested that the draft be redrafted into a one section bill which would assign the function to the Statute Law Committee to determine who gets free publications or in what format. The committee would not have to keep going back to the legislature to make changes.

Kyle proposed an action item which stated: "Shall we produce a 2nd WAC supplement in 2011 rather than a full reprint?" Discussion ensued concerning a cumulative supplement or one that contains just the annual changes. Kerry offered

her expertise stating that the annual version would work out better with time-publishing needs, auditing, computer programming by LSC and noting it could be as large as 4-volumes. It was questioned whether the WAC Supplement could just be put on line. It appeared a printed version was a more popular option. A discussion continued on the size of the Washington Administrative Code which is currently volumes 1 through 13 with supplements volumes 14A and 14B. A paper copy of the WAC is outdated within 2 weeks of the office starting to work on it for publication. Kyle noted that we have improved its access and appearance for printing purposes on the Internet, so people can easily print their own titles.

Justice Gerry Alexander moved that a 2nd WAC Supplement be printed in 2011. Senator Carrell seconded the motion.

Kyle presented a second action item: "Shall the office discontinue general paper publication of the WAC, and promote availability of web-based and electronic versions, with better availability of the WAC Title-by-Title and Chapter-by-Chapter. It was decided that this item will be held until the November meeting when Kyle could report on the WAC use survey and meetings held.

A third action item concerning drafting a bill which would restrict the free copies of WAC and session laws distributed to state agencies and local government was discussed earlier and Kyle was asked to redraft a more general bill which would delegate the committee with these duties.

Kyle explained to the committee that printing companies have the ability to offer more services, other than just publish. This may include distribution of the published item if they receive the distribution list. Kyle also informed the committee that the office is looking into google books, amazon.com, Kindles exploring what is out there to new types of readers.

Kyle reported that the office's general fund finances are adequate to finish fiscal year 2010.

A discussion was held concerning the Washington State Uniform Law Commission national dues and out-of state conference travel. The Washington State Uniform Legislation Commission has made significant contributions to the life and law of the state. During its existence, the Commission has procured codification of nearly one hundred uniform/model laws, placing Washington among the top echelon of states in passing uniform laws. Roughly eighty of those uniform laws remain codified today.

Due to budget adjustments, a motion was made and seconded that a three-fourths payment of the dues be sent to the national commission and the remainder of the dues-dedicated money be used to compensate the out-of-state travel of the five commissioners provided that an out-of-state exemption is approved by the office of financial management. The majority of the statute law committee voted yes to the motion with Justice Gerry Alexander voting nay. (Tab 4)

Kyle described the office's plan to reduce 2011 salary expenditures by not filling positions that have become vacant, adjusting the duties of the warehouse position and for all staff to take two furlough days. (Tab 5)

Kyle gave a report on code maintenance and statutory duties of the office. This report included committee sponsored bills and the public disclosure report for the Sunshine Committee.

A report of 2010 multiple amendments with the recommendations of the code reviser as to codification was presented to the committee. Kyle explained that by sharing the list with the committee and with house and senate staff, the office has received helpful comments and in one case resulted in a changed approach due to the input of committee staff. Members of the statute law committee are given a two-week period of time to review and comment on the multiple amendment recommendations. (Tab 6)

Thereupon, the meeting adjourned at 3:40 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.)