

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

November 19, 2008

The Statute Law Committee held its second meeting of the 2007-2009 biennium at 1:30 p.m. in the House Rules Room in the Legislative building in Olympia.

The meeting opened with Chair Marty Brown presiding.

Members present: Conte, Goodman, Hoemann, Panesko, and Rodger.

Members absent: Alexander, Baker, Rockefeller, and Rodne.

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.

The Chair noted that minutes to the April 30, 2008, 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 of new happenings in the office which included an example of the Code Reviser's Office Tuesday meeting reports. Mr. Thiessen described each of the reporting areas: The Washington State Register, Washington Administrative Code, Order Typing Service, Index/Digest, Bill Drafting, Warehouse, Safety Committee, Computer Updates and Office News. Mr. Thiessen also reported that the office has been able to promote a number of employees because of retirements.

Mr. Thiessen reported on the completion of Phase 2 of the construction and remodeling project in the Pritchard building. The latest improvements to the office include window treatments, a new bill draft filing system, and the installation of new work surfaces and cabinets by Martin Furniture. He estimated that

approximately \$20,000 would be turned back to the Capital Building fund by the end of this fiscal year. The office was able to complete both phases of construction and remodeling at a very reasonable and under-budget sum and at the same time received a functional and nice-looking office space. (Tab 2)

Mr. Thiessen gave a general overview of the Publication accounts activity during the past six months. He reported that by declaring the on-line edition of the Washington State Register to be the official version the office is saving approximately \$100,000 per year in publication costs. The archival libraries and public libraries seem to be very satisfied receiving their unbound copy of the register twice a month. There are thirty-three paid subscriptions to the register in CD Rom form and twenty-four CD Rom subscriptions that are free.

Mr. Lewis reported that five out of the six vendors who request electronic versions of the RCW, WAC or WSR for commercial sales have accepted the new contract and have made payment. The new contract specifies that they will be billed a set amount in August of each year with a due date for payment in September. There is less paperwork for these companies since no quarterly royalties need to be calculated and remitted. The terms of the annual contract will not change for five years. (Tab 3)

Mr. Lewis showed the committee an example of the 2008 perfect bound session laws which has turned a bright green color. When our office received the first pallet of session laws, the session law sets were distributed throughout the office and those sets that have been exposed to the sun have turned almost a fluorescent green. He reported to the committee that the printing contract did specify a UV coating on the binding. Mr. Lewis will open up negotiations with the Department of Printing about remedies and refund. As yet, there have been no complaints from customers concerning the color of their 2007 and 2008 perfect bound session laws.

Mr. Thiessen reported to the committee that the sale of the RCW is matching the sales from two years ago. The current finances, both operating and publication account, of the code reviser's office are well within allotments cast last summer. (Tab 4) Mr. Thiessen reported that the office's 2009-2011 operating budget has been submitted to OFM by its due date. He noted that the code reviser's office will need to wait and see what direction the governor and OFM goes on budget cuts, but that he does have various plans in place to deal with those cuts. (Tab 5) There has been on-going training for newer employees and recognition of retiring or departing employees in the form of framed resolutions. The committee

encouraged the code reviser to recognize by resolution those employees who have worked a significant amount of time in the office. The resolution recognizes the achievements of the departing employee.

Mr. Thiessen passed around an example of the book binding work done by Gudrun Aurand who is a book preservation specialist from Yelm. Mrs. Aurand was recommended by the University of Washington. The code reviser's library contains several very old session law books which are falling apart. The committee agreed that it would support more restoration work on historical volumes housed in the code reviser's library.

Mr. Thiessen reported that it was the hopes of the code reviser's office to publish the session laws and territorial codes on-line through the digital archives of the secretary of state. Session law text from 1987 and forward are located on the legislature's website. Many people have expressed an interest in being able to view all session laws and it appears that digital archives, which is located in Cheney on the Eastern Washington University campus, has the employee (student) power and scanners to capture the text of session laws. Kyle noted that our office does have one complete set that could be sent to them for scanning purposes. The committee agreed that it would be in the best interest of the public to have all session laws available on-line and encouraged the code reviser to continue communications with the secretary of state concerning costs and materials.

The Code Reviser's office has been drafting a bill to correct gender-specific terms throughout the RCW. (Tab 6) The Code Reviser's Office has a legislative directive to correct gender-specific terms where suitable. It was hoped that during a span of eight years, all appropriate gender references could be dealt with and that those large bills could easily be incorporated into the session laws and the RCW without too much impact on session law page count. However, the gender neutral bill which was introduced last session did not pass. The Code Reviser is hopeful that future bills which correct references to gender could be passed so that session law publications could begin to absorb the page count generated by their passage. The bill draft to correct these terms during this legislative session is four hundred pages. Mr. Conte suggested that Mr. Thiessen send a copy of the bill to committee staff in an effort to get a head start on reviewing such a large bill. A suggestion was also made to pass a bill that would eliminate the time limit on correcting gender-specific terms so that the changes could be better absorbed over a longer period of time. A discussion was held on giving the code reviser's office authority to change to gender neutral wording during the codification process. Mr. Thiessen has written a bill that would update the authority of the office on its editorial

standards, but it did not include changing words.

Mr. Thiessen noted that he plans to have a bill introduced that would update the office's editorial standards to include streamlining the bill drafting process and gave an few examples of streamlining to the committee. He also described suppressing certain aged RCW section notes, such as severability clause notes in order to reduce the page count of the RCW. The department of printing suggests that a volume should contain no more than 1500 pages and most of our RCW volumes and the session laws border on 1480 pages. Mr. Thiessen believes this would save publication costs by avoiding the need for an additional volume of the RCW. Users could always look on the Internet for the full text of notes.

The office has also drafted a third bill which is technical clean-up bill relating to community custody which is fifty pages long and its purpose is to fix internal references and puts sections where they belong. The fourth and final bill draft that the office has drafted cleans up technical problems with a number of double amendments. It was agreed by the committee that the endorsement line of these four bills read "By request of the Statute Law Committee." Representative Goodman volunteered to sponsor three of the bills.

Mr. Thiessen reported that the office's report was delivered to the Sunshine Committee concerning public records exemptions contained in the Revised Code of Washington and in laws that passed during the 2008 legislative session.

Mr. Panesko reported to the committee that he had been involved in a CLE on statutory construction. He noted that there is a move afoot to provide more guidance to the courts on interpretation. It was mentioned that the house and senate have a disclaimer concerning their bill reports. A discussion ensued on the hierarchy of importance and on general construction of the law by the courts.

Thereupon, the meeting adjourned at 3:00 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.)