

**MINUTES OF THE THIRD MEETING OF THE STATUTE LAW COMMITTEE
2013-2015 Biennium**

January 5, 2015

The Statute Law Committee held its third meeting of the 2013-2015 biennium in the Senate Rules Room, located on the second floor, southeast corner of the Legislative Building.

The working lunch meeting began at noon and the chair, Roger Goodman, called the meeting to order at 12:01 p.m.

Members present: Barbara Baker, Anna L. Endter (by teleconference call), Susan Howson, Mike Padden, and Jill Reinmuth.

Members absent: Nicholas Brown, Hunter Goodman, Adam Kline, Susan Owens, and 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, Keith Yeager, Index/Digest, Kevin Shotwell, Index/Digest, Joe Panesko, Attorney General's Office, Tip Wahnhof, Governor's Office, and Andrew Logerwell, House Counsel.

A motion was made and seconded that the minutes of the previous Statute Law Committee meeting held on May 20, 2014, be approved. The motion carried. (Tab 1)

Kyle reviewed the Statute Law Committee's copyright policy noting that

copyright statement can be found on-line. The policy is broad and grants permission to any person or organization to use its works for any noncommercial purpose. It is not enforced against people who make a small amount of money from the use of the publications. (Tab 2)

Kyle listed 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.

Kyle introduced Joe Panesko who is an assistant attorney general for the Department of Fish and Wildlife. Joe spoke on a number of subjects including the mission of the department which is to preserve, protect, and perpetuate fish, wildlife, and ecosystems of the state while providing sustainable fish and wildlife recreational and commercial opportunities. He reported that it is difficult to sift through all the rules and regulations even with pamphlets published for certain areas and certain species for specific times of the year. Joe showed one of the pamphlets which was 136 pages and had maps. The department is investigating reaching out to businesses which could develop a mobile app which could be used by sport enthusiasts for current rules and regulations of their sport. Joe mentioned that a mobile app could be linked with a GPS device which could interactively tell the user where he/she is and what the regulations are for the area the user is in.

Joe commented that for the department of fish and wildlife, its rules are in two titles of the WAC. The pamphlets that sportsmen use don't necessarily cite the WAC. Further, emergency rules and constantly being filed with the Washington State Register.

A discussion ensued concerning disclaimers and liability for the sportsman to have an up-to-date app which links to the current WAC and RCW. Further discussion was held concerning the charging of a fee for the use of the app. Kyle noted that since this would be for commercial purposes the key would be for the business and the department to ask for permission to use the RCW and WAC.

Senator Padden felt that a mobile app is a worthy goal and beneficial to sportsmen and the department. He questioned what the businesses like Nexis/Lexis would say about what they pay each year for the use of the WAC and RCW versus a lesser payment or nonpayment by another entity.

Joe provided a copy of RCW 77.12.184 which concerns the deposit of

moneys from various activities of the department and the production of regulation booklets.

Further discussion began as Barbara Baker voiced concerns about revenue responsibilities and ethics involved with lobbying and opinion, customer lists and public records requests. Questions were raised concerning accuracy of maps since a court sided with the WAC and not the pamphlet edition of the regulations. A study of setting up a compensation schedule was recommended by the Chair. Kyle noted that getting the scope of sales requires this office or the department to learn more about the market. He reported that Google Play Access to the RCW is not a big seller, whereas on the legislative website, which is free, we have seen 6 million hits.

Kyle reported to the committee that he continues to have discussions with the Legislative Service Center (LSC) concerning authentication of our state's statutes. He informed the committee that this is on LSC's project list and that Rick Johnson of LSC has attended presentations at national conferences. LSC is looking at ideas from Minnesota and California and has been researching the needs of various customer groups.

Anna posed a question on the progress of the authentication bill and what LSC would want to see happen. It was mentioned that the preference by LSC would be not to introduce the bill this year versus introducing it and having a one-year delayed effective date. Further discussion was held concerning technical aspects of authenticating large documents, expense, and ease of use for the customer.

Lew reviewed the publication account's revenue report and the expenditure report with the committee. He reported that the WAC is available for presale. The office is planning on using the presale method for the RCW sets and supplements also. The publication of the 2014 Session Laws and the reprint of the 2014 RCW was coordinated now by Legislative Support Services (LSS). By using LSS, the office was not obliged to pay a 5% markup fee as assessed by the state printer and the job was kept in-state. This year, 950 sets of the RCW were ordered versus two thousand a few years ago. The RCW goes on-line first and the public seems to like that. We send free sets to correctional facilities and to libraries.

Kyle introduced Keith Yeager who is the index specialist for the office. Keith showed the committee volume 10 of the RCW which contains the Index. It currently has 840 pages which is in a three-column, small-font format. He talked

about finding the best opportunity for compressing sets of section entries. He explained that he and Kevin Shotwell searched and removed obsolete, phantom and inaccurate cross-references using Kevin's considerable Java programming skills. They have revised flawed cross-references and have compressed the clusters of references. Keith reported that they expect to post an updated RCW General Index on the Code Reviser's Office website in about a month. The next time the full reprint is published in the fall of 2016, it will reflect the compression of all the RCW titles.

Barbara Baker asked if the on-line version of the index has hyper-links and as yet it does not. Lew commented that by reducing the size of the index, that we might avoid adding another volume to the RCW set.

Kyle reported that the balance of our appropriation in the General Fund is fine. The financial report portrayed expenses for the past five months. The number of workers employed full-time by the office is thirty-eight, two employees who are session staff and an intern who works up to 15 hours per week.

The publication account expense report was also in the meeting packet, along with the revenue report. The bill for the reprint of the RCW was \$108,000. We have sold enough RCW sets to pay for its cost and the account is stable.

A copy of the 2015-2017 operating budget recommendation summary was presented to the committee. The overall budget request change is 6.9% from the current biennium and this includes carry forward level changes as included by OFM. (Tab 3)

Kyle referred to Z-0340.1 which is a bill draft which makes technical changes to form year designations in the RCW. It amends form year designations throughout the RCW by removing references to any specific century and instead denotes the space to insert the year as follows: "(year)". Barbara Baker moved that the Statute Law Committee support the bill. It was seconded and the motion carried.

Z-0341.2 is a bill draft which corrects a codification error concerning the governor's designee to the traffic safety commission. During the codification process in 1982 of an amendment to RCW 43.59.030, the typist pulled in the incorrect version of the bill which did not include amendments as adopted on the floor of the senate, thereby omitting two phrases as signed into law by Governor John Spellman. Senator Padden moved that the Statute Law Committee sponsor

the bill. The motion was seconded and carried.

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