

HOUSE BILL REPORT

HB 1859

As Amended by the Senate

Title: An act relating to publications of the statute law committee.

Brief Description: Revising the statute law committee's publication authority.

Sponsors: By Representatives Goodman and Priest; by request of Statute Law Committee.

Brief History:

Committee Activity:

Judiciary: 2/9/07, 2/20/07 [DP].

Floor Activity:

Passed House: 2/28/07, 96-1.

Senate Amended.

Passed Senate: 4/13/07, 47-0.

Brief Summary of Bill

- Transfers proceeds from the sale of the session laws to the Statute Law Committee Publications Account, rather than the General Fund.
- Authorizes the Statute Law Committee to publish the Washington State Register exclusively by electronic means if public access would not be substantially diminished.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Edie Adams (786-7180).

Background:

The Statute Law Committee (SLC) is responsible for compiling and printing a number of publications, including the session laws and the Washington State Register (Register).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The session laws consist of all the bills that were enacted into law during the legislative session and initiatives adopted by the people in the preceding year. The SLC is required to have published and bound, within 75 days after adjournment of session, as many copies of the session laws as may be necessary.

The SLC distributes free copies of the session laws to designated persons and entities. In addition, the SLC may exchange session laws for similar laws of other states. Surplus copies of the session laws may be sold by the SLC for a price that covers costs. Moneys received from the sale of the session laws are deposited into the General Fund.

The Register is a biweekly publication distributed on the first and third Wednesday of each month. It includes a variety of information relating to the activities of state government, including notices of proposed rules, emergency and permanently adopted rules, public meetings of state agencies, notices of rules review, executive orders and emergency declarations of the Governor, court rules adopted but not yet published, summary of Attorney General opinions, juvenile disposition standards, and the state maximum interest rate.

The Register must be made available in written form and free of charge to certain governmental officials, the Legislature, county boards of law libraries, and to the Olympia representatives of the Associated Press and United Press International. Other persons may purchase the Register for a price fixed by the Code Reviser.

County law libraries are required to maintain complete sets of the Register for public use and inspection.

Summary of Bill:

Moneys received from the sale of surplus copies of the session laws are paid into the Statute Law Committee Publication Account, rather than the General Fund.

The SLC may publish the Register exclusively by electronic means on the Code Reviser website if the SLC determines that public access will not be substantially diminished, and the electronic copy shall be considered the official copy of the Register.

If the SLC decides to publish the Register exclusively by electronic means, county law libraries may satisfy their requirement of maintaining the Register for inspection by providing on-site access to the Register, and written copies of the Register will not be required to be provided to those entities currently entitled to them.

A few changes are made to the language in the laws relating to the Register to accommodate the potential change to exclusive electronic publication of the Register. In addition, the reference to the Olympia representatives of the Associated Press and United Press International is changed to the Olympia Press Corps.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment requires the Code Reviser to provide a paper copy of any issue of the Register or any Register filing upon request and allows the Code Reviser to charge a reasonable fee for printing and mailing the paper copy.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) A number of years ago, legislation was enacted to encourage agencies to make publications electronic for easier public access. The Code Reviser's Office has done that. The Register is easily available electronically and as a result sales of the Register have dropped dramatically. The cost of printing the Register is about \$150,000 per year, but we only make about \$30,000 a year from the subscriptions.

This bill doesn't require exclusive electronic publication of the Register. It only allows us to begin the process. We have already started a survey of users to determine how they would be affected. The Code Reviser's Office will continue to maintain a paper archival copy of the Register that is open to the public for inspection and copying.

(Opposed) There are several problems with having only electronic publication of the Register. Small county law libraries don't always have Internet access, and if they do it is often a dial-up system, which is very slow. The Code Reviser's search engine is not user friendly, thus a person can't easily find what they need. Not only is it difficult to search for legislative history of the regulations, it is not possible to have multiple page viewing at the same time. All of these problems could lead to frustration by users who may give up and walk away.

Websites do go down, and if there is no paper back-up copy, there will be no access to the document. Libraries will have to print and bind the Register themselves if they want a back-up copy. This will just pass the cost on to the small county law libraries.

Persons Testifying: (In support) Kyle Thiessen, Statute Law Committee.

(Opposed) Kay Newman, State Law Library.

Persons Signed In To Testify But Not Testifying: None.