

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5724

Chapter 257, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

STATE COURT REPORTS

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 19, 1995
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 5, 1995
YEAS 95 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 5, 1995, with the
exception of section 3, which is
vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SUBSTITUTE SENATE BILL 5724 as passed
by the Senate and the House of
Representatives on the dates hereon
set forth.

MARTY BROWN

Secretary

FILED

May 5, 1995 - 10:27 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5724

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Quigley, Long and Haugen; by request of State Law Library)

Read first time 02/28/95.

1 AN ACT Relating to state court reports; and amending RCW 2.32.160,
2 2.32.170, 40.04.030, 40.04.100, and 40.04.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 Sec. 1. RCW 2.32.160 and 1984 c 287 s 7 are each amended to read
5 as follows:

6 There is hereby created a commission (~~(to supervise)~~) advisory to
7 the supreme court regarding the publication of the decisions of the
8 supreme court and court of appeals of this state in both the form of
9 advance sheets for temporary use and in permanent form, to be known as
10 the commission on supreme court reports, and to (~~consist of six~~
11 ~~members, as follows:—The~~) include the reporter of decisions, the
12 state law librarian, and such other members, including a judge of the
13 court of appeals and a member in good standing of the Washington state
14 bar association, as determined by the chief justice of the supreme
15 court, who shall be chairman of the commission(~~(, the reporter of~~
16 ~~decisions of the supreme court, the state law librarian, a judge of the~~
17 ~~court of appeals designated by the chief judges, the public printer,~~
18 ~~and a representative of the Washington state bar who shall be appointed~~
19 ~~by the president thereof))). Members of the commission shall serve as~~

1 such without additional or any compensation: PROVIDED, That members
2 shall be compensated in accordance with RCW 43.03.240.

3 **Sec. 2.** RCW 2.32.170 and 1943 c 185 s 2 are each amended to read
4 as follows:

5 The commission (~~((is authorized and directed, from time to time: To~~
6 ~~determine all matters whatsoever,))~~ shall make recommendations to the
7 supreme court on matters pertaining to the publication (~~((which is~~
8 ~~defined as including printing, binding, sale and distribution))~~) of
9 such decisions, in both (~~((such))~~) temporary and permanent forms(~~((~~
10 ~~including the making of all specifications for material, workmanship,~~
11 ~~binding, size, number of pages, contents, and arrangement thereof,~~
12 ~~frequency of publication, and all other matters, whether similar to the~~
13 ~~foregoing or not, that relate to such publication: PROVIDED, That the~~
14 ~~specifications shall require that the type to be used shall not be~~
15 ~~smaller than eleven point on a thirteen point slug; to establish a~~
16 ~~uniform price at which such decisions, in temporary and permanent form,~~
17 ~~either separately or together, shall be sold to any purchaser, public~~
18 ~~or private, including the state, its departments, subdivisions,~~
19 ~~institutions, and agencies; to establish said price at the amount which~~
20 ~~is, as nearly as may be, equal to the cost of such publication and the~~
21 ~~expenses incidental thereto, which price, if it is deemed necessary and~~
22 ~~proper by the commission in the light of substantially changed costs~~
23 ~~and expenses, may be adjusted annually, and in no event oftener than~~
24 ~~semiannually; to enter, in the name of the commission, into any and all~~
25 ~~contracts with any persons, firms, and corporations, deemed by the~~
26 ~~commission necessary and proper to carry into effect the foregoing~~
27 ~~powers, with authority to include all such terms and conditions as the~~
28 ~~commission in its discretion shall deem fit; to modify or terminate,~~
29 ~~with the consent of the other party thereto, any contract existing on~~
30 ~~June 9, 1943 for the publication of such decisions)).~~ The commission
31 shall by July 1, 1997, develop a policy that ensures that if any
32 material prepared pursuant to RCW 2.32.110 is licensed for resale, the
33 material is made available for licensing to all commercial resellers on
34 an equal and non-exclusive basis.

35 ***Sec. 3.** RCW 40.04.030 and 1971 c 42 s 2 are each amended to read
36 as follows:

1 *The state law librarian shall receive from the public printer,*
2 *whose duty it shall be to deliver to him or her, all bound volumes of*
3 *the session laws, and the house and senate journals as the same are*
4 *published. (~~He shall also receive from the publisher of the supreme~~*
5 *court reports and the court of appeals reports of the state of*
6 *Washington such copies as are purchased by the supreme court for the*
7 *use of the state.))*

8 *Sec. 3 was vetoed. See message at end of chapter.

9 **Sec. 4.** RCW 40.04.100 and 1991 c 363 s 113 are each amended to
10 read as follows:

11 The supreme court reports and the court of appeals reports shall be
12 distributed by the (~~state law librarian~~) reporter of decisions as
13 follows:

14 (1) Each supreme court justice and court of appeals judge is
15 entitled to receive one copy of each volume containing an opinion
16 signed by him or her.

17 (2) The state law (~~librarian~~) library shall (~~retain~~) receive
18 such copies as are necessary of each for the benefit of the state law
19 library, the supreme court and its subsidiary offices; and the court of
20 appeals and its subsidiary offices (~~; he or she shall provide one copy~~
21 ~~each for the official use of the attorney general and for each~~
22 ~~assistant attorney general maintaining his or her office in the~~
23 ~~attorney general's suite; three copies for the office of prosecuting~~
24 ~~attorney, in each county with a population of two hundred ten thousand~~
25 ~~or more; two copies for such office in each county with a population of~~
26 ~~from one hundred twenty-five thousand to less than two hundred ten~~
27 ~~thousand, and one copy for each other prosecuting attorney; one for~~
28 ~~each United States district court room and every superior court room in~~
29 ~~this state if regularly used by a judge of such courts; one copy for~~
30 ~~the use of each state department maintaining a separate office at the~~
31 ~~state capitol; one copy to the office of financial management, and one~~
32 ~~copy to the division of inheritance tax and escheats; one copy each to~~
33 ~~the United States supreme court, to the United States district~~
34 ~~attorney's offices at Seattle and Spokane, to the office of the United~~
35 ~~States attorney general, the library of the circuit court of appeals of~~
36 ~~the ninth circuit, the Seattle public library, the Tacoma public~~
37 ~~library, the Spokane public library, the University of Washington~~
38 ~~library, and the Washington State University library; three copies to~~

1 the Library of Congress; and, for educational purposes, twelve copies
2 to the University of Washington law library, two copies to the
3 University of Puget Sound law library, and two copies to the Gonzaga
4 University law school library and to such other accredited law school
5 libraries as are hereafter established in this state; six copies to the
6 King county law library; and one copy to each county law library
7 organized pursuant to law in each county with a population of forty
8 thousand or more)).

9 (3) The ~~((state law librarian is likewise authorized))~~ reporter
10 shall provide one copy of each volume to each county for use in the
11 county law library and one copy of the same to each accredited law
12 school established in the state.

13 (4) The reporter shall likewise provide the state law library with
14 such copies of volumes as necessary to exchange copies of the supreme
15 court reports and the court of appeals reports for similar reports of
16 other states, territories, and~~((/or))~~ governments~~((, or for other legal~~
17 ~~materials, and to make such other and further distribution as in his or~~
18 ~~her judgment seems proper))~~.

19 **Sec. 5.** RCW 40.04.110 and 1971 c 42 s 4 are each amended to read
20 as follows:

21 On the publication of each volume of reports the ~~((supreme court~~
22 ~~must purchase for the use of the state, from the))~~ publisher to whom
23 the contract is awarded~~((, three hundred))~~ shall provide to the
24 reporter the number of copies of each volume of supreme court and court
25 of appeals reports~~((, and such additional copies as the court may deem~~
26 ~~to be))~~ necessary~~((, at the price named in the contract, and deliver~~
27 ~~the same to the law librarian of))~~ for the reporter and the state law
28 library~~((, who shall distribute same as required by the provisions of))~~
29 to comply with RCW 40.04.100.

Passed the Senate April 19, 1995.

Passed the House April 5, 1995.

Approved by the Governor May 5, 1995, with the exception of certain
items which were vetoed.

Filed in Office of Secretary of State May 5, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 3,
3 Substitute Senate Bill No. 5724 entitled:

4 "AN ACT Relating to state court reports;"

1 This bill reorganizes the Commission on Supreme Court Reports and
2 shifts certain duties between the State Law Librarian and the Supreme
3 Court Reporter. This will assist the Commission in becoming self-
4 funded and has my full support.

5 However, section 3 presents an irreconcilable double amendment to
6 RCW 40.04.030 with Substitute Senate Bill No. 5067 which has already
7 been signed into law. Section 1 of Substitute Senate Bill No. 5067
8 makes various changes in the delivery of session laws and house and
9 senate journals. Section 3 of Substitute Senate Bill No. 5724 makes no
10 such substantive changes but deletes language amended by section 1 of
11 Substitute Senate Bill No. 5067 requiring the publisher of the supreme
12 court and court of appeals reports to deliver copies to the state law
13 librarian.

14 Vetoing section 3 will avoid unnecessary confusion in the
15 implementation of these measures.

16 For this reason, I am vetoing section 3 of Substitute Senate Bill
17 No. 5724.

18 With the exception of section 3, Substitute Senate Bill No. 5724 is
19 approved."