

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1479

Chapter 156, Laws of 2011

62nd Legislature
2011 Regular Session

STATUTE LAW COMMITTEE--PUBLICATIONS

EFFECTIVE DATE: 07/22/11

Passed by the House April 13, 2011
Yeas 94 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 28, 2011
Yeas 44 Nays 3

BRAD OWEN

President of the Senate

Approved April 22, 2011, 2:02 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1479** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 22, 2011

**Secretary of State
State of Washington**

HOUSE BILL 1479

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Goodman and Rodne; by request of Statute Law
Committee

Read first time 01/24/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the publications of the statute law committee;
2 amending RCW 1.08.070, 34.05.210, 40.04.031, and 44.20.050; adding a
3 new section to chapter 1.08 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The purpose of this act is to promote
6 widespread access to legal and public information materials produced by
7 the statute law committee in both digital and print formats while
8 responding to a changing marketplace where sale of paper copies no
9 longer supports the printing of copies intended for free distribution.

10 The legislature finds that web-based access to these materials has
11 become the most popular and efficient method of access by the public,
12 state agencies and local governments, and the legal community and that
13 permanent public access to these web-based materials shall be
14 maintained and preserved. The statute law committee shall also make it
15 a priority to provide reasonably priced print alternatives to the
16 public, state agencies and local governments, and libraries.

17 The legislature intends that the statute law committee have
18 additional discretion to distribute its publications using the most

1 efficient methods and technologies available and to use less expensive
2 formats for the delivery of free copies to state and local agencies
3 when appropriate.

4 **Sec. 2.** RCW 1.08.070 and 1955 c 235 s 9 are each amended to read
5 as follows:

6 Each member of the legislature(~~(, who has not received a set of the~~
7 ~~Revised Code of Washington under the provisions of section 9, chapter~~
8 ~~155, Laws of 1951, or section 16, chapter 257, Laws of 1953, or this~~
9 ~~section, shall be entitled to)) may receive one set of the Revised Code
10 of Washington on digital media without charge. All persons receiving
11 codes under (~~(the provisions of))~~ this section (~~(or the sections above~~
12 ~~referred to shall be entitled to)) may receive supplements to the code
13 on digital media free of charge, during their term of office as a
14 member or officer of the legislature(~~(: PROVIDED, That legislative~~
15 ~~appropriation has been made for the purpose of supplying such codes and~~
16 ~~supplements))~~).~~~~

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 1.08 RCW
18 to read as follows:

19 Current digital copies of the Revised Code of Washington, the
20 Washington Administrative Code, the Washington State Register, and the
21 session laws of the Washington state legislature shall be maintained
22 and made freely available for permanent public access on the code
23 reviser or legislative web site. All historical digital copies added
24 to the web site shall be made freely available for permanent public
25 access.

26 The statute law committee shall provide digital authentication for
27 any publication in a digital format that is declared official, if in
28 the discretion of the committee such authentication does not interfere
29 with public access.

30 **Sec. 4.** RCW 34.05.210 and 2007 c 456 s 3 are each amended to read
31 as follows:

32 (1)(a) The code reviser shall cause the Washington Administrative
33 Code to be compiled, indexed by subject, and published. All current,
34 permanently effective rules of each agency shall be published in the

1 Washington Administrative Code. Compilations shall be supplemented or
2 revised as often as necessary and at least annually in a form
3 compatible with the main compilation.

4 (b) The statute law committee, in its discretion, may publish the
5 official copy of the Washington Administrative Code in a digital format
6 on the code reviser or legislative web site.

7 (c) The code reviser shall provide a paper copy of the entire
8 Washington Administrative Code or any section or sections of the code
9 upon request. The code reviser may charge a minimal fee sufficient to
10 cover costs of printing and mailing the paper copy.

11 (d) The code reviser shall provide a limited number of free paper
12 copies of the Washington Administrative Code to libraries or
13 institutions on request for access and archival purposes.

14 (2) Subject to the provisions of this chapter, the code reviser
15 shall prescribe a uniform numbering system, form, and style for all
16 proposed and adopted rules.

17 (3) The code reviser shall publish a register setting forth the
18 text of all rules filed during the appropriate register publication
19 period.

20 (4) The code reviser may omit from the register or the compilation,
21 rules that would be unduly cumbersome, expensive, or otherwise
22 inexpedient to publish, if such rules are made available in printed or
23 processed form on application to the adopting agency, and if the
24 register or compilation contains a notice stating the general subject
25 matter of the rules so omitted and stating how copies thereof may be
26 obtained.

27 (5) The code reviser may edit and revise rules for publication,
28 codification, and compilation, without changing the meaning of any such
29 rule.

30 (6) When a rule, in whole or in part, is declared invalid and
31 unconstitutional by a court of final appeal, the adopting agency shall
32 give notice to that effect in the register. With the consent of the
33 attorney general, the code reviser may remove obsolete rules or parts
34 of rules from the Washington Administrative Code when:

35 (a) The rules are declared unconstitutional by a court of final
36 appeal; or

37 (b) The adopting agency ceases to exist and the rules are not
38 transferred by statute to a successor agency.

1 (7) Compilations and registers shall be made available for
2 purchase, in ~~((written form to (a) state-elected officials whose~~
3 ~~offices are created by Article II or III of the state Constitution or~~
4 ~~by RCW 48.02.010, upon request, (b) the secretary of the senate and the~~
5 ~~chief clerk of the house for committee use, as required, but not to~~
6 ~~exceed the number of standing committees in each body, (c) county~~
7 ~~boards of law library trustees and to the Olympia press corps library,~~
8 ~~and (d) other persons)) print or tangible, digital format, at a price
9 fixed by the code reviser.~~

10 (8) The board of law library trustees of each county shall keep and
11 maintain a complete and current set of registers and compilations when
12 required for use and inspection as provided in chapter 27.24 RCW. If
13 the register or compilation is published ~~((exclusively by electronic~~
14 ~~means)) in digital format on the code reviser or legislative web site,
15 providing on-site access to the ~~((electronic)) digital version of the~~
16 register shall satisfy the requirements of this subsection for access
17 to the register.~~

18 ~~((Registers shall be made available in written form to the same~~
19 ~~parties and under the same terms as those listed in subsection (7) of~~
20 ~~this section, unless the register is published exclusively by~~
21 ~~electronic means on the code reviser web site.~~

22 ~~(10))~~ Judicial notice shall be taken of rules filed and published
23 as provided in RCW 34.05.380 and this section.

24 **Sec. 5.** RCW 40.04.031 and 2007 c 456 s 1 are each amended to read
25 as follows:

26 The statute law committee, after each legislative session, shall
27 distribute, sell, or exchange session laws as required under this
28 section.

29 ~~(1) ((One set shall be given to the following: The United States~~
30 ~~supreme court library; each state adult correctional institution; each~~
31 ~~state mental institution; the state historical society; the state bar~~
32 ~~association; the Olympia press corps library; the University of~~
33 ~~Washington library; the library of each of the regional universities;~~
34 ~~The Evergreen State College library; the Washington State University~~
35 ~~library; each county law library; and the municipal reference branch of~~
36 ~~the Seattle public library.~~

1 ~~(2) One set shall be given to the following upon their request:~~
2 ~~Each member of the legislature; each state agency and its divisions;~~
3 ~~each state commission, committee, board, and council; each community~~
4 ~~college; each assistant attorney general; each member of the United~~
5 ~~States senate and house of representatives from this state; each state~~
6 ~~official whose office is created by the Constitution; each prosecuting~~
7 ~~attorney; and each public library in cities of the first class.~~

8 ~~(3) Two sets shall be given to the following:—The administrator~~
9 ~~for the courts; the library of congress; the law libraries of any~~
10 ~~accredited law schools established in this state; and the governor.~~

11 ~~(4) Two sets shall be given to the following upon their request:~~
12 ~~Each United States district court in the state; and each office and~~
13 ~~branch office of the United States district attorneys in this state.~~

14 ~~(5) Three sets shall be given to the library of the circuit court~~
15 ~~of appeals of the ninth circuit, upon its request.~~

16 ~~(6) The following may request, and receive at no charge, as many~~
17 ~~sets as are needed for their official business:—The senate and house~~
18 ~~of representatives; each county auditor, who shall receive and~~
19 ~~distribute sets for use by his or her county's officials; the office of~~
20 ~~the code reviser; the secretary of the senate; the chief clerk of the~~
21 ~~house of representatives; the supreme court; each court of appeals in~~
22 ~~the state; the superior courts; the state library; and the state law~~
23 ~~library.~~

24 ~~(7))~~ The statute law committee, in its discretion, may provide for
25 provision of free copies in digital or print format of the session laws
26 to selected federal, state, and local agencies. Special consideration
27 shall be given to correctional institutions where internet access is
28 not allowed and to public libraries and other public agencies where
29 internet access is limited or not available.

30 (2) Surplus ((copies)) paper sets of the session laws shall be sold
31 and delivered by the statute law committee, in which case the price of
32 the ~~((bound volumes))~~ paper sets shall be sufficient to cover costs.

33 All money received from ~~((the))~~ sale of the session laws ~~((sets))~~
34 shall be paid into the statute law committee publications account.

35 ~~((+8))~~ (3) The statute law committee may exchange session law sets
36 for similar laws or legal materials of other states, territories, and
37 governments, and make such other distribution of the sets as in its
38 judgment seems proper.

1 (4)(a) The statute law committee, in its discretion, may publish
2 the official copy of the session laws in a digital format on the code
3 reviser or legislative web site.

4 (b) The code reviser shall provide a paper copy of any individual
5 session law or the compiled session laws of any session upon request.
6 The code reviser may charge a minimal fee sufficient to cover costs of
7 printing and mailing the paper copy.

8 **Sec. 6.** RCW 44.20.050 and 2006 c 46 s 2 are each amended to read
9 as follows:

10 When all of the acts of any session of the legislature and
11 initiative measures enacted by the people since the next preceding
12 session have been certified to the statute law committee, the code
13 reviser employed by the statute law committee shall make the proper
14 headings and index of such acts or laws and, after such work has been
15 completed, the statute law committee shall have published (~~and bound~~)
16 on the code reviser or legislative web site within seventy-five days
17 after final adjournment of the legislature for that year and publish as
18 many (~~copies~~) paper sets as deemed necessary by the committee of such
19 acts and laws, with such headings and indexes, and such other matter as
20 may be deemed essential, including a title page showing the session at
21 which such acts were passed, the date of convening and adjournment of
22 the session, and any other matter deemed proper, including a
23 certificate by the secretary of state of such referendum measures as
24 may have been enacted by the people since the next preceding session.

Passed by the House April 13, 2011.

Passed by the Senate March 28, 2011.

Approved by the Governor April 22, 2011.

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