

HB 1859 - S COMM AMD
By Committee on Judiciary

ADOPTED 04/13/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 40.04.031 and 2006 c 46 s 3 are each amended to read
4 as follows:

5 The statute law committee, after each legislative session, shall
6 distribute, sell, or exchange session laws as required under this
7 section.

8 (1) One set shall be given to the following: The United States
9 supreme court library; each state adult correctional institution; each
10 state mental institution; the state historical society; the state bar
11 association; the Olympia press corps library; the University of
12 Washington library; the library of each of the regional universities;
13 The Evergreen State College library; the Washington State University
14 library; each county law library; and the municipal reference branch of
15 the Seattle public library.

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

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

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

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

1 (6) The following may request, and receive at no charge, as many
2 sets as are needed for their official business: The senate and house
3 of representatives; each county auditor, who shall receive and
4 distribute sets for use by his or her county's officials; the office of
5 the code reviser; the secretary of the senate; the chief clerk of the
6 house of representatives; the supreme court; each court of appeals in
7 the state; the superior courts; the state library; and the state law
8 library.

9 (7) Surplus copies of the session laws shall be sold and delivered
10 by the statute law committee, in which case the price of the bound
11 volumes shall be sufficient to cover costs. All money received from
12 the sale of the session law sets shall be paid into the ~~((state
13 treasury for the general fund))~~ statute law committee publications
14 account.

15 (8) The statute law committee may exchange session law sets for
16 similar laws or legal materials of other states, territories, and
17 governments, and make such other distribution of the sets as in its
18 judgment seems proper.

19 **Sec. 2.** RCW 1.08.110 and 1977 ex.s. c 240 s 2 are each amended to
20 read as follows:

21 The statute law committee, in addition to the other
22 responsibilities enumerated in this chapter, shall ~~((cause to be))~~
23 publish~~((ed))~~ the Washington State Register as created in RCW
24 34.08.020. The statute law committee ~~((and/or))~~ or the code reviser
25 may adopt ~~((such))~~ rules as are necessary for the effective operation
26 of ~~((such))~~ this service. The statute law committee, in its
27 discretion, may publish the Washington State Register exclusively by
28 electronic means on the code reviser web site if it determines that
29 public access to the Washington State Register is not substantially
30 diminished. If the statute law committee publishes the Washington
31 State Register exclusively by electronic means on the code reviser web
32 site, the electronic copy posted on the code reviser web site shall be
33 considered the official copy of the Washington State Register.

34 The code reviser shall provide a paper copy of any issue of the
35 register or any register filing upon request. The code reviser may
36 charge a reasonable fee for printing and mailing the paper copy.

1 **Sec. 3.** RCW 34.05.210 and 1988 c 288 s 201 are each amended to
2 read as follows:

3 (1) The code reviser shall cause the Washington Administrative Code
4 to be compiled, indexed by subject, and published. All current,
5 permanently effective rules of each agency shall be published in the
6 Washington Administrative Code. Compilations shall be supplemented or
7 revised as often as necessary and at least annually in a form
8 compatible with the main compilation.

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

12 (3) The code reviser shall publish a register setting forth the
13 text of all rules filed during the appropriate register publication
14 period.

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

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

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

30 (a) The rules are declared unconstitutional by a court of final
31 appeal; or

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

34 (7) (~~Registers and~~) Compilations shall be made available, in
35 written form to (a) state elected officials whose offices are created
36 by Article II or III of the state Constitution or by RCW 48.02.010,
37 upon request, (b) (~~to~~) the secretary of the senate and the chief
38 clerk of the house for committee use, as required, but not to exceed

1 the number of standing committees in each body, (c) (~~(to)~~) county
2 boards of law library trustees and to the Olympia (~~representatives of~~
3 ~~the Associated Press and the United Press International without~~
4 ~~request, free of charge~~) press corps library, and (d) (~~(to)~~) other
5 persons at a price fixed by the code reviser.

6 (8) The board of law library trustees of each county shall keep and
7 maintain a complete and current set of registers and compilations when
8 required for use and inspection as provided in (~~RCW 27.24.060~~)
9 chapter 27.24 RCW. If the register is published exclusively by
10 electronic means on the code reviser web site, providing on-site access
11 to the electronic version of the register shall satisfy the
12 requirements of this subsection for access to the register.

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

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

19 **Sec. 4.** RCW 34.05.312 and 2003 c 246 s 4 are each amended to read
20 as follows:

21 Each agency shall designate a rules coordinator, who shall have
22 knowledge of the subjects of rules being proposed or prepared within
23 the agency for proposal, maintain the records of any such action, and
24 respond to public inquiries about possible, proposed, or adopted rules
25 and the identity of agency personnel working, reviewing, or commenting
26 on them. The office and mailing address of the rules coordinator shall
27 be published in the state register at the time of designation and (~~in~~
28 ~~the first issue of each calendar year~~) maintained thereafter on the
29 code reviser web site for the duration of the designation. The rules
30 coordinator may be an employee of another agency.

31 **Sec. 5.** RCW 34.05.380 and 1989 c 175 s 11 are each amended to read
32 as follows:

33 (1) Each agency shall file in the office of the code reviser a
34 certified copy of all rules it adopts, except for rules contained in
35 tariffs filed with or published by the Washington utilities and
36 transportation commission. The code reviser shall place upon each rule

1 a notation of the time and date of filing and shall keep a permanent
2 (~~register~~) written record of filed rules open to public inspection.
3 In filing a rule, each agency shall use the standard form prescribed
4 for this purpose by the code reviser.

5 (2) Emergency rules adopted under RCW 34.05.350 become effective
6 upon filing unless a later date is specified in the order of adoption.
7 All other rules become effective upon the expiration of thirty days
8 after the date of filing, unless a later date is required by statute or
9 specified in the order of adoption.

10 (3) A rule may become effective immediately upon its filing with
11 the code reviser or on any subsequent date earlier than that
12 established by subsection (2) of this section, if the agency
13 establishes that effective date in the adopting order and finds that:

14 (a) Such action is required by the state or federal Constitution,
15 a statute, or court order;

16 (b) The rule only delays the effective date of another rule that is
17 not yet effective; or

18 (c) The earlier effective date is necessary because of imminent
19 peril to the public health, safety, or welfare.

20 The finding and a brief statement of the reasons therefor required
21 by this subsection shall be made a part of the order adopting the rule.

22 (4) With respect to a rule made effective pursuant to subsection
23 (3) of this section, each agency shall make reasonable efforts to make
24 the effective date known to persons who may be affected by it.

25 **Sec. 6.** RCW 42.56.580 and 2005 c 483 s 3 are each amended to read
26 as follows:

27 (1) Each state and local agency shall appoint and publicly identify
28 a public records officer whose responsibility is to serve as a point of
29 contact for members of the public in requesting disclosure of public
30 records and to oversee the agency's compliance with the public records
31 disclosure requirements of this chapter. A state or local agency's
32 public records officer may appoint an employee or official of another
33 agency as its public records officer.

34 (2) For state agencies, the name and contact information of the
35 agency's public records officer to whom members of the public may
36 direct requests for disclosure of public records and who will oversee
37 the agency's compliance with the public records disclosure requirements

1 of this chapter shall be published in the state register at the time of
2 designation and (~~annually every year~~) maintained thereafter on the
3 code reviser web site for the duration of the designation.

4 (3) For local agencies, the name and contact information of the
5 agency's public records officer to whom members of the public may
6 direct requests for disclosure of public records and who will oversee
7 the agency's compliance within the public records disclosure
8 requirements of this chapter shall be made in a way reasonably
9 calculated to provide notice to the public, including posting at the
10 local agency's place of business, posting on its internet site, or
11 including in its publications."

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12 On page 1, line 1 of the title, after "committee;" strike the
13 remainder of the title and insert "and amending RCW 40.04.031,
14 1.08.110, 34.05.210, 34.05.312, 34.05.380, and 42.56.580."

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