

Chapter 1.08 RCW
STATUTE LAW COMMITTEE
(CODE REVISER)

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Administrative procedures, reviser's powers and duties: Chapter 34.05 RCW.

Statute law committee to publish session laws: Chapter 44.20 RCW.

Voter registration, copy of statewide computer tape provided to statute law committee: RCW 29A.08.760.

RCW 1.08.001 Statute law committee created—Membership. There is created a permanent statute law committee consisting of eleven members as follows:

- (1) The secretary of the senate, ex officio;
- (2) Two members of the senate, one from each of the two largest caucuses in the senate, appointed by the president of the senate;
- (3) The chief clerk of the house of representatives, ex officio;
- (4) Two members of the house of representatives, one from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (5) The staff director of the nonpartisan professional committee staff of the senate, ex officio;
- (6) The staff director of the nonpartisan professional committee staff of the house of representatives, ex officio;
- (7) A lawyer admitted to practice in this state, appointed by the board of governors of the Washington State Bar Association;
- (8) A judge of the supreme court or a lawyer who has been admitted to practice in this state, appointed by the chief justice of the supreme court; and
- (9) A lawyer staff member of the governor's office or a state agency, appointed by the governor.

All such initial appointments shall be made within thirty days of May 11, 2005. [2005 c 409 § 1; 1967 ex.s. c 124 § 1; 1959 c 95 § 1; 1955 c 235 § 1; 1953 c 257 § 1; 1951 c 157 § 1.]

Effective date—2005 c 409: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 11, 2005]." [2005 c 409 § 5.]

Severability—1955 c 235: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1955 c 235 § 10.]

RCW 1.08.003 Terms of members—Filling vacancies. The term of the member of the committee appointed by the State Bar Association, shall be for two years.

The term of any ex officio member expires upon expiration of tenure of the position by virtue of which he or she is a member of the committee. The remaining members of the committee shall serve at the pleasure of the appointing authority. Vacancies shall be filled by designation, appointment, or ex officio in the same manner as for the member so vacating, and if a vacancy results other than from expiration of a term, the vacancy shall be filled for the unexpired term. [2005 c 409 § 2; 1959 c 95 § 2; 1955 c 235 § 2; 1953 c 257 § 2; 1951 c 157 § 2.]

Effective date—2005 c 409: See note following RCW 1.08.001.

RCW 1.08.005 Compensation and expenses of members. For attendance at meetings of the committee or in attending to such other business of the committee as may be authorized thereby, each legislative member of the committee shall receive the per diem and travel allowances provided for such members by RCW 44.04.120, and each other member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. [1984 c 287 § 6; 1969 c 21 § 1; 1951 c 157 § 3.]

Legislative findings—Severability—Effective date—1984 c 287:
See notes following RCW 43.03.220.

RCW 1.08.007 Committee meetings. The committee shall from time to time elect a chair from among its members and adopt rules to govern its procedures. Four members of the committee shall constitute a quorum for the transaction of any business but no proceeding of the committee shall be valid unless carried by the vote of a majority of the members present. The code reviser or a member of his or her staff shall act as secretary of the committee. [2011 c 336 § 1; 2005 c 409 § 3; 1953 c 257 § 3; 1951 c 157 § 4.]

Effective date—2005 c 409: See note following RCW 1.08.001.

RCW 1.08.011 Employment of code reviser and staff. The committee shall employ on behalf of the state and from time to time fix the compensation of a competent code reviser, with power to terminate any such employment at any time. The committee shall also employ on behalf of the state and fix the compensation of such additional legal and clerical assistance to the code reviser as may reasonably be required under this chapter. The committee shall have general supervision and control over the functions and performance of the code reviser. [2005 c 409 § 4; 1951 c 157 § 5.]

Effective date—2005 c 409: See note following RCW 1.08.001.

RCW 1.08.013 Code reviser defined. Code reviser shall mean any lawyer or law publisher employing competent lawyers, each deemed by the committee to be qualified to compile the statutory law of the state of Washington as enacted by the legislature into a code or compilation of laws by title, chapter and section, without substantive change or alteration of purpose or intent. [1951 c 157 § 6.]

RCW 1.08.015 Codification and revision of laws—Scope of revision. Subject to such general policies as may be promulgated by the committee and to the general supervision of the committee, the reviser shall:

(1) Codify for consolidation into the Revised Code of Washington all laws of a general and permanent nature heretofore or hereafter enacted by the legislature, and assign permanent numbers as provided by law to all new titles, chapters, and sections so added to the revised code.

(2) Edit and revise such laws for such consolidation, to the extent deemed necessary or desirable by the reviser and without changing the meaning of any such law, in the following respects only:

- (a) Make capitalization uniform with that followed generally in the revised code.
- (b) Make chapter or section division and subdivision designations uniform with that followed in the revised code.
- (c) Substitute for the term "this act," where necessary, the term "section," "part," "code," "chapter," or "title," or reference to specific section or chapter numbers, as the case may require.
- (d) Substitute for reference to a section of an "act," the proper code section number reference.
- (e) Substitute for "as provided in the preceding section" and other phrases of similar import, the proper code section number references.
- (f) Substitute the proper calendar date for "effective date of this act," "date of passage of this act," and other phrases of similar import.
- (g) Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures.
- (h) Rearrange any misplaced statutory material, incorporate any omitted statutory material as well as correct manifest errors in spelling, and manifest clerical or typographical errors, or errors by way of additions or omissions.
- (i) Correct manifest errors in references, by chapter or section number, to other laws.
- (j) Correct manifest errors or omissions in numbering or renumbering sections of the revised code.
- (k) Rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the revised code, and alphabetize definition sections, when to do so will not change the meaning or effect of such sections.
- (l) Change the wording of section captions, if any, and provide captions to new chapters and sections.
- (m) Strike provisions manifestly obsolete.

(3) Create new code titles, chapters, and sections of the Revised Code of Washington, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the statutes. Such new titles, chapters, and sections, and organizational revisions, shall have the same force and effect as the ninety-one titles originally enacted and designated as the "Revised Code of Washington" pursuant to the code adoption acts codified in chapter 1.04 RCW. [2009 c 186 § 1; (2011 c 74 § 801 repealed by 2012 c 214 § 1601); 1961 c 246 § 1; 1953 c 257 § 4; 1951 c 157 § 7.]

Application—Effective date—2011 c 74: See notes following RCW 62A.9A-102.

RCW 1.08.016 Code correction—Committee orders. The committee may at any time by order correct any section or portion of the code in any of the respects enumerated in RCW 1.08.015. Orders shall be numbered consecutively and signed by the committee chair and each

order shall be followed by an explanatory note reciting the reason therefor.

Unless otherwise prescribed in the orders, each shall become effective ninety days after:

- (1) Signing of the order; and
- (2) Filing a summary thereof with the board of governors of the state bar association; and
- (3) The filing thereof with the secretary of state. [2011 c 336 § 2; 1953 c 257 § 5.]

RCW 1.08.017 Code reviser may omit certain provisions of legislative acts from code; may omit annotations after ten years. (1) The reviser may omit from the code all titles to acts, enacting and repealing clauses, preambles, declarations of emergency, severability, and validity and construction sections unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. The omission of validity or construction sections is not intended to, nor shall it change, or be considered as changing, the effect to be given thereto in construing legislation of which such validity and construction sections were a part. Any section so omitted, other than repealing, emergency, severability, or validity provisions, shall be referred to or set forth as an annotation to the applicable sections of the act as codified.

(2) The reviser may remove annotations that have appeared in the published Revised Code of Washington for more than ten years, unless in a particular instance, it may be necessary to retain such to preserve the full intent of the law. Any annotations removed under this subsection shall be retained and available in the electronic copy of the Revised Code of Washington available on the code reviser website.

(3) Section captions, part headings, subheadings, tables of contents, and indexes appearing in legislative bills shall not be considered any part of the law, and the reviser may omit such provisions from the Revised Code of Washington and annotations unless, in a particular instance, it may be necessary to retain such to preserve the full intent of the law. [2009 c 186 § 2; 1955 c 235 § 3; 1951 c 157 § 8.]

RCW 1.08.020 Code index. The reviser, as soon as practicable, shall compile and thereafter maintain a comprehensive index and from time to time prepare for publication supplements thereto. [1953 c 257 § 7.]

RCW 1.08.021 Historical records. The reviser shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession, and repeal of the various sections of the revised code. [1951 c 157 § 9.]

RCW 1.08.023 Annotations. The reviser may prepare and maintain complete annotations of court decisions construing the statutes of this state. [1951 c 157 § 10.]

RCW 1.08.024 Inclusion in code of rules of court. The committee may provide for inclusion in the published sets of the code the rules of court promulgated by the supreme court. [1953 c 257 § 8.]

RCW 1.08.025 Improvement of statutes. The committee, or the reviser with the approval of the committee, shall from time to time make written recommendations to the legislature concerning deficiencies, conflicts, or obsolete provisions in, and need for reorganization or revision of, the statutes, and shall prepare for submission to the legislature, legislation for the correction or removal of such deficiencies, conflicts or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state as the public interest or the administration of the subject may require.

Such or similar projects may also be undertaken at the request of the legislature and legislative interim bodies and if such undertaking will not impede the other functions of the committee.

All such proposed legislation shall be annotated so as to show the purposes, reasons, and history thereof. [1997 c 41 § 1; 1983 c 52 § 2; 1959 c 95 § 3; 1951 c 157 § 11.]

RCW 1.08.026 Examination of code—Hearings—Recommendations to legislature. The committee also shall examine the revised code and from time to time submit to the legislature proposals for enactment of the several titles, chapters and sections thereof, to the end that, as expeditiously as possible, the revised code, and each part thereof, shall constitute conclusive, rather than prima facie evidence of the law. Each such proposal shall be accompanied by explanatory matter. The committee may hold hearings concerning any such proposal or concerning recommendations formulated or to be formulated in accordance with RCW 1.08.025. Proposals or recommendations approved by the committee shall be submitted to the chair of the house or senate judiciary committee at the commencement of the next succeeding session of the legislature. [2011 c 336 § 3; 1959 c 95 § 4; 1953 c 257 § 9.]

RCW 1.08.027 Bill drafting service. The reviser shall be in charge of and shall at all times maintain an expert bill drafting service for the use and benefit of the legislature, its committees and its members. Prior to any session thereof, the legislature shall provide quarters convenient to both houses and shall augment the reviser's staff with such additional legal and clerical assistance as may be needed to carry out the bill drafting functions of the legislature and pay the cost of such additional staff. Such services shall be confidential and nonpartisan and no member of the bill drafting staff shall advocate for or against any legislative measure. [1953 c 257 § 6; 1951 c 157 § 12.]

Initiative measures, review by code reviser: RCW 29A.72.020.

RCW 1.08.028 Opinions as to validity or constitutionality. Neither the reviser nor any member of his or her staff shall be required to furnish any written opinion as to the validity or

constitutionality of any proposed legislation, which he or she may be requested to draft or prepare, nor shall any member of the committee be required to pass upon the constitutionality of any matter submitted to it for consideration. [2011 c 336 § 4; 1955 c 235 § 4.]

RCW 1.08.031 Information service to legislators. The reviser shall, to the extent reasonably feasible through available facilities and public sources of information, provide objective and factual information in writing to and upon request of any member of the legislature relative to any matter which is or may be the subject of or involved in, legislation. [1951 c 157 § 13.]

RCW 1.08.033 Reviser's office location. The department of public institutions shall provide suitable office and storage space and facilities for the reviser and his or her staff at Olympia, at a location convenient to the legislature and to the state law library. [2011 c 336 § 5; 1955 c 235 § 5; 1951 c 157 § 15.]

Reviser's note: Powers and duties of department of public institutions relating to housing of state agencies were repealed by 1955 c 195 § 3 and the director of general administration was vested with these powers and duties in 1955 c 285 § 9. The director of general administration was renamed the director of enterprise services by 2011 1st sp.s. c 43 § 107.

RCW 1.08.037 Publication of code—Specifications—Certificate of compliance. The committee shall from time to time formulate specifications relative to the format, size and style of type, paper stock, number of volumes, method and quality of binding, contents, indexing, and general scope and character of footnotes, and annotations, if any, for any publication for general use of the revised code and supplements thereto. No such publication or the contents thereof, other than such temporary edition as may expressly be authorized by the legislature, shall be received as evidence of the laws of this state unless it complies with such specifications of the committee as are current at the time of publication, including compliance with the section numbering adopted by the reviser under supervision of the statute law committee. If a publication complies with such specifications, the committee shall furnish a certificate of such compliance, executed on behalf of the committee by its chair, to the publisher, and the certificate shall be reproduced at the beginning of each such volume or supplement.

Upon request of any publisher in good faith interested in publishing said code, the committee shall furnish a copy of its current specifications and shall not during the process of any bona fide publication of said code or supplements modify any such specifications, if such modification would result in added expense or material inconvenience to the publisher, without written concurrence therein by such publisher. [2011 c 336 § 6; 1955 c 235 § 6; 1953 c 257 § 14; 1951 c 157 § 14.]

RCW 1.08.038 Publication, sale, and distribution of code and supplements—Reprints. The statute law committee shall publish, sell

and distribute, and arrange for the publication, sale and distribution of the Revised Code of Washington and of supplements thereto and of such other materials as in their discretion may be incorporated in or appended to the code. They may republish, reprint or authorize the republishing or reprinting of the code or any portion thereof. [1955 c 235 § 7; 1953 c 257 § 11.]

RCW 1.08.039 Publication, sale, and distribution of code and supplements—Contracts or other arrangements. The committee may enter into contracts or otherwise arrange for the publication and/or distribution, provided for in RCW 1.08.038, with or without calling for bids, by the department of enterprise services, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers of such publications. The committee shall fix terms and prices for such publications. [2011 1st sp.s. c 43 § 301; 1955 c 235 § 8; 1953 c 257 § 12.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

RCW 1.08.0392 Publication, sale, and distribution of code and supplements—Statute law committee publications account created—Purpose—Disbursements. For the purposes of financing the production and sale of such of its publications as in the judgment of the statute law committee may be advantageously financed by the use of revolving fund moneys, there is hereby created, and the committee is authorized to maintain, a revolving fund to be known as statute law committee publications account. None of the provisions of RCW 43.01.050 shall be applicable to said fund nor to any moneys received or collected by the committee for publications financed by said fund.

All moneys shall be paid from said account by check or voucher in such form and in such manner as shall be prescribed by the committee. [1961 c 246 § 2.]

RCW 1.08.040 Certification—Official code—Prima facie evidence. The Revised Code of Washington containing the certificate of the temporary code committee and any supplement or addition thereto or reprint edition thereof, which contains the certificate of the statute law committee referred to in RCW 1.08.037, shall be deemed official, and shall be prima facie evidence of the laws contained therein. [1955 c 5 § 2; 1953 c 257 § 15; 1951 c 157 § 16; 1941 c 149 § 3; Rem. Supp. 1941 § 152-38.]

RCW 1.08.050 Amendment, repeal to include code numbers—Assignment of code numbers. The legislature in amending or repealing laws shall include in such act references to the code numbers of the law affected. The reviser shall assign code numbers to such permanent and general laws as are hereafter enacted at any legislative session. [1959 c 95 § 5; 1955 c 5 § 3; 1951 c 157 § 17. Prior: (i) 1941 c 149 §

4; Rem. Supp. 1941 § 152-39. (ii) 1947 c 282 § 1; Rem. Supp. 1947 § 152-40.]

RCW 1.08.060 Loans and exchanges of codes and supplements. The committee may loan sets of the code and materials supplemental thereto

(1) for the use of senate committees, a quantity as required by advice from the secretary of the senate, not to exceed twenty-five sets;

(2) for use of the house committees, a quantity as required by advice from the chief clerk of the house, not to exceed thirty-five sets;

(3) to the state law library for library use;

(4) for use of the reviser's office, as required;

(5) for use of recognized news reporting services maintaining permanent offices at the capitol, three sets.

The committee may exchange copies of RCW for codes or compilations of other states. [1982 1st ex.s. c 32 § 6; 1953 c 257 § 10.]

RCW 1.08.070 Legislators to receive codes and supplements on digital media without charge. Each member of the legislature may receive one set of the Revised Code of Washington on digital media without charge. All persons receiving codes under this section may receive supplements to the code on digital media free of charge, during their term of office as a member or officer of the legislature. [2011 c 156 § 2; 1955 c 235 § 9.]

~~Purpose—Finding—Intent—2011 c 156:~~ See note following RCW 1.08.080.

RCW 1.08.080 Statute law committee publications to be permanently available in digital form on legislative websites. Current digital copies of the Revised Code of Washington, the Washington Administrative Code, the Washington State Register, and the session laws of the Washington state legislature shall be maintained and made freely available for permanent public access on the code reviser or legislative website. All historical digital copies added to the website shall be made freely available for permanent public access.

The statute law committee shall provide digital authentication for any publication in a digital format that is declared official, if in the discretion of the committee such authentication does not interfere with public access. [2011 c 156 § 3.]

~~Purpose—Finding—Intent—2011 c 156:~~ "The purpose of this act is to promote widespread access to legal and public information materials produced by the statute law committee in both digital and print formats while responding to a changing marketplace where sale of paper copies no longer supports the printing of copies intended for free distribution.

The legislature finds that web-based access to these materials has become the most popular and efficient method of access by the public, state agencies and local governments, and the legal community

and that permanent public access to these web-based materials shall be maintained and preserved. The statute law committee shall also make it a priority to provide reasonably priced print alternatives to the public, state agencies and local governments, and libraries.

The legislature intends that the statute law committee have additional discretion to distribute its publications using the most efficient methods and technologies available and to use less expensive formats for the delivery of free copies to state and local agencies when appropriate." [2011 c 156 § 1.]

RCW 1.08.110 Publication of Washington State Register—Rule-making authority. The statute law committee, in addition to the other responsibilities enumerated in this chapter, shall publish the Washington State Register as created in RCW 34.08.020. The statute law committee or the code reviser may adopt rules as are necessary for the effective operation of this service. The statute law committee, in its discretion, may publish the Washington State Register exclusively by electronic means on the code reviser website if it determines that public access to the Washington State Register is not substantially diminished. If the statute law committee publishes the Washington State Register exclusively by electronic means on the code reviser website, the electronic copy posted on the code reviser website shall be considered the official copy of the Washington State Register.

The code reviser shall provide a paper copy of any issue of the register or any register filing upon request. The code reviser may charge a reasonable fee for printing and mailing the paper copy. [2007 c 456 § 2; 1977 ex.s. c 240 § 2.]

Effective date—1977 ex.s. c 240: See RCW 34.08.905.

RCW 1.08.112 Report on rule-making activity. (1) The code reviser shall compile and publish on a quarterly basis a report on state agency rule-making activity. The report shall summarize the following information by agency and by type of activity for new, amended, and repealed rules adopted by state agencies pursuant to chapter 34.05 RCW:

- (a) The number adopted, proposed for adoption, and withdrawn;
- (b) The number adopted as emergency rules;
- (c) The number adopted in order to comply with federal statute, with federal rules or standards, and with recently enacted state statutes;
- (d) The number adopted at the request of a nongovernmental entity;
- (e) The number adopted on an agency's own initiative;
- (f) The number adopted in order to clarify, streamline, or reform agency procedures;
- (g) The number of petitions for review of rules received by agencies;
- (h) The number of rules appealed to superior court; and
- (i) The number adopted using negotiated rule making, pilot rule making, or other alternative rule-making mechanisms.

(2) For purposes of the report required by this section, each Washington State Register filing section shall be considered as a separate rule. The code reviser may adopt rules necessary to implement

this section. To the maximum extent practicable, the code reviser shall use information supplied on forms provided by state agencies pursuant to chapter 34.05 RCW to prepare the report required by this section. [1995 c 403 § 704.]

Findings—Short title—Intent—1995 c 403: See note following RCW 34.05.328.

RCW 1.08.120 Substitution of words designating department or secretary of transportation. For purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington, the code reviser may substitute words designating the department of transportation or the secretary of transportation, as appropriate, whenever necessary to effect the changes in meaning provided for in RCW 47.68.015 and 47.04.015 or any other act of the 1977 legislature. [1977 ex.s. c 151 § 24.]

Federal requirements—1977 ex.s. c 151: See RCW 47.98.070.