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SENATE BILL 5638

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State of Washington                      60th Legislature                      2007 Regular Session

By Senator Rockefeller; by request of Statute Law Committee

Read first time 01/26/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to publications of the statute law committee; and  
2 amending RCW 40.04.031, 1.08.110, 34.05.210, 34.05.312, 34.05.380, and  
3 42.56.580.

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

5            **Sec. 1.** RCW 40.04.031 and 2006 c 46 s 3 are each amended to read  
6 as follows:

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

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

18            (2) One set shall be given to the following upon their request:  
19 Each member of the legislature; each state agency and its divisions;

1 each state commission, committee, board, and council; each community  
2 college; each assistant attorney general; each member of the United  
3 States senate and house of representatives from this state; each state  
4 official whose office is created by the Constitution; each prosecuting  
5 attorney; and each public library in cities of the first class.

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

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

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

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

22 (7) Surplus copies of the session laws shall be sold and delivered  
23 by the statute law committee, in which case the price of the bound  
24 volumes shall be sufficient to cover costs. All money received from  
25 the sale of the session law sets shall be paid into the ((state  
26 treasury for the general fund)) statute law committee publications  
27 account.

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

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

34 The statute law committee, in addition to the other  
35 responsibilities enumerated in this chapter, shall ((~~cause to be~~))  
36 publish((~~ed~~)) the Washington State Register as created in RCW  
37 34.08.020. The statute law committee ((~~and/or~~)) or the code reviser

1 may adopt ((such)) rules as are necessary for the effective operation  
2 of ((such)) this service. The statute law committee, in its  
3 discretion, may publish the Washington State Register exclusively by  
4 electronic means on the code reviser web site if it determines that  
5 public access to the Washington State Register is not substantially  
6 diminished. If the statute law committee publishes the Washington  
7 State Register exclusively by electronic means on the code reviser web  
8 site, the electronic copy posted on the code reviser web site shall be  
9 considered the official copy of the Washington State Register.

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

12 (1) The code reviser shall cause the Washington Administrative Code  
13 to be compiled, indexed by subject, and published. All current,  
14 permanently effective rules of each agency shall be published in the  
15 Washington Administrative Code. Compilations shall be supplemented or  
16 revised as often as necessary and at least annually in a form  
17 compatible with the main compilation.

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

21 (3) The code reviser shall publish a register setting forth the  
22 text of all rules filed during the appropriate register publication  
23 period.

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

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

34 (6) When a rule, in whole or in part, is declared invalid and  
35 unconstitutional by a court of final appeal, the adopting agency shall  
36 give notice to that effect in the register. With the consent of the

1 attorney general, the code reviser may remove obsolete rules or parts  
2 of rules from the Washington Administrative Code when:

3 (a) The rules are declared unconstitutional by a court of final  
4 appeal; or

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

7 (7) (~~Registers and~~) Compilations shall be made available, in  
8 written form to (a) state elected officials whose offices are created  
9 by Article II or III of the state Constitution or by RCW 48.02.010,  
10 upon request, (b) (~~to~~) the secretary of the senate and the chief  
11 clerk of the house for committee use, as required, but not to exceed  
12 the number of standing committees in each body, (c) (~~to~~) county  
13 boards of law library trustees and to the Olympia (~~representatives of~~  
14 ~~the Associated Press and the United Press International without~~  
15 ~~request, free of charge~~) press corps library, and (d) (~~to~~) other  
16 persons at a price fixed by the code reviser.

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

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

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

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

32 Each agency shall designate a rules coordinator, who shall have  
33 knowledge of the subjects of rules being proposed or prepared within  
34 the agency for proposal, maintain the records of any such action, and  
35 respond to public inquiries about possible, proposed, or adopted rules  
36 and the identity of agency personnel working, reviewing, or commenting  
37 on them. The office and mailing address of the rules coordinator shall

1 be published in the state register at the time of designation and (~~in~~  
2 ~~the first issue of each calendar year~~) maintained thereafter on the  
3 code reviser web site for the duration of the designation. The rules  
4 coordinator may be an employee of another agency.

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

7 (1) Each agency shall file in the office of the code reviser a  
8 certified copy of all rules it adopts, except for rules contained in  
9 tariffs filed with or published by the Washington utilities and  
10 transportation commission. The code reviser shall place upon each rule  
11 a notation of the time and date of filing and shall keep a permanent  
12 (~~register~~) written record of filed rules open to public inspection.  
13 In filing a rule, each agency shall use the standard form prescribed  
14 for this purpose by the code reviser.

15 (2) Emergency rules adopted under RCW 34.05.350 become effective  
16 upon filing unless a later date is specified in the order of adoption.  
17 All other rules become effective upon the expiration of thirty days  
18 after the date of filing, unless a later date is required by statute or  
19 specified in the order of adoption.

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

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

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

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

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

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

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

1 (1) Each state and local agency shall appoint and publicly identify  
2 a public records officer whose responsibility is to serve as a point of  
3 contact for members of the public in requesting disclosure of public  
4 records and to oversee the agency's compliance with the public records  
5 disclosure requirements of this chapter. A state or local agency's  
6 public records officer may appoint an employee or official of another  
7 agency as its public records officer.

8 (2) For state agencies, the name and contact information of the  
9 agency's public records officer to whom members of the public may  
10 direct requests for disclosure of public records and who will oversee  
11 the agency's compliance with the public records disclosure requirements  
12 of this chapter shall be published in the state register at the time of  
13 designation and (~~annually every year~~) maintained thereafter on the  
14 code reviser web site for the duration of the designation.

15 (3) For local agencies, the name and contact information of the  
16 agency's public records officer to whom members of the public may  
17 direct requests for disclosure of public records and who will oversee  
18 the agency's compliance within the public records disclosure  
19 requirements of this chapter shall be made in a way reasonably  
20 calculated to provide notice to the public, including posting at the  
21 local agency's place of business, posting on its internet site, or  
22 including in its publications.

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