
SUBSTITUTE SENATE BILL 5152

State of Washington 61st Legislature 2009 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, Rockefeller, McDermott, and Kohl-Welles)

READ FIRST TIME 02/10/09.

1 AN ACT Relating to statutory construction; creating new sections;
2 and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** The legislature believes the role of
5 policymaking requires clarity, consistency, and precision in the
6 preparation and interpretation of legislation. The legislature finds
7 that over the past decades, there have been instances in which statutes
8 have been judicially construed differently than may have been intended
9 and that it will be helpful to the judicial and legislative branches if
10 the rules by which statutes are judicially construed are reviewed and
11 better understood by both branches. The legislature also finds that
12 rules of construction should be codified to the extent possible such
13 that both branches will have enhanced opportunities to: (1) Achieve
14 mutually consistent understandings of legislative intent regarding
15 matters of public policy; (2) reduce the necessity of ongoing
16 revisions; and (3) provide parties to litigation increased
17 predictability of outcome of contested matters.

18 The legislature, therefore, intends to create a broadly
19 representative task force to review the existing rules of statutory

1 construction, identify those rules that are appropriate for
2 codification, and identify those rules that may, if revised, lead to
3 improved comity between the legislative and judicial branches in
4 determining public policy.

5 NEW SECTION. **Sec. 2.** (1)(a) A legislative task force on statutory
6 construction is established, with membership as provided in this
7 subsection.

8 (i) The president of the senate shall appoint one member from each
9 of the two largest caucuses of the senate;

10 (ii) The speaker of the house of representatives shall appoint one
11 member from each of the two largest caucuses of the house of
12 representatives;

13 (iii) The chief justice of the Washington state supreme court or
14 the chief justice's designee is invited to be a member;

15 (iv) A superior court judge appointed by the superior court judges
16 association is invited to be a member;

17 (v) The attorney general or the attorney general's designee;

18 (vi) Two prosecutors appointed by the Washington association of
19 prosecuting attorneys or designees of the prosecutors;

20 (vii) Two attorneys, one appointed by the Washington defender
21 association and one appointed by the Washington association of criminal
22 defense lawyers;

23 (viii) Two attorneys appointed by the Washington state bar
24 association. One shall be an attorney whose primary practice is
25 representing individuals in litigation involving tortious conduct. One
26 shall be an attorney whose primary practice is representing commercial
27 entities in litigation involving tortious conduct. The state bar
28 association shall seek advice from groups representing such attorneys
29 in making its selections;

30 (ix) A law professor knowledgeable in statutory construction,
31 appointed by the governor;

32 (x) An administrative law judge;

33 (xi) A representative of the association of Washington cities; and

34 (xii) A representative of the Washington state association of
35 counties.

36 (b) The task force shall choose its cochairs from among its

1 legislative membership. The joint call of the chairs of both the
2 senate and house judiciary committees shall convene the initial meeting
3 of the task force.

4 (2) The task force shall review, at a minimum, the following
5 issues:

6 (a) Which, if any, of the rules of statutory construction should be
7 codified;

8 (b) The methods by which the rules should be codified including,
9 but not limited to, codifying the rules on a per act basis or codifying
10 the rules as a whole;

11 (c) The benefits and drawbacks of codification including, but not
12 limited to, constitutional implications; and

13 (d) What, if any, additional measures can the legislature and the
14 judiciary take to improve the collective understanding of what statutes
15 mean.

16 (3) Staff support for the task force must be provided by the
17 legislature.

18 (4) Travel and other membership expenses for legislative members
19 must not be reimbursed. Nonlegislative members must seek reimbursement
20 for travel and other membership expenses through their respective
21 agencies.

22 (5) The task force shall hold meetings in places throughout the
23 state in an effort to accommodate the varied places of residence among
24 task force members.

25 (6) The task force may organize itself in a manner, and adopt
26 rules of procedure, that it determines most conducive to the timely
27 completion of its charge.

28 (7) The task force is subject to chapter 42.30 RCW.

29 (8) The task force shall submit an interim report to the Washington
30 state supreme court and appropriate committees of the legislature by
31 January 1, 2010, and its final findings and recommendations to the
32 Washington state supreme court and appropriate committees of the
33 legislature by January 1, 2011.

34 (9) This section expires July 1, 2011.

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