
SUBSTITUTE SENATE BILL 6666

State of Washington 61st Legislature 2010 Regular Session

By Senate Judiciary (originally sponsored by Senators Pflug and McCaslin)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to statutory construction; and creating a new
2 section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that the goal of
5 the judicial branch is to provide consistency in its rulings whereas
6 the legislative branch must often modify or enact laws in response to
7 a rapidly changing environment. The legislature believes the role of
8 policymaking requires clarity, consistency, and precision in the
9 preparation and interpretation of legislation. The legislature finds
10 that over the past decades, there have been instances in which statutes
11 have been judicially construed differently than may have been intended
12 and that it will be helpful to the judicial and legislative branches if
13 the rules by which statutes are judicially construed are reviewed and
14 better understood by both branches. The legislature also finds that
15 rules of construction should be codified to the extent possible such
16 that both branches will have enhanced opportunities to: (a) Achieve
17 mutually consistent understandings of legislative intent regarding
18 matters of public policy; (b) reduce the necessity of ongoing

1 revisions; and (c) provide parties to litigation increased
2 predictability of outcome of contested matters.

3 The legislature further finds that some sources from which to
4 determine legislative intent are better reflections of legislative
5 intent than others. The legislature finds that the ad hoc statutory
6 construction work group convened by the chair of the senate judiciary
7 committee should take into account the relative values of the
8 multiplicity of sources available to consider when seeking to determine
9 the legislative intent of enacted law. The work group should emphasize
10 in its findings that legislative intent should be construed from
11 sources beginning with the final action of the legislative body on a
12 bill and moving backward in recognition of the collective nature of the
13 legislature, in which the actions of the full body reflect the will of
14 a majority of the elected representatives who represent Washington's
15 citizens.

16 (2) It is anticipated that the work group will ultimately recommend
17 language defining a more complete hierarchy of legislative history to
18 be considered in determining legislative intent. Therefore, the work
19 group should take into consideration the following suggested
20 nonexclusive hierarchy of factors to consider:

21 (a) The floor colloquies on final passage, if any;

22 (b) The content of amendments to the legislation adopted on the
23 floor of a chamber of the legislature;

24 (c) The content of amendments to the legislation adopted in a
25 committee of the legislature;

26 (d) The intent section of an act, if present; and

27 (e) Where available, parties discerning legislative intent shall
28 consider the introductory comments of the prime sponsor of the
29 legislation as a guide to understanding both the issue to which the
30 legislature was responding and the context in which the law was
31 enacted.

32 Staff materials prepared to assist legislators in their
33 deliberative process, including bill reports, should not be included in
34 the hierarchy.

--- END ---