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HOUSE BILL 2710

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Shea, Kristiansen, Anderson, Klippert, Haler, Ross, Taylor, Short, Kretz, Crouse, Hinkle, Rodne, McCune, Johnson, Bailey, Smith, Condotta, Pearson, Roach, Warnick, and Angel

Read first time 01/12/10. Referred to Committee on Judiciary.

1 AN ACT Relating to adopting the right to constitutional government  
2 act of 2010; and adding a new chapter to Title 1 RCW.

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

4 NEW SECTION. **Sec. 1.** This act may be known and cited as the right  
5 to constitutional government act of 2010.

6 NEW SECTION. **Sec. 2.** The legislature finds that this nation and  
7 this state were founded as constitutional republican forms of  
8 government with democratically elected representatives enacting and  
9 implementing laws consistent with those constitutions to promote the  
10 general welfare of all the people. All elected officials take an oath  
11 to uphold the constitutions. The role of government was intended to  
12 remain as limited as possible in order to expand the liberties of the  
13 people as far as possible. Over the past few decades, legislative and  
14 executive branches have gone far beyond their original purposes and  
15 powers, and have grown to the extent that the economic and regulatory  
16 burdens placed upon the people is becoming unbearable and is infringing  
17 on the rights of law-abiding citizens to enjoy their property, their  
18 freedoms, and the fruits of their labors. The legislature further

1 finds that the United States congress has frequently ignored its own  
2 House rule XIII 3(d) which requires "Each report of a committee on a  
3 public bill or public joint resolution shall contain the following:  
4 (1) A statement citing the specific powers granted to congress in the  
5 Constitution to enact the law proposed by the bill or resolution." The  
6 legislature intends by this chapter to ensure that all laws and rules  
7 adopted by the federal and state governments are firmly grounded in  
8 their respective constitutions so that those governments might return  
9 to their proper realms and focus on the essential services that best  
10 strike the balance between the need for government and the need for  
11 people to be free.

12 NEW SECTION. **Sec. 3.** (1) Every bill, act, ordinance, resolution,  
13 or rule adopted or enacted by a legislative or executive body, or the  
14 people, shall include the citation of the express language from the  
15 federal or state Constitution that provides the specific authority for  
16 the provisions included in the bill, act, ordinance, resolution, or  
17 rule.

18 (2) Every bill, act, ordinance, resolution, or rule adopted or  
19 enacted by a legislative or executive body, or the people, shall limit  
20 the provisions of the bill, act, ordinance, resolution, or rule to the  
21 express language included in the citation from the federal or state  
22 Constitution that provides the specific authority such provisions.

23 (3) Every bill, act, ordinance, resolution, or rule adopted or  
24 enacted by a legislative or executive body, or the people, shall  
25 include a brief rationale as how the provisions of the bill, act,  
26 ordinance, resolution, or rule are provided specific authority in the  
27 express language of the federal or state Constitution cited, including  
28 the language of the text itself, a reasonable construction and  
29 extension of the text, the intent as best can be ascertained of those  
30 who adopted the text, and the historical understanding and context in  
31 which the text was adopted.

32 NEW SECTION. **Sec. 4.** (1) Every law, rule, order, or other act  
33 adopted or enacted by the federal government should include the  
34 citation of the express language from the federal Constitution that  
35 provides the specific authority for the provisions included in the law,  
36 rule, order, or other act.

1 (2) Every law, rule, order, or other act adopted or enacted by the  
2 federal government should limit the provisions of the law, rule, order,  
3 or other act to the express language included in the citation from the  
4 federal Constitution that provides the specific authority such  
5 provisions.

6 (3) Every law, rule, order, or other act adopted or enacted by the  
7 federal government should include a brief rationale as how the  
8 provisions of law, rule, order, or other act are provided specific  
9 authority in the express language of the federal or state Constitution  
10 cited, including the language of the text itself, a reasonable  
11 construction and extension of the text, the intent as best can be  
12 ascertained of those who adopted the text, and the historical  
13 understanding and context in which the text was adopted.

14 NEW SECTION. **Sec. 5.** Any federal law, rule, order, or other act  
15 by the federal government violating the provisions of this act is  
16 hereby declared to be invalid in this state, is not recognized by and  
17 is specifically rejected by this state, and is considered as null and  
18 void and of no effect in this state.

19 NEW SECTION. **Sec. 6.** If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute  
24 a new chapter in Title 1 RCW.

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