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SENATE BILL 6666

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Pflug and McCaslin

Read first time 01/20/10. Referred to Committee on Judiciary.

1            AN ACT Relating to statutory construction; adding a new section to  
2 chapter 2.08 RCW; and creating a new section.

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 finds that the ad hoc statutory construction work  
19 group convened by the chair of the senate judiciary committee reviews

1 the existing rules of statutory construction, identifies those rules  
2 that are appropriate for codification, and identifies those rules that  
3 may, if revised, lead to improved comity between the legislative and  
4 judicial branches in determining public policy. It is anticipated that  
5 the work group will ultimately form the basis of a more complete  
6 hierarchy of legislative history to be considered in determining  
7 legislative intent. The legislature recognizes that courts may be  
8 directed to a multiplicity of sources when seeking to determine the  
9 legislative intent of enacted law. The legislature further finds that  
10 some sources are better reflections of legislative intent than others.  
11 Therefore, the legislature intends to provide clear guidance as an aid  
12 to officers of the court and the public, as they attempt to discern  
13 legislative intent.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.08 RCW  
15 to read as follows:

16 Where available, parties discerning legislative intent shall  
17 consider the introductory comments of the prime sponsor of the  
18 legislation as a guide to understanding both the issue to which the  
19 legislature was responding and the context in which the law was  
20 enacted. The following represents a nonexclusive hierarchy of factors  
21 to be used when discerning legislative intent:

- 22 (1) The floor colloquy(s) on final passage, if any;
- 23 (2) The content of amendments to the legislation adopted on the  
24 floor of a chamber of the legislature;
- 25 (3) The content of amendments to the legislation adopted in a  
26 committee of the legislature; and
- 27 (4) The intent section of an act, if present.

28 An officer of the court shall not discern legislative intent from  
29 staff materials prepared to assist legislators in their deliberative  
30 process, including bill reports.

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