



## Chastek Library

# WASHINGTON LEGISLATIVE HISTORY

## Research Guide

### INTRODUCTION

Washington legislative histories help clarify the intent of the Legislature in passing an act, and are typically used to assist courts in resolving conflicts arising from ambiguous statutory provisions. For example, legislative history research might uncover specific language in a draft version of a bill that was not included in the final bill as passed into law. In this instance, an attorney might argue that the legislature did not intend for facts covered by the deleted material to fall under the law as enacted.

The published sources of legislative history information in Washington are less detailed than the extensive, systematic publication of congressional debates, committee reports, and other legislative material available at the federal level. Though there is no official, comprehensive compilation of legislative histories published in Washington, valuable information is available from a number of published sources, discussed below. Unpublished materials are also readily available from the Washington State Archives and from the Washington State Legislature itself.

### BASIC PROCEDURE FOR CONDUCTING LEGISLATIVE HISTORY RESEARCH IN WASHINGTON

1. Begin your research by reviewing the *Revised Code of Washington (RCW)* or *Revised Code of Washington Annotated (RCWA)* section containing your statute. At the end of each code section, there is a historical source note listing each of the session laws incorporated in the current text of that section. The list may range from a single session law, to a list of several session laws. The references to session laws are abbreviated by year and chapter number as published in the *Session Laws of the State of Washington*, also called the *Laws of Washington* (KFW25.A22 - Kelley Reading Room).
2. Next, go to the *Laws of Washington* and look up each of the session laws listed in the RCW. In doing so, compare older versions of the law with changes that have been made to the text. Also, pay attention to how each section appears in context. When a new law is codified, its various sections may be printed in separate parts of the code, so the codified version will not always reflect the overall context of the law as it was considered by the legislature. Each session law includes a bill number which identifies the final version of the bill.
3. Using the bill number and year of the session law, proceed to the *House Journal* (KFW18.W3 - Kelley Reading Room) and *Senate Journal* (KFW18.W32 - Kelley Reading Room) for a detailed account of the course of the bill through the legislative process. The *Journals* contain tables listing every page number on which a bill is mentioned. Each *Journal* includes tables for both

House and Senate bills, and every bill must be traced through both House and Senate volumes. The tables are located just before the index in the concluding volume for the session.

The most interesting material in the *Journals* will appear in the form of floor remarks, or "points of inquiry." The amount and quality of this material included in the *Journals* has been much improved in recent years. Amendments to bills and other potentially helpful material are also included. However, most references consist of inclusions of the bill in long lists of items introduced on a particular day, transmittal to the governor for approval, and so on. In many cases, especially in older volumes, no useful information will be found.

4. Next check the subject indexes in the *Journals* to locate other bills introduced during that legislative session on similar topics. Relevant floor remarks or other material may be found in relation to these items, whether or not they were passed. The fact that one bill was passed, while another with conflicting provisions was not, may also be significant.
5. Finally, if the *Senate Journal* or *House Journal* refers to materials not contained in the *Journals* (for example, a committee report) the best step is to call the Washington State Archives (360-586-1492) for the material. Make sure you have year and bill number handy.

You should also compare all printed versions of each relevant bill, if possible. Bills are no longer held in the Chastek Library, but they can be obtained through interlibrary loan from the Washington State Law Library, the Washington State Library, or (for current bills) the Bill Room at the Washington State Legislature. Current bills, and bills dating back to 1991, can also be located online at the Washington State Legislature "Bill Information" webpage:

<http://apps.leg.wa.gov/billinfo/>

For legislative documents dating back to 1985, go to the Washington State Legislature "Detailed Legislative Report" webpage:

<http://dlr.leg.wa.gov/tld/>

You can also reach the Washington State Legislature's webpage through "Internet Links" on the Chastek Library's webpage. Follow the link to "Washington" resources. Scroll down to find the link for the "Washington State Legislature Home Page."

#### **ADDITIONAL RESOURCES**

*The Legislative Digest and History of Bills* (KFW15.A22 - Kelley Reading Room), as the title suggests, provides a digest and brief history of each bill for the particular legislative session, running parallel to the *Senate Journals* and *House Journals* but lacking the text that the *Journals* might contain.

Finally, researching past issues of newspapers and magazine articles published in Olympia, Seattle, Spokane, or elsewhere, may elicit relevant and useful information about controversial or important legislation. Legal periodicals from Washington are available in the Chastek Library, and can also be found on Westlaw, LexisNexis and HeinOnline. Washington newspapers can be accessed through Westlaw and LexisNexis.

For unpublished materials, inquire at the Washington State Archives, who will direct you to appropriate sources at the legislature if they have not yet received the material. You must provide the bill number, date and subject of the legislation in question. Fees for copying and research time may be assessed. For phone numbers please see below.

### STATE MEASURES

Most laws are passed by the state legislature as legislation, which are then signed by the governor into law. In Washington, there are three exceptions to this general procedure, known as “popular legislation.”

- *Initiatives to the People* are proposals put on the ballot by popular demand (petitions) to be ratified by popular vote. When passed by the voters, initiatives become law in 30 days and are codified in the RCW.
- *Initiatives to the Legislature* similarly originate with the people but, when passed, are sent directly to the Washington State Legislature for action.
- *Referendum Bills* originate in the Washington State Legislature, which send the measure to the people for ratification at the polls.

All three types of popular legislation, once adopted, are published in the following year's *Laws of Washington*. Since popular legislation becomes law within 30 days after Election Day (long after the year's legislative session has expired) it will be entered in the first chapters of the next year's session laws, and later codified into the RCW.

### FINDING INITIATIVES AND REFERENDUMS

Volume 0 (zero) of the RCW contains the “Table of Initiatives and Referendums”, a conversion table of initiatives and referendums and where they can be found in the *Laws of Washington*, dating from 1951. For earlier citations see the "History of State Measures" in volume 2 of the *Laws of Washington*, 1995-1996. It also contains a list of all measures *not* passed and vote tallies.

### FURTHER READING

- Arthur C. Wang, *Legislative History in Washington*, 7 U. Puget Sound L. Rev. 571 (1984).
- Isa Lang, *Reading Between the Lines: Legislative History for Law Students*, 79 Law Libr. J. 203 (1987).
- Penny Hazelton, et al., *Washington Legal Researcher's Deskbook*, Chapter 6 (3d ed. 2002).
- Julie A. Heintz, *Washington Legal Research* (2005).
- Helen A. Anderson, *Statutory Interpretation in Washington*, 63 Wash. St. B. News 30 (2009).  
<http://www.wsba.org/media/publications/barnews/statutory.htm>

### CONTACT INFORMATION

- State Archives 360-586-1492
- State Senate - Office of the Secretary of the Senate 360-786-7550
- House of Representatives - Chief Clerk's Office 360-786-7750
- Legislative Bill Room 360-786-7573
- Legislative Hotline (in-session only) 800-562-6000