

HOUSE BILL REPORT

SSB 5634

As Passed House - Amended
April 8, 199

Title: An act relating to disputes between state agencies.

Brief Description: Requiring state agencies to submit interagency disputes to mediation before filing lawsuits.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew).

Brief History:

Reported by House Committee on:
State Government, March 23, 1993, DPA;
Passed House - Amended, April 8, 1993, 98-0.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 8 members: Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: In dispute resolution, there is a growing trend toward the use of mediation. Mediation is a cost-saving alternative to legal action. Mediation is authorized under a variety of state statutes. Most recently, the 1992 Legislature authorized the Forest Practices Appeals Board to mediate disputes before the board. In response to the trend toward mediation, the 1991 Legislature enacted provisions covering the confidentiality of information exchanged in the mediation process.

There are currently no provisions in state law prescribing how state agencies are to resolve disputes among themselves. Agencies occasionally institute legal action in the courts against each other.

Summary of Bill: State agencies are required to employ every effort to resolve disputes between themselves without resorting to litigation. If a dispute cannot be resolved, an agency is authorized to request assistance of the

governor, who will employ an appropriate dispute resolution method. The governor may request assistance from the attorney general to advise the mediator and the disputing agencies. These requirements do not apply when an agency must implead another agency in an existing suit or otherwise pursue an appeal or file a notice to avoid the forfeiture of rights or remedies.

Fiscal Note: Requested March 16, 1993.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.