
HOUSE BILL 1649

State of Washington

58th Legislature

2003 Regular Session

By Representatives McMahan and Mielke

Read first time 02/03/2003. Referred to Committee on State Government.

1 AN ACT Relating to requiring public agencies to submit to mediation
2 and arbitration; amending RCW 43.17.330; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 promote good government, foster citizen confidence in the public
6 sector, ensure wise use of taxpayer dollars, achieve continuity in the
7 provision of public services, and eliminate prolonged and costly
8 litigation between governmental entities by requiring public agencies
9 to submit to alternative dispute resolution processes rather than
10 filing lawsuits.

11 **Sec. 2.** RCW 43.17.330 and 1993 c 279 s 3 are each amended to read
12 as follows:

13 (1) Whenever a dispute arises between state agencies, agencies
14 shall employ ((every effort)) alternative dispute resolution processes,
15 including mandatory mediation and binding arbitration, to resolve the
16 dispute themselves without resorting to litigation. ((These efforts
17 shall involve alternative dispute resolution methods. If))

1 (2) When a dispute ((cannot be resolved by the)) arises between
2 agencies ((involved)), any one of the disputing agencies may request
3 the governor to assist in the resolution of the dispute.

4 The governor shall employ whatever dispute resolution methods that
5 the governor deems appropriate in resolving the dispute. Such methods
6 may include, but are not limited to, the appointment by the governor of
7 a mediator, acceptable to the disputing agencies, to assist in the
8 resolution of the dispute. The governor may also request assistance
9 from the attorney general to advise the mediator and the disputing
10 agencies.

11 (3) If the dispute cannot be resolved by the agencies under
12 subsection (2) of this section, a mediator acceptable to the disputing
13 agencies shall be appointed by the governor to assist in the resolution
14 of the dispute.

15 By mutual agreement, the parties may waive mediation and fact-
16 finding and proceed with binding arbitration. The waiver shall be in
17 writing and be signed by the agencies involved in the dispute.

18 If an impasse exists fourteen days after the mediator has been
19 appointed, or beyond any other date mutually agreed to by the parties,
20 all impasse items shall be submitted to arbitration, and that
21 arbitration shall be final and conclusive and binding upon the agencies
22 involved in the dispute.

23 NEW SECTION. Sec. 3. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

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