
SENATE BILL 5240

State of Washington 61st Legislature 2009 Regular Session

By Senators Hargrove and McCaslin

Read first time 01/19/09. Referred to Committee on Judiciary.

1 AN ACT Relating to addressing the enforceability of court rules
2 that create new nonconstitutionally mandated programs, or increase
3 levels of service under existing programs, on any political subdivision
4 of the state; and amending RCW 43.135.060 and 2.04.190.

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

6 **Sec. 1.** RCW 43.135.060 and 1998 c 321 s 15 are each amended to
7 read as follows:

8 (1) After July 1, 1995, the legislature shall not impose
9 responsibility for new programs or increased levels of service under
10 existing programs on any political subdivision of the state unless the
11 subdivision is fully reimbursed by the state for the costs of the new
12 programs or increases in service levels. Reimbursement by the state
13 may be made by: (a) A specific appropriation; or (b) increases in
14 state distributions of revenue to political subdivisions occurring
15 after January 1, 1998.

16 (2) After July 1, 2008, any court rule enacted by the supreme court
17 that creates a new nonconstitutionally mandated program or that
18 increases levels of service under existing programs on any political

1 subdivision of the state shall not be enforceable unless a specific
2 appropriation is made to cover the costs of the new program or the
3 increased level of service.

4 (3) If by order of any court, or legislative enactment, the costs
5 of a federal or local government program are transferred to or from the
6 state, the otherwise applicable state expenditure limit shall be
7 increased or decreased, as the case may be, by the dollar amount of the
8 costs of the program.

9 ((+3)) (4) The legislature, in consultation with the office of
10 financial management or its successor agency, shall determine the costs
11 of any new programs or increased levels of service under existing
12 programs imposed on any political subdivision or transferred to or from
13 the state.

14 ((+4)) (5) Subsection (1) of this section does not apply to the
15 costs incurred for voting devices or machines under RCW ((29.04.200))
16 29A.12.150.

17 **Sec. 2.** RCW 2.04.190 and 1987 c 202 s 101 are each amended to read
18 as follows:

19 The supreme court shall have the power to prescribe, from time to
20 time, the forms of writs and all other process, the mode and manner of
21 framing and filing proceedings and pleadings; of giving notice and
22 serving writs and process of all kinds; of taking and obtaining
23 evidence; of drawing up, entering and enrolling orders and judgments;
24 and generally to regulate and prescribe by rule the forms for and the
25 kind and character of the entire pleading, practice and procedure to be
26 used in all suits, actions, appeals and proceedings of whatever nature
27 by the supreme court, superior courts, and district courts of the
28 state. In prescribing such rules the supreme court shall have regard
29 to the simplification of the system of pleading, practice and procedure
30 in said courts to promote the speedy determination of litigation on the
31 merits. Any court rule enacted by the supreme court that creates a new
32 nonconstitutionally mandated program or that increases levels of
33 service under existing programs on any political subdivision of the
34 state shall not be enforceable unless a specific appropriation is made
35 to cover the costs of the new program or the increased level of

1 service.

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