

HOUSE BILL REPORT

ESSB 5490

As Passed House:

March 1, 2022

Title: An act relating to creating the interbranch advisory committee.

Brief Description: Creating the interbranch advisory committee.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Padden, Dhingra, Mullet and Nobles).

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/16/22, 2/17/22 [DP].

Floor Activity:

Passed House: 3/1/22, 58-40.

Brief Summary of Engrossed Substitute Bill

- Creates the Interbranch Advisory Committee (Committee) with membership from the legislative, judicial, and executive branches; cities; counties; and court clerks.
- Directs the Committee to discuss issues of mutual concern between the three branches of government, including access to justice and court services.
- Dissolves the Committee on January 1, 2026.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 5 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

Minority Report: Without recommendation. Signed by 2 members: Representatives

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Walsh, Assistant Ranking Minority Member; Graham.

Staff: Phillip Craig (786-7291) and Desiree Omli (786-7105).

Background:

The government of the state is divided into three separate, but coequal branches: the legislative branch, the executive branch, and the judicial branch. The separation of powers doctrine refers to the division of governmental authority into these distinct branches and the limitation of any branch from exercising the core functions of another branch. Interactions between these separate branches of government are generally conducted through the formal processes and proceedings of each branch. These formal processes are defined and understood by application through the state Constitution, statutes, and rules adopted by each branch.

Summary of Bill:

The Interbranch Advisory Committee.

The Interbranch Advisory Committee (Committee) is created to foster cooperation, communication, coordination, collaboration, and planning regarding issues of mutual concern among the three branches of state government. An additional purpose of the Committee is to suggest ways to provide access to justice and to court services in a just and equitable manner. Issues of mutual concern include, but are not limited to:

- funding legislative mandates;
- initiatives related to access to justice;
- issues of local concern;
- courthouse security; and
- court technology infrastructure.

The Committee is composed of the following members:

- two legislative members from the House of Representatives, one from each of the two largest caucuses, appointed by the Speaker of the House;
- two legislative members from the Senate, one from each of the two largest caucuses, appointed by the President of the Senate;
- a representative of the Governor's Office, appointed by the Governor;
- a representative of the Attorney General's Office, appointed by the Attorney General;
- a representative of the cities, appointed by the Association of Washington Cities;
- a representative of the counties who is an elected county councilmember, appointed by the Washington State Association of Counties;
- a representative of court clerks, appointed by the Washington State Association of County Clerks; and
- eight members of the judicial branch, appointed by the Washington State Chief Justice in consultation with other specified entities.

One of the appointed legislative members for each chamber must be a member of a committee having jurisdiction over civil or criminal law matters. One of the appointed legislative members for each chamber must be a member of a committee having jurisdiction over the State Operating Budget.

The Committee also has two nonvoting members: one representing the Office of Public Defense and one representing the Office of Civil Legal Aid. The nonvoting members must be consulted by the Committee as needed.

The Committee will select cochairs of one legislative member and one judicial member. Staff support for the Committee will be provided by the Administrative Office of the Courts, with additional support from the Office of Financial Management at the request of the cochairs. The Committee may set its own schedule.

By November 1, 2024, the Committee must make a recommendation to the Legislature on whether the Committee should be renewed or changed in any way. If the Committee is not renewed, it will expire on January 1, 2026.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In the past, the legislative branch and the judicial branch have struggled to communicate effectively on budget issues and policy issues. The judicial branch and legislative branch often do not agree on funding priorities. The Interbranch Advisory Committee (Committee) would bring people together during the interim for conversations and budget development that would reduce barriers to collaboration. The bill will expire in a few years, so if the Committee is not working, it does not have to continue.

(Opposed) None.

(Other) The judicial branch supports improved communication among the branches of government. While improvements to communication could be made without a statute, the judicial branch will participate in the Committee.

Persons Testifying: (In support) Senator Jamie Pedersen, prime sponsor.

(Other) Brittany Gregory, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.