

SENATE BILL REPORT

ESSB 5490

As Passed Senate, January 26, 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: Law & Justice: 1/11/22, 1/13/22 [DPS].

Floor Activity: Passed Senate: 1/26/22, 47-0.

Brief Summary of Engrossed First Substitute Bill

- Creates the Interbranch Advisory Committee (Committee) with membership from the legislative, judicial, and executive branches; cities; counties; and court clerks.
- Fosters cooperation, communication, and planning on mutual concerns between the three branches of government.
- Suggests ways to provide access to justice and to court services in a just and equitable manner.
- Requires the Committee to submit a recommendation to the Legislature on whether the Committee should be renewed or changed.
- Expires the Committee on January 1, 2026.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5490 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member;

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.

McCune, Assistant Ranking Member; Honeyford, Kuderer, Pedersen, Salomon and Wagoner.

Staff: Tim Ford (786-7423)

Background: The political authority of the state is divided into the legislative, executive, and judicial branches of government and subdivisions of cities and counties. 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 but coequal 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 Engrossed First Substitute Bill: 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. 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.

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.

The Committee is composed of the following members:

- two legislative members from the House;
- two legislative members from the Senate;
- a representative of the Governor's office;
- a representative of the Attorney General;
- a representative of the cities;
- a representative of the counties;
- a representative of court clerks; and
- eight members of the judicial branch.

The Committee will select co-chairs of one legislative member and one judicial member. The Committee may set its own schedule.

The Committee shall submit a recommendation by November 1, 2024, to the appropriate legislative committees on whether the Committee should be renewed or changed in any way.

This act expires January 1, 2026.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We have had relatively frequent miscommunications and misunderstandings between the judicial branch and legislative branch both regarding budgetary and policy issues. They could have been avoided or ameliorated with more communications. By contrast, some of the most successful judicial branches have been the Office of Public Defense and the Office of Civil Legal Aid. I hope to achieve a forum where all three branches can come together to discuss the needs of the judicial branch. The plan would expire after 4 years but if it is useful it can be extended to achieve a beneficial purpose for those branches.

There's always going to be tension between the three branches of government. There is legal action between the executive branch and legislative branch. There were heightened tensions during the McCleary lawsuit between the legislature and the supreme court. This is possibly an improvement to reduce conflicts and have some cooperation between the branches.

OTHER: The judicial branch supports improved communication between the branches of government. We would like a spot reserved on the committee for a representative of the District and Municipal Judges Association. We also support adding the Office of Public Defense and the Office of Civil Legal Aid, not as voting members, but as representatives of the judicial branch that can consult with the committee as needed.

Persons Testifying: PRO: Senator Jamie Pedersen, Prime Sponsor.

OTHER: Brittany Gregory, Administrative Office of the Courts/Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: No one.