

# HOUSE BILL REPORT

## HB 2383

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### As Reported By House Committee On:

Government Operations

**Title:** An act relating to requiring public agencies to submit to mediation and arbitration.

**Brief Description:** Requiring public agencies to submit to mediation and arbitration in interagency disputes.

**Sponsors:** Representatives McMahan, Reams, Mastin, Campbell, Hymes, Smith, Stevens, Sterk, Talcott, Thompson, Cairnes, Backlund, Elliot, Honeyford, D. Sommers, Fuhrman, Boldt, Blanton, Koster, Pelesky, L. Thomas, Sherstad, D. Schmidt, Goldsmith, Johnson, Hargrove and Mulliken.

### Brief History:

#### Committee Activity:

Government Operations: 1/26/96, 2/2/96 [DP].

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## HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Scheuerman and Wolfe.

**Staff:** Charlie Murphy (786-7135).

**Background:** The Legislature is concerned about prolonged, costly litigation between state agencies over disputes which can erode citizen confidence in the state government. A 1993 state law encouraged state agencies to resolve disputes without resorting to litigation. That law applied broadly to all state agencies having executive state officers who must file financial affair statements with the Public Disclosure Commission and certain agencies with elected officials as head, e.g, office of the Secretary of State, office of the State Treasurer, office of the State Auditor, the Department of Natural Resources, the office of Land Use Commissioner and the office of the Superintendent of Public Instruction.

**Summary of Bill:** State agencies, rather than going to court, are to use alternative dispute resolution processes including mandatory mediation and binding arbitration to resolve disputes among themselves. The Governor may use various dispute resolution means to resolve matters, and, by mutual agreement, the agencies may in writing waive mediation and proceed with binding arbitration. If a mediator has been appointed and an impasse exists 14 days after appointment (or later date by agreement), then all the impasse items are submitted to final binding arbitration.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** There are lots of lawsuits between state agencies and 400 attorneys in one Attorney General's office. Don't let the courts step on legislative prerogatives.

**Testimony Against:** None.

**Testified:** Representative McMahan, prime sponsor.