

2060-S

Sponsor(s): House Committee on Law & Justice (originally sponsored by Representatives Lambert, Chandler, L. Thomas, Benson, Sterk, Carrell, Mulliken, Thompson, D. Schmidt, McDonald, Dunn, Sherstad, Smith, Bush, Buck, McMorris, Boldt, Sheahan, Dyer, Backlund, Koster, Clements, Pennington, Talcott, Delvin, Sump, Mielke, Ballasiotes, Honeyford, Van Luven, Zellinsky, Johnson, Schoesler and D. Sommers)

Brief Title: Restoring the balance of powers between branches of the government.

HB 2060-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, if the supreme court or a court of appeals of the state of Washington determines that a legislative act, or any part of an act, violates the Washington state Constitution, the conflict between the two equal branches of government will be resolved as follows: (1) Upon determining that it considers a legislative act to be in conflict with the Constitution, the court shall declare its opinion that it considers the act to be void and unenforceable.

(2) the house and the senate during a regular or special session of the legislature may vote by a constitutional majority to expressly affirm the constitutionality of the legislative act and to expressly reject the determination of the court; and

(3) upon a positive vote by both the house and the senate to affirm the constitutionality of the legislative act, the legislative determination is effective immediately, and the legislative act under consideration is binding on all persons affected by it from the effective date of the act, notwithstanding the opinion of the judiciary, but the decision of the case remains binding on the parties to it.