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**SUBSTITUTE SENATE BILL 5634**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew)

Read first time 02/26/93.

1 AN ACT Relating to disputes between state agencies; adding new  
2 sections to chapter 43.17 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
5 reduce the number of time-consuming and costly lawsuits between state  
6 agencies by requiring mediation of any dispute.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.17 RCW  
8 to read as follows:

9 (1) No state agency may bring suit against any other state agency  
10 unless the agency has first completed the mediation procedures  
11 described in section 3 of this act.

12 (2) For purposes of sections 2 through 4 of this act, "state  
13 agency" means:

14 (a) Any agency for which the executive officer is listed in RCW  
15 42.17.2401; and

16 (b) The office of the secretary of state; the office of the state  
17 treasurer; the office of the state auditor; the department of natural

1 resources; the office of the insurance commissioner; and the office of  
2 the superintendent of public instruction.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.17 RCW  
4 to read as follows:

5 Whenever a dispute arises between state agencies that cannot be  
6 resolved informally by the agencies, any one of the disputing agencies  
7 shall give a written notice of a call for mediation. The notice shall  
8 be delivered to any other agency engaged in the dispute, to the  
9 attorney general, and to the governor. Upon receipt of the notice, the  
10 agencies may either appoint a neutral mediator by agreement, or, if the  
11 agencies do not agree within five working days from the delivery of the  
12 notice under this section, the governor shall, within ten working days  
13 thereafter, appoint a neutral mediator. No executive officer from an  
14 agency affected by the dispute may be appointed a mediator. The  
15 attorney general shall appoint an assistant attorney general to advise  
16 the mediator.

17 The mediator shall facilitate the negotiation of a resolution of  
18 the dispute by any appropriate means and may invite other interested  
19 parties to participate in the process. The mediator shall submit a  
20 written report to the attorney general, the governor, and the parties  
21 to the dispute no later than thirty days from the date of his or her  
22 appointment. The report shall state:

- 23 (1) The terms of the agreed resolution of the dispute;  
24 (2) An agreed plan for achieving resolution of the dispute,  
25 including:  
26 (a) Which issues, if any, should be submitted to binding  
27 arbitration;  
28 (b) Which legal issues, if any, should be submitted to the attorney  
29 general;  
30 (c) Which issues, if any, should be litigated; and  
31 (d) A detailed timetable for the entire process; or  
32 (3) That the parties were unable to either agree to a resolution of  
33 the dispute or agree to a plan for achieving resolution of the dispute.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.17 RCW  
35 to read as follows:

36 Sections 2 and 3 of this act shall not apply to any state agency  
37 that is a party to a lawsuit, which: (1) Impleads another state agency

1 into the lawsuit when necessary for the administration of justice; or  
2 (2) files a notice of appeal, petitions for review, or makes other  
3 filings subject to time limits, in order to preserve legal rights and  
4 remedies.

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