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**SENATE BILL 5634**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senators Bauer, Newhouse, Snyder, Haugen, Gaspard, Vognild, Sutherland, Rinehart, Spanel, Talmadge, Winsley, McAuliffe, Moore and Drew

Read first time 02/05/93. Referred to Committee on Government Operations.

1 AN ACT Relating to disputes between state agencies; amending RCW  
2 43.10.040; adding a new section to chapter 43.17 RCW; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
6 reduce the number of time-consuming and costly lawsuits between state  
7 agencies by requiring arbitration of any dispute by a committee  
8 composed of neutral members of the governor's cabinet.

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

11 (1) No state agency for which the executive officer is listed in  
12 RCW 42.17.2401 may bring suit against any other state agency for which  
13 the executive officer is listed in RCW 42.17.2401 unless the agency has  
14 first completed the arbitration procedures of subsection (2) of this  
15 section.

16 (2)(a) Whenever a dispute arises between state agencies that cannot  
17 be resolved between the parties, a party shall file with the governor  
18 a request for arbitration. The governor shall appoint an arbitration

1 committee consisting of three departmental chief executive officers  
2 from among those listed in RCW 43.17.020. No chief executive officer  
3 from a department affected by the dispute may be appointed.

4 (b) The arbitration committee shall appoint a time and place for a  
5 hearing and notify the parties thereof, and may adjourn the hearing  
6 from time to time as may be necessary, and, on application of either  
7 party, and for good cause, may postpone the hearing.

8 All the arbitrators shall meet and act together during the hearing  
9 but a majority of them may determine any question and render a final  
10 decision.

11 (c) The decision of the arbitration committee shall be in writing  
12 and a copy shall be delivered to the parties and the governor. The  
13 decision is binding on all parties unless overturned by a court.

14 **Sec. 3.** RCW 43.10.040 and 1965 c 8 s 43.10.040 are each amended to  
15 read as follows:

16 The attorney general shall also represent the state and all  
17 officials, departments, boards, commissions, and agencies of the state  
18 in the courts, and before all administrative tribunals or bodies of any  
19 nature, in all legal or quasi legal matters, hearings, or proceedings,  
20 including arbitration proceedings under section 2 of this act, and  
21 advise all officials, departments, boards, commissions, or agencies of  
22 the state in all matters involving legal or quasi legal questions,  
23 except those declared by law to be the duty of the prosecuting attorney  
24 of any county.

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