

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5560

66th Legislature
2019 Regular Session

Passed by the Senate April 24, 2019
Yeas 48 Nays 0

President of the Senate

Passed by the House April 17, 2019
Yeas 98 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5560** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5560

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Law & Justice (originally sponsored by Senators Padden and Pedersen)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to mediation of disputes between elected
2 officials; and adding a new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) Before a lawsuit may be commenced in
5 disputes between elected officials, as the term "elected official" is
6 defined in subsection (7) of this section, in their official
7 capacity, the party bringing the claim must first notify in writing
8 the other parties to the claim. The notice must:

9 (a) Request mediation to occur;

10 (b) Notify all interested parties that mediation must take place
11 within ninety days of providing notice; and

12 (c) Include a copy of this section.

13 (2) The making of a written, good faith notice requesting
14 mediation prior to commencing a lawsuit by the party bringing the
15 claim as provided in subsection (1) of this section tolls the statute
16 of limitations until the ninetieth day from the date of notice, or
17 the day following the date set in subsection (5) of this section, or
18 mediation ends, whichever is later.

19 (3) After the notice of mediation has been provided to all
20 interested parties, unless otherwise agreed to by the parties, all
21 interested parties must mediate pursuant to the process set forth in

1 this section within ninety days or by the date set in subsection (5)
2 of this section. If any party refuses to mediate, fails to mediate in
3 good faith, or if mediation does not resolve the claim, the party
4 bringing the claim may commence a lawsuit on the claim upon the
5 passage of the 90th day from the date of notice or the day following
6 the date set in subsection (5) of this section, whichever is later.

7 (4) The mediator shall be agreed upon by the parties. If the
8 parties cannot agree upon a mediator, any party may petition for the
9 appointment of a mediator. Once a party petitions for the appointment
10 of a mediator, no other party may petition for the appointment of a
11 mediator. The petition shall be filed in the superior court of the
12 county in which one of the parties serves as an elected official. If
13 one of the parties in the action is a superior court judge, then the
14 petition may not be filed in the superior court in which that judge
15 serves. If any party is a superior court judge and all the parties
16 serve in the same county, the action shall be filed in an adjacent
17 county.

18 (5) Upon designation of a mediator by the parties or the court,
19 the mediator and the parties or the parties' representatives shall
20 establish a date for the mediation. If a date cannot be agreed upon
21 within ten days of the designation or appointment of the mediator, a
22 party may petition the court, as set forth in subsection (4) of this
23 section, to set a date for the mediation. The mediation shall occur
24 within ninety days from the day the notice is provided under
25 subsection (1) of this section, or on a later date if agreed to by
26 all parties and the mediator or as scheduled by the court.

27 (6) Costs of the mediation, including reasonable compensation for
28 the mediator's services, shall be paid equally by the parties unless
29 the superior court determines otherwise in its order appointing the
30 mediator. The details of those costs, and the compensation of the
31 mediator, must be set forth in a mediation agreement between the
32 mediator and all parties, or in the order appointing the mediator.
33 Unless otherwise agreed, and except for sharing the costs of the
34 mediator, each party shall bear its own costs and expenses, including
35 legal fees and witness expenses, in connection with the mediation
36 proceeding. If the matter is not resolved by mediation and the
37 parties cannot agree as to how costs are assessed among the parties,
38 the court that resolves the matter shall determine how costs are
39 assessed among the parties.

40 (7) For the purposes of this section, "elected official" means:

1 (a) Any elected or appointed county officer as enumerated in RCW
2 36.16.030;

3 (b) Equivalent positions whether elected or appointed in charter
4 counties; and

5 (c) Superior, district, and municipal court judges located within
6 the county.

7 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new
8 chapter in Title 36 RCW.

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