
HOUSE JOINT RESOLUTION 4211

State of Washington

69th Legislature

2026 Regular Session

By Representative Davis

Read first time 01/13/26. Referred to Committee on Civil Rights & Judiciary.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the
4 secretary of state shall submit to the qualified voters of the state
5 for their approval and ratification, or rejection, an amendment to
6 Article IV of the Constitution of the state of Washington by adding a
7 new section to read as follows:

8 Article IV, section . . . INTERBRANCH COMMISSION ON COURT RULES.

9 (1) The supreme court shall have the power to promulgate rules of
10 court to provide necessary governance of court procedure and
11 practice. Court rules may not abridge, enlarge, or modify any
12 substantive right, invade the prerogatives or encroach on the
13 inherent powers of the legislative or executive branch of the
14 government, or otherwise violate the separation of powers among the
15 three coequal branches.

16 (2) There shall be an interbranch commission on court rules,
17 consisting of the following members, all of whom must be an attorney
18 licensed to practice law in this state:

19 (a) Three representatives of the legislative branch: The attorney
20 for the speaker of the house of representatives, the senior
21 leadership counsel for the second largest caucus of the house of

1 representatives; and one person appointed by the president of the
2 senate and confirmed by a two-thirds vote of the senate;

3 (b) Three representatives of the executive branch: One person
4 representing the governor's office, appointed by the governor; one
5 person representing the attorney general's office, appointed by the
6 attorney general; and one person representing local government,
7 appointed by the governor in consultation with organizations
8 representing the interests of cities and counties; and

9 (c) Three representatives of the judicial branch: One court of
10 appeals judge selected by a two-thirds vote of the court of appeals
11 judges; one superior court judge selected by a two-thirds vote of the
12 superior court judges; and one limited jurisdiction court judge
13 selected by a two-thirds vote of the limited jurisdiction court
14 judges.

15 (3) Before adopting a court rule, the supreme court shall notify
16 and forward to the interbranch commission on court rules the text of
17 the proposed rule, along with all public comments that are submitted
18 to the supreme court relating to the proposed rule. Within 90 days
19 after receiving notification, the commission shall review the
20 proposed rule and public comments and make a finding, by simple
21 majority vote, as to whether there is sufficient evidence that the
22 proposed rule may abridge, enlarge, or modify any substantive right,
23 invade the prerogatives or encroach on the inherent powers of the
24 legislative or executive branch of the government, or otherwise
25 violate the separation of powers among the three coequal branches.

26 (4) If the interbranch commission on court rules finds there is
27 not sufficient evidence that the proposed rule may violate the
28 separation of powers between the three coequal branches, the supreme
29 court may proceed with adopting the proposed rule.

30 (5) If the interbranch commission on court rules finds there is
31 sufficient evidence that the proposed rule may violate the separation
32 of powers between the three coequal branches, the supreme court shall
33 appoint five justices pro tempore to hold a public hearing on the
34 proposed rule and to issue a determination on whether the proposed
35 rule abridges, enlarges, or modifies any substantive right, invades
36 the prerogatives or encroaches on the inherent powers of the
37 legislative or executive branches of the government, or otherwise
38 violates the separation of powers among the three coequal branches.
39 If the justices pro tempore so determine, the supreme court may not
40 adopt the proposed rule.

1 BE IT FURTHER RESOLVED, That the secretary of state shall cause
2 notice of this constitutional amendment to be published at least four
3 times during the four weeks next preceding the election in every
4 legal newspaper in the state.

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