

After contempt order, roles of WA Supreme Court and Legislature to be reviewed at work session

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State lawmakers continue to question whether the state Supreme Court is overstepping its bounds by closely monitoring the Legislature's progress in the education funding case known as McCleary.

The state Senate's Law and Justice Committee is holding a work session Thursday (Oct. 2) discussing the separation of powers in government.

It's not the first time the committee has held a work session on the topic, but it is the first such meeting since the state Supreme Court ruled Sept. 11 that the state was in contempt of court over the Legislature's failure to come up with a long-term education funding plan.

In the McCleary case, the Supreme Court ruled in 2012 that the Legislature wasn't meeting its constitutional duty to amply fund basic education in Washington state. The court ordered the Legislature to fully fund schools by 2018, and took the unusual step of retaining jurisdiction over the case.

Some lawmakers have questioned whether the court has the authority to issue repeated orders assessing the Legislature's progress toward the 2018 goal, as well as whether the court has the power to hold the state in contempt and impose sanctions, as it has threatened to do if lawmakers don't develop a school funding plan in 2015.

State Sen. Mike Padden, R-Spokane Valley, said Gonzaga University law professor David K. DeWolf will brief lawmakers at the work session.

Padden said that in the past, DeWolf has "had concerns about really the unprecedented move by the court and to what a lot of people see as a legislative prerogative, which is writing the budget."

Some state lawmakers, including Padden, share those concerns.

"I think the whole route the court has taken has been very unfortunate, and I've been pretty consistent in saying that from the beginning," said Padden, who is a retired Spokane County

District Court judge. “I think it was a mistake to maintain continuing jurisdiction – one branch of government over another equal branch of government?”

The legislative work session discussing the separation of powers will be held at 1 p.m. Thursday (Oct. 2) at Spokane Valley City Hall, which is located at 11707 E. Sprague Avenue in Spokane Valley.

For those who would like to watch the discussion remotely, the work session will be broadcast on TVW at 7 p.m. Monday (Oct. 6), according to a legislative staffer. A recording of the meeting will probably also be available over the weekend at www.tv.org, the staffer said.

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