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**SUBSTITUTE HOUSE BILL 1545**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By House Committee on Judiciary (originally sponsored by Representative Appelwick)**

Read first time 03/03/93.

1       AN ACT Relating to municipal courts; amending RCW 3.50.080,  
2 3.50.090, 3.62.070, 42.12.010, and 29.15.025; adding new sections to  
3 chapter 3.46 RCW; adding new sections to chapter 3.50 RCW; adding a new  
4 section to chapter 3.62 RCW; and providing an effective date.

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

6       NEW SECTION. **Sec. 1.** A new section is added to chapter 3.46 RCW  
7 to read as follows:

8       Any city that terminates a municipal department under this chapter  
9 may not establish another municipal department under this chapter until  
10 at least ten years have elapsed from the date of termination.

11       NEW SECTION. **Sec. 2.** A new section is added to chapter 3.50 RCW  
12 to read as follows:

13       Any city that terminates a municipal department under this chapter  
14 may not establish another municipal department under this chapter until  
15 at least ten years have elapsed from the date of termination.

16       NEW SECTION. **Sec. 3.** A new section is added to chapter 3.46 RCW  
17 to read as follows:

1        Notwithstanding RCW 3.46.050 and 3.46.060, judicial positions may  
2 be filled only by election under the following circumstances:

3        (1) Each full-time equivalent judicial position shall be filled by  
4 election. This requirement applies regardless of how many judges are  
5 employed to fill the position. For purposes of this section, a full-  
6 time equivalent position is thirty-five or more hours per week of  
7 compensated time.

8        (2) In any city with one or more full-time equivalent judicial  
9 positions, an additional judicial position or positions that is or are  
10 in combination more than one-half of a full-time equivalent position  
11 shall be filled by election.

12        NEW SECTION. **Sec. 4.** A new section is added to chapter 3.50 RCW  
13 to read as follows:

14        Notwithstanding RCW 3.50.040 and 3.50.050, judicial positions may  
15 be filled only by election under the following circumstances:

16        (1) Each full-time equivalent judicial position shall be filled by  
17 election. This requirement applies regardless of how many judges are  
18 employed to fill the position. For purposes of this section, a full-  
19 time equivalent position is thirty-five or more hours per week of  
20 compensated time.

21        (2) In any city with one or more full-time equivalent judicial  
22 positions, an additional judicial position or positions that is or are  
23 in combination more than one-half of a full-time equivalent position  
24 shall also be filled by election.

25        NEW SECTION. **Sec. 5.** A new section is added to chapter 3.46 RCW  
26 to read as follows:

27        A judge of a municipal department of a district court need not be  
28 a resident of the city in which the department is created, but must be  
29 a resident of the county in which the city is located.

30        NEW SECTION. **Sec. 6.** A new section is added to chapter 3.50 RCW  
31 to read as follows:

32        A judge of a municipal court need not be a resident of the city in  
33 which the court is created, but must be a resident of the county in  
34 which the city is located.

1       **Sec. 7.** RCW 3.50.080 and 1984 c 258 s 111 are each amended to read  
2 as follows:

3       Salaries of full-time municipal court judges shall be fixed by  
4 ordinance in an amount not less than one-half of the salary of a  
5 superior court judge. Part-time municipal court judges shall receive  
6 a pro rata share of the salary set for a full-time municipal court  
7 judge. All costs of operating the municipal court, including but not  
8 limited to salaries of judges and court employees, dockets, books of  
9 records, forms, furnishings, and supplies, shall be paid wholly out of  
10 the funds of the city or town. The city shall provide a suitable place  
11 for holding court and pay all expenses of maintaining it.

12      All employees of the municipal court shall, for all purposes, be  
13 deemed employees of the city or town. They shall be appointed by and  
14 serve at the pleasure of the court.

15       **Sec. 8.** RCW 3.50.090 and 1984 c 258 s 112 are each amended to read  
16 as follows:

17      The mayor shall, in writing, appoint judges pro tem who shall act  
18 in the absence or disability of the regular judge of a municipal court  
19 or subsequent to the filing of an affidavit of prejudice. The judges  
20 pro tem shall be qualified to hold the position of judge of the  
21 municipal court as provided herein. The municipal court judges pro tem  
22 shall receive ((such compensation as shall be fixed by the ordinances  
23 of the legislative body of the city or town wherein the municipal court  
24 is located)) a pro rata share of the salary set for a full-time  
25 municipal court judge. The term of the appointment shall be specified  
26 in writing but in any event shall not extend beyond the term of the  
27 appointing mayor.

28       NEW SECTION. **Sec. 9.** A new section is added to chapter 3.62 RCW  
29 to read as follows:

30      District courts shall take all steps necessary to promote  
31 efficiencies in calendaring in order to minimize costs to cities that  
32 use the district courts. Cities shall cooperate with the district  
33 courts in order to minimize those costs.

34       **Sec. 10.** RCW 3.62.070 and 1984 c 258 s 39 are each amended to read  
35 as follows:

1        Except in traffic cases wherein bail is forfeited or a monetary  
2        penalty paid to a violations bureau, and except in cases filed in  
3        municipal departments established pursuant to chapter 3.46 RCW and  
4        except in cases where a city has contracted with another city for such  
5        services pursuant to chapter 39.34 RCW, in every criminal or traffic  
6        infraction action filed by a city for an ordinance violation, the city  
7        shall be charged a filing fee determined pursuant to an agreement as  
8        provided for in chapter 39.34 RCW, the interlocal cooperation act,  
9        between the city and the county providing the court service. In such  
10      criminal or traffic infraction actions the cost of providing services  
11      necessary for the preparation and presentation of a defense at public  
12      expense are not within the filing fee and shall be paid by the city.  
13      In all other criminal or traffic infraction actions, no filing fee  
14      shall be assessed or collected: PROVIDED, That in such cases, for the  
15      purposes of RCW 3.62.010, four dollars or the agreed filing fee of each  
16      fine or penalty, whichever is greater, shall be deemed filing costs.  
17      ((In the event no agreement is reached between a municipal corporation  
18      and the county providing the court service within ninety days of  
19      September 1, 1979, the municipal corporation and the county shall be  
20      deemed to have entered into an agreement to submit the issue to  
21      arbitration pursuant to chapter 7.04 RCW, and the municipal corporation  
22      and the county shall be entitled to the same rights and subject to the  
23      same duties as other parties who have agreed to submit to arbitration  
24      pursuant to chapter 7.04 RCW. In the event that such issue is  
25      submitted to arbitration, the arbitrator or arbitrators shall only  
26      consider those additional costs borne by the county in providing  
27      district court services for such city.))

28      If, one hundred twenty days before the expiration of an existing  
29      contract under this section, the city and the county are unable to  
30      agree on terms for renewal, the matter shall be submitted to binding  
31      arbitration. The city and the county shall each select one arbitrator,  
32      the two of whom shall pick a third arbitrator. The existing contract  
33      shall remain in effect until a new agreement is reached or until an  
34      arbitration award is made.

35      **Sec. 11.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read  
36      as follows:

37           Every elective office shall become vacant on the happening of any  
38           of the following events:

1       (1) The death of the incumbent;

2       (2) His or her resignation. A vacancy caused by resignation shall  
3 be deemed to occur upon the effective date of the resignation;

4       (3) His or her removal;

5       (4) Except as provided in sections 5 and 6 of this act, his or her  
6 ceasing to be a legally qualified elector of the district, county,  
7 city, town, or other municipal or quasi municipal corporation from  
8 which he or she shall have been elected or appointed;

9       (5) His or her conviction of a felony, or of any offense involving  
10 a violation of his or her official oath;

11       (6) His or her refusal or neglect to take his or her oath of  
12 office, or to give or renew his or her official bond, or to deposit  
13 such oath or bond within the time prescribed by law;

14       (7) The decision of a competent tribunal declaring void his or her  
15 election or appointment; or

16       (8) Whenever a judgment shall be obtained against that incumbent  
17 for breach of the condition of his or her official bond.

18       **Sec. 12.** RCW 29.15.025 and 1991 c 178 s 1 are each amended to read  
19 as follows:

20       (1) A person filing a declaration and affidavit of candidacy for an  
21 office shall, at the time of filing, possess the qualifications  
22 specified by law for persons who may be elected to the office.

23       (2) The name of a candidate for an office shall not appear on a  
24 ballot for that office unless, except as provided in sections 5 and 6  
25 of this act, the candidate is, at the time the candidate's declaration  
26 and affidavit of candidacy is filed, properly registered to vote in the  
27 geographic area represented by the office. For the purposes of this  
28 section, each geographic area in which registered voters may cast  
29 ballots for an office is represented by that office. If a person  
30 elected to an office must be nominated from a district or similar  
31 division of the geographic area represented by the office, the name of  
32 a candidate for the office shall not appear on a primary ballot for  
33 that office unless the candidate is, at the time the candidate's  
34 declaration and affidavit of candidacy is filed, properly registered to  
35 vote in that district or division. The officer with whom declarations  
36 and affidavits of candidacy must be filed under this title shall review  
37 each such declaration filed regarding compliance with this subsection.

1       (3) This section does not apply to the office of a member of the  
2 United States congress.

3       NEW SECTION.   **Sec. 13.**   If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7       NEW SECTION.   **Sec. 14.**   This act shall take effect January 1, 1995.

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