

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1545

Chapter 317, Laws of 1993

53rd Legislature
1993 Regular Session

MUNICIPAL AND DISTRICT COURTS--REVISIONS

EFFECTIVE DATE: 1/1/95

Passed by the House April 20, 1993
Yeas 69 Nays 28

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 6, 1993
Yeas 41 Nays 6

JOEL PRITCHARD
President of the Senate

Approved May 12, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1545** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 12, 1993 - 10:45 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1545

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

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 3.62.070,
2 42.12.010, and 29.15.025; adding new sections to chapter 3.46 RCW;
3 adding new sections to chapter 3.50 RCW; adding a new section to
4 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 court under this chapter may
14 not establish another municipal court under this chapter until at least
15 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 NEW SECTION. **Sec. 7.** A new section is added to chapter 3.62 RCW
2 to read as follows:

3 District courts shall take all steps necessary to promote
4 efficiencies in calendaring in order to minimize costs to cities that
5 use the district courts. Cities shall cooperate with the district
6 courts in order to minimize those costs.

7 **Sec. 8.** RCW 3.62.070 and 1984 c 258 s 39 are each amended to read
8 as follows:

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

36 If, one hundred twenty days before the expiration of an existing
37 contract under this section, the city and the county are unable to
38 agree on terms for renewal, the matter shall be submitted to binding

1 arbitration. The city and the county shall each select one arbitrator,
2 the two of whom shall pick a third arbitrator. The existing contract
3 shall remain in effect until a new agreement is reached or until an
4 arbitration award is made.

5 **Sec. 9.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read
6 as follows:

7 Every elective office shall become vacant on the happening of any
8 of the following events:

9 (1) The death of the incumbent;

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

12 (3) His or her removal;

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

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

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

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

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

26 **Sec. 10.** RCW 29.15.025 and 1991 c 178 s 1 are each amended to read
27 as follows:

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

31 (2) The name of a candidate for an office shall not appear on a
32 ballot for that office unless, except as provided in sections 5 and 6
33 of this act, the candidate is, at the time the candidate's declaration
34 and affidavit of candidacy is filed, properly registered to vote in the
35 geographic area represented by the office. For the purposes of this
36 section, each geographic area in which registered voters may cast
37 ballots for an office is represented by that office. If a person

1 elected to an office must be nominated from a district or similar
2 division of the geographic area represented by the office, the name of
3 a candidate for the office shall not appear on a primary ballot for
4 that office unless the candidate is, at the time the candidate's
5 declaration and affidavit of candidacy is filed, properly registered to
6 vote in that district or division. The officer with whom declarations
7 and affidavits of candidacy must be filed under this title shall review
8 each such declaration filed regarding compliance with this subsection.
9 (3) This section does not apply to the office of a member of the
10 United States congress.

11 NEW SECTION. **Sec. 11.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 12.** This act shall take effect January 1, 1995.
Passed the House April 20, 1993.
Passed the Senate April 6, 1993.
Approved by the Governor May 12, 1993.
Filed in Office of Secretary of State May 12, 1993.