

SENATE BILL REPORT

SB 6384

As Reported by Senate Committee On:
Law & Justice, February 6, 2014

Title: An act relating to venue of actions by or against counties.

Brief Description: Modifying certain venue of action provisions.

Sponsors: Senators Padden and Schoesler.

Brief History:

Committee Activity: Law & Justice: 2/03/14, 2/06/14 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

Staff: Tim Ford (786-7423)

Background: A venue is the location where a legal action may be commenced. The venue for an action against a county is commenced in the superior court of that county, or in the superior court of either of the two nearest judicial districts. The venue for an action by a county is commenced in the superior court of the county in which the defendant resides, or in the superior court of either of the two nearest judicial districts nearest to the county bringing the action.

A determination of the nearest judicial district is made by measuring, in travel time, between county seats using major travel routes, as determined by the Administrative Office of the Courts.

Summary of Bill: Where the defendant resides in the county which is commencing an action, the defendant may transfer the venue for the action from that county to either of the two nearest judicial districts in accordance with court rules for civil proceedings. Contractual provisions with a county, which require venue for actions against the county to be commenced in that county, is against public policy, void and unenforceable, except for disputes to be submitted to arbitration.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is about the appearance of fairness. A contractor should be able to remove a dispute from a superior court in the county which is a party. In some counties, the prosecutor or judge may be related to other county officials who are a party to the dispute. Currently a party can file a change of venue motion but it is a waste of time and money. This bill would provide a right to transfer venue. Many contract bids are not subject to negotiation. It is a take-it or leave-it approach by counties which may cause disputes down the road. Disputes should be heard in an impartial district. The largest volume of disputes are over bid protests and a complaint for a bid protest goes right back to the county which may be the subject of the complaint.

CON: This bill applies to all actions against counties, not just public works. It applies to criminal cases, property tax foreclosure cases, etc. Judges are statewide officials, not county officials, and they are not required to reside in a county where they serve as a superior court judge. Travel to different counties involves costs, and the use of uniform contracts establishes good policy which protects taxpayers. Civil prosecutors do negotiate and there is just no good data for the conclusion that you cannot get a fair shake.

Persons Testifying: PRO: David Ducharme, Mike Pellitteri, Tymon Burger, National Utility Contractor's Assn.

CON: Brian Enslow, WA State Assn. of Counties.