

SENATE BILL REPORT

SHB 1545

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 23, 1993

Brief Description: Changing provisions relating to municipal courts.

SPONSORS: House Committee on Judiciary (originally sponsored by Representative Appelwick)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Niemi, and Spanel.

Staff: Dick Armstrong (786-7460)

Hearing Dates: March 22, 1993; March 23, 1993

BACKGROUND:

Two separate chapters of law provide optional methods for the creation of municipal courts in cities of under 400,000 population. Under one of these chapters (3.46 RCW), a municipal court is a part of the district court in which the city wishing to create the municipal court is located. Judges of these municipal courts are judges of the district court. Under the other chapter (3.50 RCW), the municipal court is a separate entity created by a city and is independent of the district court, although a city may choose to appoint a district court judge as a part-time municipal judge under this chapter.

Under either chapter, municipal courts have exclusive jurisdiction over matters arising under city ordinances. Municipal judges of courts organized under either chapter may be elected or appointed, as determined by the city. Cities of under 400,000 population may choose to operate under either of these two chapters when creating a municipal court.

The city of Seattle, as the only city in the state over 400,000 population, must operate a municipal court under yet another chapter (35.20 RCW). Seattle Municipal Court has jurisdiction over matters relating to the enforcement of Seattle ordinances. Judges of the Seattle Municipal Court must be elected.

Municipal court judges under Chapter 3.46 RCW (as district court judges) must be residents of the district court district in which they serve and must either be lawyers, previously elected or appointed judges, or, in cities of less than 5,000

population, persons who have passed an exam for judges prepared by the state Supreme Court. Municipal court judges under Chapter 3.50 RCW must be citizens of the United States and Washington State, and must be either a lawyer or a person who has passed the judge examination. Municipal judges in Seattle must be registered voters in the city and must be lawyers who are not in private practice.

Salaries of municipal judges under Chapter 3.46 RCW are the same as for other district court judges. If the district court judge is a full-time municipal judge, the city pays the entire salary. If the district court judge serves only part-time as a municipal judge, the county and city pay the salary proportionately. Salaries of municipal court judges under Chapter 3.50 RCW are fixed by city ordinance, except when the city has chosen to appoint a district court judge as a part-time municipal judge, in which case the district court judge's salary is shared by the county and the city. Salaries of Seattle Municipal Court judges are set by city ordinance in an amount which can be not less than \$9,000 per year and not more than the salary of a superior court judge.

Salaries of district and superior court judges are set by the state Citizens' Commission on Elected Officials' Salaries.

SUMMARY:

A city that terminates a municipal court cannot establish another municipal court for a ten-year period.

All municipal court judges must be elected, except in cities with less than one full-time equivalent (FTE) judge and except for part-time positions of less than one-half FTE in cities with one or more FTEs. A full-time equivalent judicial position is defined as 35 or more hours per week of compensated time. A municipal court judge may reside outside the city as long as he or she resides within the county in which the city is located.

Cities are to set the salaries of municipal court judges at not less than one-half of a superior court judge's salary. Cities and counties are directed to cooperate in promoting district court efficiency. Renewals of agreements between cities and counties for court services are subject to binding arbitration.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The bill remains the same, except that the requirement for cities to pay municipal court judges a salary not less than one-half the salary of a superior court judge is deleted.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: January 1, 1995

TESTIMONY FOR:

This bill is a compromise bill which has been worked out among the interested groups (judges, cities and counties). The bill resolves some of the major areas of concern to the courts, cities and counties and will result in an improved court system.

TESTIMONY AGAINST: None

TESTIFIED: Judge Robert McBeth, District Courts; Jackie McFadden, WA Assn. of Cities