
Judiciary Committee

HB 2179

Title: An act relating to municipal departments of district court.

Brief Description: Clarifying district court provisions.

Sponsors: Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter, Rockefeller, Hudgins and Flannigan.

Brief Summary of Bill

- Facilitates creation of municipal courts as departments of county district courts, including explicitly authorizing multiple cities to share one municipal court department.

Hearing Date: 3/4/03

Staff: Bill Perry (786-7123).

Background:

There are three methods explicitly authorized in statute for a city to provide court services.

- A city is authorized to create and operate its own court of limited jurisdiction. The city bears the cost of running an independent municipal court.
- If a city terminates its own municipal court, it is authorized to come to agreement with the county for the delivery of court services by the county district court. Under this arrangement, the city pays the county for all aspects of the delivery of court services.
- A city is also authorized to petition the county for the creation of a "municipal department" within the district court. These municipal courts are part of the county district court. Under this arrangement, the city provides the facilities and the staffing for the court and pays the county for the services of a district court judge. The petition to the county for the creation of municipal departments is forwarded to the district court districting committee. The committee must incorporate the proposed municipal department into the district court plan for the county. The county legislative authority may accept, reject or modify the plan. The city may withdraw its

petition at any time before the county adopts a plan. Once a municipal department is created, a city may terminate the department only after written notice to the county and only after reaching agreement with the county for delivery of court services.

Interlocal agreements generally may be used by two or more units of local government to do jointly whatever those governments are authorized to do separately.

There is nothing in either the law on courts of limited jurisdiction or the law on interlocal agreements, however, that expressly authorizes a city that is not operating its own municipal court to enter into an agreement with another city for court operations. There is a question as to whether such a joint court can have jurisdiction over matters arising out of ordinances adopted in a city in which the court is not located.

A number of municipalities, particularly in King County, have entered into interlocal agreements with each other for the operation of municipal courts. King County has indicated that it intends to terminate its contracts with other municipalities for the operation of municipal courts. Concern has been expressed that an increasing number of cities will be pursuing interlocal agreements with each other to provide court services.

Summary of Bill:

Several changes are made to the law governing the creation of municipal court departments within a county district court. These changes are intended in part to explicitly allow multiple cities to share one municipal department within a district court.

The county court districting committee in considering a petition for a municipal department is to follow the determination of the petitioning city or cities as to the location of the municipal department.

A districting plan adopted by the county legislative authority is to provide for municipal departments "as determined by the districting committee." The county may not change the plan with respect to the location of municipal departments, or with respect to the salaries and benefits of district court judges who are to be designated as part time judges for the municipal department.

Following the required notice, a city may terminate a municipal department in a county district court if it has reached agreement with the county for court services, *or* if it has established an independent municipal court of its own.

A provision authorizing a county to terminate a municipal department only after notice to the city is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.