

2 **SHB 1545** - S COMM AMD  
3 By Committee on Law & Justice

4 ADOPTED AS AMENDED 4/6/93

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 A judge of a municipal court need not be a resident of the city in  
18 which the court is created, but must be a resident of the county in  
19 which the city is located.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 3.62 RCW  
21 to read as follows:

22 District courts shall take all steps necessary to promote  
23 efficiencies in calendaring in order to minimize costs to cities that  
24 use the district courts. Cities shall cooperate with the district  
25 courts in order to minimize those costs.

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

28 Except in traffic cases wherein bail is forfeited or a monetary  
29 penalty paid to a violations bureau, and except in cases filed in  
30 municipal departments established pursuant to chapter 3.46 RCW and  
31 except in cases where a city has contracted with another city for such  
32 services pursuant to chapter 39.34 RCW, in every criminal or traffic  
33 infraction action filed by a city for an ordinance violation, the city  
34 shall be charged a filing fee determined pursuant to an agreement as  
35 provided for in chapter 39.34 RCW, the interlocal cooperation act,

1 between the city and the county providing the court service. In such  
2 criminal or traffic infraction actions the cost of providing services  
3 necessary for the preparation and presentation of a defense at public  
4 expense are not within the filing fee and shall be paid by the city.  
5 In all other criminal or traffic infraction actions, no filing fee  
6 shall be assessed or collected: PROVIDED, That in such cases, for the  
7 purposes of RCW 3.62.010, four dollars or the agreed filing fee of each  
8 fine or penalty, whichever is greater, shall be deemed filing costs.  
9 (~~In the event no agreement is reached between a municipal corporation  
10 and the county providing the court service within ninety days of  
11 September 1, 1979, the municipal corporation and the county shall be  
12 deemed to have entered into an agreement to submit the issue to  
13 arbitration pursuant to chapter 7.04 RCW, and the municipal corporation  
14 and the county shall be entitled to the same rights and subject to the  
15 same duties as other parties who have agreed to submit to arbitration  
16 pursuant to chapter 7.04 RCW. In the event that such issue is  
17 submitted to arbitration, the arbitrator or arbitrators shall only  
18 consider those additional costs borne by the county in providing  
19 district court services for such city.~~)

20 If, one hundred twenty days before the expiration of an existing  
21 contract under this section, the city and the county are unable to  
22 agree on terms for renewal, the matter shall be submitted to binding  
23 arbitration. The city and the county shall each select one arbitrator,  
24 the two of whom shall pick a third arbitrator. The existing contract  
25 shall remain in effect until a new agreement is reached or until an  
26 arbitration award is made.

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

29 Every elective office shall become vacant on the happening of any  
30 of the following events:

- 31 (1) The death of the incumbent;
- 32 (2) His or her resignation. A vacancy caused by resignation shall  
33 be deemed to occur upon the effective date of the resignation;
- 34 (3) His or her removal;
- 35 (4) Except as provided in sections 5 and 6 of this act, his or her  
36 ceasing to be a legally qualified elector of the district, county,  
37 city, town, or other municipal or quasi municipal corporation from  
38 which he or she shall have been elected or appointed;

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

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

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 12.**    This act shall take effect January 1,  
2 1995."

3 **SHB 1545** - S COMM AMD  
4        By Committee on Law & Justice

5  
6  
7  
8  
9  
10

ADOPTED AS AMENDED 4/6/93

6        In line 1 of the title, after "courts;" strike the remainder of the  
7 title and insert "amending RCW 3.62.070, 42.12.010, and 29.15.025;  
8 adding new sections to chapter 3.46 RCW; adding new sections to chapter  
9 3.50 RCW; adding a new section to chapter 3.62 RCW; and providing an  
10 effective date."

--- END ---