

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

4

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 **Sec. 7.** RCW 3.50.090 and 1984 c 258 s 112 are each amended to read
21 as follows:

22 The mayor shall, in writing, appoint judges pro tem who shall act
23 in the absence or disability of the regular judge of a municipal court
24 or subsequent to the filing of an affidavit of prejudice. The judges
25 pro tem shall be qualified to hold the position of judge of the
26 municipal court as provided herein. The municipal court judges pro tem
27 shall receive (~~such compensation as shall be fixed by the ordinances
28 of the legislative body of the city or town wherein the municipal court
29 is located~~) a pro rata share of the salary set for a full-time
30 municipal court judge. The term of the appointment shall be specified
31 in writing but in any event shall not extend beyond the term of the
32 appointing mayor.

33 NEW SECTION. **Sec. 8.** A new section is added to chapter 3.62 RCW
34 to read as follows:

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

5 **Sec. 9.** RCW 3.62.070 and 1984 c 258 s 39 are each amended to read
6 as follows:

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

34 If, one hundred twenty days before the expiration of an existing
35 contract under this section, the city and the county are unable to
36 agree on terms for renewal, the matter shall be submitted to binding
37 arbitration. The city and the county shall each select one arbitrator,
38 the two of whom shall pick a third arbitrator. The existing contract

1 shall remain in effect until a new agreement is reached or until an
2 arbitration award is made.

3 **Sec. 10.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read
4 as follows:

5 Every elective office shall become vacant on the happening of any
6 of the following events:

7 (1) The death of the incumbent;

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

10 (3) His or her removal;

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

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

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

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

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

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

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

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

1 a candidate for the office shall not appear on a primary ballot for
2 that office unless the candidate is, at the time the candidate's
3 declaration and affidavit of candidacy is filed, properly registered to
4 vote in that district or division. The officer with whom declarations
5 and affidavits of candidacy must be filed under this title shall review
6 each such declaration filed regarding compliance with this subsection.

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

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

13 NEW SECTION. **Sec. 13.** This act shall take effect January 1,
14 1995."

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18 In line 1 of the title, after "courts;" strike the remainder of the
19 title and insert "amending RCW 3.50.090, 3.62.070, 42.12.010, and
20 29.15.025; adding new sections to chapter 3.46 RCW; adding new sections
21 to chapter 3.50 RCW; adding a new section to chapter 3.62 RCW; and
22 providing an effective date."

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