

HOUSE BILL REPORT

ESHB 2179

As Passed House:

March 13, 2003

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

Brief Description: Clarifying district court provisions.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter, Rockefeller, Hudgins and Flannigan).

Brief History:

Committee Activity:

Judiciary: 3/4/03 [DPS].

Floor Activity:

Passed House: 3/13/03, 96-0.

Brief Summary of Engrossed Substitute Bill

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

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

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 a municipal department 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 these cities 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 Engrossed Substitute Bill:

A temporary alternative method is authorized for the creation of a municipal department in a county district court. This alternative method does not require petitioning the county, consideration by the districting committee, or action by the county legislative authority.

Until January 1, 2005, a city within a county of more than 1,000,000 population may create a municipal department by adopting an ordinance setting forth:

- the number of full and part-time judges needed;
- whether judges will be appointed from among the elected district court judges or separately elected as judges of the municipal department; and
- the city's commitment to pay the salaries and benefits of the department's judges.

Once such an ordinance is adopted, the municipal department is automatically incorporated into the district court districting plan.

Multiple cities are expressly authorized to share a municipal department within a district court.

The bill also explicitly gives jurisdiction over cases to cities that have contracted with other cities for court services, regardless of where the shared municipal department is physically located.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill takes advantage of existing municipal department provisions and streamlines and balances the process. It gives both cities and counties assurances that the process will be a fair one. Cities will bear the costs of the municipal departments. All judges will be elected. Counties will have no expenses in the operation of the departments. The bill also promotes efficiency by allowing cities to share a department within the district court. The temporary method of creating municipal departments will work well in King County because of the number of available district court judges there.

Testimony Against: None.

Testified: Representative Clibborn, prime sponsor; Jeff Hall, Board for Judicial Administration; and Mike Doubleday and Bob Mack, City of Bellevue.