

HOUSE BILL REPORT

HB 1545

As Reported By House Committee On:
Judiciary

Title: An act relating to municipal courts.

Brief Description: Prohibiting the establishment of new municipal courts.

Sponsors: Representative Appelwick.

Brief History:

Reported by House Committee on:
Judiciary, March 2, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Minority Report: Do not pass. Signed by 1 member: Representative Forner.

Staff: Bill Perry (786-7123).

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 of Substitute Bill: A city may not reestablish a municipal court if it has abolished one within the previous 10 years.

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.

Substitute Bill Compared to Original Bill: The substitute replaces entirely the original bill, which would have prohibited the establishment of new municipal courts.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect January 1, 1995.

Testimony For: None presented on substitute bill.

Testimony Against: None presented on substitute bill.

Witnesses: (Original Bill) Robert McBeth, Washington State District and Municipal Court Judges Association; Greg Cuoio, city of Lacey; Chuck Mize, city of Bellevue; Pat Dugan, city of Auburn; Michael Weight, city of Everett; and Kurt Sharar, Washington State Association of Counties.