

# SENATE BILL REPORT

## SB 5831

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As Passed Senate, March 19, 1997

**Title:** An act relating to the venue of actions by or against counties.

**Brief Description:** Eliminating provisions allowing adjacent counties as the venue of actions by or against counties.

**Sponsors:** Senators Newhouse, Deccio, Haugen and McCaslin.

**Brief History:**

**Committee Activity:** Government Operations: 2/25/97, 3/4/97 [DP].  
Passed Senate, 3/19/97, 34-14.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

**Staff:** Kathleen Healy (786-7403)

**Background:** All actions against a county may be commenced in the superior court of that county or in the adjoining county. All actions by a county are commenced in the superior court of the county where the defendant resides, or in the superior court of the adjoining county.

**Summary of Bill:** Actions are commenced only in the county being sued, or in the county where the defendant resides.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This treats counties in the same manner that cities and corporations get treated. Counties are the only entities which can be sued in an adjacent venue. There is a cost savings to local government. This avoids venue shopping.

**Testimony Against:** There are some concerns about conflicts in interests, with the judges sitting in the county hearing cases about their employer getting sued.

**Testified:** Ron Zirkle, Yakima County (pro); Gary Lowe, WACO (pro); Bob Mack, AWC (con).

**House Amendment(s):** An action against a county may be brought in the superior court of the county, or in the superior court of either of the two nearest counties. An action by a county is brought in the superior court of the county in which the defendant resides, or in either of the two counties nearest the county bringing the suit. The officer of the Administrator for the Courts determines the nearest counties.