

HOUSE BILL REPORT

SHB 2721

As Passed Legislature

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

Brief Description: Changing provisions relating to venue of actions by or against counties.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Morris, Schoesler, Grant, Mastin, Quall, Dunn and Anderson).

Brief History:

Committee Activity:

Judiciary: 2/1/00, 2/3/00 [DPS].

Floor Activity:

Passed House: 2/8/00, 97-0.

Passed Senate: 3/2/00, 45-0.

Passed Legislature.

<p>Brief Summary of Substitute Bill</p> <p>· Modifies venue available for suit by or against a county.</p>

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Mark Friendshuh (786-7291); Trudes Hutcheson (786-7384).

Background:

A party may sue a county in the superior court of that county or the superior court of either of the two nearest counties. Counties have the option to sue in the defendant's home county or in either of the two counties nearest the county initiating the action.

"The nearest county" is measured by travel time between county seats via major surface routes as determined by the Office of the Administrator for the Courts (OAC). The OAC uses data provided by the Department of Transportation to determine the travel time between county seats via highways and car ferries.

Some superior court districts contain two or more counties, which, therefore, share a judge. In some counties, one of the two nearest county seats is in the same court district, providing only one alternative venue outside the district. In Garfield County, both of the two nearest county seats are within the same court district, providing no alternative district.

Summary of Bill:

The superior court venues available for an action involving a county as a party are changed from "nearest counties" to "nearest judicial districts." For an action taken by or against a county in a multi-county superior court district, this change would assure two alternative superior court venues.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a technical fix, not a huge issue but important for small counties. The sponsors of the bill include the representatives from all the affected counties. The bill helps avoid the possible perception of partiality by a judge hearing a matter involving the judge's own county, especially on fiscal matters.

Testimony Against: None.

Testified: Representative Morris, prime sponsor.