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## Judiciary Committee

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### HB 2801

**Title:** An act relating to the venue of court actions filed against the state.

**Brief Description:** Changing provisions relating to the venue of court actions filed against the state.

**Sponsors:** Representatives Alexander and DeBolt.

#### Brief Summary of Bill

- Prohibits Thurston County Superior Court from hearing more than 10 actions against the state in any one calendar year unless the venue criteria all indicate Thurston County as the place of venue in a case filed after the 10th case.
- Gives judges discretion to require the parties to change venue, even if the venue criteria all indicate Thurston County as the place of venue if at least 10 cases have been filed against the state in Thurston County Superior Court.

**Hearing Date:** 2/7/02

**Staff:** Siovhan Sheridan-Ayala (786-7119); Bill Perry (786-7123).

#### Background:

In cases against the state of Washington, the Washington venue statute allows a person or corporation to file a suit against the state in the following places:

- (1) The county of the residence or principal place of business of one or more of the plaintiffs;
- (2) The county where the cause of action arose;
- (3) The county in which the real property that is the subject of the action is situated;
- (4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or
- (5) Thurston county.

Both a plaintiff and a defendant can file for a change of venue in a law suit. A court may change the place of trial for improper venue for the following reasons: (1) if venue is not proper; (2) if the court determines that the convenience of witnesses or the ends of justice

would be forwarded by the change; (3) if there is reason to believe that an impartial trial cannot be had in that particular court; or (4) if the judge is disqualified from hearing the case (RCW 4.12.030). An appellate court can review the decision to change venue of a lower court only if there has been an abuse of discretion regarding the change of venue.

For the 2002-2003 biennium, the state appropriated \$826,000 for Thurston county's workload associated with tax warrants and court cases. Further, the state pays 50 percent of all superior court judge salaries throughout the state.

**Summary of Bill:**

In any one calendar year, after the 10th action against the state has been filed in Thurston County, a change of venue must be made to move additional actions against the state to a court of another county in accordance with other venue criteria. In the event that venue criteria all indicate Thurston County as the place of venue for an action to be filed against the state, then the Thurston County Superior Court has discretion to accept venue or require the parties to change venue to another county court in accordance with rules adopted by the administrator for the courts.

**Appropriation:** None.

**Fiscal Note:** Available.

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