

HOUSE BILL REPORT

HB 2801

As Reported by House Committee On:
Judiciary

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 History:

Committee Activity:

Judiciary: 2/7/02, 2/8/02 [DPS].

Brief Summary of Substitute Bill

- Removes Thurston County as a place where all actions against the state may be filed.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Lantz, Chair; Hurst, Vice Chair; Carrell, Ranking Minority Member; Boldt, Dickerson, Jarrett, Lovick and Lysen.

Minority Report: Without recommendation. Signed by 1 member: Representative Esser.

Staff: Siovhon 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 lawsuit. 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. 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. However, this money is used to offset costs associated with actions where the state is bringing a lawsuit to court. In addition, the state pays 50 percent of all superior court judge salaries throughout the state.

Summary of Substitute Bill:

Removes Thurston County as an independent choice of venue for filing an action against the state. If a plaintiff wishes to file an action against the state in Thurston County, one of the remaining four criteria in the statute must point to Thurston County as a possible place of venue.

Substitute Bill Compared to Original Bill:

The substitute bill removed a provision that would have required the court to change venue in an action filed against the state in Thurston County after 10 actions had been filed in Thurston County Superior Court in any one calendar year. The substitute bill also removed a provision that would have granted superior court judges authority to change venue from Thurston County, even if all venue criteria indicated Thurston County as the place of venue, after the 10th action had been filed against the state.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: It is unfair for plaintiffs to have to travel at their own expense to

Thurston County to sue the state. The state commits tortious conduct throughout the state, sometimes in places far from Thurston County, such as Spokane. Plaintiffs should not have to travel far to seek justice. Removing Thurston County as a ground for venue would also support businesses. The workload in Thurston County Superior Court is overwhelming and burdensome, with 24,000 actions filed during 2000. The money the state appropriates to Thurston County for court costs is not nearly enough. Removing Thurston County as a possible ground for venue in actions against the state would relieve the courts and ease judicial congestion. All courts throughout the state have enough expertise in their superior courts to deal with the actions involving the state.

Testimony Against: None.

Testified: Representative Alexander, prime sponsor; and Amber Balch, Association of Washington Business.