

HOUSE BILL REPORT

HB 2466

As Reported by House Committee On:
Judiciary

Title: An act relating to county clerk duties.

Brief Description: Modifying duties of county clerks.

Sponsors: Representatives Warnick and O'Brien.

Brief History:

Committee Activity:

Judiciary: 1/15/08, 1/18/08 [DPS].

Brief Summary of Substitute Bill

- Requires the petitioner in certain court proceedings, instead of the court clerk, to provide notice by publication of those proceedings.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

Generally the petitioner in a court action is responsible for providing notice of the action to the other parties. In certain circumstances, notice of an action may be by publication in a newspaper.

Dissolution of Certain Districts

There are specific procedures for dissolving certain districts, such as port districts, school districts, water-sewer districts and other similar districts. The Board of Commissioners (Board) or other governing body of the district must file a petition with the superior court of the county in which the Board is situated. The court sets a hearing date and the court clerk

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must give notice of the hearing by publication in a newspaper of general circulation where the district is located.

At the hearing, if the court finds that the district is insolvent, the court must set a second hearing to determine ways of handling the district's indebtedness. The county clerk must give notice by publication of this second hearing as well.

Dependency Petitions

Any person or the Department of Social and Health Services (DSHS) may file a petition with the court alleging that a child is dependent due to allegations of abuse or neglect. The court clerk must issue a summons to the child's parents, guardian, or custodian, requiring them to appear in court for the hearing on the dependency petition.

When the parent, guardian, or custodian is not a resident of the state or their whereabouts are unknown and service has been unsuccessful after due diligence, the court clerk must publish notice of the dependency hearing in the county newspaper where the parent, guardian, or custodian is believed to reside. The cost of publication is paid by the county.

Summary of Substitute Bill:

The Board or other governing body of the district, rather than the court clerk, must provide notice by publication of the hearings to dissolve the district.

The DSHS, rather than the county clerk, must publish the notice of the dependency petition when the parent or guardian is not a resident of the state or their whereabouts are unknown and service has been unsuccessful after due diligence. The state must pay the cost of publication.

Substitute Bill Compared to Original Bill:

The dissolving district, rather than the court clerk, must provide notice by publication of the second hearing if the court orders a second hearing.

Appropriation: None.

Fiscal Note: Preliminary available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill improves court efficiency and preserves the integrity of the judicial process by transferring the responsibility of publishing notice from the court clerk to the responsible party. It is the petitioning party's responsibility to provide notice in cases. This bill adds consistency in the court process. For dependency cases, it is better to have the state agency provide notice. The state agency can budget for providing notice by publication

statewide better than counties which provide notice on a county-by-county basis. The notice requirement doesn't apply to every dependency petition.

(Opposed) None

Persons Testifying: Representative Warnick, prime sponsor; Ruth Gordon, Washington State Association of County Clerks, Washington Association of County Officials; Betty Gould, Washington State Association of County Clerks; and Thomas J. Paulson, Washington State Re-licensing Project.

Persons Signed In To Testify But Not Testifying: (In Support) Rashi Gupta, Washington State Association of Counties; and Debbie Wilke, Washington State County Officials.