S-4486.1   _____

SUBSTITUTE SENATE BILL 6686
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State of Washington   **61st Legislature**   **2010 Regular Session**

By Senate Judiciary (originally sponsored by Senators Gordon, McCaslin, Kline, Regala, Kohl-Welles, Delvin, Tom, and Shin; by request of Board For Judicial Administration)

READ FIRST TIME 02/05/10.

1   AN ACT Relating to municipal court judges and commissioners;
2 amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; adding new
3 sections to chapter 3.50 RCW; and repealing RCW 3.50.055 and 3.50.070.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5   **Sec. 1.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read
6 as follows:
7   Within thirty days after the effective date of the ordinance
8 creating the municipal court, the mayor of each city or town shall
9 appoint a municipal judge or judges of the municipal court ((for a term
10 of four years. The terms of judges serving on July 1, 1984, and
11 municipal judges who are appointed to terms commencing before January
12 1, 1986, shall expire January 1, 1986. The terms of their successors
13 shall commence on January 1, 1986, and on January 1 of each fourth year
14 thereafter, pursuant to appointment or election as provided in this
15 chapter. Appointments shall be made on or before December 1 of the
16 year next preceding the year in which the terms commence)) to serve
17 until January 1st of the year following the next election when other
18 city elected positions are normally elected.

1   The legislative authority of a city or town that has the general
2 power of confirmation over mayoral appointments shall have the power to
3 confirm the appointment of a municipal judge <u>initially appointed under</u>
4 <u>this section</u>.

5   A person appointed <u>under this section</u> as a full-time or part-time
6 municipal judge shall be a citizen of the United States of America and
7 <u>a resident</u> of the state of Washington; and an attorney admitted to
8 practice law before the courts of record of the state of Washington((÷
9 PROVIDED, That in a municipality having a population less than five
10 thousand persons, a person who has taken and passed by January 1, 2003,
11 the qualifying examination for a lay candidate for judicial officer as
12 provided by rule of the supreme court may be the judge. Any city or
13 town shall have authority to appoint a district judge as its municipal
14 judge when the municipal judge is not required to serve full time. In
15 the event of the appointment of a district judge, the city or town
16 shall pay a pro rata share of the salary)).

17   **Sec. 2.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to read
18 as follows:
19   <u>(1)</u> The legislative authority of the city or town ((may)) <u>shall</u>, by
20 ordinance, provide ((that the position of municipal judge within the
21 city or town shall be an elective position. The ordinance shall
22 provide for the qualifications of the municipal judge which shall be
23 the same as the qualifications necessary for the appointment thereof;
24 and further, shall provide that the municipal judge shall be elected in
25 the same manner as other elective city officials are elected to office,
26 and that the term of the municipal judge shall be for a term of four
27 years commencing on January 1, 1986, and every four years thereafter))
28 <u>for the number of full and part-time judges to be elected.</u>
29   <u>(2) Municipal court judge elections shall be held at the same time</u>
30 <u>as elections for other elected city offices.</u>
31   <u>(3) In cities or towns with more than one full or part-time judge</u>
32 <u>position, the county auditor or election official of the county in</u>
33 <u>which the majority of city or town residents reside shall, at least ten</u>
34 <u>days before the time of filing declarations of candidacy for the</u>
35 <u>election of municipal court judges, designate each such office of a</u>
36 <u>municipal court judge to be filled by a number, commencing with the</u>
37 <u>number one and numbering the remaining offices consecutively. At the</u>

time of filing of the declaration of candidacy, each candidate shall designate by number which one, and only one, of the numbered offices for which he or she is a candidate. The name of the candidate shall appear on the ballot for only the numbered office for which the candidate filed a declaration of candidacy.

(4) Where a void in election or lapse of election occurs in a city or town with a population of less than ten thousand, the filings for office shall not be reopened and the mayor shall appoint a qualified person to serve the entire term of office for the position for which the void in election or lapse of election occurred. The legislative authority of a city or town that has the general power of confirmation over mayoral appointments shall have the power to confirm the appointment of a municipal judge appointed under this section.

(5) To be eligible to file a declaration of candidacy for and to serve as a municipal court judge, a person must be a citizen of the United States of America and a resident of the state of Washington, and must be either:

(a) A lawyer admitted to practice law in the state of Washington; or

(b) In those cities or towns having a population of less than five thousand persons, a person who has taken and passed, by January 1, 2003, the qualifying examination for a lay candidate for judicial officer as provided by rule of the supreme court.

(6) The terms of municipal court judges serving on July 1, 2010, and municipal judges who are appointed to terms commencing before January 1, 2014, shall expire January 1, 2014. The terms of their successors shall commence on January 1, 2014, and on January 1st of each fourth year thereafter, pursuant to appointment or election under this chapter.

Sec. 3. RCW 3.50.057 and 1993 c 317 s 6 are each amended to read as follows:

A judge of a municipal court need not be a resident of the city in which the court is created, but must be a resident of the county in which the city is located. In cities or towns where a court commissioner has not been appointed and the municipal court is presided over by a part-time judge, the judge need not be a resident of the city or county in which the municipal court is created.

Sec. 4. RCW 3.50.075 and 2008 c 227 s 8 are each amended to read
as follows:

(1) One or more court commissioners may be appointed by a judge of
the municipal court.

(2) Each commissioner holds office at the pleasure of the
appointing judge.

(3) A commissioner authorized to hear or dispose of cases must be
a lawyer who is admitted to practice law in the state of Washington or
a nonlawyer who has passed, by January 1, 2003, the qualifying
examination for lay judges for courts of limited jurisdiction under RCW
3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the
commissioner does not have authority to preside over trials in criminal
matters, or jury trials in civil matters unless agreed to on the record
by all parties.

(5) A commissioner need not be a resident of the city or of the
county in which the municipal court is created. ((~~When a court~~
~~commissioner has not been appointed and the municipal court is presided~~
~~over by a part-time appointed judge, the judge need not be a resident~~
~~of the city or of the county in which the municipal court is created.~~))

NEW SECTION. **Sec. 5.** A new section is added to chapter 3.50 RCW
to read as follows:

(1) Any city or town shall have authority to appoint a district
judge as its municipal judge when the municipal judge is not required
to serve full time. The district judge shall not have to stand for
election as the municipal judge in such city, but the legislative
authority of a city or town that has the general power of confirmation
over mayoral appointments shall have the power to confirm the
appointment of a district judge as a less than full-time municipal
judge.

(2) In the event of the appointment of a district judge, the city
or town shall pay a pro rata share of the salary.

NEW SECTION. **Sec. 6.** A new section is added to chapter 3.50 RCW
to read as follows:

(1) Where a court serves the residents of more than one city or
town by virtue of an interlocal agreement between two or more cities or

1 towns, the judge position or positions serving such court shall be
2 filled by election and such position or positions shall appear on the
3 ballot of each participating city or town and shall be elected by a
4 majority of all votes cast by residents of the participating cities or
5 towns.
6   (2) To meet the requirements of RCW 3.50.057, the judge must be a
7 resident of the county in which one or more of the participating cities
8 or towns are located.
9   (3) Candidates for office shall file with the county auditor or
10 chief election official in the county in which the majority of the
11 residents of the participating cities or towns reside.

12   NEW SECTION. **Sec. 7.** The following acts or parts of acts are each
13 repealed:
14   (1) RCW 3.50.055 (Judicial positions--Filling--Circumstances
15 permitted) and 1993 c 317 s 4; and
16   (2) RCW 3.50.070 (Additional judges--Appointment, election) and
17 1984 c 258 s 109 & 1961 c 299 s 56.

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