

CHAPTER 241.

[Senate Bill No. 328.]

MUNICIPAL COURTS—DEPARTMENTS—CHANGE OF VENUE.

AN ACT relating to municipal courts; authorizing changes of venue; amending section 120, chapter 299, Laws of 1961 and RCW 3.66.090; amending section 35.20.100, chapter 7, Laws of 1965 and RCW 35.20.100; amending section 35.20.130, chapter 7, Laws of 1965 and RCW 35.20.130; amending section 35.20.190, chapter 7, Laws of 1965 and RCW 35.20.190; amending section 35.23.620, chapter 7, Laws of 1965 and RCW 35.23.620; adding a new section to chapter 7, Laws of 1965 and to chapter 35.22 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.23 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.24 RCW; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.27 RCW.

Be it enacted by the Legislature of the State of Washington:

RCW 3.66.090 amended.

Section 1. Section 120, chapter 299, Laws of 1961 and RCW 3.66.090 are each amended to read as follows:

Municipal courts—Justices of the peace, 1961 act—Change of venue.

A change of venue may be allowed upon motion:

- (1) Where there is reason to believe that an impartial trial cannot be had in the district or municipal court in which the action was commenced; or
- (2) Where the convenience of witnesses or the ends of justice would be forwarded by the change.

When such change is ordered, it shall be to the justice court of another district in the same county, if any, otherwise to the justice court of an adjacent district in another county: *Provided*, That where an affidavit of prejudice is filed against a judge of a municipal court the cause shall be transferred to another department of the municipal court, if one exists, otherwise to a judge pro tempore appointed in the manner prescribed by law. The court to which a case is removed on change of venue under this section shall have the same jurisdiction, either

civil or criminal to hear and determine the case as the court from which the case was removed.

Sec. 2. Section 35.20.100, chapter 7, Laws of 1965 and RCW 35.20.100 are each amended to read as follows:

RCW 35.20.100 amended.

There shall be three departments of the municipal court, provided that the legislative body of the city shall create one additional department for each additional one hundred fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by chapter 96, section 2, Laws of 1951 as now or hereafter amended (RCW 43.62.030). *The municipal judges elected as hereinafter provided shall preside over the departments on a rotating basis with each judge to preside over each department for four months during each year. The scheduling of such rotation and the other details thereof shall be decided at the meetings of the judges as hereinafter provided for.* The departments shall be established in such places as may be provided by the legislative body of the city. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090, RCW 3.20.100 and RCW 3.20.110 in all civil and criminal proceedings.

Municipal courts—Cities over 500,000—Departments of court—Change of venue.

Sec. 3. Section 35.20.130, chapter 7, Laws of 1965 and RCW 35.20.130 are each amended to read as follows:

RCW 35.20.130 amended.

Two departments of the municipal court shall be designated as Department Nos. 2 and 3 and shall be primarily responsible for the disposition of traffic cases. Department No. 2 shall also have the responsibility for the supervision of the traffic violations bureau or similar agency of the city.

Departments 2 and 3—Traffic violation duties.

Sec. 4. Section 35.20.190, chapter 7, Laws of 1965

RCW 35.20.190 amended.

and RCW 35.20.190 are each amended to read as follows:

Municipal courts—Additional judges.

Whenever the number of departments of the municipal court is increased, the mayor of such city shall appoint a qualified person as provided in RCW 35.20.170 to act as municipal judge until the next general election. He shall be paid salaries in accordance with the provisions of this chapter and provided with the necessary court, office space and personnel as authorized herein.

New section.

Sec. 5. There is added to chapter 7, Laws of 1965 and to chapter 35.22 RCW a new section to read as follows:

First class cities—Change of venue.

A change of venue from the municipal court to either another municipal judge of the same city or to a judge pro tempore appointed in the manner prescribed by RCW 35.22.520, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

New section.

Sec. 6. There is added to chapter 7, Laws of 1965 and to chapter 35.23 RCW a new section to read as follows:

Second class cities—Change of venue.

A change of venue from the police judge to a judge pro tempore appointed in the manner prescribed by RCW 35.23.650, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

RCW 35.23.620 amended.

Sec. 7. Section 35.23.620, chapter 7, Laws of 1965 and RCW 35.23.620 are each amended to read as follows:

Second class cities—Prosecutions.

All prosecutions for the violation of any city ordinance shall be conducted in the name of the city, and may be upon the complaint of any person.

Sec. 8. There is added to chapter 7, Laws of 1965 and to chapter 35.24 RCW a new section to read as follows:

New section.

A change of venue from the police judge to a judge pro tempore appointed in the manner prescribed in RCW 35.24.480, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

Third class cities—Change of venue.

Sec. 9. There is added to chapter 7, Laws of 1965 and to chapter 35.27 RCW a new section to read as follows:

New section.

A change of venue from the police judge to a judge pro tempore appointed in the manner prescribed by RCW 35.27.525, as now or hereafter amended, shall be allowed in accordance with the provisions of RCW 3.20.100 and 3.20.110, as now or hereafter amended, in all civil and criminal proceedings.

Towns—Change of venue.

Sec. 10. The provisions of this 1967 amendatory act shall apply only to those cities as to which the law requires that the judge be a qualified attorney.

Application.

Sec. 11. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 9, 1967.

Passed the House March 9, 1967.

Approved by the Governor March 21, 1967, with the exception of an item in Section 2 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This bill provides a much needed third department of the municipal court in Seattle. The two municipal judges now handle entirely different types of cases. One is in charge of the criminal department, and the other is in charge of traffic offenses and supervises the traffic

violations bureau. The workload of both departments of this court is so heavy that its proper administration has been a matter of concern to many lawyers and judges, as well as to members of the legislature.

"I believe that the legislature is properly concerned that the average citizen normally has his first, and perhaps his only, contact with our judicial system when he is charged with a traffic offense. These offenses are not to be treated lightly, for traffic violations are a principal cause of our mounting traffic death toll. In addition, the initial contact with the traffic court will to a large extent influence the citizen's respect for the law, which is one of the cornerstones of an orderly society.

"In this bill the legislature has attempted to improve the administration of the traffic court by rotating the three judges so that each of them will handle traffic cases two-thirds of the time and criminal cases one-third of the time. The bill also provides for a change of venue of cases from one department of the court to the other.

"I have no objection to the change of venue provisions; but based upon extensive discussions which members of my staff have had with judges and attorneys familiar with the operation of the municipal court, I believe the rotation plan might seriously disrupt the operations of the criminal department of the court and particularly its probation work.

"Therefore, I have vetoed the portion of section 2 which provides: 'The municipal judges elected as hereinafter provided shall preside over the departments on a rotating basis with each judge to preside over each department for four months during each year. The scheduling of such rotation and the other details thereof shall be decided at the meetings of the judges as hereinafter provided for.'

"Despite my veto of the above provision, I believe that the motives of legislature in seeking to improve the operations of the municipal court are commendable, and that efforts to improve the court should continue. I recommend that the Judicial Council, which will now include additional legislators and a member of the Magistrates Association, make an intensive study of the municipal court system during the next two years. If further legislation is necessary to improve its operation, the Judicial Council should submit its recommendations to the 1969 Legislature.

"Except for the item which I have vetoed, the remainder of Senate Bill No. 328 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 242.

[Senate Bill No. 143.]

ADMINISTRATION OF STATE WATER RESOURCES.

AN ACT relating to state government; providing for the administration of the state water resources; establishing a department of water resources and a water resources advisory council of the state of Washington; abolishing certain state agencies; transferring powers, duties and functions of the abolished agencies to the department of water resources or department of natural resources; granting addi-