

NEW SECTION. Sec. 68. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the department, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the department, and such findings or determination shall not affect the operation of the remainder of this act in its application to the department.

NEW SECTION. Sec. 69. This act shall constitute a new chapter in Title 16 RCW.

Passed the House April 16, 1969
Passed the Senate April 11, 1969
Approved by the Governor April 24, 1969
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CHAPTER 147
[House Bill No. 92]
MUNICIPAL COURTS--
CITIES OVER 500,000

AN ACT Relating to municipal courts; amending section 35.20.100, chapter 7, Laws of 1965 as amended by section 2, chapter 241, Laws of 1967 and RCW 35.20.100; amending sections 35.20.090, 35.20.210, 35.20.220, 35.20.230 and 35.20.250, chapter 7, Laws of 1965 and RCW 35.20.090, 35.20.210, 35.20.220, 35.20.230 and 35.20.250; adding new sections to chapter 7, Laws of 1965 and to chapter 35.20 RCW; and repealing section 35.20.130, chapter 7, Laws of 1965 as amended by section 3, chapter 241, Laws of 1967 and RCW 35.20.130.

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

Section 1. Section 35.20.100, chapter 7, Laws of 1965 as amended by section 2, chapter 241, Laws of 1967, and RCW 35.20.100 are each amended to read as follows:

There shall be three departments of the municipal court, which shall be designated as Department Nos. 1, 2 and 3: PROVIDED, That when the administration of justice and the accomplishment of the work of the court make additional departments necessary, the legislative body of the city (~~shall~~) may create one additional department for each additional (~~one-hundred~~) fifty thousand inhabitants over five
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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~~) RCW 43.62.030 as now or hereafter amended (~~(RCW 43.62.030)~~). The departments shall be established in such places as may be provided by the legislative body of the city, and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one of their number to act as presiding judge of the municipal court for a term of one year, and he shall be responsible for administration of the court and assignment of calendars to all departments. 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, 3.20.100 and 3.20.110 in all civil and criminal proceedings. The city shall assume the costs of the elections of the municipal judges in accordance with the provisions of RCW 29-13.045.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.20 RCW a new section to read as follows:

There shall be a court administrator of the municipal court appointed by the judges of the municipal court, subject to confirmation by a majority of the legislative body of the city, and removable by the judges of the municipal court subject to like confirmation. Before entering upon the duties of his office the court administrator shall take and subscribe an oath the same as required for officers of the city, and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned for the faithful performance of his duties, and that he will pay over to the treasurer of said city all moneys belonging to the city which shall come into his hands as such court administrator. The court administrator shall be paid such compensation as the legislative body of the city may deem reasonable. The court administrator shall act under the supervision and control of the presiding judge of the municipal court and shall supervise the functions of the chief clerk and director of the traffic violations bureau or

similar agency of the city, and perform such other duties as may be assigned to him by the presiding judge of the municipal court.

NEW SECTION. Sec. 3. There is added to chapter 7, Laws of 1965 and to chapter 35.20 RCW a new section to read as follows:

There shall be a director of the traffic violations bureau or such similar agency of the city as may be created by ordinance of said city. Said director shall be appointed by the judges of the municipal court subject to such civil service laws and rules as may be provided in such city. Said director shall act under the supervision of the court administrator of the municipal court and shall be responsible for the supervision of the traffic violations bureau or similar agency of the city. Upon this 1969 amendatory act becoming effective those employees connected with the traffic violations bureau under civil service status shall be continued in such employment and such classification. Before entering upon the duties of his office said director shall take and subscribe an oath the same as required for officers of the city and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned for the faithful performance of his duties, and that he will faithfully account to and pay over to the treasurer of said city all moneys belonging to the city which shall come into his hands as such director. Said director shall be paid such compensation as the legislative body of the city may deem reasonable.

Sec. 4. Section 35.20.210, chapter 7, Laws of 1965 and RCW 35.20.210 are each amended to read as follows:

There shall be a chief clerk of the municipal court appointed by the ~~((city comptroller from the civil service clerical employees performing duties and clerical work relating to the functions of the court))~~ judges of the municipal court subject to such civil service laws and rules as may be provided in such city. Upon this ~~((chapter))~~ 1969 amendatory act becoming effective ~~((June 8, 1955))~~ those employees connected with the court under civil service status shall be

continued in such employment and such classification (~~(under-the-department-of-the-city-comptroller-of-such-city)~~). Before he enters upon the duties of his office the chief clerk shall take and subscribe an oath the same as ~~((ether-city))~~ required for officers of the city, and shall execute ~~((to-his-city))~~ a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that he will faithfully account to pay over to the treasurer of said city all moneys coming into his hands as such clerk, and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the ~~((judge-ox))~~ judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court ~~((when-they))~~ as said legislative body deems ~~((the-same))~~ necessary, with such compensation as ~~((they))~~ said legislative body may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: PROVIDED, That the judges of the municipal court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

Sec. 5. Section 35.20.220, chapter 7, Laws of 1965 and RCW 35.20.220 are each amended to read as follows:

The chief clerk, under the supervision and direction of the ~~((city-comptroller))~~ court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the ses-

sion of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

Sec. 6. Section 35.20.230, chapter 7, Laws of 1965 and RCW 35.20.230 are each amended to read as follows:

The judges of the municipal court shall appoint a (~~probation officer~~ and) director of probation services who shall under the supervision of the presiding judge of the municipal court supervise the probation officers of the municipal court. The judges of the municipal court shall also appoint a bailiff for the court, together with such (~~additional~~) number of probation officers (~~or~~) and additional bailiffs as may be authorized by the legislative body of the city. Said director of probation services, probation officers, and bailiff or bailiffs shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the city (~~or~~): PROVIDED, That such additional probation officers and bailiffs of the court as may be authorized by the (~~legislative body of the city or the~~) county commissioners shall be paid (~~respectively~~) from the (~~city and/or~~) county (~~treasuries~~) treasury.

Sec. 7. Section 35.20.250, chapter 7, Laws of 1965 and RCW 35.20.250 are each amended to read as follows:

The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace, and a judge thereof may sit in preliminary hearings as magistrate. (~~Judges~~

~~of the municipal court, in their discretion, shall have the power to suspend all or part of any sentence, and fix the terms thereof, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case.)~~) Fines and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

Sec. 8. Section 35.20.090, chapter 7, Laws of 1965 and RCW 35.20.090 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. ~~((No))~~ Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

NEW SECTION. Sec. 9. There is added to chapter 7, Laws of 1965 and to chapter 35.20 RCW a new section to read as follows:

Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence, fix the terms of any such deferral or suspension, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case.

NEW SECTION. Sec. 10. Section 35.20.130, chapter 7, Laws of 1965 as amended by section 3, chapter 241, Laws of 1967 and RCW 35.20.130 are each repealed.

NEW SECTION. Sec. 11. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 16, 1969
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CHAPTER 148
[House Bill No. 194]
WATER DISTRICTS--SEWER
DISTRICTS--MERGER--
COMMISSIONERS, COMPENSATION

AN ACT Relating to water and sewer districts; providing a method for the merger thereof into sewer districts; prescribing powers, duties, and functions in relation thereto; providing for an election; providing for the transfer of property and payment of liabilities; granting powers to sewer districts; providing for issuance of revenue bonds; authorizing assessments; amending section 9, chapter 210, Laws of 1941, as last amended by section 4, chapter 103, Laws of 1959, and RCW 56.12.010; and amending section 7, chapter 114, Laws of 1929, as last amended by section 5, chapter 108, Laws of 1959 and RCW 57.12.010.

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

NEW SECTION. Section 1. Any water district, acting alone or in conjunction with any other water district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to, and in the same county with, a sewer district, may merge into the sewer district, and the sewer district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.