

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	5/9

WHAT THE MEASURE DOES: Establishes notice requirements for justice or municipal courts to become, or cease to operate as, courts of record.

ISSUES DISCUSSED:

- Creation and definition of courts of record
- Need to keep track of courts' status to ensure proper court has jurisdiction to hear appeals
- Nature of filing by local governing body to create and discontinue a court of record

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 1999, the legislature permitted municipal courts and justice courts to become courts of record. Appeals from courts of record are to the Court of Appeals rather than circuit courts. In practice, the appellate courts have found it difficult to keep track of these courts, and have had to contact them to determine whether they are, in fact, courts of record. SB 267A creates a process that helps appellate courts keep track of the status of these courts. It requires a governing body, before a justice or municipal court may become a court of record, to file with the Supreme Court a declaration that includes: (1) a statement that the court satisfies the statutory requirements for courts of record, (2) the date when operations of the court will begin, and (3) the address and telephone number of the clerk of the court. The Supreme Court then must enter an order acknowledging the filing of the declarations listed above within 30 days, and provide notice of the order to the governing body and the public. The bill also requires courts that are acting as courts of record on January 1, 2008 to file the above declarations with the Supreme Court, including the date when the court began operating as a court of record, by June 30, 2008. Finally, the bill states that a governing body, before a justice or municipal court may cease operations as a court of record, must file a declaration with the Supreme Court identifying the date of which the justice court will cease operations.