McDougall, Regina

From: Prochnau, Kimberley [Kimberley.Prochnau@kingcounty.gov]
Sent: Wednesday, January 12, 2011 9:59 AM
To: Anthony Wartnik; McDougall, Regina; Clark, Colleen; Peterson, Susan; vickiec@co.island.wa.us; Fleck, Deborah; tparker011@comcast.net; 'Kitty-Ann Van Doorninck'; bart.vandergrift@co.chelan.wa.us; Skreen, Janet; Watson, Anne; scozza@spokanecounty.org; robert.swisher@co.benton.wa.us; jvalente@spokanecounty.org; Bondon, Shirley; McCarthy, Harry; Zipoy, Jennifer
Subject: one more civil bill to add to list-condemnation of wastewater companies, SB 5034

I received a note as a member of the fiscal note workgroup from Julia Appel AOC as to:**SB 5034** which provides for new condemnation proceedings, receivership petitions, eminent domain actions by municipal corporations and private entities, and civil actions for damages related to the operation of wastewater companies.

She did some research and found out that there have only been three proceedings filed in the last 18 years taking action to condemn a wastewater company, so we didn't think this will have a significant fiscal note nor do I think the civil committee needs to look at this bill. However, it does suffer from a lack of clarity by equiring that an ex parte hearing be scheduled within three calendar days and arguably attempts to create calendar priority for these proceedings. Anne Watson has a "stock" memo that SCJA used last year where it explains why calendar priority is a problem (numerous other statutes create priority , practically difficult for court to weigh competing priorities) , I would suggest that SCJA indicate that this section of the bill (Sec 3) should be amended to simply indicate that a temporary restraining order or injunction may be sought under RCW 7.40 and any applicable civil rules (i.e. CR 65).referenced than attempting to set forth a discrete process with calendar priority.

From: Anthony Wartnik [mailto:TheAdjudicator@comcast.net]
Sent: Sunday, January 09, 2011 8:57 PM
To: 'McDougall, Regina'; 'Clark, Colleen'; 'Peterson, Susan'; vickiec@co.island.wa.us; Fleck, Deborah; tparker011@comcast.net; 'Kitty-Ann Van Doorninck'; bart.vandergrift@co.chelan.wa.us; 'Skreen, Janet'; Prochnau, Kimberley; anne.watson@courts.wa.gov; scozza@spokanecounty.org; robert.swisher@co.benton.wa.us; jvalente@spokanecounty.org; shirley.bondon@courts.wa.gov; McCarthy, Harry; jennifer.zipoy@courts.wa.gov
Subject: Bill Screener's First Report - Pre Filed Bills

I will follow the same format as prior years. I will list the bills under committee headings and will either provide my recommendation or will refer the bill to the committee. Committee chairs will receive the entire report but need only look to the bills listed under your committee.

Family and Juvenile
HB 1021 – Persons appointed by the court to provide information In family law and adoption cases – appears to streamline and may reduce # of counsel/GALs - Refer to committee
HB 1050 – Residential provisions for children of parents with military duties – provides a means for military parent to seek relief – Refer to committee
HB 1063 – Provides juveniles sentenced as adults to LWOPP with periodic sentencing reviews by the indeterminate sentencing review board – Refer to committee
HB 1064 – School truancy – Refer to committee
SB 5004 – Disclosure and regulation of criminal informant evidence and testimony – Refer to committee