

HOUSE BILL REPORT

ESHB 2459

As Amended by the Senate

Title: An act relating to superior courts.

Brief Description: Authorizing additional superior court judges.

Sponsor(s): By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Sheldon, Scott, Locke, Leonard, Cantwell, R. Johnson, Jacobsen, Paris, Jones, Haugen, Spanel, Sprenkle, J. Kohl, O'Brien, May, Basich and Anderson).

Brief History:

Reported by House Committee on:
Judiciary, January 24, 1992, DPS;
Appropriations, February 9, 1992, DPS(JUD-A APP);
Passed House, February 14, 1992, 95-0;
Amended by Senate.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Wineberry.

Staff: Bill Perry (786-7123).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 25 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Brekke; Carlson; Dorn; Ebersole; Hine; Lisk; May; Mielke; Nealey; Peery; Pruitt; Rust; D. Sommers; H. Sommers; Valle; Vance; and Wang.

Staff: Nancy Stevenson (786-7137).

Background: The Legislature sets by statute the number of superior court judges in each county. Periodically, the Office of the Administrator for the Courts conducts a weighted caseload study to determine the need for additional judges in the various counties.

Retirement system benefits and one-half of the salary of a superior court judge are paid by the state. The other half of the judge's salary and all other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. A statute also requires that the county hire a stenographic court reporter for each superior court judge, although for the last several years new judicial positions have been exempted from this requirement each time they have been created.

In 1991, the Legislature passed SHB 1127 which created new superior court judicial positions in five counties. Those counties were King, Skagit, Snohomish, Mason, and Grays Harbor. However, the legislation contained a "null and void" clause which made its effectiveness dependent upon funding in the state budget. No funding was provided in the 1991 budget for the new positions.

Summary of Bill: Judicial positions are reauthorized in the five counties in which they were authorized but not funded in 1991.

The numbers of superior court judges in the five counties are increased as follows:

King County - from 46 to 58;

Grays Harbor County - from two to three;

Skagit County - from two to three;

Snohomish County - from 11 to 13; and,

Mason County - from one to two.

The 12 new positions in King County may be phased in by the county between July 1, 1992 and July 1, 1996. The new positions in Mason County, Snohomish County, and Skagit County take effect July 1, 1992. The new position in Grays Harbor County takes effect July 1, 1993.

In each county the positions become effective only if the county legislative authority documents its approval of the

positions and agrees to pay the county's share of the costs of the new positions.

The new positions, as well as future new positions authorized by the Legislature, are all exempted from the requirement that a stenographic reporter be provided for each judge.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment makes three changes to the House bill. First, it prohibits King County from creating more than two of its 12 new positions before July 1, 1993. Second, it delays by one year, until July 1, 1993, the effective date of the two new positions in Snohomish County. Third, it removes the bill's null and void clause.

Fiscal Note: Available.

Effective Date: Sections 1, 3, 4, 5, 6 and 8 of the bill take effect July 1, 1992. Section 2 takes effect July 1, 1993. Sections 7 and 9 take effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Judiciary): The need for these new positions was demonstrated last year, and caseloads have only gotten heavier since then.

(Appropriations): King county executive and judicial authorities made a joint request last year for more judges and have set aside funding accordingly. Support new authorizations.

Testimony Against: (Judiciary): None.

(Appropriations): None.

Witnesses: (Judiciary): Ted Kolbaba, Superior Court Judges Association; Sharon Armstrong, King County Superior Court; Jim Sawyer; and Arnold Livingston (all in favor).

(Appropriations): Charles Johnson, King County Superior Court Judge; Ron Main, King County; and Jim Sawyer, Mason County Superior Court (all in favor).

VOTE ON FINAL PASSAGE:

Yeas 95; Excused 3

Excused: Representatives Basich, Braddock, Wineberry