

HOUSE BILL REPORT

ESHB 1734

As Amended by the Senate

Title: An act relating to adding new judges to the court of appeals.

Brief Description: Adding new judges to the court of appeals.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Dellwo, Silver, Padden, Peery, Ogden, Mastin, Scott and Johanson; by request of Administrator for the Courts.)

Brief History:

Reported by House Committee on:
Judiciary, February 23, 1993, DPS;
Appropriations, March 6, 1993, DPS(JUD-A APP);
Passed House, March 15, 1993, 90-0;
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; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; 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; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Linville; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

Staff: Nancy Stevenson (786-7137).

Background: The state Court of Appeals is divided into three divisions. The divisions are designated as 1, 2 and 3, and are respectively headquartered in Seattle, Tacoma, and Spokane. Each of the divisions is further subdivided into three districts.

There are currently 17 judges on the Court of Appeals. Division 1; Seattle, has nine judges, Division 2; Tacoma, and 3; Spokane, each have four judges.

Judges of the Court of Appeals are elected by district to six-year terms. They must be residents of the districts from which they are elected, and must have been admitted to the practice of law in this state for at least five years.

Periodically, the Office of the Administrator for the Courts analyzes the workloads of the various levels of state courts. The office is recommending increases in the number of judges in each of the divisions of the Court of Appeals.

Summary of Bill: The number of judges on the Court of Appeals is increased by six, from 17 to 23.

The number of judges in the 1st Division, Seattle, is increased by three, from nine to 12. Two of the new judges are assigned to District 1 of the 1st Division, which is King County. These two positions take effect January 1, 1994. The other new judge is assigned to District 3, which is Island, San Juan, Skagit, and Whatcom counties. This new position takes effect July 1, 1996.

The number of judges in the 2nd Division, Tacoma, is increased by two, from four to six. One of the new judges is assigned to District 2 of the 2nd Division, which is Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties. This new position takes effect July 1, 1993. The other new judge is assigned to District 3, which is Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties. This new position also takes effect July 1, 1993.

The number of judges in the 3rd Division, Spokane, is increased by one, from four to five. The new judge is assigned to District 3 of the 3rd Division, which is Chelan, Douglas, Kittitas, Klickitat, and Yakima counties. This new position takes effect July 1, 1994.

Upon the effective date of each new position, it is to be filled by appointment by the governor. At the next general election following the appointment, the position will be filled by election. Staggered six-year terms are provided.

The new positions are dependent upon funding in a biennial budget.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment makes minor technical and grammatical changes.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately. However, the new positions only become effective when funding is provided in the budget.

Testimony For: (Judiciary) The caseload of the Court of Appeals has increased substantially. The court has done everything possible to increase efficiency with its current resources. Without this bill serious delays will occur in administering justice.

(Appropriations) The Court of Appeals is unable to keep up with the caseload. The court has done everything possible to increase efficiency with its current resources but a backlog is developing. Authorizing new judgeships will help. Recognizing the budget situation and the need to prioritize, we are requesting the Division 2 positions be funded first.

Testimony Against: (Judiciary) None.

(Appropriations) None.

Witnesses: (Judiciary) Judges Ken Grosse, John Petrich, and Walter Webster, Court of Appeals (all pro).

(Appropriations) Gerry Alexander and Dean Morgan, Court of Appeals (pro).

VOTE ON FINAL PASSAGE:

Yeas 90; Excused 3; Absent 5

Excused: Representatives Ballasiotes, Brough, Sheahan

Absent: Representatives Appelwick, Dorn, Jacobsen, Morris, Silver