

HOUSE BILL REPORT

HB 2032

As Reported By House Committee On:
Judiciary

Title: An act relating to court commissioners in counties with a population of one million or more.

Brief Description: Authorizing counties with a population of one million or more to have family court and mental health commissioners.

Sponsors: Representatives Appelwick and R. Fisher; by request of Administrator for the Courts.

Brief History:

Reported by House Committee on:
Judiciary, March 2, 1993, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: 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: Patricia Shelledy (786-7149).

Background: Superior courts may appoint family court commissioners and mental health commissioners to assist the court in handling family law cases and mental health commitment hearings.

The superior courts' authority to appoint family law and mental health commissioners is derived from statute. Prior to 1991, "class A counties and counties of the first through ninth classes" had statutory authority to appoint family court and mental health commissioners. That reference included King County.

A county's "class" was determined by population. Prior to 1991, a class "A" county had a population of 210,000 or more. In 1991, the Legislature passed a comprehensive bill that eliminated the entire classification scheme. Every statute that referenced a classification was amended to

substitute the approximate population range associated with the county class.

The statutes governing county authority to appoint family and mental health commissioners were amended to authorize those appointments in "each county with a population of less than one million." The effect of the amendment was to authorize commissioner appointments in every county except King County. Deleting King County's authority to appoint court commissioners was an inadvertent error.

Summary of Bill: All counties, including King County, may appoint family and mental health commissioners to help the superior court handle cases concerning family law and mental health commitments.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The 1991 amendment deleting King County's authority to appoint court commissioners has created a major problem for King County. Four King County court commissioners handle 15 percent of the county's cases representing about 20,000 decisions. Cases on appeal are jeopardized due to uncertainty of the authority of court commissioners to decide cases.

Testimony Against: None.

Witnesses: Judge Anne Ellington, King County Superior Court Judge (pro).