

**SENATE BILL REPORT**

**HB 2282**

**AS PASSED SENATE, MARCH 2, 1994**

**Brief Description:** Providing that a district court judges salary is not reduced when a pro tempore judge serves due to an affidavit of prejudice.

**SPONSORS:** Representatives Holm and Appelwick

**HOUSE COMMITTEE ON JUDICIARY**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Chairman; Nelson, Quigley, Roach and Schow.

**Staff:** Dick Armstrong (786-7460)

**Hearing Dates:** February 16, 1994

**BACKGROUND:**

District court judges are authorized to use pro tempore judges under certain circumstances. Pro tempore judges may be used during the "absence, disqualification or incapacity" of a judge. However, a judge may use pro tempore judges for a maximum of 30 days per year at county expense. With two exceptions, a judge who uses a pro tempore judge for more than 30 days in a year will incur a pro rata reduction in the judge's salary. The exceptions are for use of a pro tempore judge while the judge is on authorized sick leave or for up to 15 days while the judge is serving on judicial commissions. If a district court judge exceeds the 30-day limit for any reason other than these two exceptions, the judge's salary is reduced for each day a pro tempore judge is used.

Particularly in districts with only one judge, the filing of an affidavit of prejudice against the judge may lead to the use of a pro tempore judge.

**SUMMARY:**

An additional exception is added to the 30-day limit on a district court judge's use of judges pro tempore. A judge's salary will not be reduced if the reason a judge uses a pro tempore judge is that the judge is disqualified by an affidavit of prejudice.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Especially in one-judge districts, the filing of affidavits of prejudice can cause serious problems. It is unfair for a judge to have to forfeit his or her salary because of the action of other parties.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Judge Kip Stilz, District and Municipal Court Judges Association (pro); Laura Porter, Mason County Commissioners (pro)