

SHB 1805 - S COMM AMD
By Committee on Judiciary

ADOPTED 04/11/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 3.34.010 and 2002 c 138 s 1 are each amended to read
4 as follows:

5 The number of district judges to be elected in each county shall
6 be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two;
7 Clark, (~~five~~) six; Columbia, one; Cowlitz, two; Douglas, one; Ferry,
8 one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two;
9 Island, one; Jefferson, one; King, (~~twenty-six~~) twenty-one; Kitsap,
10 three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason,
11 one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven;
12 San Juan, one; Skagit, two; Skamania, one; Snohomish, eight; Spokane,
13 ten; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two;
14 Whatcom, two; Whitman, one; Yakima, four. This number may be increased
15 only as provided in RCW 3.34.020.

16 **Sec. 2.** RCW 3.34.020 and 2002 c 83 s 1 are each amended to read as
17 follows:

18 (1) Any change in the number of full and part-time district judges
19 after January 1, 1992, shall be determined by the legislature after
20 receiving a recommendation from the supreme court. The supreme court
21 shall make its recommendations to the legislature based on an objective
22 workload analysis that takes into account available judicial resources
23 and the caseload activity of each court.

24 (2) The administrator for the courts, under the supervision of the
25 supreme court, may consult with the board of judicial administration
26 and the district and municipal court judge's association in developing
27 the procedures and methods of applying the objective workload analysis.

28 (3) For each recommended change from the number of full and part-
29 time district judges in any county as of January 1, 1992, the

1 administrator for the courts, under the supervision of the supreme
2 court, shall complete a judicial impact note detailing any local or
3 state cost associated with such recommended change.

4 (4) If the legislature approves an increase in the base number of
5 district judges in any county as of January 1, 1992, such increase in
6 the base number of district judges and all related costs may be paid
7 for by the county from moneys provided under RCW 82.14.310, and any
8 such costs shall be deemed to be expended for criminal justice purposes
9 as provided in RCW 82.14.315, and such expenses shall not constitute a
10 supplanting of existing funding.

11 (5)(a) A county legislative authority that desires to change the
12 number of full or part-time district judges from the base number on
13 January 1, 1992, must first request the assistance of the supreme
14 court. The administrator for the courts, under the supervision of the
15 supreme court, shall conduct an objective workload analysis and make a
16 recommendation of its findings to the legislature for consideration as
17 provided in this section. Changes in the number of district court
18 judges may only be made by the legislature in a year in which the
19 quadrennial election for district court judges is not held.

20 (b) The legislative authority of any county may change a part-time
21 district judge position to a full-time position.

22 **Sec. 3.** RCW 3.34.100 and 1992 c 76 s 1 are each amended to read as
23 follows:

24 If a district judge dies, resigns, is convicted of a felony, ceases
25 to reside in the district, fails to serve for any reason except
26 temporary disability, or if his or her term of office is terminated in
27 any other manner, the office shall be deemed vacant. The county
28 legislative authority shall fill all vacancies by appointment and the
29 judge thus appointed shall hold office until the next general election
30 and until a successor is elected and qualified. However, if a vacancy
31 in the office of district court judge occurs and the total number of
32 district court judges remaining in the county is equal to or greater
33 than the number of district court judges authorized in RCW 3.34.010
34 then the position shall remain vacant. District judges shall be
35 granted sick leave in the same manner as other county employees. A
36 district judge may receive when vacating office remuneration for unused

1 accumulated leave and sick leave at a rate equal to one day's monetary
2 compensation for each full day of accrued leave and one day's monetary
3 compensation for each four full days of accrued sick leave, the total
4 remuneration for leave and sick leave not to exceed the equivalent of
5 thirty days' monetary compensation.

6 **Sec. 4.** RCW 3.38.020 and 1984 c 258 s 23 are each amended to read
7 as follows:

8 The district court districting committee shall meet at the call of
9 the prosecuting attorney to prepare ((a)) or amend the plan for the
10 districting of the county into one or more district court districts in
11 accordance with the provisions of chapters 3.30 through 3.74 RCW. The
12 plan shall include the following:

- 13 (1) The boundaries of each district proposed to be established;
- 14 (2) The number of judges to be elected in each district or
15 electoral district, if any. In determining the number of judges to be
16 elected, the districting committee shall consider the results of an
17 objective workload analysis conducted by the administrator for the
18 courts;
- 19 (3) The location of the central office, courtrooms and records of
20 each court;
- 21 (4) The other places in the district, if any, where the court shall
22 sit;
- 23 (5) The number and location of district court commissioners to be
24 authorized, if any;
- 25 (6) The departments, if any, into which each district court shall
26 be initially organized, including municipal departments provided for in
27 chapter 3.46 RCW;
- 28 (7) The name of each district; and
- 29 (8) The allocation of the time and allocation of salary of each
30 judge who will serve part time in a municipal department.

31 **Sec. 5.** RCW 3.38.040 and 1984 c 258 s 27 are each amended to read
32 as follows:

33 (1) The districting committee may meet for the purpose of amending
34 the districting plan at any time on call of the county legislative
35 authority, the chairperson of the committee or a majority of its

1 members. Amendments to the plan shall be submitted to the county
2 legislative authority not later than March 15th of each year for
3 adoption by the county legislative authority following the same
4 procedure as with the original districting plan. Amendments shall be
5 adopted not later than May 1st following submission by the districting
6 committee. Any amendment which would reduce the salary or shorten the
7 term of any judge shall not be effective until the next regular
8 election for district judge. All other amendments may be effective on
9 a date set by the county legislative authority.

10 (2) The districting committee shall meet within forty-five days of
11 the effective date of changes in the number of judges to be elected in
12 each district court district, or electoral district, if any.
13 Amendments to the plan concerning the number of judges to be elected in
14 each district court district, or electoral district, if any, shall be
15 submitted to the county legislative authority not later than ninety
16 days after the effective date of changes in RCW 3.34.010, and the
17 amendments shall be adopted not later than one hundred eighty days
18 after the effective date of changes in RCW 3.34.010.

19 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately."

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23 On page 1, line 1 of the title, after "judges;" strike the
24 remainder of the title and insert "amending RCW 3.34.010, 3.34.020,
25 3.34.100, 3.38.020, and 3.38.040; and declaring an emergency."

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