

# HOUSE BILL REPORT

## HB 1175

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### As Reported by House Committee On: Judiciary

**Title:** An act relating to increasing the number of superior court judges in Benton and Franklin counties jointly.

**Brief Description:** Increasing the number of superior court judges in Benton and Franklin counties jointly.

**Sponsors:** Representatives Nealey, Haler, Klippert, Walsh, Schmick, Fagan and Ryu; by request of Board For Judicial Administration.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/29/13, 2/5/13 [DP].

#### **Brief Summary of Bill**

- Increases the number of statutorily authorized superior court judges in Benton and Franklin counties, jointly, from six to seven.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 12 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall and Roberts.

**Minority Report:** Do not pass. Signed by 1 member: Representative Shea.

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

The number of superior court judges in each county is set by statute. Any change in the number of full and part-time judges in a county's superior court is determined by the Legislature after receiving a recommendation from the Board for Judicial Administration (BJA). The BJA's recommendation is based on an objective workload analysis developed

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

annually by the Administrative Office of the Courts (AOC). The objective workload analysis takes into account available judicial resources and the caseload activity of the court.

The state and the county share the cost of superior court judges. In order for an additional judicial position to become effective, the legislative authority of the affected county must approve the position and agree to pay, out of county funds and without reimbursement from the state, expenses associated with the new position.

Benton and Franklin counties jointly have six elected superior court judges. According to the AOC's objective workload analysis, an increase in the number of superior court judges in the counties of Benton and Franklin is recommended.

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**Summary of Bill:**

The number of statutorily authorized superior court judges in Benton and Franklin counties, jointly, is increased from six to seven. This new position becomes effective only if the legislative authorities of Benton and Franklin counties approve the position and agree that the counties will pay their share of the cost of the position without reimbursement from the state.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Benton and Franklin counties share a superior court. There is support for a new superior court judge position in Benton and Franklin counties from all six county commissioners and the prosecuting attorneys. Need, based on population growth and caseload increases in the counties, has exceeded the number of judicial officers currently in place. The BJA has recommended this position based on the annual study showing that there is a demand for 9.87 judges total, yet only six full-time superior court judges and 2.5 commissioners currently serve the court. Two new district court judge positions were created for Benton and Franklin counties recently. These positions are unfunded at the state level and are different. The last time a new superior court judge position was approved in these counties was 2003.

It is estimated that the position will be filled in 2014. The counties share the county cost for the position, apportioned according to property taxes.

(Opposed) None.

**Persons Testifying:** Representative Nealey, prime sponsor; and Mellani McAleenan, Board of Judicial Administration.

**Persons Signed In To Testify But Not Testifying:** None.