

SENATE BILL REPORT

SB 5827

As Reported by Senate Committee On:
Law & Justice, January 11, 2024
Ways & Means, February 1, 2024

Title: An act relating to adding an additional superior court judge in Whatcom county.

Brief Description: Adding an additional superior court judge in Whatcom county.

Sponsors: Senators Shewmake, Lovelett, Dhingra, Lovick and Mullet; by request of Administrative Office of the Courts.

Brief History:

Committee Activity: Law & Justice: 1/09/24, 1/11/24 [DP-WM].
Ways & Means: 1/22/24, 2/01/24 [DP, DNP].

Brief Summary of Bill

- Increases the authorized number of superior court judges in Whatcom County from four to five.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: William Bridges (786-7312)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair,

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

Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Minority Report: Do not pass.

Signed by Senator Schoesler, Ranking Member, Capital.

Staff: Tianyi Lan (786-7432)

Background: The Legislature sets the number of superior court judges in each county. The Washington State Constitution provides that the state and the county share the cost for superior court judges. A superior court judge's benefits and one-half of the salary are paid by the state. The county pays one-half of the judge's salary.

The Board for Judicial Administration recommends the creation of new superior court judge positions based on workload analyses by the Administrative Office of the Courts.

Whatcom County is currently authorized four superior court judges, which was set in 2013.

Summary of Bill: The authorized number of superior court judges in Whatcom County is increased from four to five.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Law & Justice): PRO: The Washington State judiciary and Whatcom County Superior Court are preparing for adjudication in Water Resource Inventory Area 1, otherwise known as the Nooksack Basin adjudication. It is not often that we see an adjudication of this magnitude. The last time was in 1977 with *State v. Acquavella*, which ended in 2019.

To illustrate the magnitude of impact this adjudication will have on the court, the Department of Ecology will serve notice by certified mail and legal publication on approximately 30,000 claimants. DOE expects that will result in anywhere between 5000 and 25,000 defendants claim filings. A total of 6168 cases in total were filed in Whatcom County Superior Court in 2022 so the court is expecting anywhere from two to four times the amount of normal claim filings that they handle in a typical year.

There is a deep interest in this water adjudication because water requirements for salmon must be preserved.

The Administrative Office of the Courts is requesting that the Legislature pay the entirety of the new judge's salary and benefits until the conclusion of the adjudication pursuant to RCW 90.03.243. After the adjudication has ended, the position will revert back to the normal funding structure for superior court judges. RCW 90.03.243 provides that the county in which an adjudication or a suit to administer an adjudication is being held must be provided the extraordinary costs imposed on the superior court of that county due to the adjudication, so what we're asking for in terms of state funding is aligned with statute. The county commission is on board.

In addition to the impending water adjudication, Whatcom County's current judicial staffing ratio to county population and caseloads supports an additional judge. For example, in the last completed caseload report of 2022 Whatcom County had 6168 filings and a population of approximately 230,000 people but had the same number of judges as neighboring Skagit Superior Court, which had 4346 filings and a population of approximately 100,000 less people.

Persons Testifying (Law & Justice): PRO: Dawn Marie Rubio, Administrative Office of the Courts; Shannon Hinchcliffe, Administrative Office of the Courts; (Justice) Debra Stephens; Lisa McShane, Nooksack Indian Tribe.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: The bill is related to the water adjudication which will be filed by Department of Ecology this spring. A budget request has also been made to the Legislature to fund an additional judge, a judicial assistant, a staff attorney, and a dedicated courtroom, in addition to resources provided last year. It helps with the estimated 25,000 cases which is almost twice the court's current workload and increases efficiency.

Persons Testifying (Ways & Means): PRO: Christopher Stanley, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.