

HOUSE BILL REPORT

HB 2762

As Passed Legislature

Title: An act relating to changing the number of district court judges.

Brief Description: Increasing the number of district court judges in Cowlitz county.

Sponsors: By Representatives Takko, Blake, Orcutt and Herrera; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Judiciary: 1/22/08, 1/29/08 [DP].

Floor Activity:

Passed House: 2/13/08, 95-1.

Passed Senate: 3/7/08, 45-0.

Passed Legislature.

Brief Summary of Bill

- Increases the number of district court judges in Cowlitz County from two to three.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Lara Zarowsky (786-7123).

Background:

The number of district court judges in each county is set by statute. Any change in the number of full- and part-time judicial positions in a county's district court is determined by the Legislature after receiving a recommendation from the state supreme court.

The supreme court's recommendation is based on an objective workload analysis developed annually by the Administrative Office of the Courts (AOC), which takes into account available judicial resources and the caseload activity of the court. The AOC may consult with

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.

the Board of Judicial Administration and the District and Municipal Court Judge's Association to develop procedures and methods to apply the objective workload analysis.

Changes in the number of district court judges may not be made in a year in which judicial elections for district court are held.

The AOC completes a judicial impact note, which identifies any cost to the state or local government, for each recommendation to vary the number of district court judges in a county. 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.

Cowlitz County has two elected district court judges. An increase to at least three district court judicial positions is justified according to the AOC's objective workload analysis.

Summary of Bill:

The number of statutorily authorized district court judges is increased in Cowlitz County from two to three.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Another judge is needed in Cowlitz County due to the number of filings and the work load. The commissioners have budgeted funds for this position, and just need approval from the Legislature.

The county commissioners have approved the money for the 2009 budget to pay for this position. Cowlitz County is swamped. The county has had two district court judges since the early 1960s, and the county has grown tremendously since that time. Last year there were 31,000 filings in a county of 90,000 people. Criminal filings have increased. Last year a new jail facility was opened, and more people are now arrested and kept on warrants that would have otherwise been turned away, and as a result more people are coming through the court room. The AOC report indicates the county workload would justify 3.6 judicial positions. Two have been doing that work for some time, working late most days. There used to be a court commissioner that was eliminated for budget reasons. Pro tem (temporary/fill-in) judges are used. There are differences in accountability between pro tem and elected judges. The budget has included money for pro tem judges, which is about half of what it would cost to

fund this additional judicial position, but there are benefits to having a sitting judge accountable to the public instead of a pro tem.

(Opposed) None.

Persons Testifying: Representative Takko, prime sponsor; Mellani McAleenan, Board of Judicial Administration; and Ed Putka and Delaura Wirkkala, Cowlitz County District Court.

Persons Signed In To Testify But Not Testifying: None.