

HOUSE BILL REPORT

SSB 5522

As Passed House:
February 26, 1996

Title: An act relating to the use of pro tempore judges and court commissioners.

Brief Description: Regulating the use of pro tempore judges and court commissioners.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson and Johnson).

Brief History:

Committee Activity:

Law & Justice: 2/9/96, 2/21/96 [DP].

Floor Activity:

Passed House: 2/26/96, 95-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Pat Shelledy (786-7149).

Background: District courts must designate one or more judges pro tempore who serve during a district court judge's temporary absence, disqualification, or incapacity. If a pro tempore judge serves more than 30 days in a year for a district court judge, the district court judge's salary must be reduced according to a formula. The salary will not be reduced if the district court judge is using sick leave or is disqualified from service due to the filing of an affidavit of prejudice.

Municipal courts must also appoint judges pro tempore to act in the absence of municipal court judges. To be eligible for appointment, the applicant must be an attorney and meet other qualifications. In addition to those appointed, the list of eligible judges pro tempore must contain no fewer than five names. Appointment of the judges pro tempore must be for the term of office of the regular judges.

Judges in cities and towns with a population of 400,000 or less may appoint court commissioners. A similar express provision does not apply to cities with a population in excess of 400,000.

Summary of Bill: District court judges pro tempore may serve as additional judges for excess case load or special set cases. A district court judge's salary will not be reduced when the judge pro tempore serves in excess of 30 days for the judge if the judge pro tempore serves as an additional judge for excess case load or special set cases, or when the district court judge is involved in administrative, educational, or judicial functions related to the performance of the judge's duties. Appointment of a judge pro tempore to serve for excess case load, special set cases, or when the district court judge is involved in administrative, educational, or judicial functions, is subject to appropriation by the county legislative authority.

The list of eligible candidates for municipal court judges pro tempore does not have to contain a list of five names in addition to the number of judges pro tempore appointed. The requirement that the judges pro tempore serve for the term of office of the regular judges is removed. No period of appointment is specified in statute.

Judges in cities of over 400,000 may appoint municipal court commissioners. A commissioner must be a registered voter of the city and will hold office at the pleasure of the appointing judges. A commissioner must be a lawyer who is admitted to the practice of law in Washington. The judges of the municipal court will determine the commissioner's power to hear civil and criminal matters.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The district and municipal court judges and the county commissioners agree to the bill. It does not create an unfunded mandate because it is discretionary.

Testimony Against: None.

Testified: Judge John McCarthy, District and Municipal Court Judges Association (pro); and Kurt Sharar, Washington State Association of Counties (pro).