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HOUSE BILL 1469

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Sheahan, Dellwo, Appelwick, Delvin, Hickel and Radcliff

Read first time 01/26/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to the use of pro tempore judges and court  
2 commissioners; amending RCW 3.34.130 and 35.20.200; and adding a new  
3 section to chapter 35.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 3.34.130 and 1994 c 18 s 1 are each amended to read as  
6 follows:

7 (1) Each district court shall designate one or more persons as  
8 judge pro tempore who shall serve during the temporary absence,  
9 disqualification, or incapacity of a district judge or to serve as an  
10 additional judge for excess caseload or special set cases. The  
11 qualifications of a judge pro tempore shall be the same as for a  
12 district judge, except that with respect to RCW 3.34.060(1), the person  
13 appointed need only be a registered voter of the state. A district  
14 that has a population of not more than ten thousand and that has no  
15 person available who meets the qualifications under RCW 3.34.060(2) (a)  
16 or (b), may appoint as a pro tempore judge a person who has taken and  
17 passed the qualifying examination for the office of district judge as  
18 is provided by rule of the supreme court. A judge pro tempore may sit  
19 in any district of the county for which he or she is appointed. A

1 judge pro tempore shall be paid the salary authorized by the county  
2 legislative authority.

3 (2) For each day that a judge pro tempore serves in excess of  
4 thirty days during any calendar year, the annual salary of the district  
5 judge in whose place ~~((he or she))~~ the judge pro tempore serves shall  
6 be reduced by an amount equal to one-two hundred fiftieth of such  
7 salary: PROVIDED, That each full time district judge shall have up to  
8 fifteen days annual leave without reduction for service on judicial  
9 commissions established by the legislature or the chief justice of the  
10 supreme court. No reduction in salary shall occur when a judge pro  
11 tempore serves:

12 (a) While a district judge is using sick leave granted in  
13 accordance with RCW 3.34.100 ~~((or))~~;

14 (b) While a district court judge is disqualified from serving  
15 following the filing of an affidavit of prejudice;

16 (c) As an additional judge for excess case load or special set  
17 cases; or

18 (d) While a district judge is otherwise involved in administrative,  
19 educational, or judicial functions related to the performance of the  
20 judge's duties.

21 ~~((+2))~~ (3) The county legislative authority shall fund use of a  
22 judge pro tempore under subsection (2)(c) and (d) of this section from  
23 the court's budget.

24 (4) The legislature may appropriate money for the purpose of  
25 reimbursing counties for the salaries of judges pro tempore for certain  
26 days in excess of thirty worked per year that the judge pro tempore was  
27 required to work as the result of service by a judge on a commission as  
28 authorized under subsection ~~((+1))~~ (2) of this section. No later than  
29 September 1 of each year, each county treasurer shall certify to the  
30 administrator for the courts for the year ending the preceding June 30,  
31 the number of days in excess of thirty that any judge pro tempore was  
32 required to work as the result of service by a judge on a commission as  
33 authorized under subsection ~~((+1))~~ (2) of this section. Upon receipt  
34 of the certification, the administrator for the courts shall reimburse  
35 the county from money appropriated for that purpose.

36 **Sec. 2.** RCW 35.20.200 and 1990 c 182 s 1 are each amended to read  
37 as follows:

1 The mayor shall, from attorneys residing in the city and qualified  
2 to hold the position of judge of the municipal court as provided in RCW  
3 35.20.170, appoint judges pro tempore who shall act in the absence of  
4 the regular judges of the court or in addition to the regular judges  
5 when the administration of justice and the accomplishment of the work  
6 of the court make it necessary. The mayor may appoint, as judges pro  
7 tempore, any full-time district court judges serving in the county in  
8 which the city is situated. The judges of the municipal court shall  
9 promulgate rules establishing general standards for the use of judges  
10 pro tempore. A copy of said rules shall be filed with the legislative  
11 authority of the city at the time of budget consideration. Such  
12 appointments of attorneys shall be made from a list of attorneys in  
13 accordance herewith furnished by the judges of the municipal court(~~(~~  
14 ~~which list shall contain not less than five names in addition to the~~  
15 ~~number of judges pro tempore requested. Appointment of judges pro~~  
16 ~~tempore shall be for the term of office of the regular judges unless~~  
17 ~~sooner removed in the same manner as they were appointed)~~). While  
18 acting as judge of the court judges pro tempore shall have all of the  
19 powers of the regular judges. Before entering upon his or her duties,  
20 each judge pro tempore shall take, subscribe and file an oath as is  
21 taken by a municipal judge. Judges pro tempore shall not practice  
22 before the municipal court during their term of office as judge pro  
23 tempore. Such municipal judges pro tempore shall receive such  
24 compensation as shall be fixed by ordinance by the legislative body of  
25 the city and such compensation shall be paid by the city except that  
26 district court judges shall not be compensated by the city other than  
27 pursuant to an interlocal agreement.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.20 RCW  
29 to read as follows:

30 When so authorized by the city council, the judges of the city may  
31 appoint one or more municipal court commissioners. A commissioner must  
32 be a registered voter of the city, and shall hold office at the  
33 pleasure of the appointing judges. A person appointed as a  
34 commissioner authorized to hear or dispose of cases must be a lawyer  
35 who is admitted to the practice of law in the state of Washington. A

1 commissioner has such power, authority, and jurisdiction in criminal  
2 and civil matters as the appointing judges possess and may prescribe.

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