

# SENATE BILL REPORT

## ESB 5450

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As Passed Senate, January 15, 2020

**Title:** An act relating to superior court judges.

**Brief Description:** Concerning superior court judges.

**Sponsors:** Senators Rivers and Wilson, L.; by request of Board For Judicial Administration.

**Brief History:**

**Committee Activity:** Law & Justice: 1/29/19, 1/31/19 [DPS].

**Ways & Means:** 2/19/19, 2/26/19 [DPS (LAW), w/oRec].

**Floor Activity:**

Passed Senate: 1/15/20, 48-0.

**Brief Summary of Engrossed Bill**

- Creates an additional superior court joint position for Clark, Ferry, Pend Oreille, and Stevens counties.
- Makes the position effective when the legislative authorities of those counties document their approval and agreement to pay for the positions.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5450 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

**Staff:** Tim Ford (786-7423)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Carlyle,

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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.*

Conway, Darneille, Hasegawa, Hunt, Palumbo, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

**Minority Report:** That it be referred without recommendation.

Signed by Senators Keiser and Liias.

**Staff:** Claire Goodwin (786-7736)

**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 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.

Superior court judges and court commissioners hear felony and other criminal matters, civil matters, domestic relations matters, guardianship and probate matters, juvenile matters as well as child dependency cases, appeals from lower courts, and appeals from state administrative agencies.

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. 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.

Clark County has ten elected superior court judges. Ferry, Pend Oreille, and Stevens counties jointly have two elected superior court judges.

**Summary of Engrossed Bill:** An additional judicial position is created jointly for Clark, Ferry, Pend Oreille, and Stevens Counties, changing the number of superior court judges from two to three. The additional judicial position is contingent on Clark, Ferry, Pend Oreille, and Stevens counties documenting their approval of the position by their county legislative authorities, and agreeing that the counties jointly pay for the expenses of the additional position without compensation from the state.

**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 on Proposed Substitute (Law & Justice):** *The committee recommended a different version of the bill than what was heard.* PRO: This is

request legislation from the Board of Judicial Administration. There is a workload analysis taken every year. Where there is a determination made to support additional superior court judges there is an inquiry to see if the county would support an additional position. The judicial needs analysis and assessment is available if you need it. Anecdotally, we could see this increase was coming. There is a lot of growth in Clark County. Our judicial need is going to continue to grow. The last time we asked for an additional judge was ten years ago. Therapeutic courts and mandatory arbitration help to reduce the court's workload. There is qualified support of the Clark County commission. There are other projects too and while they are lending support for a new judicial position, it would not be immediately in the 2019 budget because that budget has already been passed.

**Persons Testifying (Law & Justice):** PRO: Dory Nicpon, Board for Judicial Administration; Scott Coillier, Clark County Presiding Judge.

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

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** PRO: You have letters of support from the counties. The state funding is contingent on a demonstrated financial match from the counties.

**Persons Testifying (Ways & Means):** PRO: Dory Nicpon, Board for Judicial Administration.

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