

**SENATE BILL REPORT**

**ESHB 2459**

**AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 2, 1992**

**Brief Description:** Authorizing additional superior court judges.

**SPONSORS:** House Committee on Judiciary (originally sponsored by Representatives Appelwick, Sheldon, Scott, Locke, Leonard, Cantwell, R. Johnson, Jacobsen, Paris, Jones, Haugen, Spanel, Sprenkle, J. Kohl, O'Brien, May, Basich and Anderson)

**HOUSE COMMITTEE ON JUDICIARY**

**HOUSE COMMITTEE ON APPROPRIATIONS**

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, M. Kreidler, Metcalf, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, Williams, and Wojahn.

**Staff:** Martin Chaw (786-7715)

**Hearing Dates:** February 27, 1992; March 2, 1992

**BACKGROUND:**

The Legislature sets by statute the number of superior court judges in each county. Periodically, the Office of the Administrator for the Courts conducts a weighted caseload study to determine the need for additional judges in the various counties.

Retirement system benefits and one-half of the salary of a superior court judge are paid by the state. The other half of the judge's salary and all other costs associated with a judicial position, such as capital and support staff costs, are borne by the county. A statute also requires that the county hire a stenographic court reporter for each superior court judge, although for the last several years new judicial positions have been exempt from this requirement each time they have been created.

In 1991, the Legislature passed SHB 1127 which created new superior court judicial positions in five counties. Those counties were King, Skagit, Snohomish, Mason, and Grays Harbor. However, the legislation contained a "null and void" clause which made its effectiveness dependent upon funding in the state budget. No funding was provided in the 1991 budget for the new positions.

**SUMMARY:**

Seventeen Judicial positions are reauthorized in the five counties in which they were authorized but not funded in 1991.

The numbers of superior court judges in the five counties are increased as follows:

- King County - from 46 to 58;
- Grays Harbor County - from two to three;
- Skagit County - from two to three;
- Snohomish County - from 11 to 13; and,
- Mason County - from one to two.

The 12 new positions in King County may be phased in by the county between July 1, 1992 and July 1, 1996. The new positions in Mason County, Snohomish County, and Skagit County take effect July 1, 1992. The new position in Grays Harbor County takes effect July 1, 1993.

In each county the positions become effective only if the county legislative authority documents its approval of the positions and agrees to pay the county's share of the costs of the new positions.

The new positions, as well as future new positions authorized by the Legislature, are all exempt from the requirement that a stenographic reporter be provided for each judge.

The act is made contingent upon funding provided in the 1992 supplemental budget.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**Effective Date:** Sections 1, 3, 4, 5, 6 and 8 of the bill take effect July 1, 1992. Section 2 takes effect July 1, 1993. Sections 7 and 9 take effect 90 days after adjournment of session in which bill is passed.

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The effective date of the act is delayed until July 1, 1993.

Language making the act contingent upon funding provided in the supplemental budget is deleted.

**TESTIMONY FOR:**

Results of the weighted caseload study, which determines the number of judges needed based upon historical filings, has concluded a need for the increase. The additional judicial positions are required to address the present workload levels faced by each of the counties.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Representative Marlin Appelwick; Ted Kolbaba;  
Judge Richard Thorpe; Snohomish County; Judge Charles Johnson,  
King County Presiding Superior Court Judge; Judge Mike  
Spencer, Grays Harbor County