

# SENATE BILL REPORT

## SB 5522

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As Reported By Senate Committee On:  
Law & Justice, February 20, 1995

**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:** Senators Smith, Roach, C. Anderson and Johnson.

**Brief History:**

**Committee Activity:** Law & Justice: 2/15/95, 2/20/95 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Rinehart, Roach and Schow.

**Staff:** Lidia Mori (786-7755)

**Background:** Each district court is directed to designate one or more persons as judges pro tempore who will serve during the temporary absence, disqualification, or incapacity of a district judge. There is concern that the statute allowing the designation of judges pro tempore is unnecessarily narrow, and impedes the use of judges pro tempore in other appropriate circumstances.

**Summary of Substitute Bill:** Each district court is directed to designate one or more persons as judges pro tempore who will serve during the temporary absence, disqualification, incapacity of a district judge, or for excess caseload or special set cases. No reduction in the annual salary of the district judge occurs when a judge pro tempore serves as an additional judge for excess case load, special set cases or while a district judge is involved in administrative, educational, or judicial functions. The appointment of judges pro tempore is subject to an appropriation by the county legislative authority.

**Substitute Bill Compared to Original Bill:** Judges pro tempore are funded through the county legislative authority budget rather than the court's budget.

Municipal court commissioners may be appointed by the judges of a city when authorized by the city council. The person appointed as commissioner must be a registered voter of the city and a lawyer admitted to the practice of law in Washington.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 1995.

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

**Testimony For:** The current statute says any time a judge uses a pro tempore judge for an accumulation of more than 30 days, the salary of the judge is reduced. Even if the judge is hearing cases on the days the judge pro tempore is used and the judge pro tempore is being used to hear overflow cases, the judge's salary will still be reduced.

**Testimony Against:** None.

**Testified:** Judge McCarthy, District and Municipal Court Judges Association (pro); Judge Robert McBeth, King County District Court in Renton (pro).