

# HOUSE BILL REPORT

## HB 2295

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to court of appeals judicial positions.

**Brief Description:** Revising procedures for staggering of terms for new court of appeals positions.

**Sponsors:** Representatives Sheahan and Costa; by request of Court of Appeals.

### Brief History:

#### Committee Activity:

Law & Justice: 1/14/98, 1/20/98 [DPS].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

**Staff:** Bill Perry (786-7123).

**Background:** The state court of appeals is divided into three "divisions." The divisions are headquartered in Seattle, Tacoma, and Spokane. Each of the divisions is also divided into three "districts."

In 1993, the Legislature increased the number of judges in the court of appeals from 17 to 23. The positions took effect only as they were specifically funded in the state budget. The new positions were to be filled by appointment followed by an election at the next November general election for staggered terms and then election to six-year terms of office.

The new positions were to take effect over various dates to create staggered six-year terms. The statute creating the new positions includes several dates and timing provisions relating to the filling of the new positions and the length of the initial terms of the new positions. Several of these date and timing references are now obsolete.

Two of the new positions created in 1993 have not been filled. These unfilled positions are in King County, which is the first district of division one of the state court of appeals. These two positions were to have been filled prior to the November 1993 election, or, if not by that date, then prior to the November 1999 election.

**Summary of Substitute Bill:** Obsolete dates are removed from the 1993 statute that created six new judicial positions on the court of appeals. Dates relating to the two unfilled positions are adjusted.

The initial full six-year terms of the two positions remaining to be filled in the first district of division one are to begin in January 2001, following the November 2000 general election. If the effective date of the initial filling of the positions is too late for the positions to appear on the November 1999 ballot, then the initial full elected term is to begin in January 2007, following the November 2006 general election.

**Substitute Bill Compared to Original Bill:** The substitute bill puts the election dates for the new positions off for one more year in order to coincide with the statewide general election even-year cycle.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill removes unnecessary language and makes possible the filling of the two remaining vacancies on the court.

**Testimony Against:** None.

**Testified:** John Pearson, Office of the Secretary of State, Elections Division (pro, with suggested amendment); Ken Grosse, Presiding Chief Judge, Washington State Court of Appeals (pro); and Chuck Foster, Office of the Administrator for the Courts (pro).