

HOUSE BILL REPORT

ESB 5450

As Reported by House Committee On:
Civil Rights & Judiciary
Appropriations

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:

Civil Rights & Judiciary: 2/14/20, 2/21/20 [DP];

Appropriations: 3/2/20 [DP].

Brief Summary of Engrossed Bill

- Increases the number of statutorily authorized superior court judge positions in Clark County and Ferry, Pend Oreille, and Stevens counties.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 14 members: Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Kirby, Klippert, Orwall, Peterson, Rude, Valdez, Walen and Ybarra.

Staff: Ingrid Lewis (786-7289).

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 of 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 considers available judicial resources and the caseload activity of the court.

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.

The Washington 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 remaining half is paid by the county. 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 10 elected superior court judges. Ferry, Pend Oreille, and Stevens counties jointly have two elected superior court judges.

Summary of Bill:

The number of statutorily authorized superior court judge positions for Clark County is increased from 10 to 11. The number of positions jointly serving Ferry, Pend Oreille, and Stevens counties is increased from two to three.

The additional positions are effective only if the legislative authority of each affected county approves of the position and agrees that the county will pay its share of the cost of the position without reimbursement from the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Administrative Office of the Courts calculates a county's judicial needs, and the Board for Judicial Administration makes recommendations to the Legislature to add judicial positions. Clark County is one of the fastest growing counties in the state, and the superior court has been running two judges short for several years. The last time the Legislature provided for an additional judicial position was 12 years ago.

There are many changes occurring in counties which increase the need for additional judicial positions. There has been an increase in elder law, probate, guardianship, and domestic violence cases. While there has been a decrease in dissolution cases, there has been an increase in paternity and residential scheduling cases. Not only is there an increase in the number of proceedings for cases; they are contested more often.

The county has built their portion of the cost into the biennial budget, including the staffing that the judicial position may require, for example, administrative positions and additional clerk staff support to assist with record-keeping functions of the superior court.

The court administration of the tri-county judicial jurisdictions have been working closely with all three of the local funding entities to ensure that they will each pay a proportional share of the cost.

(Opposed) None.

Persons Testifying: Scott Collier, Clark County Superior Court; and Dory Nicpon, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative MacEwen, Assistant Ranking Minority Member.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Civil Rights & Judiciary:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The judicial districts described in the bill need an additional judge position. When caseloads are heavy, as a result of not having the necessary judges, individuals who come before the court with something other than constitutionally constrained matters sometimes must wait a long time to be heard. This legislation is at the request of the Board for Judicial Administration.

(Opposed) None.

Persons Testifying: Dory Nicpon, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.