

FINAL BILL REPORT

SHB 1782

C 300 L 91
Synopsis As Enacted

Brief Description: Affecting county court commissioners.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: The state constitution limits the number of superior court commissioners in each county to three. Court commissioners are authorized to perform many of the duties of a judge, but their actions are subject to revision by a judge. Statutes have given court commissioners explicit authority to perform duties such as conducting probate proceedings, issuing temporary restraining orders, and hearing ex parte and uncontested civil matters. Court commissioners are paid out of county funds, and their salaries are set by county legislative authorities.

The limit of three court commissioners per county was set at the time the state's constitution was adopted. The population of the entire state has increased many times over since then, and the population disparity among individual counties is now very significant.

By statute, the Legislature has authorized the use of specialized commissioners. These commissioners have fairly narrowly defined authority to act in family law and mental health proceedings. The number of these commissioners in each county is set by the county legislative authority. These commissioners are not considered "court commissioners" within the meaning of the constitution, and therefore are not subject to the three-commissioner limit. Their use has been upheld by the state Supreme Court.

Summary: Various statutes are amended to conform to the proposed constitutional amendment on court commissioners (HJR 4218). The limit of three on the number of court commissioners in each county is removed. County legislative authorities are authorized to set the number of court commissioners. References to specialized commissioners are removed.

Court commissioners are made subject to affidavits of prejudice to the same extent as superior court judges. A party to a lawsuit may file one such affidavit as a matter of right. Filing such an affidavit requires that the case be assigned to another commissioner or judge.

Votes on Final Passage:

House	98	0
Senate	40	0

Effective: Upon voter approval of HJR 4218.