

SENATE BILL REPORT

SJR 8221

AS OF FEBRUARY 26, 1991

Brief Description: Amending the state Constitution and clarifying courts' jurisdiction.

SPONSORS: Senators Nelson, Talmadge, McMullen, Owen, Thorsness, Moore, Oke and A. Smith.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jon Carlson (786-7459)

Hearing Dates: February 28, 1991

BACKGROUND:

The superior court was created under Article IV, Section 1 of the State Constitution. Under Section 6 of this Article, jurisdiction of the superior court includes cases in equity, matters of probate, insolvency proceedings, and actions of forcible entry and detainer. As the superior court is a constitutionally created court, the Legislature may not deprive the court of powers conferred by these provisions.

With the increasingly heavy caseloads at the superior court level, it is recommended that the Constitution be amended to allow the Legislature the statutory authority to determine the jurisdiction of the superior court. The Legislature would be afforded the flexibility of allowing courts of limited jurisdiction to consider cases that are now strictly within the purview of the superior court.

SUMMARY:

Article IV, Section 6 of the Washington State Constitution is amended to allow the Legislature to determine the number, power, duties, and jurisdiction of superior court judges.

Appropriation: none

Revenue: none

Fiscal Note: none requested