
ENGROSSED SUBSTITUTE HOUSE BILL 1127

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Sheldon, Hargrove, Appelwick, Forner, Paris, Vance, Scott, Wineberry, Jacobsen, Chandler, Wood, P. Johnson, Roland, R. Johnson, Haugen, Cantwell, Jones, May, Zellinsky, Brough, Basich, Lisk, Mitchell, Wynne, Miller, Moyer, Brekke and Sprenkle).

Read first time February 9, 1991.

1 AN ACT Relating to superior courts; amending RCW 2.08.061,
2 2.08.062, 2.08.064, 2.08.065, and 2.32.180; adding a new section to
3 chapter 2.08 RCW; creating a new section; providing effective dates;
4 and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 2.08.061 and 1989 c 328 s 2 are each amended to read
7 as follows:

8 There shall be in the county of King no more than ~~((forty-six))~~
9 fifty-eight judges of the superior court; in the county of Spokane ten
10 judges of the superior court; and in the county of Pierce nineteen
11 judges of the superior court. The King county legislative authority
12 may phase in six of the additional twelve judges, as authorized by the
13 1991 amendments to this section, over a period of time not to extend
14 beyond July 1, 1995, and the remaining six additional judges over a

1 period of time not to begin before July 1, 1993, and not to extend
2 beyond July 1, 1995.

3 **Sec. 2.** RCW 2.08.062 and 1990 c 186 s 1 are each amended to read
4 as follows:

5 There shall be in the counties of Chelan and Douglas jointly, three
6 judges of the superior court; in the county of Clark six judges of the
7 superior court; in the county of Grays Harbor (~~two~~) three judges of
8 the superior court; in the county of Kitsap seven judges of the
9 superior court; in the county of Kittitas one judge of the superior
10 court; in the county of Lewis two judges of the superior court.

11 **Sec. 3.** RCW 2.08.064 and 1989 c 328 s 3 are each amended to read
12 as follows:

13 There shall be in the counties of Benton and Franklin jointly, five
14 judges of the superior court; in the county of Clallam, two judges of
15 the superior court; in the county of Jefferson, one judge of the
16 superior court; in the county of Snohomish, (~~eleven~~) thirteen judges
17 of the superior court; in the counties of Asotin, Columbia and Garfield
18 jointly, one judge of the superior court; in the county of Cowlitz,
19 three judges of the superior court; in the counties of Klickitat and
20 Skamania jointly, one judge of the superior court. The county
21 legislative authority may phase in the additional judges, as authorized
22 by the 1991 amendments to this section, over a period of time not to
23 extend beyond July 1, 1995.

24 **Sec. 4.** RCW 2.08.065 and 1990 c 186 s 2 are each amended to read
25 as follows:

26 There shall be in the county of Grant, two judges of the superior
27 court; in the county of Okanogan, one judge of the superior court; in

1 the county of Mason, (~~one~~) two judges of the superior court; in the
2 county of Thurston, six judges of the superior court; in the counties
3 of Pacific and Wahkiakum jointly, one judge of the superior court; in
4 the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of
5 the superior court; and in the counties of San Juan and Island jointly,
6 two judges of the superior court.

7 **Sec. 5.** RCW 2.32.180 and 1990 c 186 s 3 are each amended to read
8 as follows:

9 It shall be and is the duty of each and every superior court judge
10 in counties or judicial districts in the state of Washington having a
11 population of over thirty-five thousand inhabitants to appoint, or said
12 judge may, in any county or judicial district having a population of
13 over twenty-five thousand and less than thirty-five thousand, appoint
14 a stenographic reporter to be attached to the court holden by him who
15 shall have had at least three years' experience as a skilled, practical
16 reporter, or who upon examination shall be able to report and
17 transcribe accurately one hundred and seventy-five words per minute of
18 the judge's charge or two hundred words per minute of testimony each
19 for five consecutive minutes; said test of proficiency, in event of
20 inability to meet qualifications as to length of time of experience, to
21 be given by an examining committee composed of one judge of the
22 superior court and two official reporters of the superior court of the
23 state of Washington, appointed by the president judge of the superior
24 court judges association of the state of Washington: PROVIDED, That a
25 stenographic reporter shall not be required to be appointed for the
26 seven additional judges of the superior court authorized for
27 appointment by section 1, chapter 323, Laws of 1987, the additional
28 superior court judge authorized by section 1, chapter 66, Laws of 1988,
29 the additional superior court judges authorized by sections 2 and 3,

1 chapter 328, Laws of 1989, (~~or~~) the additional superior court judges
2 authorized by sections 1 and 2, chapter 186, Laws of 1990, or the
3 additional superior court judges authorized by sections 1 through 4 of
4 this 1991 act. Appointment of a stenographic reporter is not required
5 for any additional superior court judge authorized after July 1, 1991.
6 The initial judicial appointee shall serve for a period of six years;
7 the two initial reporter appointees shall serve for a period of four
8 years and two years, respectively, from September 1, 1957; thereafter
9 on expiration of the first terms of service, each newly appointed
10 member of said examining committee to serve for a period of six years.
11 In the event of death or inability of a member to serve, the president
12 judge shall appoint a reporter or judge, as the case may be, to serve
13 for the balance of the unexpired term of the member whose inability to
14 serve caused such vacancy. The examining committee shall grant
15 certificates to qualified applicants. Administrative and procedural
16 rules and regulations shall be promulgated by said examining committee,
17 subject to approval by the said president judge.

18 The stenographic reporter upon appointment shall thereupon become
19 an officer of the court and shall be designated and known as the
20 official reporter for the court or judicial district for which he is
21 appointed: PROVIDED, That in no event shall there be appointed more
22 official reporters in any one county or judicial district than there
23 are superior court judges in such county or judicial district; the
24 appointments in each class AA county shall be made by the majority vote
25 of the judges in said county acting en banc; the appointments in class
26 A counties and counties of the first class may be made by each
27 individual judge therein or by the judges in said county acting en
28 banc. Each official reporter so appointed shall hold office during the
29 term of office of the judge or judges appointing him, but may be
30 removed for incompetency, misconduct or neglect of duty, and before

1 entering upon the discharge of his duties shall take an oath to perform
2 faithfully the duties of his office, and file a bond in the sum of two
3 thousand dollars for the faithful discharge of his duties. Such
4 reporter in each court is hereby declared to be a necessary part of the
5 judicial system of the state of Washington.

6 NEW SECTION. **Sec. 6.** Section 2 of this act shall take effect
7 January 1, 1992. Section 3 of this act shall take effect July 1, 1992.
8 Sections 1 and 4 of this act are necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and shall take
11 effect July 1, 1991.

12 NEW SECTION. **Sec. 7.** The additional judicial positions
13 created by sections 1, 2, 3, and 4 of this act shall be effective only
14 if each county through its duly constituted legislative authority
15 documents its approval of any additional positions and its agreement
16 that it will pay out of county funds, without reimbursement from the
17 state, the expenses of such additional judicial positions as provided
18 by statute and only if the superior court judges in each of the
19 counties document their adoption of mandatory arbitration for money
20 judgments to the fullest extent authorized under RCW 7.06.020(1).

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 2.08 RCW
22 to read as follows:

23 No additional superior court judicial position authorized by the
24 legislature after July 1, 1991, shall be effective unless:

25 (1) Before the enactment of the legislation authorizing the new
26 position, the county legislative authority of the county in which the
27 position is authorized has by resolution documented its approval of the

1 position and documented its agreement to pay out of county funds,
2 without reimbursement from the state, its share of the expenses of the
3 position as provided for in statute;

4 (2) There is a demonstrated need for the new position based on a
5 weighted caseload analysis prepared by the office of the administrator
6 for the courts in accordance with RCW 2.56.030(12) that has examined
7 the caseload in the county in which the new position is to be
8 authorized.

9 (3) The judges of the superior court in the county in which the
10 position is authorized have implemented mandatory arbitration for cases
11 involving money judgments to the fullest extent allowed under RCW
12 7.06.020(1) for the entire calendar year for which the weighted
13 caseload analysis was conducted.