

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1881

Chapter 313, Laws of 1991
(partial veto)

52nd Legislature
1991 Regular Session

DISTRICT COURT JUDGES--DETERMINATION OF NUMBER

EFFECTIVE DATE: 7/28/91

Passed by the House March 20, 1991
Yeas 97 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1991
Yeas 38 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 21, 1991, with
the exception of section 1,
which is vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1881** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 21, 1991 - 9:56 a.m.

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1881

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Paris, May, Winsley, Wood and D. Sommers).

Read first time March 6, 1991.

1 AN ACT Relating to determining the number of district court judges;
2 amending RCW 3.34.010 and 3.34.020; adding a new section to chapter
3 3.34 RCW; and creating a new section.

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

5 *Sec. 1. RCW 3.34.010 and 1989 c 227 s 6 are each amended to read
6 as follows:

7 *The number of district judges ((to be elected in each county shall*
8 *be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one;*
9 *Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two;*
10 *Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island,*
11 *three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two;*
12 *Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two;*
13 *Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one;*
14 *Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight;*
15 *Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three;*
16

1 ~~Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number~~
2 ~~may be increased in accordance with a resolution of the county~~
3 ~~commissioners under RCW 3.34.020)) in each county shall be the base~~
4 ~~number of full and part-time district judges that are in office as of~~
5 ~~January 1, 1992, and may only be changed thereafter as provided in RCW~~
6 ~~3.34.020 and section 3 of this act.~~

7 *Sec. 1 was vetoed, see message at end of chapter.

8 **Sec. 2.** RCW 3.34.020 and 1987 c 202 s 112 are each amended to read
9 as follows:

10 (~~In each district having a population of forty thousand or more~~
11 ~~but less than sixty thousand, there shall be elected one full time~~
12 ~~district judge; in each district having a population of sixty thousand~~
13 ~~but less than one hundred twenty-five thousand, there shall be elected~~
14 ~~two full time judges; in each district having a population of one~~
15 ~~hundred twenty-five thousand but less than two hundred thousand, there~~
16 ~~shall be elected three full time judges; and in each district having a~~
17 ~~population of two hundred thousand or more there shall be elected one~~
18 ~~additional full time judge for each additional one hundred thousand~~
19 ~~persons or fraction thereof. If a district having one or more full~~
20 ~~time judges should change in population, for reasons other than change~~
21 ~~in district boundaries, sufficiently to require a change in the number~~
22 ~~of judges previously authorized to it, the change shall be made by the~~
23 ~~county legislative authority without regard to RCW 3.34.010 as now or~~
24 ~~hereafter amended and shall become effective on the second Monday of~~
25 ~~January of the year following. Upon any redistricting of the county~~
26 ~~thereafter the number of judges in the county shall be designated under~~
27 ~~RCW 3.34.010. In a district having a population of one hundred twenty~~
28 ~~thousand people or more adjoining a metropolitan county of another~~
29 ~~state which has a population in excess of five hundred thousand, there~~

1 shall be one full time judge in addition to the number otherwise
2 allowed by this section and without regard to RCW 3.34.030 or
3 resolution of the county legislative authority. The county legislative
4 authority may by resolution make a part time position a full time
5 office. The county legislative authority may by resolution provide for
6 the election of one full time judge in addition to the number of full
7 time judges authorized.))

8 (1) Any change in the number of full and part-time district judges
9 after January 1, 1992, shall be determined by the legislature after
10 receiving a recommendation from the supreme court. The supreme court
11 shall make its recommendations to the legislature based on a weighted
12 caseload analysis that takes into account the following:

13 (a) The extent of time that existing judges have available to hear
14 cases in that court;

15 (b) A measurement of the judicial time needed to process various
16 types of cases;

17 (c) A determination of the time required to process each type of
18 case to the individual court workload;

19 (d) A determination of the amount of a judge's annual work time
20 that can be devoted exclusively to processing cases; and

21 (e) An assessment of judicial resource needs, including annual case
22 filings, and case weights and the judge year value determined under the
23 weighted caseload method.

24 (2) The administrator for the courts, under the supervision of the
25 supreme court, may consult with the board of judicial administration,
26 the judicial council, and the district and municipal court judge's
27 association in developing the procedures and methods of applying the
28 weighted caseload analysis.

29 (3) For each recommended change from the number of full and part-
30 time district judges in any county as of January 1, 1992, the

1 administrator for the courts, under the supervision of the supreme
2 court, shall complete a judicial impact note detailing any local or
3 state cost associated with such recommended change.

4 (4) If the legislature approves an increase in the base number of
5 district judges in any county as of January 1, 1992, such increase in
6 the base number of district judges and all related costs may be paid
7 for by the county from moneys provided under RCW 82.14.310, and any
8 such costs shall be deemed to be expended for criminal justice purposes
9 as provided in RCW 82.14.315, and such expenses shall not constitute a
10 supplanting of existing funding.

11 (5)(a) A county legislative authority that desires to change the
12 number of full or part-time district judges from the base number on
13 January 1, 1992, must first request the assistance of the supreme
14 court. The administrator for the courts, under the supervision of the
15 supreme court, shall conduct a weighted caseload analysis and make a
16 recommendation of its findings to the legislature for consideration as
17 provided in this section.

18 (b) The legislative authority of any county may change a part-time
19 district judge position to a full-time position.

20 NEW SECTION. Sec. 3. A new section is added to chapter 3.34 RCW
21 to read as follows:

22 Any additional district judge positions created under RCW 3.34.020
23 shall be effective only if the legislative authority of the affected
24 county documents its approval of any additional positions and its
25 agreement that it will pay out of county funds, without reimbursement
26 from the state, the expenses of such additional judicial positions as
27 provided by statute. The additional expenses include, but are not
28 limited to, expenses incurred for court facilities. The legislative
29 authority of any such county may, at its discretion, phase in any

1 judicial positions over a period of time not to exceed two years from
2 the effective date of the additional district judge positions.

3 NEW SECTION. **Sec. 4.** The supreme court shall compile a report
4 for the law and justice committee of the senate and the judiciary
5 committee of the house of representatives no later than December 1,
6 1991, that documents the number of full and part-time district judges
7 by county, and a process to be used in applying a weighted caseload
8 analysis to changing the number of district judges after the effective
9 date of this act. The report may recommend any suggested changes that
10 may be made to a weighted caseload analysis, its impact, costs, or any
11 other issues affecting the number of district judges in the state.

Passed the House March 20, 1991.

Passed the Senate April 12, 1991.

Approved by the Governor May 21, 1991, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State May 21, 1991.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 1,
3 Engrossed Substitute House Bill No. 1881 entitled:

4 "AN ACT Relating to determining the number of district court
5 judges."

6 This bill authorizes the use of the weighted caseload analysis as
7 the basis for determining the number of full and part-time district
8 court judges.

9 RCW 3.34.010 is amended in both section 1 of Engrossed Substitute
10 House Bill No. 1881 and section 1 of House Bill No. 1467 which adds
11 additional district court judges. If both of these sections became
12 law, they would be in conflict. This would create confusion in the
13 implementation of the weighted caseload method as well as jeopardizing
14 the new district court judge positions.

15 I am assured that the enactment of section 1 of Engrossed
16 Substitute House Bill No. 1881 is not necessary in order to facilitate
17 the weighted caseload method. To insure that this new program can be
18 implemented without legal confusion, I have vetoed section 1 of
19 Engrossed Substitute House Bill No. 1881.

20 With the exception of section 1, Engrossed Substitute House Bill
21 No. 1881 is approved."