

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1805

58th Legislature
2003 Regular Session

Passed by the House April 21, 2003
Yeas 95 Nays 2

Speaker of the House of Representatives

Passed by the Senate April 11, 2003
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1805** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1805

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by
Representatives O'Brien, Nixon, Kagi, Tom, Sommers and Clibborn)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to changing the number of district court judges;
2 amending RCW 3.34.010, 3.34.020, 3.34.100, 3.38.020, and 3.38.040; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 3.34.010 and 2002 c 138 s 1 are each amended to read
6 as follows:

7 The number of district judges to be elected in each county shall
8 be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two;
9 Clark, ((five)) six; Columbia, one; Cowlitz, two; Douglas, one; Ferry,
10 one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two;
11 Island, one; Jefferson, one; King, ((twenty-six)) twenty-one; Kitsap,
12 three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason,
13 one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven;
14 San Juan, one; Skagit, two; Skamania, one; Snohomish, eight; Spokane,
15 ten; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two;
16 Whatcom, two; Whitman, one; Yakima, four. This number may be increased
17 only as provided in RCW 3.34.020.

1 **Sec. 2.** RCW 3.34.020 and 2002 c 83 s 1 are each amended to read as
2 follows:

3 (1) Any change in the number of full and part-time district judges
4 after January 1, 1992, shall be determined by the legislature after
5 receiving a recommendation from the supreme court. The supreme court
6 shall make its recommendations to the legislature based on an objective
7 workload analysis that takes into account available judicial resources
8 and the caseload activity of each court.

9 (2) The administrator for the courts, under the supervision of the
10 supreme court, may consult with the board of judicial administration
11 and the district and municipal court judge's association in developing
12 the procedures and methods of applying the objective workload analysis.

13 (3) For each recommended change from the number of full and part-
14 time district judges in any county as of January 1, 1992, the
15 administrator for the courts, under the supervision of the supreme
16 court, shall complete a judicial impact note detailing any local or
17 state cost associated with such recommended change.

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

25 (5)(a) A county legislative authority that desires to change the
26 number of full or part-time district judges from the base number on
27 January 1, 1992, must first request the assistance of the supreme
28 court. The administrator for the courts, under the supervision of the
29 supreme court, shall conduct an objective workload analysis and make a
30 recommendation of its findings to the legislature for consideration as
31 provided in this section. Changes in the number of district court
32 judges may only be made by the legislature in a year in which the
33 quadrennial election for district court judges is not held.

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

36 **Sec. 3.** RCW 3.34.100 and 1992 c 76 s 1 are each amended to read as
37 follows:

1 If a district judge dies, resigns, is convicted of a felony, ceases
2 to reside in the district, fails to serve for any reason except
3 temporary disability, or if his or her term of office is terminated in
4 any other manner, the office shall be deemed vacant. The county
5 legislative authority shall fill all vacancies by appointment and the
6 judge thus appointed shall hold office until the next general election
7 and until a successor is elected and qualified. However, if a vacancy
8 in the office of district court judge occurs and the total number of
9 district court judges remaining in the county is equal to or greater
10 than the number of district court judges authorized in RCW 3.34.010
11 then the position shall remain vacant. District judges shall be
12 granted sick leave in the same manner as other county employees. A
13 district judge may receive when vacating office remuneration for unused
14 accumulated leave and sick leave at a rate equal to one day's monetary
15 compensation for each full day of accrued leave and one day's monetary
16 compensation for each four full days of accrued sick leave, the total
17 remuneration for leave and sick leave not to exceed the equivalent of
18 thirty days' monetary compensation.

19 **Sec. 4.** RCW 3.38.020 and 1984 c 258 s 23 are each amended to read
20 as follows:

21 The district court districting committee shall meet at the call of
22 the prosecuting attorney to prepare ((a)) or amend the plan for the
23 districting of the county into one or more district court districts in
24 accordance with the provisions of chapters 3.30 through 3.74 RCW. The
25 plan shall include the following:

26 (1) The boundaries of each district proposed to be established;
27 (2) The number of judges to be elected in each district or
28 electoral district, if any. In determining the number of judges to be
29 elected, the districting committee shall consider the results of an
30 objective workload analysis conducted by the administrator for the
31 courts;

32 (3) The location of the central office, courtrooms and records of
33 each court;

34 (4) The other places in the district, if any, where the court shall
35 sit;

36 (5) The number and location of district court commissioners to be
37 authorized, if any;

1 (6) The departments, if any, into which each district court shall
2 be initially organized, including municipal departments provided for in
3 chapter 3.46 RCW;

4 (7) The name of each district; and

5 (8) The allocation of the time and allocation of salary of each
6 judge who will serve part time in a municipal department.

7 **Sec. 5.** RCW 3.38.040 and 1984 c 258 s 27 are each amended to read
8 as follows:

9 (1) The districting committee may meet for the purpose of amending
10 the districting plan at any time on call of the county legislative
11 authority, the chairperson of the committee or a majority of its
12 members. Amendments to the plan shall be submitted to the county
13 legislative authority not later than March 15th of each year for
14 adoption by the county legislative authority following the same
15 procedure as with the original districting plan. Amendments shall be
16 adopted not later than May 1st following submission by the districting
17 committee. Any amendment which would reduce the salary or shorten the
18 term of any judge shall not be effective until the next regular
19 election for district judge. All other amendments may be effective on
20 a date set by the county legislative authority.

21 (2) The districting committee shall meet within forty-five days of
22 the effective date of changes in the number of judges to be elected in
23 each district court district, or electoral district, if any.
24 Amendments to the plan concerning the number of judges to be elected in
25 each district court district, or electoral district, if any, shall be
26 submitted to the county legislative authority not later than ninety
27 days after the effective date of changes in RCW 3.34.010, and the
28 amendments shall be adopted not later than one hundred eighty days
29 after the effective date of changes in RCW 3.34.010.

30 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately.

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