

# HOUSE BILL REPORT

## HB 1262

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to judicial compensation.

**Brief Description:** Limiting compensation for part-time judges.

**Sponsors:** Representatives Takko, Walsh, Blake and Wallace; by request of Board For Judicial Administration.

**Brief History:**

**Committee Activity:**

Judiciary: 2/1/05 [DP].

### Brief Summary of Bill

- Prohibits part-time judges who serve as superior court judges pro tempore from receiving pro tempore pay for time for which they also receive their part-time salaries.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby, Serben, Springer and Wood.

**Staff:** Bill Perry (786-7123).

**Background:**

For various reasons, temporary judges are sometimes used to hear cases in superior courts. In order to sit as a judge pro tempore, a person must be either: (1) an attorney agreed upon by the parties; (2) a sitting elected judge from another court; or (3) a superior court judge who retires and continues to preside over a pending case.

Pay for superior court judges pro tempore varies depending on the pro tempore's status.

- An attorney who is not a retired or active judge receives 1/250th of a superior court judge's salary for each day of work as a pro tempore.
- A retired judge receives 60 percent of 1/250th of a superior court judge's salary per day.
- An active judge of another court receives no compensation for work as a pro tempore.

Some elected judges of courts of limited jurisdiction serve as part-time judges. The statute dealing with the salaries of superior court judges pro tempore does not explicitly address the payment of part-time judges who serve as judges pro tempore.

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**Summary of Bill:**

The prohibition against active judges receiving compensation as judges pro tempore is limited to active *full-time* judges. Active *part-time* judges may be compensated for time spent as a pro tempore, but only if that time is not also being compensated for by the part-time salary.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill addresses a problem in smaller rural counties. A superior court judge may need a pro tempore due to travel requirements, vacation, or illness. In smaller jurisdictions there may be no full-time municipal judges at all. Sometimes part-time judges are now sitting as pro-tempores without compensation.

**Testimony Against:** None.

**Persons Testifying:** (In support) Representative Takko, prime sponsor; and Judge Joel Penoyar, Superior Court Judge.

**Persons Signed In To Testify But Not Testifying:** None.