

SENATE BILL REPORT

SSB 6297

As Amended by House, March 5, 2008

Title: An act relating to elected prosecuting attorney salaries.

Brief Description: Changing elected prosecuting attorney salaries.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Brandland and Sheldon).

Brief History:

Committee Activity: Ways & Means: 1/30/08, 2/07/08 [DPS].
Failed Senate: 2/16/08, 48-0.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6297 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Paula Moore (786-7449)

Background: Article 11, Section 5 of the state Constitution specifies that the Legislature must regulate the compensation of elected county officials, including the elected prosecuting attorney. The same section allows the Legislature to delegate to the county legislative authority the authority to set the salaries of its own members and other county officers. Since 1971 the Legislature has delegated this responsibility to the county via RCW 36.27.060. Additionally, the same RCW also requires the state to pay one-half of the salaries of each elected county prosecuting attorney. The Office of the State Treasurer currently remits the state's share to the counties. In 2008 the salary for the elected county prosecuting attorneys ranged from a maximum of \$155,694 in King County to a minimum of \$52,588 in Garfield County; the average being \$106,764.

Under RCW 2.08.092, the annual salary a Superior Court judge is set by the Washington Citizens' Commission on Salaries for Elected Officials. For 2008 the Superior Court Judges salary has been set at \$140,979.

Summary of Substitute Bill: The Legislature finds that the elected county prosecuting attorney functions as both a state officer pursuing criminal cases on behalf of the state and as a county officer acting as counsel for the county, school districts, and lesser taxing districts as

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provided in statute. The responsibilities and decisions of the elected prosecuting attorney are the same in every county of Washington, and the same level of skills and expertise need to be exercised in the least populous county as it is in the most populous county. The Legislature further finds that the salary of the elected prosecuting attorney should be tied to that of the Superior Court judge.

Effective July 1, 2008, the state must contribute an amount equal to one-half of the salary of a Superior Court judge towards the salary for the county's elected prosecuting attorney. Upon receipt of the state's contribution, each county must continue to contribute an amount equal to or greater than the amount it contributed in 2008 towards the elected county prosecutor's salary. The requirement that the state pay half of the salary of the elected prosecuting attorney is removed.

The act is null and void if not funded in the state budget.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2008.

Staff Summary of Public Testimony: PRO: Elected prosecutors often leave the office for a judicial position. One of the reasons for leaving is the gap in salary between a prosecutor and a judge. It's crucial to have experienced prosecutors in charge. They are the ones making the determination about whether to file for the death penalty, which can result in substantial taxpayer costs. Additionally, with a limited number of trial court slots, the prosecutor is a crucial factor in determining which cases go to trial. You want an experienced person who is able to negotiate the system to maximize the use of those slots.

Persons Testifying: PRO: Tom McBride, Washington Association of Prosecuting Attorneys; Art Curtis, Clark County Prosecutor; Thomas Metzger, Pend Oreille County.