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HOUSE BILL 1782

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representative Appelwick.

Read first time February 11, 1991. Referred to Committee on Judiciary.

1            AN ACT Relating to county court commissioners; amending RCW  
2 2.24.010, 26.12.050, 26.12.060, 71.05.135, and 71.05.137; and providing  
3 a contingent effective date.

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

5            **Sec. 1.** RCW 2.24.010 and 1990 c 191 s 1 are each amended to read  
6 as follows:

7            There may be appointed in each county or judicial district, by the  
8 judges of the superior court having jurisdiction therein, one or more  
9 court commissioners for said county or judicial district. Each such  
10 commissioner shall be a citizen of the United States and shall hold the  
11 office during the pleasure of the judges making the appointment. The  
12 number of court commissioners in each county shall be determined by the  
13 legislative authority of that county.

1       **Sec. 2.** RCW 26.12.050 and 1989 c 199 s 1 are each amended to read  
2 as follows:

3       (1) Except as provided in subsection (2) of this section, in class  
4 "A" counties and counties of the first through ninth classes, the  
5 superior court may appoint the following persons to assist the family  
6 court in disposing of its business:

7       (a) One or more (~~attorneys to act as family~~) court commissioners  
8 as authorized pursuant to chapter 2.24 RCW, and

9       (b) Such investigators, stenographers and clerks as the court shall  
10 find necessary to carry on the work of the family court.

11       (2) (~~The county legislative authority must approve the creation of~~  
12 ~~family court commissioner positions.~~

13       ~~(3))~~ The appointment of commissioners shall be in accordance with  
14 chapter 2.24 RCW, and other appointments provided for in this section  
15 shall be made by majority vote of the judges of the superior court of  
16 the county and may be made in addition to all other appointments of  
17 commissioners and other judicial attaches otherwise authorized by law.  
18 (~~Family court commissioners and~~) Investigators shall serve at the  
19 pleasure of the judges appointing them and shall receive such  
20 compensation as the county legislative authority shall determine. The  
21 appointments may be full or part-time positions. (~~A person appointed~~  
22 as a family court commissioner may also be appointed to any other  
23 commissioner position authorized by law.))

24       **Sec. 3.** RCW 26.12.060 and 1988 c 232 s 4 are each amended to read  
25 as follows:

26       The (~~family~~) court commissioners shall: (1) Receive all  
27 applications and complaints filed in the family court for the purpose  
28 of disposing of them pursuant to this chapter; (2) investigate the  
29 facts upon which to base warrants, subpoenas, orders or directions in

1 actions or proceedings filed in or transferred to the family court  
2 pursuant to this chapter; (3) (~~for the purpose of this chapter,~~)  
3 exercise all the powers and perform all the duties of (~~regular~~) court  
4 commissioners; (4) hold conciliation conferences with parties to and  
5 hearings in proceedings under this chapter and make written reports of  
6 all proceedings had which shall become a part of the record of the  
7 family court; (5) provide such supervision in connection with the  
8 exercise of its jurisdiction as the judge of the family court may  
9 order; (6) cause the orders and findings of the family court to be  
10 entered in the same manner as orders and findings are entered in cases  
11 in the superior court; (7) cause such other reports to be made and  
12 records kept as will indicate the value and extent of such conciliation  
13 service; and (8) conduct hearings under chapter 13.34 RCW as provided  
14 in RCW 13.04.021.

15 **Sec. 4.** RCW 71.05.135 and 1989 c 174 s 1 are each amended to read  
16 as follows:

17 In class A counties and counties of the first through ninth  
18 classes, the superior court may appoint court commissioners in  
19 accordance with chapter 2.24 RCW and may appoint the following  
20 additional persons to assist the superior court in disposing of its  
21 business: PROVIDED, That such positions may not be created without  
22 prior consent of the county legislative authority:

23 (~~(1) One or more attorneys to act as mental health commissioners;~~  
24 ~~and~~

25 ~~(2))~~ Such investigators, stenographers, and clerks as the court  
26 shall find necessary to carry on the work of the (~~mental health~~)  
27 court commissioners.

28 The additional appointments provided for in this section shall be  
29 made by a majority vote of the judges of the superior court of the

1 county and may be in addition to all other appointments of  
2 commissioners and other judicial attaches otherwise authorized by law.  
3 (~~Mental health commissioners and~~) Investigators shall serve at the  
4 pleasure of the judges appointing them and shall receive such  
5 compensation as the county legislative authority shall determine. The  
6 appointments may be full or part-time positions. (~~A person appointed~~  
7 ~~as a mental health commissioner may also be appointed to any other~~  
8 ~~commissioner position authorized by law.~~)

9       **Sec. 5.** RCW 71.05.137 and 1989 c 174 s 2 are each amended to read  
10 as follows:

11       The judges of the superior court of the county by majority vote may  
12 authorize (~~mental health~~) court commissioners, appointed pursuant to  
13 chapter 2.24 RCW (~~71.05.135~~), to perform any or all of the following  
14 duties:

15       (1) Receive all applications, petitions, and proceedings filed in  
16 the superior court for the purpose of disposing of them pursuant to  
17 this chapter;

18       (2) Investigate the facts upon which to base warrants, subpoenas,  
19 orders to directions in actions, or proceedings filed pursuant to this  
20 chapter;

21       (3) For the purpose of this chapter, exercise all powers and  
22 perform all the duties of a court commissioner appointed pursuant to  
23 RCW 2.24.010;

24       (4) Hold hearings in proceedings under this chapter and make  
25 written reports of all proceedings under this chapter which shall  
26 become a part of the record of superior court;

27       (5) Provide such supervision in connection with the exercise of its  
28 jurisdiction as may be ordered by the presiding judge; and

1           (6) Cause the orders and findings to be entered in the same manner  
2 as orders and findings are entered in cases in the superior court.

3           NEW SECTION.   **Sec. 6.**           This act shall take effect if the  
4 proposed amendment to Article IV, section 23 of the state Constitution  
5 affecting the number of county court commissioners is validly submitted  
6 to and is approved and ratified by the voters at the next general  
7 election held.   If the proposed amendment is not so approved and  
8 ratified, this act is void in its entirety.