

HOUSE BILL REPORT

ESB 5135

As Passed House:

March 30, 2009

Title: An act relating to the number of district court judges in King county and Spokane county.

Brief Description: Adding five district court judges in King county and reducing the number of judges in Spokane county.

Sponsors: Senators Kline, Tom, McDermott and Kohl-Welles; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Judiciary: 3/11/09 [DP].

Floor Activity

Passed House: 3/30/09, 96-1.

Brief Summary of Engrossed Bill

- Increases the number of statutorily authorized district court judges in King County from 21 to 23 in 2009, from 23 to 25 in 2010, and from 25 to 26 in 2011.
- Reduces the number of statutorily authorized district court judges in Spokane County from 10 to eight.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Minority Report: Do not pass. Signed by 1 member: Representative Shea, Assistant Ranking Minority Member.

Staff: Courtney Barnes (786-7194)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The number of district court judges in each county is set by statute. Any change in the number of judges in a county's district court is determined by the Legislature after receiving a recommendation from the Washington State Supreme Court.

The Supreme Court's recommendation is based on an objective workload analysis developed annually by the Administrative Office of the Courts (AOC). The objective workload analysis takes into account available judicial resources and the caseload activity of the courts. The AOC may consult with the Board of Judicial Administration and the District and Municipal Court Judges' Association to develop procedures and methods of applying the objective workload analysis.

The AOC completes a judicial impact note, which identifies any cost to the state or local government, for each recommendation to change the number of district court judges in a county. In order for an additional judicial position to become effective, the legislative authority of the affected county must approve the position and agree to pay, out of county funds and without reimbursement from the state, expenses associated with the new position. A county may take up to two years to phase in new judicial positions created by the Legislature. Changes to the statute authorizing the number of district court judges in each county may not be made in a year in which judicial elections for district court are held.

King County District Court Judges.

King County is authorized to have 21 elected district court judges. According to the AOC's objective workload analysis, an increase in the number of district court judges in King County is recommended.

Spokane County District Court Judges.

Spokane County is authorized to have 10 elected district court judges. The tenth position was authorized in 2002. Spokane County did not create or fund this additional judicial position within the two-year timeframe required by statute.

Summary of Bill:

King County District Court Judges.

The number of statutorily authorized district court judges in King County is increased from 21 to 23 in 2009, from 23 to 25 in 2010, and from 25 to 26 in 2011.

Spokane County District Court Judges.

The number of statutorily authorized district court judges in Spokane County is reduced from 10 to eight.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill gives King County the statutory authority to hire five new district court judges over the course of three years. The objective workload analysis demonstrates King County's need for additional district court judges. The bill reduces the number of district court judges in Spokane County by two. Spokane County contracts with cities to provide court services. Two cities decided to establish their own municipal courts, which results in a decreased workload for district court judges in Spokane County. Currently, Spokane County has eight district court judges because the tenth position created by the Legislature in 2002 was never funded and the ninth position was vacated when a judge moved to superior court.

(Opposed) None.

Persons Testifying: Marlin Appelwick, Washington Uniform Legislation Commission.

Persons Signed In To Testify But Not Testifying: None.