

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, MARCH 21, 2014  
9:00 A.M.**

**AOC SEATAC OFFICE  
18000 INTERNATIONAL BOULEVARD, SUITE 1106  
SEATAC, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Barbara Madsen**, Chair  
Supreme Court

**Judge Kevin Ringus**, Member Chair  
District and Municipal Court Judges' Association  
Fife Municipal Court

**Judge Vickie Churchill**  
Superior Court Judges' Association  
Island County Superior Court

**Judge Janet Garrow**  
District and Municipal Court Judges' Association  
King County District Court

**Judge Judy Rae Jasprica**  
District and Municipal Court Judges' Association  
Pierce County District Court

**Judge Jill Johanson**  
Court of Appeals, Division II

**Judge Kevin Korsmo**  
Court of Appeals, Division III

**Judge Linda Krese**  
Superior Court Judges' Association  
Snohomish County Superior Court

**Judge Michael Lambo**  
District and Municipal Court Judges' Association  
Kirkland Municipal Court

**Justice Susan Owens**  
Supreme Court

**Judge Kimberley Prochnau (Judge Ramsdell is voting for Judge Prochnau)**  
Superior Court Judges' Association  
King County Superior Court

**Judge Ann Schindler**  
Court of Appeals, Division I

**Judge Charles Snyder**, President  
Superior Court Judges' Association  
Whatcom County Superior Court

**Judge Scott Sparks**  
Superior Court Judges' Association  
Kittitas County Superior Court

**Judge David Svaren**, President  
District and Municipal Court Judges' Association  
Skagit County District Court

## NON-VOTING MEMBERS:

**Judge Veronica Alicea-Galvan**, President-Elect  
District and Municipal Court Judges' Association  
Des Moines Municipal Court

**Ms. Callie Dietz**  
State Court Administrator

**Judge Stephen Dwyer**  
Presiding Chief Judge  
Court of Appeals, Division I

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Mr. Patrick Palace**, President  
Washington State Bar Association

**Mr. Anthony Gipe**, President-Elect  
Washington State Bar Association

**Judge Jeffrey Ramsdell**, President-Elect  
Superior Court Judges' Association  
King County Superior Court



**Board for Judicial Administration (BJA) Meeting**  
**Friday, March 21, 2014 (9 a.m. – 11 a.m.)**  
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

**AGENDA**

<b>1. Call to Order</b>	Chief Justice Barbara Madsen Judge Kevin Ringus	9:00 a.m.
<b>2. Welcome and Introductions</b>	Chief Justice Barbara Madsen Judge Kevin Ringus	9:00 a.m.
<b>Action Items</b>		
<b>3. February 21 Meeting Minutes</b> Action: Motion to approve the minutes of the February 21, 2014 meeting	Chief Justice Barbara Madsen Judge Kevin Ringus	9:05 a.m. Tab 1 (Page 5)
<b>Reports and Information</b>		
<b>4. County Fiscal Sustainability</b>	Mr. Brian Enslow Mr. Eric Johnson	9:10 a.m. Tab 2 (Page 9)
<b>5. Legislative Report</b>	Ms. Mellani McAleenan	9:55 a.m. Tab 3 (Page 26)
<b>Break</b>		10:10 a.m.
<b>6. Budget Report</b>	Ms. Mellani McAleenan	10:25 a.m. Tab 4 (Page 43)
<b>7. Administrative Manager's Report</b>	Ms. Shannon Hinchcliffe	10:40 a.m. Tab 5 (Page 50)
<b>8. Other Business</b> Next meeting: April 18 AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Kevin Ringus	10:55 a.m.
<b>9. Adjourn</b>		11:00 a.m.

Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or [beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov) to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.

# Tab 1



## Board for Judicial Administration (BJA) Meeting

Friday, February 21, 2014 (10:45 a.m. – Noon)

Administrative Office of the Courts, 1112 Quince Street, Olympia

### MEETING MINUTES

#### **BJA Members Present:**

Chief Justice Barbara Madsen, Chair  
Judge Kevin Ringus, Member Chair  
Judge Vickie Churchill  
Ms. Callie Dietz  
Judge Stephen Dwyer  
Judge Jill Johanson  
Judge Linda Krese  
Judge Michael Lambo  
Judge Jeffrey Ramsdell  
Judge Ann Schindler  
Judge Charles Snyder  
Judge Scott Sparks (by phone)  
Judge David Svaren

#### **Guests Present:**

Mr. Michael Fenton  
Ms. Sonya Kraski (by phone)  
Dr. Steve Lerch  
Mr. Paul Sherfey (by phone)  
Judge Laurel Siddoway

#### **AOC Staff Present:**

Mr. David Elliott  
Ms. Beth Flynn  
Mr. Steve Henley  
Ms. Shannon Hinchcliffe  
Ms. Mara Machulsky  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Mr. Ramsey Radwan

#### January 17 BJA Meeting Minutes

**It was moved by Chief Justice Madsen and seconded by Judge Lambo to approve the January 17 BJA meeting minutes. The motion carried.**

#### Trial Court Operations Funding Committee Appointments

**It was moved by Judge Churchill and seconded by Judge Lambo to ratify the appointments to the Trial Court Operations Funding Committee. The motion carried.**

#### 2015-17 Budget Process

It was noted that the recent letter to budget stakeholders stated the deadline for submitting budget requests was March 11 and the timeline in the BJA meeting materials states the budget requests are due March 21. Mr. Radwan will check on the dates to verify the actual deadline and will contact the stakeholders if the deadline is actually March 21.

The only difference between the timeline in the meeting materials and the timeline from the January meeting materials is that Ramsey took out the dates of the BJA meetings.

**It was moved by Judge Ramsdell and seconded by Judge Lambo to approve the timeline submitted. The motion carried.**

### February State Budget Forecast

Dr. Lerch gave a presentation regarding the state revenue forecast. The revenue forecast increased \$30 million for the 2013-15 biennium but that is only a one-tenth of one percent change from the November 2013 forecast. An \$82 million revenue increase was forecast for the 2015-17 biennium and that reflects the additional revenue from the passage of I-502. Nearly 80% of the I-502 excise tax is earmarked and none of that money shows up in the revenue estimates. Dr. Lerch responded to a question about the amount of I-502 revenue that stays local by stating that local sales taxes will remain local and B&O taxes in the 12-15 cities that have them will also stay local.

Dr. Lerch, in response to a question, stated that the vote by the Boeing machinists did not impact the revenue forecast because that contract begins in the future so there is no added revenue at this point in time.

Washington is doing a bit better economically than the U.S. economy. Employment in Washington State increased a little in February. It is a positive increase but it is still relatively small.

Sales taxes by themselves are not quite back to their pre-recession numbers and that is a result of consumers cutting back on expenses during the recession. Dr. Lerch responded to a question about the impact of online shopping on Washington State revenue by stating that online shopping does have a negative impact on Washington's revenue. Some online retailers charge Washington sales tax but some do not.

### Legislative Report

Ms. McAleenan distributed an updated bill cut-off report. There are only 500 to 600 bills still alive with a couple of cut-offs remaining.

The Mason County Superior Court judge bill request passed out of the Senate unanimously. It was heard in the House Judiciary Committee yesterday. It should go to the House Appropriations Subcommittee on General Government and Information Technology next. In terms of cut-offs, they have until next Wednesday to hear policy bills.

The Legislature is still talking about if there will be a supplemental budget. Ms. McAleenan thinks there will be one. They are finally talking about education and it seems to be largely devoted to how they will report to the Supreme Court regarding *McCleary*.

The District and Municipal Court Judges' Association bills have not made it through the legislative process but some Superior Court Judges' Association bills have.

The juvenile records bill was amended to alleviate the Administrative Office of the Courts' concerns about the bill's fiscal impact. The BJA took a position of watch on the bill if the fiscal concerns were alleviated and that has happened.

There being no future business the meeting was adjourned.

**Recap of Motions from the February 21, 2014 meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the January 17, 2014 BJA meeting minutes	Passed
Ratify the list of Trial Court Operations Funding Committee members	Passed
Approve the proposed 2015-2017 budget timeline	Passed

**Action Items from the February 21, 2014 meeting**

<b>Action Item</b>	<b>Status</b>
<u>January 17, 2014 BJA Meeting Minutes</u> <ul style="list-style-type: none"><li>• Post the minutes online</li><li>• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials</li></ul>	Done Done
<u>2015-17 Budget Process</u> <ul style="list-style-type: none"><li>• Determine submittal date and notify budget stakeholders of correct date</li><li>• Move forward with the budget process</li></ul>	Done In progress

# Tab 2



# Washington State Association of Counties

## **Fiscal Sustainability Initiative**

Our goal is to accomplish significant legislative successes in the next two years to contribute to the fiscal sustainability of county governments. We will focus our efforts on county general government functions impacted by the fiscal health of our general fund budgets.

### **Problem Statement**

Under Washington State's Constitution and numerous statutes, many Washington State programs are administered and carried out directly by Counties. Most notably, the State's civil and criminal justice system is primarily the responsibility of Counties, and typically comprises more than 70 percent of a County's budget. Elements of the civil and criminal justice system include law enforcement, jail, pretrial services, prosecution, public defense, both district and superior courts, county clerks, and the juvenile justice system.

Additional state-mandated services provided on behalf of all residents include election administration and the assessment and collection of all property taxes where proceeds are distributed to the State, County, cities, school districts, fire districts, etc. Counties collect property taxes on behalf of all levels of government and serve as the mandated "investment bankers" for all governmental entities within counties (school, fire, water, sewer, cemetery, park districts, etc.) except for cities.

Counties process a number of licenses, record documents, maintain filings on real property, and collect funds for state low income housing programs. Counties are mandated to develop a number of plans including regional solid waste plans, Growth Management Plans, and Shoreline Management Plans. Other requirements make counties the primary government to deliver public health services as well as programs for the mentally ill, developmentally disabled, chemical dependency, and low-income housing.

Counties also provide primary government services to Washington citizens in the unincorporated portions of the state, including: law enforcement, transportation (roads and transit), land use and zoning, parks, animal control, stormwater control, and in some counties, water and sewer services.

In attempting to control costs, Counties are challenged with a host of regulatory requirements that are increasingly complex and expensive, expanding liability costs, and rising employment costs under labor-management laws that favor certain classes of employees, regardless of a County's ability to pay. In some cases, these challenges are exacerbated by additional measures passed by the legislature or by rulings of the courts. Too frequently these mandates



## Washington State Association of Counties

are accompanied by reductions in funding, with the expectation that counties will raise taxes at the local level to pay for the state requirement.

In providing these services, Counties are challenged with revenue sources that are not flexible, stagnant with regard to meeting inflationary pressures and less diversified compared to those revenue streams afforded both the State and cities.

These factors ensure that the costs for providing services will continue to grow while the counties' primary revenue sources, in particular property tax, remain relatively flat.

In order to mitigate the impact to their general fund, many counties are forced to divert or shift revenue from their road fund. This ties the fiscal health of the county road fund to the health of the county general fund, and illustrates the complexity of achieving county fiscal sustainability.

### **Cost Containment**

Long-term fiscal health cannot occur at the county level without the ability to control costs. Citizens deserve and are demanding a more efficient government; however, counties are often limited in their ability to pursue efficiencies due to laws and policies set forth by the Legislature. Excessive employment-related costs, exposure to liability, policies that favor labor, redundant regulations, and abuses of the Public Records Act, all lead to a higher cost of service.

Counties spend the vast majority of their general fund on public safety, and labor costs are the single largest public safety expenditure. A central responsibility of the budget authority is to weigh the needs of competing priorities against finite resources. Binding interest arbitration without consideration of economic conditions is counter to sound budgeting practices and circumvents the ability of the budget authority to allocate resources.

Furthermore, the ability to prolong contract settlements beyond the expiration date of a contract allows arbitration decisions with regard to salaries and benefits to be applied retroactively, which can significantly reduce a county's ability to maintain funding for other mandated programs. Additionally, significant annual fluctuations (versus adjustments made on an "annual rolling average" basis) by the state to annual pension contributions, unemployment insurance, and industrial insurance premiums further reduce a county's financial sustainability.



## Washington State Association of Counties

Exposure to legal liability is another significant driver of county costs. According to a 2011 Joint Legislative Audit Review Committee Report, "Washington law provides much broader tort liability for the state than laws in other states." Washington's tort laws drive higher payouts and significantly increase the cost of doing business. The result means higher insurance premiums for counties, or in some cases, having some claims ineligible for insurance coverage. Simple, common sense liability changes could reduce payout in the short-run and allow for counties to adopt new approaches to providing services that create long-term efficiencies.

The costs associated with numerous legislatively-imposed mandatory activities has strained county resources and diverted those resources away from those core programs demanded by local citizens. Tremendous resources, such as staffing, consulting, and litigation costs, are needed to comply with required updates to a long list of state mandates – including but not limited to the Shoreline Management Act, Critical Area Ordinances, Comprehensive Plans, and State Environmental Policy Act (SEPA) reviews. Complying with these required updates has not only exposed counties to the significant costs of the updates, but has also exposed them to numerous legal costs and challenges. The legislature must look for ways to streamline these processes, and clarify ambiguity to reduce legal exposure.

Similarly constraining, is the cost of complying with the state Public Records Act. Counties believe that the majority of requesters are well-intentioned, engaged, citizens who want and deserve to know more about their government. However, counties are increasingly being inundated with large or harassing requests. Service cuts have been made to the mental health safety net; law enforcement, the civil and criminal justice system; community public health; planning and permitting; parks; and to other programs that have measurable benefits to the taxpayer. All the while, more and more resources are being dedicated to public records requests. Counties need the ability to protect themselves from harassing and overly burdensome requests.

WSAC supports state funding and assistance in reviewing processes for continuous process improvement, LEAN, and other such programs that assist in counties drive to deliver efficient and effective programs and services. Additionally though, the legislature must recognize its partnership with counties in providing state services at the local level. This involves making changes in state statutes to bring the costs of providing these services to a fiscally sustainable level, as well as refraining from adding additional costs. Short of accomplishing this, the



## Washington State Association of Counties

legislature will have to eliminate mandates to provide certain programs at the local level. The status quo is simply not an option.

### Revenue

Counties face three primary challenges with the revenue sources available to fund essential state services at the local level: lack of revenue diversity; lack of flexibility in how locally-generated revenues and state funds can be utilized; and the fact that revenue streams are not sensitive to inflation (inelastic).

Cities and state government have a diverse range of revenue sources that include property taxes, sales and use taxes, business taxes and fees, utility taxes, and shared revenues. Counties' revenue streams are primarily limited to property taxes, sales and use taxes, and state and federal shared revenues. Counties do not have the authority to impose utility taxes nor any business taxes and fees.

Since 2001, property tax revenue has been limited by statute to 1% per year growth, plus new construction associated with growth. Because most services delivered by county government are unrelated, or inversely related, to economic growth (i.e. additional demands on the criminal justice system), and with inflation growth at more than 1% per year, county budgets must rely on other revenue sources for growth.

Counties also receive sales tax revenue, but major sales tax revenue generators – big box retailers, home improvement stores, and auto dealerships – are located inside city incorporated areas, resulting in counties receiving a much smaller percentage of sales tax revenue than the state and cities. Under the Growth Management Act, it is difficult for counties to create new commercial and retail areas to generate sales tax revenue, and significant sales tax generators often become targets for cities to annex, further reducing revenue streams to counties.

The Legislature has historically provided counties with authority to impose local option sales taxes. However, the challenge with these revenues is that they are often extremely limited in how they can be used and eliminate local decision-making authority. Most of the 1/10<sup>th</sup> of a percent local option sales taxes are for specific uses (emergency communication systems, mental health, juvenile justice, etc.) and cannot be used generally for programs mandated



## Washington State Association of Counties

under the state constitution or by statute. Furthermore, many of the statutorily authorized revenues also lack local discretion in their application. For example, the local portion of the real estate excise tax is divided into “REET 1” and “REET 2” with different definitions on how the money can be used. A common definition with local discretion to harmonize uses is desirable.

State shared revenues have become an increasingly important source of county funding. State shared revenues include items such as: municipal criminal justice assistance, flexible funding for public health, streamlined sales tax mitigation, distressed city-county assistance funding, liquor profit and tax revenue, payment in lieu of taxes, rural economic development funding, an array of human service funds for mental health, chemical dependency and developmental disabilities and others. In response to state budget problems, the legislature has recently reduced these funds or capped their growth. It has taken the full energy of WSAC to minimize these impacts.

County revenue is structurally unable to meet current and future service demands.. The overdependence on property tax, coupled with a smaller share of sales and use tax and lack of flexibility in the use of other revenues, means that economic growth does not help counties as much as it helps the state and cities. County revenue sources simply cannot keep pace with the increasing demands placed on county government.

In 2007, a study requested by the Washington State Legislature found that “county revenue authority has been eroded from 2001 to 2007 to such an extent that in many counties, funding is not adequate to sustain equal access to basic services.”<sup>1</sup> This situation has only been exacerbated by the Great Recession. Without a change, counties will fail at delivering the services that are constitutionally and statutorily mandated by the state.

In the past, WSAC has pursued ideas such as a utility tax for the unincorporated area; a mineral severance tax; removing the veterans levy from the 1% inflation limit; or broadening the use of dedicated revenue sources. These ideas are controversial and contentious, and the Legislature has been unwilling to support them when faced with opposition by powerful interest groups.

---

<sup>1</sup> Page 88, County Financial Health and Governance Alternatives, Department of Community, Trade, and Economic Development. December 1, 2007.



## Washington State Association of Counties

In order to efficiently and effectively deliver county services on behalf of the state and our residents, we must obtain adequate revenue sources and the ability to contain the cost of doing business.

# WHY COUNTIES MATTER

## Who are Counties

Counties in Washington State are "but arms or agencies of the state organized to carry out or perform some functions of state government. They, as instrumentalities of the state, have no powers except those expressly conferred by the constitution and state laws, or those which are reasonably or necessarily implied from the granted powers."

\*State ex rel. Board of Commissioners v. Clausen, 95 Wash. 214; State ex rel. Spokane v. Degraff, 143 Wash. 326; Spokane County v. Certain Lots in Spokane, 156 Wash. 393; Carpenter v. Okanogan County, 163 Wash. 18.

**80%**  
of revenue is dedicated to  
Countywide Services.

## Services Provided

Washington State's 39 Counties deliver both regional and local services. Virtually all programs and services that counties' deliver are required by the constitution, laws or rules of the state.

### Regional Services Throughout County:

- Jail
- Superior Court
- Prosecutor
- Indigent Defense (Public Defender)
- Juvenile Court
- Public Health
- Mental Health and Chemical Dependency
- Developmental Disabilities
- Conduct Elections (Auditor)
- Assess Properties (Assessor)
- Collect Property Tax (Treasurer)
- Licensing and Document Recording (Auditor)
- Treasurer for most Local Governments
- Death Investigations and Autopsies (Coroner)
- County Wide Planning Goals
- Emergency Management
- Economic Development
- Parks, Fairs, Museums
- Court Filings (Clerk)

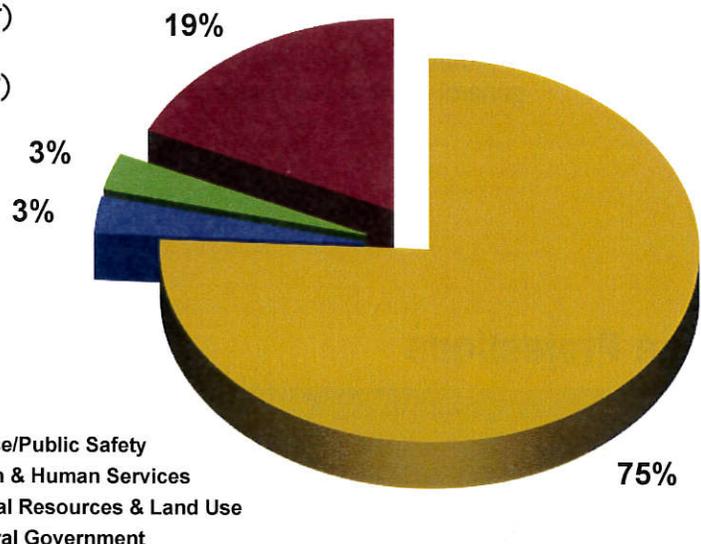
Revised Code of Washington and Washington Administrative Code prescribe and regulate most of the programs, services, and activities of County Government.

Counties work closely with State Agencies and Departments in implementing virtually all county programs and services.

### Provide Local and Community Services in Unincorporated portion of the state:

- Law Enforcement (Sheriff)
- District Court
- Planning and Building Services
- Roads

### Current Expense



# FISCAL SUSTAINABILITY

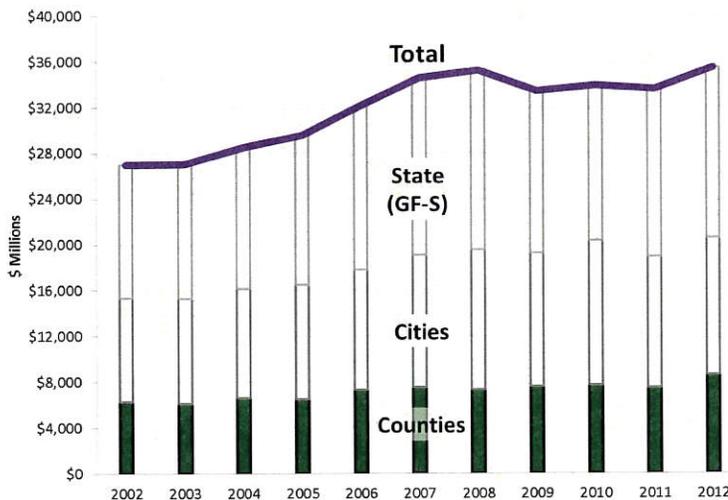
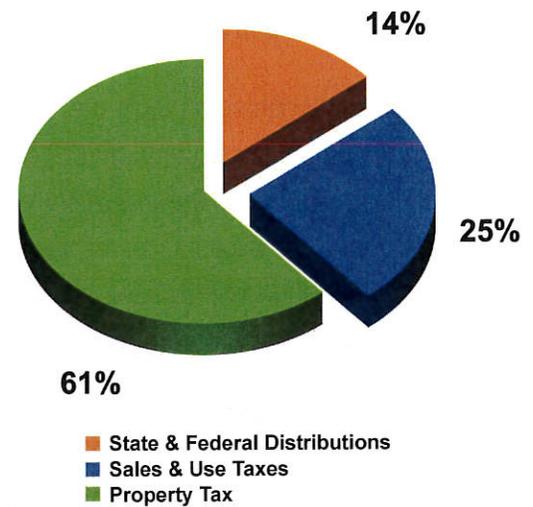
The vast majority of county revenue is derived from property taxes, sales and use taxes, and state and federal shared revenues. This presents three challenges in funding essential state services at the local level:

1. Lack of revenue diversity;
2. Lack of flexibility in how locally-generated revenues and state funds can be utilized; and
3. The fact that revenue streams are not sensitive to inflation (inelastic).

County revenue is structurally unable to meet current and future service demands. The overdependence on property tax, coupled with a smaller share of sales and use tax and lack of flexibility in the use of other revenues, means that economic growth does not help counties as much as it helps the state and cities.

County revenue sources simply cannot keep pace with the increasing demands placed on county government.

## Revenue Sources



In 2007, a study requested by the Washington State Legislature found that "county revenue authority has been eroded from 2001 to 2007 to such an extent that in many counties, funding is not adequate to sustain equal access to basic services." This situation has only been exacerbated by the Great Recession. Without a change, counties will fail at delivering the services that are constitutionally and statutorily mandated by the state.

Counties collect about 22% of total general government revenues in the state

## Revenue Projections

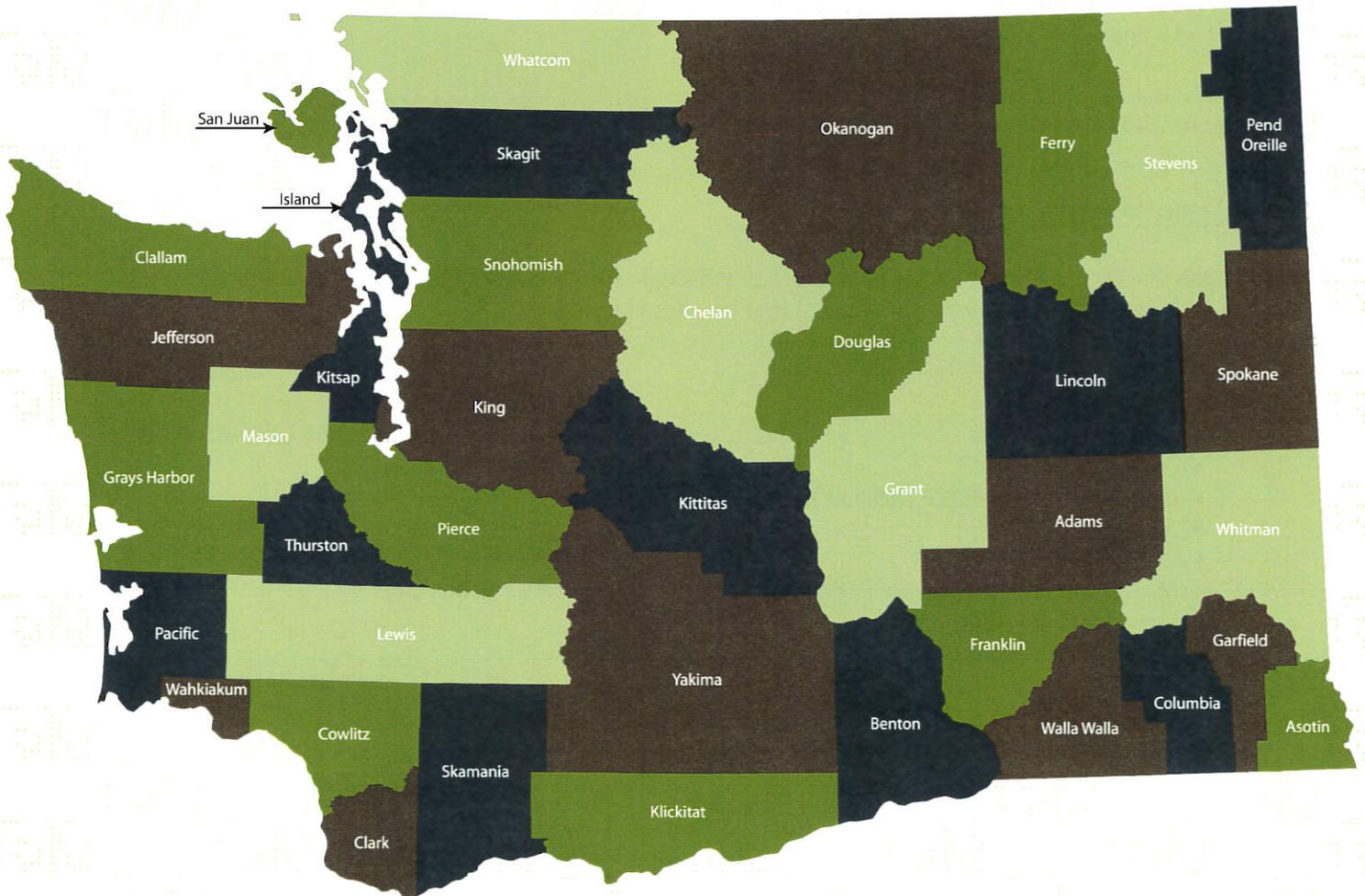
Assuming **8%** per year increase in new construction, property tax collections are only projected to grow **1.5%** per year.

Since most of the population growth and new construction is in incorporated areas, sales taxes grow about **50%** faster there.

Assuming aggressive growth in construction, counties can expect **2.5%** growth in total revenues.

# WHY COUNTIES MATTER

version 3.2.17



# WHY COUNTIES MATTER

## Who are Counties

Counties in Washington State are “but arms or agencies of the state organized to carry out or perform some functions of state government. They, as instrumentalities of the state, have no powers except those expressly conferred by the constitution and state laws, or those which are reasonably or necessarily implied from the granted powers.”

\*State ex rel. Board of Commissioners v. Clausen, 95 Wash. 214; State ex rel. Spokane v. Degraff, 143 Wash. 326; Spokane County v. Certain Lots in Spokane, 156 Wash. 393; Carpenter v. Okanogan County, 163 Wash. 18.

**80%**  
of revenue is dedicated to  
Countywide Services.

## Services Provided

Washington State’s 39 Counties deliver both regional and local services. Virtually all programs and services that counties’ deliver are required by the constitution, laws or rules of the state.

### Regional Services Throughout County:

- Jail
- Superior Court
- Prosecutor
- Indigent Defense (Public Defender)
- Juvenile Court
- Public Health
- Mental Health and Chemical Dependency
- Developmental Disabilities
- Conduct Elections (Auditor)
- Assess Properties (Assessor)
- Collect Property Tax (Treasurer)
- Licensing and Document Recording (Auditor)
- Treasurer for most Local Governments
- Death Investigations and Autopsies (Coroner)
- County Wide Planning Goals
- Emergency Management
- Economic Development
- Parks, Fairs, Museums
- Court Filings (Clerk)

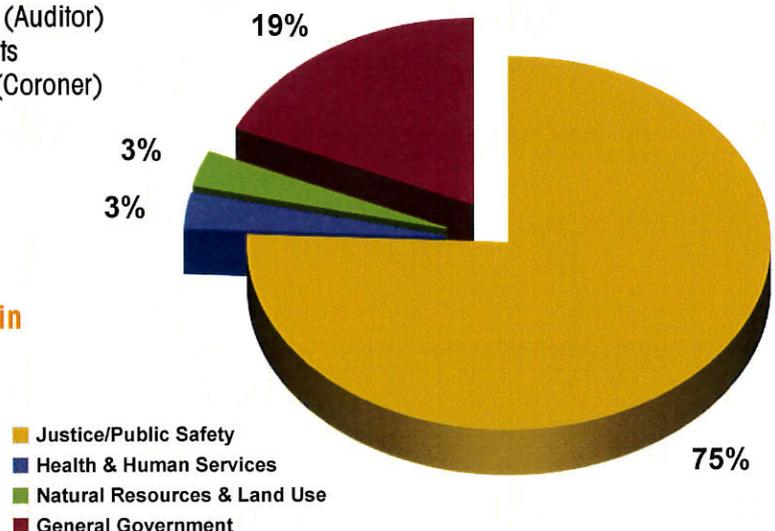
Revised Code of Washington and Washington Administrative Code prescribe and regulate most of the programs, services, and activities of County Government.

Counties work closely with State Agencies and Departments in implementing virtually all county programs and services.

### Provide Local and Community Services in Unincorporated portion of the state:

- Law Enforcement (Sheriff)
- District Court
- Planning and Building Services
- Roads

### Current Expense



# FISCAL SUSTAINABILITY

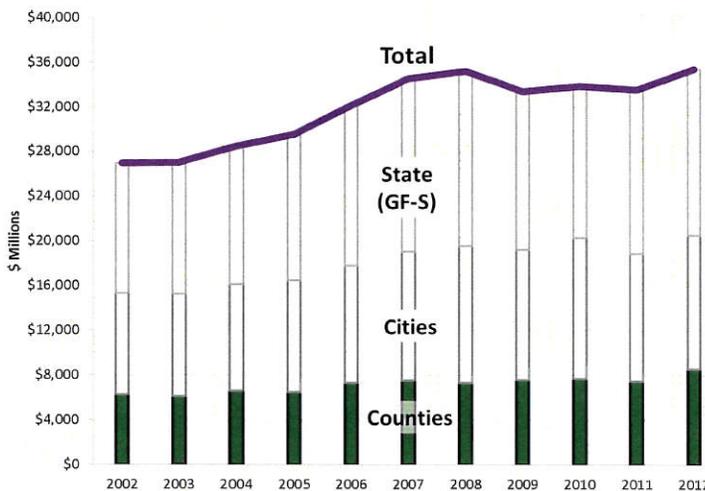
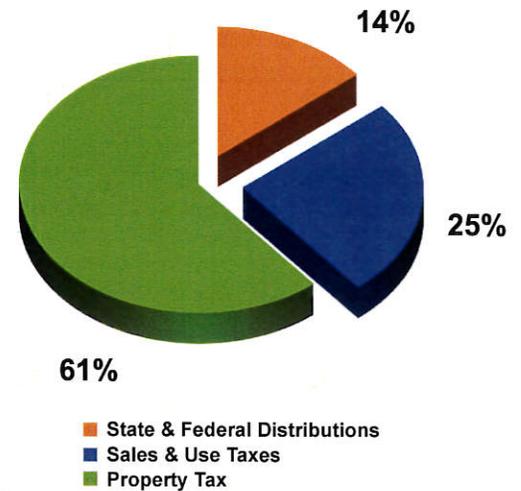
The vast majority of county revenue is derived from property taxes, sales and use taxes, and state and federal shared revenues. This presents three challenges in funding essential state services at the local level:

1. Lack of revenue diversity;
2. Lack of flexibility in how locally-generated revenues and state funds can be utilized; and
3. The fact that revenue streams are not sensitive to inflation (inelastic).

County revenue is structurally unable to meet current and future service demands. The overdependence on property tax, coupled with a smaller share of sales and use tax and lack of flexibility in the use of other revenues, means that economic growth does not help counties as much as it helps the state and cities.

County revenue sources simply cannot keep pace with the increasing demands placed on county government.

## Revenue Sources



Counties collect about 22% of total general government revenues in the state

In 2007, a study requested by the Washington State Legislature found that "county revenue authority has been eroded from 2001 to 2007 to such an extent that in many counties, funding is not adequate to sustain equal access to basic services." This situation has only been exacerbated by the Great Recession. Without a change, counties will fail at delivering the services that are constitutionally and statutorily mandated by the state.

## Revenue Projections

Assuming **8%** per year increase in new construction, property tax collections are only projected to grow **1.5%** per year.

Since most of the population growth and new construction is in incorporated areas, sales taxes grow about **50%** faster there.

Assuming aggressive growth in construction, counties can expect **2.5%** growth in total revenues.

# MARIJUANA 2014: CITY & COUNTY POLICY AGENDA

The citizens of Washington passed Initiative 502 by a significant margin. However, many implementation questions still remain unanswered. Without assistance from local government the revenue promises of the Initiative will remain unachieved.

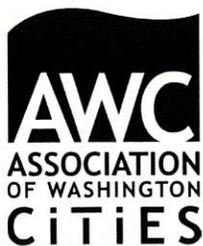
Cities and counties are willing to work in partnership with state and federal authorities, but this partnership must recognize the needs of local governments. These needs include:

## Sharing marijuana revenue with cities and counties:

- Recognize the need for funding local impacts and enforcement efforts.
- Local government performs critical services such as public safety, courts, chemical dependency treatment. Resources for these functions are limited and in need of additional stable long-term revenue.
- 50% of the revenue was dedicated by the Initiative to the State Basic Health Program, which was rendered obsolete when the Legislature approved Medicaid expansion. When added to the 19% directed by the Initiative to the State General Fund, a total of 69% of the revenue is available for allocation.
- A significant portion of this revenue should be dedicated to local funding needs.

## Reconciling medical and recreational marijuana to ensure a tightly regulated system as required by the federal government:

- Have a single state licensed system for growing, producing and selling marijuana.
- Eliminate collective gardens and require all purchases of marijuana be made at state licensed facilities.
- Require authorized patients to be part of a state registry with annual renewal of medical authorization.
- Support Liquor Control Board and Department of Health efforts to reduce the opportunity for abuse of the medical marijuana system.
- Reduce the amount of marijuana that an authorized patient may grow or possess.



Candice Bock  
Government Relations Advocate  
candiceb@awcnet.org

Brittany Sill  
Government Relations Analyst  
brittanys@awcnet.org



Washington State  
Association of Counties

Josh Weiss  
Director, Policy & Legislative Relations  
jweiss@wacounties.org

Brian Enslow  
Senior Policy Director  
benslow@wacounties.org



## 2014 WACO Legislative Priorities

The WACO membership adopted the WACO Legislative Package during its annual meeting in early October. In addition to the specific legislative proposals adopted by the WACO membership, WACO is allied with the Washington State Association of Counties in support of the WSAC Fiscal Sustainability Initiative. The Initiative seeks to ensure counties can efficiently and effectively deliver constitutionally and statutorily mandated services by identifying and controlling Cost Drivers for counties and by assuring consistent and adequate Revenue Streams for counties.

### **COST DRIVERS**

#### **Assessors:**

The county assessors have chosen to focus on two existing bills. HB 1156 consolidates administration of Designated Forest Lands into a single statutory scheme for ease of administration and consistency.

The second bill, HB 1217, would require in appeals to the BOE a commercial/industrial appellant provide cost or income data to support the basis for the appeal. This information would be required 60 days from filing the appeal.

#### **Auditors:**

The county auditors support Engrossed HB 1267. While opposed to the bill in its original form, after significant negotiation during last session and the interim, the current proposal of deadlines for voter registration (28 days prior to the election for mailed registration, 11 days prior for online or in-person) is supported by the Auditors.

#### **Clerks:**

The Clerks are proposing a clean-up bill addressing seven areas of obsolete or unclear language, removing duplicative actions in statute or moving some actions from the clerks to the parties. Clerks currently are responsible for providing notice in several circumstances that would more sensibly be provided by a party to the case or statutes require the clerk to provide multiple notices of the same information.

#### **Prosecutors:**

The prosecutors are seeking statutory authority to request search warrants from judges by email as well as the existing methods of telephone and in-person. This would allow for greater efficiency and allow judges more opportunity to review materials prior to making a decision on the warrant request.

The second prosecutor priority addresses felony DUI. Current statute requires 4 or more prior DUIs to make a subsequent offense a felony. The proposal would reduce the criminal history requirement to 3 or more priors within 10 years.

#### **Sheriffs:**

The sheriffs are continuing to pursue HB 1911/SB 5792 from 2013 which sought to put local jails on par with state facilities in controlling health care costs.



## REVENUE STREAMS

### Clerks:

The Clerks second priority would create a local option Guardianship Facilitator modeled after existing Family Law Facilitator positions. The proposal includes a local option surcharge on guardianship cases to fund the program.

### Sheriffs:

The sheriffs are seeking reinstatement of the Rural County Drug Enforcement funding which was eliminated in the 2013 budget. This funding is approximately \$1.5 million spread over 13 counties.

## OTHER PRIORITIES

For the 2014 session, the Coroners and Treasurers have not identified a specific priority for WACO to pursue on their behalf although both associations plan to actively participate in legislative work.

### Justice and Public Safety

James McMahan  
Executive Director  
[james@countyofficials.org](mailto:james@countyofficials.org)

### Finance and Intergovernmental Affairs

Monty Cobb  
Policy Director and General Counsel  
[monty@countyofficials.org](mailto:monty@countyofficials.org)

# 2014 LEGISLATIVE AGENDA



## Session Objectives

The Washington State Association of Counties is working to secure the fiscal sustainability of all 39 counties by advancing legislation to control cost drivers and provide adequate revenue. Notably, this includes: reforming civil liability, adjusting the Public Records Act, modifying aspects of binding interest arbitration, providing clarity for county responsibilities in the provision of rural domestic water, and allowing property tax revenues to keep pace with costs.

For the 2014 legislative session, WSAC will focus on the following fiscal sustainability issues:

## Control Cost Drivers

**Correctional Facilities Assessment:** Counties, Cities, Tribes, and the State all maintain and operate correctional facilities with little coordination between the different units of government. A comprehensive understanding of the interplay of correctional facilities, and impacts on operational and capital costs to ensure optimum use of facilities and services to ensure public investments are protected.

## Provide Adequate Revenue

Fund mandates: The state must make it a priority to fund the legislative, court-ordered, and agency mandated requirements it places on counties. Two specific issues are paramount in 2014:

**Funding of mental health services** - it is imperative that Regional Support Network funding is provided to assure assistance transitioning to new federal stipulations on the delivery of mental health services.

**Indigent defense court rules** - new funding is required to offset increased costs associated with implementation of the Supreme Court's Indigent Defense Rules.

**80%**

Revenue Dedicated to  
"Regional Service"

**11%**

Decline in Employees

**0%**

Growth in General Fund  
Revenue Since 2007

**75%**

of Expenditures are towards  
Public Safety

# 2014 LEGISLATIVE AGENDA



## Provide Adequate Revenue Continued...

**Protect state shared revenue:** The loss of county revenue from prior state cuts means that state shared revenues are more important to counties than ever before. Protecting these fund sources is critical.

**Direct revenue from the recreational sale of marijuana to counties:** New revenue from the sale of recreational marijuana should, in part, be dedicated to county services.

**Augment Judicial Stabilization Trust Account filing fee surcharge:** Provide a stable fund source for county programs by making the current surcharge permanent and reinstating the traditional revenue split of 46% / 54% between counties and the state.

**Support transportation reforms and new funding:** Provide reforms and new revenue sources to support county transportation and transit priorities.

**Provide flexibility with existing revenue sources:** Most county revenue sources are limited in how they can be used. In order to stretch limited dollars as far as possible, counties require flexibility with existing revenues. Non-supplant language must be removed from the mental health local option sales tax.

## WSAC Policy Staff

Eric Johnson - Executive Director  
(360) 489-3013  
ejohnson@wacounties.org

Josh Weiss - Director, Policy and Legislative Relations  
(360) 489-3015  
jweiss@wacounties.org

Brian Enslow - Senior Policy Director  
General Government, Finance and Criminal Justice  
(360) 489-3012  
benslow@wacounties.org

Brad Banks - Managing Director  
Washington State Association of Local Public Health Officials  
(360) 489-3011  
bbanks@wacounties.org

Laura Merrill - Policy Director  
Natural Resources  
(360) 489-3024  
lmerrill@wacounties.org

Abby Murphy - Policy Director  
Human Services  
(360) 489-3021  
amurphy@wacounties.org

Gary Rowe - Managing Director  
Washington State Association of County Engineers  
(360) 489-3014  
growe@wacounties.org

# Tab 3



## Board for Judicial Administration *Sine Die* Report

Current as of Friday, March 14, 2014

The Legislature adjourned *sine die* at 11:30 p.m. on Thursday night, passing a supplemental operating budget within the 60 days allotted.

Here are the final highlights regarding bills BJA was tracking and other legislation of interest:

### **BJA Request Legislation**

**HB 2131** - Increases the number of superior court judges in Mason County.

Position - Request

Status – Died in House Appropriations General Government & IT.

**SB 5981** - Increases the number of superior court judges in Mason County.

Position – Request

Status – Passed Senate 49-0. Passed House 92-5. Delivered to the Governor.

**SHB 1542** - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts. (Amended in House Appropriations to remove the 2017 deadline for state funding.)

Position – BJA Request; oppose without funding

Status – 2013 - Passed House 54-42. Died in Senate Law & Justice.

2014 – Died on House Floor Calendar

**SB 5398** - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts.

Position – BJA Request

Status – Died in Senate Law & Justice

## **Data Dissemination/Access to Court Records**

~~HB 1497~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from \$1,010,400 to \$1,459,200.*

Position – No position

Status – Died in House Judiciary

**2SHB 1651** – Amended in Senate as a result of stakeholder negotiations. Creates an administrative sealing process for juveniles, except for certain crimes, after the completion of any sentencing obligations and after age 18, unless someone objects.

Position – No position. (Prior - Concerns regarding JIS impact and costs.)

Status – Passed House 96-0. Amended and passed Senate 48-0. Passed House 97-1. Delivered to Governor.

~~SB 5344~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from \$1,010,400 to \$1,459,200.*

Position – No position

Status – Died in Senate Law & Justice

~~SSB-5689~~ - Court records and public court indices containing nonadjudication or nonconviction information relating to the commission of juvenile offenses are restricted from public access. Nonadjudication or nonconviction information means information contained in records collected by the courts relating to arrest, probable cause hearings, citation, and charges that did not lead to an adjudication; charges resulting in a dismissal or acquittal; and charges dismissed pursuant to a diversion or deferred sentence. Access by agencies for research purposes, as provided elsewhere in statute and expressly permitted for sealed juvenile records is allowed. *This bill requires significant changes to JIS, resulting 8,400 to 12,000 hours of programming time and one-time costs ranging from \$1.1 million to \$1.4 million.*

Position – No position

Status – Died in Senate Rules

**SB-6403** – Requires juvenile offender records be available for bulk distribution through JIS and on the public website.

Position – Watch

Status – Died in Senate Human Service & Corrections

~~SB-6469~~ – Requires sealing of juvenile records at disposition under certain conditions.

Position – Not Reviewed

Status – Died in Senate Human Service & Corrections

### **Bills Affecting AOC Employees and/or Judges**

**HB-2128** – Exempts GPS data that shows the residence of an employee or agent of a criminal justice agency from public disclosure.

Position – Support

Status – Died in House Govt. Operations

**HB-2604** – Provides that a municipal court may only be terminated at the end of the term of the judge(s) of that court. DMCJA request legislation.

Position – Support

Status – Died in House Judiciary.

**ESB-5860** - The Attorney General is not required to institute legal actions on behalf of Superior Court judges unless requested to do so by the Administrator for the Courts. Amended by the Senate to require AOC to bear half the legal costs and to institute a 90-day notice requirement and a 120-day period for alternative dispute resolution. Amended by House Judiciary to provide that the Attorney General is not required to institute actions over funding on behalf of superior court judges. **HB-2024** applies the same restrictions to all state officers.

Position – Oppose

Status – 2013 - Passed Senate 47-2. 2014 – Reintroduced and retained in present status.

**SB-5867** – Reduces the size of the Supreme Court from 9 to 5 by lottery (drawing straws.)

Position – Watch

Status – Died in Senate Law & Justice.

**SB-6012** – Prohibits the WSBA from charging a fee for judicial membership.

Position – Watch

Status – Died in Senate Rules

**SB-6088** - Reduces the size of the Supreme Court to 7 by attrition.

Position – Watch

Status – Died in Senate Rules

**SB-6305** – Creates a defined contribution retirement plan for elected officials.

*Judges were removed via amendment in Senate Ways & Means.*

Position – Oppose

Status – Died in Senate Rules

**SB-6459** – Redefines compensation for use in calculating retirement benefits for elected service. *Amended to use the highest average over a consecutive 60 month period of elected service; all periods were used in the original bill.*

Position – Oppose

Status – Died in Senate Rules

## **Elections**

**HB-2525** – Provides public funding for Supreme Court campaigns using a portion state bar association membership dues as a funding source.

Position – Watch

Status – Died in House Govt. Operations

~~SJR-8215~~ – Amends the state constitution so that only persons who are qualified voters in a county are elected or appointed to the office of judge for superior court of that county.

Position – No Position

Status – Died in Senate Rules

## **Problem Solving Courts**

**SHB-2556** – Consolidates authorizing statutes for problem solving courts and implements the recommendations from the workgroup created by SB 5797 (2013).

Position – Support

Status – Passed House 95-1. Died on Senate floor calendar.

## Other

~~SHB-1098~~ – Amends professional conduct requirements of bail bond agents. Requires a court to notify the Administrative Office of Courts when the court revokes or reinstates the justification or certification of a bail bond agent to post bonds in the court.

Position - Support

Status - Passed House 92-0-6. Died in Senate Law & Justice.

~~SHB-1771~~ - Requires approval before public agencies can obtain a public unmanned aircraft system. Allows a public unmanned aircraft system to be operated, or information gained therefrom, to be disclosed pursuant to a judicial search warrant, if the use is not regulatory enforcement and is reasonably determined to be unlikely to collect personal information, or in an emergency. Includes reporting requirements similar to those for wiretaps. See also EHB 2789 (Delivered to Governor), ~~SB-5782~~ and ~~SB-6172~~ regarding “drones.”

Position – Watch

Status – Died in House Rules.

~~SHB 2111~~ –Removes the requirement that an infraction issued by the Regional Transit Authority conform to the requirements for a notice of civil infraction. See also ~~SB-5964~~.

Position – Concerns

Status – Passed House 97-0. Amended in Senate and passed 38-11. Passed House 95-3. Delivered to Governor.

~~HB-2399~~ – Establishes a “certificate of restoration of opportunity,” which can be sought by a person with a criminal record to eliminate any professional bar imposed solely as a result of the conviction.

Position – Watch

Status – Died in House Public Safety

~~HB-2497~~– Increased certain fees to partially fund indigent defense services. See also SB 6249.

Position - Watch

Status – Died in Appropriations.

~~HB-2754~~ – Creates the “Restitution First Act” and alters how legal financial obligations may be imposed and collected.

Position – Not yet reviewed

Status – Bill died in House Judiciary. Work session in House Public Safety.

**SSB-5020** - The definition of indigent and able to contribute is changed to mean a person who, at any stage of a court proceeding, meets the criteria for indigency, but who is also found to also have available funds to pay a portion of the anticipated cost of counsel.

Position – Watch

Status – Passed Senate 27-20. Died in House Judiciary.

2SSB 6126 – Requires an attorney be appointed for children in dependency proceedings at the expense of the county. Subject to funds appropriated, the state may reimburse up to one-half the cost. Null and void clause added. Some funding was provided in the final budget. See also HB 1285.

Position – Not reviewed

Status – Passed Senate 47-0. Amended in House and passed 97-0. Passed Senate 49-0. Delivered to Governor.

**SB-6249** - Increased certain fees to partially fund indigent defense services. Amended to include reporting requirements for courts and judicial branch agencies regarding what funds are constitutionally required and those that are not constitutionally required.

Position – Watch. After amendment, oppose.

Status – Passed Senate 31-14. Died in House Judiciary. House Judiciary will include a work group in their interim activities.

~~SB-6568~~ – Copies language from a recent *McCleary* order and requires the Supreme Court to decide more cases.

Position – Not yet reviewed

Status – Introduced after cutoff; Died in Senate Law & Justice.

## **Budget**

~~HB 2185~~/SB 6002 – Making supplemental operating appropriations. Conference bill affected the judicial branch in these ways:

- The legislature did not provide funding for merit increments (COA and Supreme Court) or step M (Supreme Court and State Law Library).
- The legislature did provide additional funding for salary increases approved by the Washington Citizens' Commission on Salaries for Elected Officials (various).
- The legislature did not provide funding for leave buy out costs (Supreme Court).
- The legislature did provide funding for increased costs for Attorney General services and unemployment compensation (various).
- The legislature did provide additional funding for the Appellate and Superior Court case management systems and for information technology security enhancements (AOC).
- The JIS proviso as proposed by the House is included in the conference budget.
  - The legislature did provide additional funding for the Office of Public Guardianship (AOC).
  - The legislature reduced funding, by 50%, for county clerk legal financial obligation collection programs (AOC).
  - The legislature did not provide funding for Thurston County Impact fees or State CASA (AOC).
  - The legislature did provide additional funding for immigration consequences, appellate death penalty defense, and parental termination case representation (OPD).
  - The legislature did provide funding for the replacement of the CLEAR phone system and funding for implementation of SB 6126 child dependency representation (OCLA).
  - The legislature did not cut funding to the Interpreter Commission as proposed in the Senate budget.

Status – Conference bill passed House 85-13 and Senate 48-1. Delivered to Governor.

## Board for Judicial Administration

### 2014 Legislative Session POSITIONS before 03/14/2014

Bill	Description	Date	Position	Hearings / Comments
HB 1098	<b>Bail practices</b> Addressing bail practices. H subst for - <a href="#">Leg Link</a>	01/22/2013	Support	01/30/2013 at 13:30 Bill is substantially similar to previous bills that BJA supported. Support but defer to associations for additional consideration as necessary.
HB 1116	<b>Unif. collaborative law act</b> Adopting the uniform collaborative law act. H subst for - <a href="#">Leg Link</a>	01/22/2013	Concerns	H- Judiciary 01/22/2013 at 10:00 Support position of WSBA regarding removal of those provisions of the bill that regulate the practice of law.
HB 1159 5052	<b>Superior crt judges/Whatcom</b> Increasing the number of superior court judges in Whatcom county. H Judiciary - <a href="#">Leg Link</a>	01/16/2013	Request	H- Judiciary 01/29/2013 at 10:00
HB 1175 5069	<b>Judges/Benton &amp; Franklin co.</b> Increasing the number of superior court judges in Benton and Franklin counties jointly. C 142 L 13 - <a href="#">Leg Link</a>	01/22/2013	Request	H- Judiciary 01/29/2013 at 10:00
HB 1211 5637	<b>Voters' pamphlets, primaries</b> Concerning primary election voters' pamphlets. H Approps - <a href="#">Leg Link</a>	03/01/2013 01/28/2013	Support Support	01/29/2013 at 08:00 Bill requires SOS to publish a primary election voters' pamphlet in even numbered years. Would include Supreme Court and COA elections (per fiscal note). Hearing scheduled for 1/29. Est cost \$1 M. Mellani will sign in pro
HB 1236 5821	<b>Agency decision making</b> Establishing consistent standards for agency decision making. H Govt Acct & Ov - <a href="#">Leg Link</a>	03/01/2013 01/22/2013	Watch Watch	Watch based on workload concerns, specifically Thurston County. Send to associations for review. Other than impact, it's a policy decision that BJA would probably not take a position on.
HB 1266 5046	<b>District judges, retirement</b> Modifying the mandatory retirement provision for district judges. H Judiciary - <a href="#">Leg Link</a>	03/01/2013	Support	H- Judiciary 01/29/2013 at 10:00

HB 1335	<del><b>State bar association</b></del> Repealing unnecessary provisions concerning the Washington State Bar Association. H Judiciary - <a href="#">Leg Link</a>	01/28/2013	Watch	Repeals state bar act
HB 1365 5240	<del><b>Court security</b></del> Requiring cities and counties to provide security for their courts. H Local Govt - <a href="#">Leg Link</a>	01/26/2013	Support	H- Local Government 02/12/2013 at 13:30 BJA voted to support this bill at the 12/14/12 BJA meeting.
HB 1386	<del><b>Superior court judges</b></del> Requiring a superior court judge to be a qualified voter in a county served by the superior court he or she is elected or appointed to. H Judiciary - <a href="#">Leg Link</a>	01/28/2013	Watch	Limits qualification for superior court judge to those eligible to vote in that county. Allows those currently sitting to finish their terms. Watch, but leaning NP as a policy matter.
HB 1389	<del><b>Crime victims' rights</b></del> Addressing the rights of crime victims. H Judiciary - <a href="#">Leg Link</a>	01/28/2013	Oppose	Court must inquire whether a victim is present and even if not must read a victims' rights statement. Opposed bill in last two biennia - more appropriate role for prosecutor, court should not be seen in advocacy role. Will impact court time. Creates appearance problem. Legislature should not dictate how courts are run. Focus on fiscal impact.
HB 1474	<del><b>1497 Top 2 nonpartisan candidates</b></del> Giving general election voters the power to choose between the top two candidates for nonpartisan offices. C 143 L 13 - <a href="#">Leg Link</a>	01/28/2013	Oppose	02/13/2013 at 13:30 Having to campaign for general election will unnecessarily add to judges' time away from court. Yet another impediment to recruiting good candidates to bench. Would ask judge to testify if there is a hearing - Justice Owens volunteers. Research history of statute. A constitutional amendment would be necessary, at least for superior courts.
HB 1497	<del><b>Nonconviction records</b></del> Concerning the use of nonconviction records for employment and housing opportunities. H Judiciary - <a href="#">Leg Link</a>	02/11/2013	No Position	H- Judiciary 02/14/2013 at 13:30 No position. Supportive of goals of legislation to reduce disproportionality but concerned about removing records from the index entirely. Mellani will testify.
		02/04/2013	Refer to Com.	Possible companion to 5341. Refer to SCJA and DMCA.
HB 1542 SHB 1542 5398	<del><b>Court interpreter services</b></del> Concerning the provision of and reimbursement for certain court interpreter services. H subst for - <a href="#">Leg Link</a>	02/19/2013	Request	H- Judiciary 02/12/2013 at 10:00 BJA does not want to amend to add indigency calculation.
		02/11/2013	Request	BJA ok with ODH technical amendment

		02/04/2013	Request	Referred by SCJA. SCJA has two amendments - cost recovery, which is in existing language, and "at any stage in the legal proceeding." Judge Matheson will provide Mellani language and Mellani will talk to the bill sponsor
		12/13/2013	Request	BJA opposes bill without necessary funding.
		03/04/2013	Request	BJA continues to support bill, though amended.
HB 1651 ESHB 1651	<b>Juvenile records access</b> Concerning access to juvenile records. H subst for - <a href="#">Leg Link</a>	02/19/2013	No Position	H- Early Learning & Human Services 02/12/2013 at 13:30
		02/11/2013	No Position	Mellani will testify to address fiscal note as needed.
		02/04/2013	No Position	NP but refer to SCJA and JCA. Mellani should testify regarding cost if it has a fiscal note like the last version and goes to Appropriations.
		01/27/2014	Watch	
HB 1653 5484	<del><b>Assault in 3rd degree/court</b></del> Concerning assault in the third degree occurring in areas used in connection with court proceedings. H Apps Gen Govt - <a href="#">Leg Link</a>	02/11/2013	Support	02/12/2013 at 08:00 Support in principle regarding increasing courthouse security. Mellani will sign in pro.
		02/04/2013	Support	Generally supportive of courthouse safety. DMCJA needs to review for language concerns and SCJA needs to review generally.
HB 1771	<del><b>Unmanned aerial vehicles</b></del> Establishing standards for the use of public unmanned aircraft systems. H Rules C - <a href="#">Leg Link</a>	02/19/2013	Watch	02/21/2013 at 10:00 Bill, as amended in committee, removes concerning sections about PRA and felony. Reporting requirements are similar to the wiretap reporting requirements.
HB 2024	<del><b>Attorney general/proceedings</b></del> Concerning legal proceedings by the attorney general on behalf of state officers. H Rules 3C - <a href="#">Leg Link</a>	04/08/2013	Oppose	04/04/2013 at 13:30 Assume BJA is opposed due to opposition to 5860
HB 2111 5961	<b>Regional transit authorities</b> Concerning the enforcement of regional transit authority fares. H subst for - <a href="#">Leg Link</a>	01/21/2014	Concerns	H- Transportation 01/21/2014 at 15:30
		01/13/2014	Watch	Watch carefully and continue to negotiate toward a solution. An agency by agency approach to infractions would be very disruptive. This bill probably is not written in a way that would accomplish their goal.

HB 2128	<b>Global positioning data</b> Creating a public disclosure exemption for global positioning system data that shows the residence of an employee or agent of a criminal justice agency. H Govt Operation - <a href="#">Leg Link</a>	01/13/2014	Support	01/15/2014 at 13:30 Mellani will sign in pro but not testify.
HB 2131 5981	<b>Mason Co. superior crt judge</b> Increasing the number of superior court judges in Mason county. H Apps Gen Govt & - <a href="#">Leg Link</a>	01/13/2014	-----	H- Judiciary 01/16/2014 at 08:00
		01/12/2014	Request	BJA request legislation. Judges Finlay and Sheldon will testify.
HB 2185 6002	<b>Operating sup budget 2014</b> Making 2014 supplemental operating appropriations. H Rules R - <a href="#">Leg Link</a>	01/12/2014	Support	H- Appropriations 01/13/2014 at 15:30 Sign in pro on governor/judicial branch operating budget AS INTRODUCED at week 1 hearings
HB 2399	<b>Opportunity restoration cert</b> Establishing a certificate of restoration of opportunity. H Public Safety - <a href="#">Leg Link</a>	01/21/2014	Watch	01/31/2014 at 08:00 End result is supportable but language is not ok yet. Judge Warning is working with the sponsor and CLS. Will have new language soon.
		01/21/2014	Under Review	
HB 2497 6249	<b>Indigent defense/cost recvry</b> Establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards. H Approps - <a href="#">Leg Link</a>	02/03/2014	Watch	H- Judiciary 01/31/2014 at 13:30
		01/21/2014	Watch	State is not bound to spend their portion on criminal justice. Should consider "earmarking" for OPD/appellate defense. What does OPD think of bill?
HB 2525	<b>Supreme court campaigns</b> Providing public funding for supreme court campaigns. H Govt Operation - <a href="#">Leg Link</a>	01/27/2014	Watch	01/31/2014 at 08:00
		01/21/2014	Watch	Stay out of for now. WSBA may wish to weigh in on the funding question.
HB 2556	<b>Therapeutic courts</b> Encouraging the establishment of therapeutic courts. H subst for - <a href="#">Leg Link</a>	01/27/2014	Support	H- Judiciary 01/31/2014 at 13:30 Judge Snyder and Judge Warning signing in, in support
HB 2601	<b>Municipal court terms</b> Clarifying municipal court terms. H Judiciary - <a href="#">Leg Link</a>	01/21/2014	Support	H- Judiciary 02/04/2014 at 13:30 DMCJA request legislation. BJA voted to support at its 01/17 Board meeting. Mellani will sign in pro unless otherwise instructed.
HB 2750	<b>Write in candidate's name</b>	02/03/2014	Watch	02/05/2014 at 13:30

	Allowing a write-in candidate's name to be printed on a general election ballot under certain conditions. H Govt Operation - <a href="#">Leg Link</a>			
HJR 4205	<b>Supreme court</b> Requiring that all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and administration of justice reside exclusively in the supreme court. H Judiciary - <a href="#">Leg Link</a>	01/28/2013	Watch	Amends constitution to move all attorney regulation to the supreme court, prohibits mandatory bar association, defines what "administration of justice" issues the court may be involved in.
HJR 4207	<b>Superior court judges</b> Amending the state Constitution to modify eligibility requirements for superior court judges. H Judiciary - <a href="#">Leg Link</a>	01/28/2013	Watch	Amends constitution to limit those qualified for superior court judge to those who are eligible to vote in that county. Watch, but leaning NP as a policy matter.
HJR 4209 8203	<b>Searches of students</b> Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds. H Judiciary - <a href="#">Leg Link</a>	03/01/2013	No Position	
HR 4619	<b>Justice Vernon R. Pearson</b> Honoring the life work of Justice Vernon R. Pearson. H Adopted - <a href="#">Leg Link</a>	03/11/2013	-----	
SB 5005	<b>City &amp; county fiscal relief</b> Concerning fiscal relief for cities and counties in times of declining revenues. S Govt Ops - <a href="#">Leg Link</a>	01/14/2013	Watch	Referred by DMCJA. Refer to SCJA. Concerns about impact to problem solving courts; drug court assn opposed. Review impact to Trial Court Improvement funds.
SB 5020	<b>Indigent defense</b> Modifying indigent defense provisions. S subst for - <a href="#">Leg Link</a>	01/21/2014	Watch	01/21/2013 at 13:30 Send to clerks for review of promissory note section. Ask for OPD reaction.
		01/22/2013	Watch	
		01/14/2013	Under Review	Referred by DMCJA. Refer to SCJA.BJA review on 1/22. Questions about execution and enforcement of promissory notes, existing law. By removing presumptive eligibility based on receiving assistance, there is no longer a bright line standard. This may lead to more individualized reviews or determinations of indigency by judicial officers, which is a work load concern. Judges prefer to require reimbursement of defense costs post-adjudication, when appropriate.

SB 5023	<b>College DUI courts</b> Providing for college DUI courts. S Law & Justice - <a href="#">Leg Link</a>	01/14/2013	Concerns	01/18/2013 at 08:00 DMCJA has concerns because independent muni courts can't offer the service and may testify on that issue. BJA does not necessarily support or oppose but does not concede that courts need the authority to create specialty courts.
SB 5046 1266	<b>District judges, retirement</b> Modifying the mandatory retirement provision for district judges. C 22 L 13 - <a href="#">Leg Link</a>	03/01/2013	Support	01/16/2013 at 13:30
		01/14/2013	Support	Hearing: Law & Justice Committee, 1.16.13 @ 1:30 p.m.
SB 5052 1159	<b>Superior crt judges/Whatcom</b> Increasing the number of superior court judges in Whatcom county. C 210 L 13 - <a href="#">Leg Link</a>	01/16/2013	Request	01/23/2013 at 13:30
SB 5069 1175	<b>Judges/Benton &amp; Franklin co.</b> Increasing the number of superior court judges in Benton and Franklin counties jointly. S Rules X - <a href="#">Leg Link</a>	01/22/2013	Request	01/23/2013 at 13:30
SB 5156	<b>Abortion/notifying parent</b> Requiring notification to parents or guardians in cases of abortion. S Rules 2 - <a href="#">Leg Link</a>	01/28/2013	Watch	02/06/2013 at 13:30 Directs the supreme court to establish rules. "Court must..."
SB 5165	<b>Superior court commissioners</b> Increasing the authority of superior court commissioners to hear and determine certain matters. S subst for - <a href="#">Leg Link</a>	01/22/2013	Support	02/01/2013 at 08:00 BJA will support unless otherwise advised from the associations. SCJA will take the lead on this bill. Pierce and King County judges have indicated support.
SB 5240 1365	<b>Court security</b> Requiring cities and counties to provide security for their courts. S Law & Justice - <a href="#">Leg Link</a>	01/26/2013	Support	BJA voted to support this bill at the 12/14/12 BJA meeting.
SB 5277	<b>Elections</b> Reducing costs and inefficiencies in elections. S Govt Ops - <a href="#">Leg Link</a>	02/04/2013	Oppose	02/05/2013 at 10:00 Oppose section 6. Increased time away from bench and increased cost to candidates. How does this change square with the constitution and RCW 29A.36.171? Someone will testify.
SB 5308	<b>Sexually exploited children</b> Establishing the commercially sexually exploited children statewide coordinating committee. S subst for - <a href="#">Leg Link</a>	01/26/2013	Reviewed	S - Human Services & Corrections 02/04/2013 at 10:00 Creates a task force on which an AOC rep is included

SB 5341	<b>Nonconviction records</b> Concerning the use of nonconviction records for employment and housing opportunities. S Law & Justice - <a href="#">Leg Link</a>	02/11/2013	No Position	No position - see note for 1497.
		02/04/2013	Refer to Com.	DMCJA and SCJA need to review.
		01/28/2013	Refer to Com.	Refer to DD Committee. Additional BJA review on 2/4.
SB 5398 1542	<b>Court interpreter services</b> Concerning the provision of and reimbursement for certain court interpreter services. S Law & Justice - <a href="#">Leg Link</a>	12/13/2013	Request	02/04/2013 at 13:30 BJA opposes bill without necessary funding.
		03/04/2013	Request	BJA continues to support bill, though amended.
		02/19/2013	Request	BJA does not want to amend to add indigency calculation.
		02/11/2013	Request	BJA ok with ODHH technical amendment
		02/04/2013	Request	Referred by SCJA. SCJA has two amendments - cost recovery, which is in existing language, and "at any stage in the legal proceeding." Judge Matheson will provide Mellani language and Mellani will talk to the bill sponsor
		01/28/2013	Request	
SB 5484 1653	<b>Assault in 3rd degree/court</b> Concerning assault in the third degree occurring in areas used in connection with court proceedings. S 2nd Reading - <a href="#">Leg Link</a>	02/11/2013	Support	02/15/2013 at 08:00 Support in principle regarding increasing courthouse security. Mellani will sign in pro.
		02/04/2013	Support	Generally supportive of courthouse safety. DMCJA needs to review for language concerns and SCJA needs to review generally.
SSB 5637 1211	<b>Voters' pamphlets, primaries</b> Concerning primary election voters' pamphlets. S Rules X - <a href="#">Leg Link</a>	03/01/2013	Support	02/19/2013 at 10:00
SB 5689	<b>Juvenile records access</b> Concerning access to juvenile records. S Rules X - <a href="#">Leg Link</a>	02/19/2013	No Position	S - Human Services & Corrections 02/19/2013 at 10:00
		02/11/2013	No Position	Mellani will testify regarding fiscal note as needed.
SB 5782	<b>Unmanned aerial vehicles</b> Establishing standards for the use of public unmanned aircraft systems. S Law & Justice - <a href="#">Leg Link</a>	02/19/2013	Watch	02/20/2013 at 13:30 Concerns re section 13 (felony) and 19 (PRA). Amended House bill addresses those concerns (HB 1771)
SB 5797	<b>Specialty and therap. courts</b>	01/27/2014	-----	02/20/2013 at 13:30

	Encouraging the establishment of effective specialty courts. (REVISED FOR PASSED LEGISLATURE: Encouraging the establishment of effective specialty and therapeutic courts. ) C 257 L 13 - <a href="#">Leg Link</a>	02/19/2013	Support	Judge Snyder to testify in support. Will note definitional concern.
SB 5821 1236	<b>Agency decision making</b> Establishing consistent standards for agency decision making. S Govt Ops - <a href="#">Leg Link</a>	03/01/2013	Watch	01/21/2014 at 10:00
SB 5860	<b>Attorney general</b> Addressing legal proceedings by the attorney general on behalf of superior court judges. S 2nd Reading - <a href="#">Leg Link</a>	03/04/2013	Oppose	S - Ways & Means 02/28/2013 at 13:30
SB 5867	<b>State supreme court judges</b> Modifying the number of judges on the state supreme court. S Law & Justice - <a href="#">Leg Link</a>	03/11/2013	-----	
SB 5961 2111	<b>Regional transit authorities</b> Concerning the enforcement of regional transit authority fares. S Transportation - <a href="#">Leg Link</a>	01/21/2014	Concerns	S - Transportation 01/22/2014 at 15:30
		01/13/2014	Watch	Watch carefully and continue to negotiate toward a solution. An agency by agency approach to infractions would be very disruptive. This bill probably is not written in a way that would accomplish their goal.
SB 5981 2131	<b>Mason Co. superior crt judge</b> Increasing the number of superior court judges in Mason county. Del to Gov - <a href="#">Leg Link</a>	01/13/2014	-----	01/15/2014 at 13:30
		01/12/2014	Request	BJA request legislation. Judges Finlay and Sheldon will testify.
SB 6002 2185	<b>Operating sup budget 2014</b> Making 2014 supplemental operating appropriations. S subst for - <a href="#">Leg Link</a>	01/12/2014	Support	S - Ways & Means 01/15/2014 at 15:30 Sign in pro on governor/judicial branch operating budget AS INTRODUCED at week 1 hearings
SB 6012	<b>Judicial members, state bar</b> Prohibiting the state bar association from charging fees to judicial members. S Rules 2 - <a href="#">Leg Link</a>	01/13/2014	Watch	01/13/2014 at 13:30 Monitor closely and may consider reevaluating position if the bill progresses through the system.
SB 6088	<b>State supreme court size</b> Reducing the size of the state supreme court. S Rules 2 - <a href="#">Leg Link</a>	01/21/2014	Watch	01/22/2014 at 13:30 Dirk will testify regarding 1996 commission
SB 6245	<b>Role of parties in cases</b> Concerning the role of parties in cases related to certain notices and records. S Rules 2 - <a href="#">Leg Link</a>	02/03/2014	Watch	02/03/2014 at 13:30

SB 6249 2497	<b>Indigent defense/cost recovery</b> Establishing new authority for courts to assess cost recovery fees for costs associated with new indigent defense standards. S 2nd Reading - <a href="#">Leg Link</a>	02/03/2014	Watch	02/05/2014 at 13:30
		01/21/2014	Watch	State is not bound to spend their portion on criminal justice. Should consider "earmarking" for OPD/appellate defense. What does OPD think of bill?
SB 6260 2707	<b>Parks, rec, &amp; nat. resources</b> Concerning state parks, recreation, and natural resources fiscal matters. S Ways & Means - <a href="#">Leg Link</a>	01/21/2014	No Position	DMCJA request
SB 6305	<b>Elected officials retirement</b> Creating a defined contribution retirement plan option for elected officials. S Rules 2 - <a href="#">Leg Link</a>	02/03/2014	Oppose	S - Ways & Means 01/27/2014 at 15:30 BJA decided that they oppose both bills but will not use any public resources (including AOC staff time) on them.
SB 6403	<b>Juvenile offender records</b> Concerning the availability of juvenile offender court records. S HumServ/Corr - <a href="#">Leg Link</a>	01/27/2014	Watch	
SB 6459	<b>Retirement/elected service</b> Defining the compensation used for calculating retirement benefits for elected service. S Rules 2 - <a href="#">Leg Link</a>	02/03/2014	Oppose	S - Ways & Means 02/03/2014 at 15:30 BJA decided that they oppose both bills but will not use any public resources (including AOC staff time) on them.
SB 6568	<b>Supreme court</b> Ordering the supreme court to increase the number of cases it decides. S Law & Justice - <a href="#">Leg Link</a>	02/20/2014	Watch	
SJR 8203 4209	<b>Searches of students</b> Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds. S Law & Justice - <a href="#">Leg Link</a>	03/01/2013	No Position	01/25/2013 at 08:00
		01/22/2013	No Position	Referred by DMCJA as an FYI.
SJR 8215	<b>Superior court judges</b> Amending the state Constitution so that only persons who are qualified voters in a county are elected or appointed to the office of judge of the superior court for that county. S Rules 2 - <a href="#">Leg Link</a>	01/27/2014	No Position	01/31/2014 at 08:00

 = Denotes Hearing Details

~~strike~~ = Dead Bills

# Tab 4

## Flynn, Beth

---

**From:** Board for Judicial Administration <BJA@LISTSERV.COURTS.WA.GOV> on behalf of Hinchcliffe, Shannon  
**Sent:** Thursday, March 13, 2014 3:10 PM  
**To:** BJA@LISTSERV.COURTS.WA.GOV  
**Subject:** [BJA] 2014 Supplemental Budget Comparison  
**Attachments:** 2014 Supplemental Budget Comparison as Passed - Final 3-13-14.doc

*This message is sent on behalf of Ramsey Radwan, Director of Management Services Division,*

The legislature has agreed on the 2014 supplemental budget. Passage of the agreed upon budget will soon occur. Attached is a document comparing amounts requested to amounts allocated by judicial branch agency.

In summary:

- The legislature did not provide funding for merit increments (COA and Supreme Court) or step M (Supreme Court and State Law Library).
- The legislature did provide additional funding for salary increases approved by the Washington Citizens' Commission on Salaries for Elected Officials (various).
- The legislature did not provide funding for leave buy out costs (Supreme Court).
- The legislature did provide funding for increased costs for Attorney General services and unemployment compensation (various).
- The legislature did provide additional funding for the Appellate and Superior Court case management systems and for information technology security enhancements (AOC).
- The JIS proviso as proposed by the House is included in the conference budget.
- The legislature did provide additional funding for the Office of Public Guardianship (AOC).
- The legislature reduced funding, by 50%, for county clerk legal financial obligation collection programs (AOC).
- The legislature did not provide funding for Thurston County Impact fees or State CASA (AOC).
- The legislature did provide additional funding for immigration consequences, appellate death penalty defense and parental termination case representation (OPD).
- The legislature did provide funding for the replacement of the CLEAR phone system and funding for implementation of SB 6126 child dependency representation (OCLA).

There are other adjustments but most are inconsequential.

Please let me know if you have any questions.

Ramsey Radwan, Director  
Management Services Division  
Administrative Office of the Courts  
(360) 357-2406  
[ramsey.radwan@courts.wa.gov](mailto:ramsey.radwan@courts.wa.gov)  
[http://www.courts.wa.gov/Mgmt\\_Services\\_Division](http://www.courts.wa.gov/Mgmt_Services_Division)

---

This e-mail has been sent to everyone in the BJA@LISTSERV.COURTS.WA.GOV mailing list. To reply to the sender, click Reply. To reply to the sender and the mailing list, click Reply All.

## 2014 Supplemental Budget as Passed by the Legislature

Budget Request Description	Requested	Final 3-13-2014
----------------------------	-----------	--------------------

### Supreme Court

Technical Correction-correct the restoration of the 3% salary decrease	\$18,000	\$18,000
Justices' Salary Increase-as approved by the salary commission	\$119,000	\$108,000
Leave Buyout-costs associated with Supreme Court Commissioner leave buyout	\$58,000	\$0
Additional Step-costs for step M and to reinstate merit increments frozen in 2011	\$69,000	\$0
DES Central Services	\$0	\$13,000
Self-Insurance Premium	\$0	\$30,000
AG Legal Services	\$0	\$1,000
State Employee Health Insurance	\$0	-\$76,000
<b>Total Request Supreme Court</b>	<b>\$264,000</b>	<b>\$94,000</b>

### Administrative Office of the Courts

Technical Correction- correct the restoration of the 3% salary decrease	\$90,000	\$90,000
Superior Courts Judges' Salary Increase-as approved by the salary commission	\$1,114,000	\$1,114,000
Self-Insurance premium	\$0	-\$16,000
Benton Franklin Superior Court Judge	\$0	-\$108,000
Whatcom Superior Court Judge	\$0	-\$108,000
Legal Financial Obligation Grants	\$0	-\$441,000
Interpreter Commission	\$0	\$0

## 2014 Supplemental Budget as Passed by the Legislature

Budget Request Description	Requested	Final 3-13-2014
<b>Administrative Office of the Courts, continued</b>		
Mason County Superior Court Judge	\$0	\$0
Hardware and Software Maintenance- hardware and software maintained by AOC	\$1,159,000	\$0
Employment Security-funds to pay unemployment benefits	\$109,000	\$29,000
Attorney General-funding for increased AG costs	\$190,000	\$158,000
Thurston County Impact Fee (Clerk only)-funding to offset the costs of state cases filed in Thurston County	\$977,000	\$0
Wash. State CASA-50% funding for State CASA staff, not an AOC staff	\$75,000	\$0
Superior Court Case Management System-funding for contracted vendor services	\$5,306,000	\$5,306,000
Enterprise Content Management System- funding for contracted vendor services	\$1,093,000	\$1,093,000
Information Technology Security Enhancement	\$750,000	\$750,000
Information Technology Savings	\$0	-\$278,000
Office of Public Guardianship	\$0	\$200,000
DES Central Services	\$0	\$121,000
Workers' Compensation Changes	\$0	\$28,000
State Employee Health Insurance	\$0	-\$501,000
<b>Total Request AOC</b>	<b>\$10,863,000</b>	<b>\$7,437,000</b>

## 2014 Supplemental Budget as Passed by the Legislature

Budget Request Description	Requested	Final 3-13-2014
----------------------------	-----------	--------------------

<b>State Law Library</b>		
Employment Security-funds to pay unemployment benefits	\$1,000	\$1,000
Additional Step-costs for step M	\$4,000	\$0
DES Central Services	\$0	\$4,000
State Employee Health Insurance	0	-\$13,000
<b>Total Request Law Library</b>	<b>\$5,000</b>	<b>-\$8,000</b>

<b>Court of Appeals</b>		
Judges' Salary Increase- as approved by the salary commission	\$275,000	\$252,000
Lease Increase-funding for increased lease costs	\$97,000	\$114,000
Employment Security-funds to pay unemployment benefits	\$30,000	\$30,000
Attorney General-funding for increased AG costs	\$14,000	\$14,000
Reinstatement of Merit Increments-reinstate merit increments frozen in 2009	\$272,000	\$0
DES Central Services	\$0	\$41,000
Self-Insurance Premium	\$0	\$4,000
Workers' Compensation Changes	\$0	\$14,000
State Employee Health Insurance	\$0	-\$169,000
<b>Total Request COA</b>	<b>\$688,000</b>	<b>\$300,000</b>

## 2014 Supplemental Budget as Passed by the Legislature

Budget Request Description	Requested	Final 3-13-2014
----------------------------	-----------	--------------------

<b>Office of Public Defense</b>		
Central Services DES	\$0	-\$1,000
Immigration Consequences- second year funding for immigration consequences advisement program	\$100,000	\$100,000
Capital Case Litigation-federal funding for training of defense and prosecution personnel	\$152,000	\$152,000
Appellate Death Penalty Defense Representations (increased caseload)	\$225,000	\$225,000
Parental Termination Case Representations (increased caseload, one time)	\$1,946,000	\$1,946,000
Self-Insurance Premium	\$0	\$2,000
Workers' Compensation Changes	\$0	\$4,000
State Employee Health Insurance	\$0	-\$18,000
<b>Total Request OPD-Revised</b>	<b>\$2,423,000</b>	<b>\$2,410,000</b>

<b>Office of Civil Legal Aid</b>		
Central Services DES	\$0	-\$1,000
Phone System-CLEAR-replace and upgrade antiquated telecommunication system	\$280,000	\$280,000
Child Dependency Rep (E2SSB 6126)	\$0	\$1,004,000
State Employee Health Insurance	\$0	-\$1,000
<b>Total Request OCLA</b>	<b>\$280,000</b>	<b>\$1,282,000</b>

## 2014 Supplemental Budget as Passed by the Legislature

Budget Request Description	Requested	Final 3-13-2014
----------------------------	-----------	--------------------

<b>Total Recommended Supplemental Request</b>		
State General Fund	\$6,063,000	\$4,460,000
Judicial Information System Account (JIS)	\$8,308,000	\$6,906,000
Other (federal)	\$152,000	\$149,000
<b>Total Request</b>	<b>\$14,523,000</b>	<b>\$11,515,000</b>

# Tab 5



March 14, 2014

**TO:** Board for Judicial Administration (BJA) Members and Liaisons  
**FROM:** Shannon Hinchcliffe, BJA Administrative Manager  
**RE:** ADMINISTRATIVE MANAGER STATUS UPDATE ON ACTION ITEMS

This memorandum is intended to serve as an update on the action items since the September 2014 meeting. Many administrative tasks such as affirming minutes or committee appointments are not included here. The focus of this report is on those items which continue to be in progress by staff.

**Request for Staff to Look at the History of Regionalization and Bring Back to BJA, September 2013**

This product is in the final stages of formatting, editing and review. The report is approximately 30 pages and reviews the legislative history regarding trial court reform, surveys BJA sponsored-initiatives and discusses the National Center for State Courts (NCSC) recommendations in the context of this background and analysis. It has been reviewed by two peer groups and will be sent to the BJA chairs prior to its release. This report will likely be ready for the April or May 2014 meeting depending on available resources to edit and format, and time available at those meetings.

**Sending Second Notice for Dues and Investigate Whether There is a Way to Pay the Dues Online, October 2013**

On October 16, 2013, a second dues notice was sent for the 2012-2013 dues. The notice included information about how to pay dues electronically. Approximately one-third of judicial branch members' dues remain outstanding.

**Sponsorship of the Legislative Request for a New Judge Request in Mason County Superior Court, November 2013**

Staff drafted and proposed legislative proposals on behalf of the BJA. These proposals became HB 2131 and SB 5981. Staff coordinated testimony on behalf of the request and the result was the successful passage of SB 5981 on March 13, 2014. The bill as passed by the Legislature is awaiting the Governor's action.

**Adoption of Recommendations Related to the BJA Committee Unification Workgroup Recommendations, November 2013**

- *Review and Assess the Current Committee Structure and Align with the Proposed Standard for Creating, Managing and Reviewing Committees*  
During this series of recommendations, the Board amended their standing committees by vote to include Budget and Funding, Policy and Planning, Legislative and Education. Staff drafted a six-month work plan for members and staff to create recommended charters in line with the committee unification workgroup's recommendations. The interim standing committees are due to give updates to the full Board in April and report out their final recommendations at the July Board meeting.
- *Send Letters to Judicial Branch Organizations that Create and Maintain Committees*  
The BJA Co-chairs sent letters to judicial branch organization chairs and staff requesting they create charters or submit charters for their respective organizations and committees. A sample letter is attached.
- *Implementing a Database to Track Committee Work*  
Staff has been in touch with web services and the agency SharePoint administrator to investigate the use of both formats in creating the repository. Currently, there is a major web redesign underway. Aside from the progress being made in redesigning the Washington Courts Web site, the AOC Leadership Team will prioritize the individual redesign requests in approximately May. AOC staff is still in the process of developing the SharePoint product to be used outside of AOC infrastructure. Data security remains a high priority at AOC and has to be considered in implementation of SharePoint to external users. In the meantime, staff is monitoring the responses from the request letter to determine what the volume of data will be, the most efficient and accessible way to store it, and the amount of time it will take to maintain the database.

**Endorsement of the Court Management Council's (CMC) Suggested Rule Changes and Authorization for Staff to Draft BJA Request Legislation for Introduction in the 2015 Session, December 2013**

CMC rule changes were submitted the week of March 3 and staff anticipates they will be scheduled for the May Supreme Court Rules Committee meeting. Staff will work on the corresponding proposed legislation for 2015 after the 2014 legislative session concludes.

**Requested Rule Change to BJAR 3, January 2014**

The Amended BJAR 3 and corresponding GR 9 cover sheet has been prepared but not sent to the Supreme Rules Committee Staff. These documents will be sent to Rules staff shortly.

**Team of 8 Meetings**

Staff which are supporting the interim standing committees are meeting monthly for 90 minutes to discuss the progress made and challenges encountered by committee members during their work to create charter recommendations.



March 3, 2014

Ms. Callie Dietz  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170

Dear Ms. Dietz:

In 2012, the Board for Judicial Administration (BJA) held a retreat to discuss issues of governance and allocation of Administrative Office of the Courts (AOC) resources dedicated to supporting boards, commissions, committees, task forces, and workgroups. The BJA agreed to divide these issues between two workgroups. The BJA recently adopted recommendations made from the workgroup charged with looking at all judicial branch committees and identifying opportunities to improve efficiency and effectiveness by merging or restructuring some groups. The workgroup reviewed 205 committees of associations, boards and commissions. Although the BJA realizes that examining the efficiency and relevance of any committee is actually the responsibility of that organization and its own related committees, the BJA is undertaking the job of examining each of its own BJA committees and workgroups and is asking that every association, board or commission do the same.

This workgroup recommended, and the BJA adopted the following:

- Every BJA authorized entity shall review and assess their current committee structure and align their committees with the proposed standard for creating, managing, and reviewing committees.
- All committees will adopt a charter containing the following information: Committee title; authorization (court rule, court order, bylaw, statute or other); charge or purpose; AOC staff support required; policy area; other branch committees addressing the same topic; other branch committees to partner with; committee type: standing, subcommittee, workgroup; committee membership; term limit; duration/review date; budget; reporting requirements (i.e., quarterly to the BJA, the authorizing organization and/or other entities addressing same topic); and expected deliverables or recommendations.
- Create and adopt a standard for committees that would include an agreement on the following items: 1) committee types; 2) committee duration limit to two years unless specifically extended after review; 3) commitment to periodic review, including a reporting requirement on activities, decisions, and initiatives; 4) formal request for AOC staff support and resources.

The BJA is currently re-examining and chartering our standing committees pursuant to this recommendation. We anticipate that the body will examine other committees, workgroups and task forces which were previously created by the BJA and determine whether they should continue in their current form or be incorporated into a standing committee.

The workgroup also focused on how the AOC uses its staff and resources, recognizing the need to prioritize requests for resources so the core work of the judicial branch can be done effectively. The demand for staff support and proliferation of committees and workgroups often create a strain on resources and result in limited support.

Recognizing the limited AOC staff and resources, the BJA requests that all judicial branch entities which operate committees under their authority using AOC staff or resources discuss and consider implementing the proposed chartering and committee standards. We hope these discussions will help define the core mission of the committees and possibly result in the merging or elimination of duplicative committees which require judicial and AOC resources.

If your organization has recently done work like this we encourage you to share the results. The BJA is interested in creating a central repository for charter documents so they are centrally located and can be accessible to others. This repository could function as a resource for all the judicial branch entities and staff and would facilitate collaboration and information sharing. If your organization has not done work like this recently, we urge you to adopt the recommendations of the BJA workgroup as outlined earlier in this letter. Staff will follow-up in June to determine whether you have any finalized documents that you can share.

If you would like a template for the committee charter, please contact Beth Flynn at [beth.flynn@courts.wa.gov](mailto:beth.flynn@courts.wa.gov) or (360) 357-2121.

If you have any questions regarding this request, please contact Shannon Hinchcliffe at [shannon.hinchcliffe@courts.wa.gov](mailto:shannon.hinchcliffe@courts.wa.gov) or (360) 705-5226.

Thank you for your consideration of this information.

Sincerely,



Barbara Madsen, Chair  
Board for Judicial Administration



Kevin Ringus, Member Chair  
Board for Judicial Administration

# Tab 6

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

---

BJAR  
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

---

BJAR 1  
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

---

BJAR 2  
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

---

BJAR 3  
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000.]

---

BJAR 4  
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

---

BJAR 5  
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]

---



[Courts Home](#) > [Programs & Orgs](#) > [BJA](#)



[Search](#) | [Site Map](#) | [eService Center](#)

## **BOARD FOR JUDICIAL ADMINISTRATION BYLAWS**

### **ARTICLE I**

#### **Purpose**

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

### **ARTICLE II**

#### **Membership**

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

### **ARTICLE III**

#### **Officers and Representatives**

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

### **ARTICLE IV**

#### **Duties of Officers**

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

### **ARTICLE V**

#### **Vacancies**

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

## **ARTICLE VI** **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

## **ARTICLE VII** **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

## **ARTICLE VIII** **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

## **ARTICLE IX** **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

## **ARTICLE X** **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

## **ARTICLE XI** **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

## **ARTICLE XII** **Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

---

Approved for Circulation--7/27/87  
Amended 1/21/00  
Amended 9/13/00  
Amended 5/17/02  
Amended 5/16/03  
Amended 10/21/05  
Amended 03/16/07

---

[Courts](#) | [Organizations](#) | [News](#) | [Opinions](#) | [Rules](#) | [Forms](#) | [Directory](#) | [Library](#)  
[Back to Top](#) | [Privacy and Disclaimer Notices](#)

## BOARD FOR JUDICIAL ADMINISTRATION

### PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES  
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

# BOARD FOR JUDICIAL ADMINISTRATION

## RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

---

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)