

(13) The determination of the panel of arbitrators shall be by majority vote and shall be final and binding, subject to RCW 47.64.180 and 47.64.190. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 18, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 11, 1989.

Filed in Office of Secretary of State May 11, 1989.

CHAPTER 328

[House Bill No. 1802]

COURT OF APPEALS AND SUPERIOR COURT—CREATION OF ADDITIONAL JUDGESHIPS

AN ACT Relating to the court of appeals; amending RCW 2.08.061, 2.08.064, 2.32.180, 36.32.400, 41.04.180, and 2.06.020; amending section 5, chapter 323, Laws of 1987 (uncodified); adding a new section to chapter 2.06 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes the dramatic increase in cases filed in superior court over the last six years in King, Pierce, and Snohomish counties. This increase has created a need for more superior court judges in those counties.

The increased caseload at the superior court level has also caused a similar increase in the case and petition filings in the court of appeals. Currently, the additional caseload is being handled by pro tempore judges and excessive caseloads for permanent judges. The addition of a permanent full-time judge will allow the court to more efficiently process the growing caseload.

By the creation of these additional positions, it is the intent of the legislature to promote the careful judicial review of cases by an elected judiciary.

Sec. 2. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 323, Laws of 1987 and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King no more than forty-six judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce ((fifteen)) nineteen judges of the superior court.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 357, Laws of 1985 and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, ~~((nine))~~ eleven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 1, chapter 126, Laws of 1913 as last amended by section 3, chapter 66, Laws of 1988 and RCW 2.32.180 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987 ~~((or))~~, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, or the additional superior court judges authorized by sections 2 and 3 of this 1989 act. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION, Sec. 5. The additional judicial positions created by sections 2 and 3 of this act in Pierce and Snohomish counties shall be effective only if the county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities.

Sec. 6. Section 5, chapter 323, Laws of 1987 (uncodified) is amended to read as follows:

Sections 1 and 2 of this act shall take effect January 1, 1988. The additional judicial positions created by sections 1 and 2 of this act in King county and Chelan and Douglas counties shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative ~~((authority))~~ authorities of ~~((each county))~~ Chelan and Douglas counties may in ~~((its))~~ their discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1990. The legislative authority of King county may in its discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1991.

NEW SECTION, Sec. 7. (1) Three additional judicial positions created by section 2 of this 1989 act shall be effective January 1, 1990.

(2) One additional judicial position created by section 3 of this act shall be effective July 1, 1990; the second position shall be effective not later than June 30, 1991.

***Sec. 8. Section 36.32.400, chapter 4, Laws of 1963 as amended by section 7, chapter 106, Laws of 1975-'76 2nd ex. sess. and RCW 36.32.400 are each amended to read as follows:**

Any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205.

For the purposes of this section, "employee" and "employees" shall not include superior court judges, whose benefits are provided by the state.

***Sec. 8 was vetoed, see message at end of chapter.**

***Sec. 9. Section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 82, Laws of 1974 ex. sess. and RCW 41.04.180 are each amended to read as follows:**

(1) Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW (~~or self-insurers as provided for in chapter 48.52 RCW~~;) for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans(~~including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW~~); AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420.

(2) For the purposes of this section, "employees" and "elected officials" shall not include superior court judges, whose benefits are provided by the state.

*Sec. 9 was vetoed, see message at end of chapter.

Sec. 10. Section 2, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 49, Laws of 1977 ex. sess. and RCW 2.06.020 are each amended to read as follows:

The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have ~~((eight))~~ nine judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have six judges;

(b) District 2 shall consist of Snohomish county and shall have ~~((one))~~ two judges; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have one judge.

(2) The second division shall have four judges from the following districts:

(a) District 1 shall consist of Pierce county and shall have two judges;

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Thurston counties and shall have one judge;

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum counties and shall have one judge.

(3) The third division shall have four judges from the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties and shall have two judges;

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, and Whitman counties and shall have one judge;

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties and shall have one judge.

NEW SECTION. Sec. 11. A new section is added to chapter 2.06 RCW to read as follows:

The new judicial position for the first division, district 2, Snohomish county created pursuant to the 1989 amendment to RCW 2.06.020 shall become effective January 1, 1990, and shall be filled by gubernatorial appointment.

The person appointed by the governor shall hold office until the general election to be held in November 1990. At the general election, the judge appointed shall be entitled to run for a term of six years or until the second Monday in January 1997, and until a successor is elected and qualified. Thereafter, the judge shall be elected for a term of six years and until a

successor is elected and qualified, commencing with the second Monday in January succeeding the election.

Passed the House April 6, 1989.

Passed the Senate April 11, 1989.

Approved by the Governor May 11, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 11, 1989.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 8 and 9, Engrossed House Bill No. 1802 entitled:

"AN ACT Relating to the court of appeals."

Under existing law, Superior Court judges are considered employees of the state and the county within which they preside and receive half of their salary from each. As a result of this dual status, they are eligible for medical benefits provided by both the state and their respective counties, if the county chooses to provide such coverage. A recent survey indicated that 18 of the state's 39 counties provide some form of medical benefit for Superior Court judges ranging from self-pay supplemental coverage to full benefits.

Sections 8 and 9 of this bill would exclude Superior Court judges whose benefits are provided by the state from the definition of employees eligible for county medical benefits. The apparent purpose of these amendments is to prevent judges from receiving full-blown, dual medical benefits from counties if they also receive state benefits, thereby avoiding the cost of dual coverage. This makes good fiscal sense.

However, the bill goes beyond simply prohibiting dual benefits. It would also prohibit coverage that some counties have chosen independently to provide, which is only supplemental to the primary state benefit and is no more extensive than coverage provided other county employees. In at least one large county, the supplemental county coverage is provided under a self-pay plan by the judge at no additional cost to the county.

I do not believe that counties should be prevented from entering into such supplemental coverage arrangements for their Superior Court Judges. I would, however, support future legislation similar to sections 8 and 9 that would permit counties the option of providing supplemental coverage if it does not exceed that offered to other county employees. The county could then decide to offer the supplemental coverage at county expense or via self-pay.

With the exception of sections 8 and 9, Engrossed House Bill No. 1802 is approved."

CHAPTER 329

[Substitute House Bill No. 1965]

BOARDING HOMES—EXCLUSIONS FROM DEFINITION

AN ACT Relating to boarding homes; and amending RCW 18.20.020 and 71A.22.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 253, Laws of 1957 as last amended by section 4, chapter 213, Laws of 1985 and RCW 18.20.020 are each amended to read as follows:

As used in this chapter: