



WASHINGTON  
**COURTS**

**Engrossed Second Substitute Senate Bill 5454  
Implementation Summary**

*Administrative Office of the Courts  
May 19, 2005*

**Following is a summary of E2SSB 5454 as it relates to Washington State’s contribution to district court judges’ and qualifying municipal court judges’ salaries.**

- **Section 7(20)(a)** states in part (emphasis added):

“The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.”
  
- **Section 7(20)(b)** states (emphasis added):

A city qualifies for state contribution of elected municipal court judges’ salaries under (a) of this subsection if:

  - “(i) The judge is serving in an elected position;
  - (ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and
  - (iii) The city has certified to the office of the administrator for the courts that the conditions in (b) (i) and (ii) of this subsection have been met.”
  
- **Section 8(2)(b)** states in part (emphasis added):

“For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice sub-account, less one million dollars, shall be appropriated from the equal justice sub-account to the administrator for the courts...”
  
- **Section 20(4)** states:

“The sum of two million four hundred thousand dollars is appropriated from the equal justice account of the public safety and education account to the administrator for the courts for the fiscal biennium ending June 30, 2007, solely for the purposes of district court judges’ and elected municipal court judges’ salary contribution.”

**Key points in the sections noted above include these:**

- The Administrative Office of the Courts (AOC) is required to develop and implement a distribution formula.
- Cities must certify to AOC that all criteria have been met.
- Twenty-five percent of revenues accumulated in the equal justice account, less one million dollars, will be available for the state's contribution, which is estimated to be \$2.4 million for the biennium ending June 30, 2007. In order to distribute the entire \$2.4 million, revenues to the equal justice account during the 2005-2007 fiscal biennium must be \$13.6 million or more.

**The intent of the AOC District and Municipal Court Judges' Salary Distribution Formula is twofold:**

- To maintain the premise that Washington State is contributing to the judges' salaries as opposed to providing reimbursement of salaries.
- To ensure a fair, equitable, and fiscally sound process for distribution of the state's contribution to judges' salaries.

## Process Overview

In order to make the process fair and fiscally sound and to maintain the integrity of the state's role in funding district and municipal court judges' salaries, AOC will:

1. Develop a distribution formula. The distribution formula will be based upon each court's proportionate share of the total projected salaries for the ensuing quarter. For example, based on the availability of \$2.4 million for distribution during the biennium, the formula would look like this:

	Quarterly Salary Estimate	Percent of Total	Estimated Annual Payment
County 1	\$ 26,000	13.0%	\$ 156,000
County 2	\$ 24,000	12.0%	\$ 144,000
County 3	\$ 75,000	37.5%	\$ 450,000
County 4	<u>\$ 75,000</u>	<u>37.5%</u>	<u>\$ 450,000</u>
Total	\$200,000	100.0%	\$1,200,000

The annual payment is based upon each court's proportionate share of total salaries. This formula does not make a distinction between district and municipal courts and provides for an equitable distribution of funds.

**\*\*The actual periodic distribution for each jurisdiction will fluctuate as the number of eligible cities and judges change and as revenues allow.**

2. Select an appropriate date for the first distribution. The first distribution date will occur during the week of October 3, 2005. This distribution will cover anticipated salaries for the quarter ending December 31, 2005.

As stated in Section 8(2)(b), the contribution is based upon twenty-five percent of the revenue deposited into the sub-account, less one million dollars. Because the sub-account is revenue, distribution cannot occur until monies have been deposited.

## Process Overview, continued

3. Base the distributions on prospective salaries. The AOC has determined that payment of anticipated salaries, as opposed to reimbursement after the fact, accurately reflects the states' commitment and role as an active participant and partner in jointly sharing the costs of the judiciary.
4. Require Presiding Judges to certify prospective salaries. Since contributions will be based on prospective salaries, we will require presiding judges to identify and certify projected salaries for the ensuing quarter. AOC will provide an online form for that purpose. We anticipate that the forms will be submitted two weeks prior to the first day of the quarter for which payment will be made. For example, certification will be due by September 19 for the payment that will be made at the beginning of October. The AOC will diligently remind the presiding judges to certify.
5. Require the local legislative body to certify compliance. Section 7(20)(b) sets forth the cities' eligibility requirements for receipt of monies for judges' salaries. This section specifically requires the city to certify to AOC that it has met the requirements of Section 7(20)(b)(i) and (ii). AOC will make an electronic and hard-copy form available for this purpose. In addition, qualifying cities will be required to submit a copy of the authorizing ordinance. Cities will be eligible for participation during the quarter immediately following the quarter in which certification was received by AOC.
6. Periodically adjust distributions to match available revenue. Because the state's contribution to judges' salaries is based upon a percentage of the revenue deposited into the equal justice sub-account, AOC will review and assess the need to adjust the total amount to be contributed on a semi-annual basis in order to comply with Section 8(2)(b). The revenue review and adjustments will take place immediately preceding the April and October distributions each year.