

HOUSE BILL REPORT

SHB 1793

As Passed Legislature

Title: An act relating to court filing fees.

Brief Description: Revising court filing fees for tax warrants and recovery of state agency overpayments.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Hatfield and McDermott).

Brief History:

Committee Activity:

Judiciary: 2/16/01, 2/27/01 [DPS].

Floor Activity:

Passed House: 3/14/01, 97-1.

Passed Senate: 4/9/01, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Increases the court fees for filing warrants for unpaid taxes and warrants for recovery of overpayment of state retirement benefits.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Bill Perry (786-7123).

Background:

Superior courts are authorized to collect various fees for filing documents in court and for performing other services. The amount of many of these fees is set by statute. The revenue generated from some of these fees must be split with the state Public Safety and Education Account (PSEA). Forty-six percent of this revenue goes to the PSEA. The

remaining 54 percent stays with the counties.

The current \$5 fee for filing a tax warrant by the Department of Revenue or other state agency is subject to the PSEA split. The current \$5 fee for filing a warrant for overpayment of state retirement benefits is not subject to the split. Both of these fees are provided for in the chapter of law dealing with court fees. Various state agency statutes also contain separate provisions for a \$5 filing fee for such warrants for unpaid taxes or benefit overpayments.

A fee of up to \$20 per hour may be collected for several services designated as "special." Revenue from this fee is not subject to the PSEA split. One of the special services covered by this provision is the processing of ex parte orders "by mail."

Summary of Bill:

The fee for any state agency for filing a warrant for unpaid taxes or overpayment of benefits is increased from \$5 to \$20, effective July 1, 2003.

The first \$5 of revenue from each state agency filing of a warrant for unpaid taxes is subject to the PSEA split with the state. The remainder of the \$20 fee is not subject to the split.

Various separate agency statutes providing for a filing fee for warrants for unpaid taxes or overpayment of benefits are cross-referenced to the general provision in the court fees law which provides for the \$20 filing fee as of July 1, 2003. These agencies include the departments of Retirement Systems, Licensing, Employment Security, Labor and Industries, and Revenue.

The designation of some court services such as processing ex parte orders and performing historical searches as "special" is removed. The fee that may be collected for processing ex parte orders is not limited to those orders that are processed "by mail."

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current fee was set more than 40 years ago and doesn't begin to cover the actual cost of processing these filings. Current cost to a county is more than \$20 per filing.

Testimony Against: None.

Testified: Debbie Wilke, Washington Association of County Officials; and Kenneth Kunes, Grant County Clerk.