

HOUSE BILL REPORT

SSB 5115

As Reported by House Committee On:
Judiciary

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 Senate Committee on Judiciary (originally sponsored by Senators Costa, Long, Fairley, Kline, Hargrove and McCaslin).

Brief History:

Committee Activity:

Judiciary: 3/27/01 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- 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: Do pass as amended. 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 Amended Bill:

The fee paid by a state agency for filing a warrant for unpaid taxes or for 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."

Amended Bill Compared to Substitute Bill:

The amended bill removes a provision that would have increased the fee for filing a disclaimer of interest.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The current fee for filing warrants is only \$5, of which only \$3.20 goes to cover the cost of the filing. The actual cost to the clerk's office averages more than \$20. Agencies will recover some of the fee amount from delinquent taxpayers.

Testimony Against: None.

Testified: Teri Nielsen, Cowlitz County Clerk; and Debbie Wilke, Washington Association of County Officials.