

2 **ESHB 1378** - H AMD 0068

3 By Representative Appelwick

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 36.18.020 and 1989 c 342 s 1 are each amended to read  
8 as follows:

9 Clerks of superior courts shall collect the following fees for  
10 their official services:

11 (1) The party filing the first or initial paper in any civil  
12 action, including an action for restitution, or change of name, shall  
13 pay, at the time said paper is filed, a fee of (~~seventy-eight~~) one  
14 hundred ten dollars except in proceedings filed under RCW 26.50.030 or  
15 49.60.227 where the petitioner shall pay a filing fee of twenty  
16 dollars, or an unlawful detainer action under chapter 59.18 or 59.20  
17 RCW where the plaintiff shall pay a filing fee of thirty dollars. If  
18 the defendant serves or files an answer to an unlawful detainer  
19 complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,  
20 prior to proceeding with the unlawful detainer action, an additional  
21 (~~forty-eight~~) eighty dollars which shall be considered part of the  
22 filing fee. The thirty dollar filing fee under this subsection for an  
23 unlawful detainer action shall not include an order to show cause or  
24 any other order or judgment except a default order or default judgment  
25 in an unlawful detainer action.

26 (2) Any party, except a defendant in a criminal case, filing the  
27 first or initial paper on an appeal from a court of limited

1 jurisdiction or any party on any civil appeal, shall pay, when said  
2 paper is filed, a fee of (~~seventy-eight~~) one hundred ten dollars.

3 (3) The party filing a transcript or abstract of judgment or  
4 verdict from a United States court held in this state, or from the  
5 superior court of another county or from a district court in the county  
6 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

7 (4) For the filing of a tax warrant by the department of revenue of  
8 the state of Washington, a fee of five dollars shall be paid.

9 (5) For the filing of a petition for modification of a decree of  
10 dissolution, a fee of twenty dollars shall be paid.

11 (6) The party filing a demand for jury of six in a civil action,  
12 shall pay, at the time of filing, a fee of (~~twenty-five~~) fifty  
13 dollars; if the demand is for a jury of twelve the fee shall be  
14 (~~fifty~~) one hundred dollars. If, after the party files a demand for  
15 a jury of six and pays the required fee, any other party to the action  
16 requests a jury of twelve, an additional (~~twenty-five~~) fifty-dollar  
17 fee will be required of the party demanding the increased number of  
18 jurors.

19 (7) For filing any paper, not related to or a part of any  
20 proceeding, civil or criminal, or any probate matter, required or  
21 permitted to be filed in the clerk's office for which no other charge  
22 is provided by law, or for filing a petition, written agreement, or  
23 memorandum as provided in RCW 11.96.170, the clerk shall collect two  
24 dollars.

25 (8) For preparing, transcribing or certifying any instrument on  
26 file or of record in the clerk's office, with or without seal, for the  
27 first page or portion thereof, a fee of two dollars, and for each  
28 additional page or portion thereof, a fee of one dollar. For  
29 authenticating or exemplifying any instrument, a fee of one dollar for  
30 each additional seal affixed.

1 (9) For executing a certificate, with or without a seal, a fee of  
2 two dollars shall be charged.

3 (10) For each garnishee defendant named in an affidavit for  
4 garnishment and for each writ of attachment, a fee of five dollars  
5 shall be charged.

6 (11) For approving a bond, including justification thereon, in  
7 other than civil actions and probate proceedings, a fee of two dollars  
8 shall be charged.

9 (12) In probate proceedings, the party instituting such  
10 proceedings, shall pay at the time of filing the first paper therein,  
11 a fee of (~~seventy-eight~~) one hundred ten dollars: PROVIDED, HOWEVER,  
12 A fee of two dollars shall be charged for filing a will only, when no  
13 probate of the will is contemplated. Except as provided for in  
14 subsection (13) of this section a fee of two dollars shall be charged  
15 for filing a petition, written agreement, or memorandum as provided in  
16 RCW 11.96.170.

17 (13) For filing any petition to contest a will admitted to probate  
18 or a petition to admit a will which has been rejected, or a petition  
19 objecting to a written agreement or memorandum as provided in RCW  
20 11.96.170, there shall be paid a fee of (~~seventy-eight~~) one hundred  
21 ten dollars.

22 (14) For the issuance of each certificate of qualification and each  
23 certified copy of letters of administration, letters testamentary or  
24 letters of guardianship there shall be a fee of two dollars.

25 (15) For the preparation of a passport application there shall be  
26 a fee of four dollars.

27 (16) For searching records for which a written report is issued  
28 there shall be a fee of eight dollars per hour.

29 (17) Upon conviction or plea of guilty, upon failure to prosecute  
30 an appeal from a court of limited jurisdiction as provided by law, or

1 upon affirmance of a conviction by a court of limited jurisdiction, a  
2 defendant in a criminal case shall be liable for a fee of (~~seventy~~)  
3 one hundred ten dollars.

4 (18) With the exception of demands for jury hereafter made and  
5 garnishments hereafter issued, civil actions and probate proceedings  
6 filed prior to midnight, July 1, 1972, shall be completed and governed  
7 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
8 fee shall be assessed if an order of dismissal on the clerk's record be  
9 filed as provided by rule of the supreme court.

10 (19) No fee shall be collected when a petition for relinquishment  
11 of parental rights is filed pursuant to RCW 26.33.080 or for forms and  
12 instructional brochures provided under RCW 26.50.030."

13 "Sec. 2. RCW 36.18.025 and 1985 c 389 s 9 are each amended to read  
14 as follows:

15 (~~Thirty-two~~) Forty-eight percent of the money received from  
16 filing fees paid pursuant to RCW 36.18.020(~~(, as now or hereafter~~  
17 ~~amended,)~~) shall be transmitted by the county treasurer each month to  
18 the state treasurer for deposit in the public safety and education  
19 account established under RCW 43.08.250."

20 "Sec. 3. RCW 43.08.250 and 1991 sp.s. c 16 s 919 and 1991 sp.s. c  
21 13 s 25 are each reenacted and amended to read as follows:

22 The money received by the state treasurer from fees, fines,  
23 forfeitures, penalties, reimbursements or assessments by any court  
24 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
25 deposited in the public safety and education account which is hereby  
26 created in the state treasury. The legislature shall appropriate the  
27 funds in the account to promote traffic safety education, highway  
28 safety, criminal justice training, crime victims' compensation,

1 judicial education, the judicial information system, civil  
2 representation of indigent persons, winter recreation parking, and  
3 state game programs. During the fiscal biennium ending June 30, 1993,  
4 the legislature may appropriate moneys from the public safety and  
5 education account for the purposes of local jail population data  
6 collection under RCW 10.98.130, the department of corrections' county  
7 partnership program under RCW 72.09.300, the treatment alternatives to  
8 street crimes program, the criminal litigation unit of the attorney  
9 general's office, and contracts with county officials to provide  
10 support enforcement services."

11 NEW SECTION. Sec. 4. A new section is added to chapter 43.08 RCW  
12 to read as follows:

13 (1) Any money appropriated from the public safety and education  
14 account pursuant to RCW 43.08.250 in order to promote civil  
15 representation of indigent persons shall be used solely for the purpose  
16 of contracting with qualified legal aid programs. For purposes of this  
17 section, a "qualified legal aid program" means a not-for-profit  
18 corporation incorporated and operating exclusively in Washington which  
19 has received basic field funding for the provision of civil legal  
20 services to indigents under Public Law 101-515.

21 (2) Funds distributed to qualified legal aid programs under this  
22 section shall be distributed on a basis proportionate to the number of  
23 individuals with incomes below the official federal poverty income  
24 guidelines who reside within the counties in the geographic service  
25 areas of such programs. The department of community development shall  
26 use the same formula for determining this distribution as is used by  
27 the legal services corporation in allocating funds for basic field  
28 services in the state of Washington.

1 (3)(a) Funds distributed to qualified legal aid programs under this  
2 section may not be used directly or indirectly for lobbying or in class  
3 action suits. Further, these funds are subject to all limitations and  
4 conditions imposed on use of funds made available to legal aid programs  
5 under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-  
6 222) as currently in effect or hereafter amended.

7 (b)(i) For purposes of this section, "lobbying" means any personal  
8 service, advertisement, telegram, telephone communication, letter,  
9 printed or written matter, or other device directly or indirectly  
10 intended to influence any member of congress or any other federal,  
11 state, or local nonjudicial official, whether elected or appointed:

12 (A) In connection with any act, bill, resolution, or similar  
13 legislation by the congress of the United States or by any state or  
14 local legislative body, or any administrative rule, standard, rate, or  
15 other enactment by any federal, state, or local administrative agency;

16 (B) In connection with any referendum, initiative, constitutional  
17 amendment, or any similar procedure of the congress, any state  
18 legislature, any local council, or any similar governing body acting in  
19 a legislative capacity; or

20 (C) In connection with inclusion of any provision in a legislative  
21 measure appropriating funds to, or defining or limiting the functions  
22 or authority of, the recipient of funds pursuant to this act.

23 (ii) "Lobbying" does not include the response of an employee of a  
24 legal aid program to a written request from a governmental agency, an  
25 elected or appointed official, or committee on a specific matter. This  
26 exception does not authorize communication with anyone other than the  
27 requesting party, or agent or employee of such agency, official, or  
28 committee."

1        "NEW SECTION.    **Sec. 5.**    A new section is added to chapter 36.18 RCW  
2 to read as follows:

3        The court may waive the filing fees provided for under RCW  
4 36.18.020 (1) and (2) upon affidavit by a party that the party is  
5 unable to pay the fee due to financial hardship."

6        "**Sec. 6.**    RCW 27.24.070 and 1985 c 389 s 2 are each amended to read  
7 as follows:

8        In each county pursuant to this chapter, the county treasurer shall  
9 deposit in the county or regional law library fund a sum equal to  
10 ((seven)) twelve dollars for every new probate or civil filing fee,  
11 including appeals, collected by the clerk of the superior court and  
12 ((three)) six dollars for every fee collected for the commencement of  
13 a civil action in district court for the support of the law library in  
14 that county or the regional law library to which the county belongs:  
15 PROVIDED, That upon a showing of need the ((seven)) twelve dollar  
16 contribution may be increased up to ((nine)) fourteen dollars upon the  
17 request of the law library board of trustees and with the approval of  
18 the county legislative body or bodies."

19        "NEW SECTION.    **Sec. 7.**        If by June 30, 1992, the supplemental  
20 omnibus operating budget appropriations act does not provide a specific  
21 appropriation for section 4 of this act of at least two million eight  
22 hundred thousand dollars, referencing this act by bill number, this act  
23 is null and void."

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2 By Representative Appelwick

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4 On page 1, line 1 of the title, after "fees;" strike the remainder  
5 of the title and insert "amending RCW 36.18.020, 36.18.025, and  
6 27.24.070; reenacting and amending RCW 43.08.250; adding a new section  
7 to chapter 43.08 RCW; adding a new section to chapter 36.18 RCW; and  
8 creating a new section."