

HOUSE BILL REPORT

HB 1378

*As Reported By House Committee on:
Appropriations*

Title: An act relating to superior court fees.

Brief Description: Changing provisions relating to superior court fees.

Sponsor(s): Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott.

Brief History:

Reported by House Committee on:
Appropriations, February 25, 1991, DPS.

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *That Substitute House Bill No. 1378 be substituted therefor, and the substitute bill do pass.* Signed by 21 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Hine; Holland; Mielke; Peery; Pruitt; Rust; H. Sommers; Valle; Vance; and Wang.

Minority Report: *Do not pass.* Signed by 4 members: Representatives Ferguson; Fuhrman; McLean; and Nealey.

Staff: Susan Kavanaugh (786-7130).

Background: The superior courts of Washington State are authorized to charge fees, known as "filing fees" for their various proceedings. Revenue from civil case filing fees is split between the local county - 68 percent - and the state Public Safety and Education Account (PSEA) - 32 percent.

The PSEA was created by the Legislature in 1984 to receive the state's share of revenues from court fines and forfeitures, as well as fees. By statute, money in the account is to be used for traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking and state game programs.

Under the U.S. Constitution, the state and local governments are required, in most criminal proceedings, to pay for the defense of persons found to be indigent. In civil cases there is no such requirement. However, in recent decades non-profit legal assistance programs have received public funding, primarily federal, for civil representation of indigents.

Summary of Substitute Bill: Filing fees for certain Superior Court proceedings are increased as follows:

	Current	Proposed
Civil actions	\$78	\$100
Civil appeals	78	100
Demand for Jury	25	50
Probate	78	100
Contesting Will	78	100

The current split of these revenues, 68 percent to counties and 32 percent to the PSEA, applies to the increase.

Representation of indigent persons in civil cases is added to the list of activities eligible for funding from the PSEA account. The sum of \$4 million is appropriated from the account to the Department of Community Development to contract for civil representation of indigents.

Substitute Bill Compared to Original Bill: The \$4 million appropriation is removed from the bill. The bill is made null and void unless at least \$4 million is appropriated for it in the operating budget.

Fiscal Note: Available.

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

Testimony For: The population of low-income persons in need of civil legal assistance has increased while federal funding has effectively declined. Funding from interest on lawyers' trust accounts (IOLTA) and pro-bono work by private attorneys are both important, but insufficient to meet the increased need. Legal services lawyers do high-quality work and develop expertise in family, public benefits, landlord-tenant and other issues frequently faced by low-income individuals; they are a resource for private lawyers doing pro-bono work. Their work helps the court system by allowing an orderly presentation of the issues. Legal services corporations are often the only recourse, and only source of access to the judicial system, for low-income individuals. Legal services corporations take primarily

cases that involve individuals in jeopardy, situations such as a family facing eviction. The \$22 increase in civil filing fees will not work a hardship because it is typically paid just once or twice a lifetime. The bill preserves the 68 percent/32 percent split of fees between counties and the PSEA.

Testimony Against: None.

Witnesses: Lowell K. Halverson, Washington State Bar Association; Justice William Williams; Norm Maleng, King County Prosecutor, Washington Assoc. of County Officials; Jean Soliz, Office of Financial Management; Kurt Sharan, Washington State Association of Counties; and Rick Wickman, Washington State Association of Counties.