

2 2ESHB 1378 - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED AS AMENDED 3/12/92

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-six percent of the money received from filing
16 fees paid pursuant to RCW 36.18.020(~~(, as now or hereafter amended,)~~)
17 shall be transmitted by the county treasurer each month to the state
18 treasurer for deposit in the public safety and education account
19 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 for civil representation of indigent
15 persons shall be used solely for the purpose of contracting with
16 qualified legal aid programs for legal representation of indigent
17 persons in matters relating to: (a) Domestic relations and family law
18 matters, (b) public assistance, health care, and entitlement programs,
19 (c) public housing and utilities, and (d) unemployment compensation.
20 For purposes of this section, a "qualified legal aid program" means a
21 not-for-profit corporation incorporated and operating exclusively in
22 Washington which has received basic field funding for the provision of
23 civil legal services to indigents under Public Law 101-515.

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

1 the legal services corporation in allocating funds for basic field
2 services in the state of Washington.

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

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

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

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

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

25 (ii) "Lobbying" does not include the response of an employee of a
26 legal aid program to a written request from a governmental agency, an
27 elected or appointed official, or committee on a specific matter. This
28 exception does not authorize communication with anyone other than the
29 requesting party, or agent or employee of such agency, official, or
30 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)) fifteen 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.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect April 1, 1992."

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26 On page 1, line 1 of the title, after "fees;" strike the remainder
27 of the title and insert "amending RCW 36.18.020, 36.18.025, and

1 27.24.070; reenacting and amending RCW 43.08.250; adding a new section
2 to chapter 43.08 RCW; adding a new section to chapter 36.18 RCW;
3 providing an effective date; and declaring an emergency."