

HOUSE BILL REPORT

HB 2284

*As Reported By House Committee on:
Local Government
Revenue*

Title: An act relating to counties.

Brief Description: Revising provisions relating to county law libraries.

Sponsor(s): Representatives Haugen, Horn, Paris and May.

Brief History:

Reported by House Committee on:
Local Government, February 7, 1992, DPS;
Revenue, February 8, 1992, DPS(LG-A REV).

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 14 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; and Zellinsky.

Minority Report: Without recommendation. Signed by 1 member: Representative Wynne.

Staff: Bill Lynch (786-7092).

Background:

Each county with a population of 300,000 or more must maintain a county law library. Each county with a population of 8,000 up to 125,000 must also maintain a county law library. There is no statutory requirement for a county with a population of 125,000 up to 300,000 to maintain a county law library.

Three sets of parallel statutes govern the establishment and operation of county law libraries. Each set of statutes regulates county law libraries of a particular size: counties with a population of 300,000 or more, counties with a population of 8,000 up to 125,000, and counties with a population of less than 8,000. Although these statutes

largely parallel each other, there are some inconsistencies between them.

Some of the inconsistencies between the statutes governing law libraries in different size counties are:

- Counties with a population of 8,000 - 125,000 must provide janitor service to the law library; counties with a population of over 300,000 do not have to provide janitor service; and
- The bar association representatives on the law library board of trustees are chosen by the superior court judges in counties with a population of 300,000 or more; the bar association representatives in counties with a population of 8,000 up to 125,000 are chosen by members of the county bar association.

The county treasurer is required to deposit \$7 for every probate and civil filing fee in superior court, and \$3 for every civil action filed in district court into a law library fund for the support of the county or regional law library. The \$7 fee can be increased up to \$9 upon the request of the law library board of trustees and approval of the county legislative authority. It has been suggested that this fee should be able to be raised above \$9 because the current funding is inadequate.

Some district courts charge for issuing writs or providing other services. Other district courts feel they do not have this authority. Fees charged by district courts are not always allowed when court costs are awarded.

Summary of Substitute Bill:

Each county with a population of 125,000 up to 300,000 must maintain a county law library. The provisions that apply to county law libraries in counties with a population of 8,000 up to 125,000 apply to county law libraries with a population of 125,000 up to 300,000.

All counties with a population of 8,000 or more must provide janitor services to the county law library, in addition to providing a suitable room for that purpose that is adequately heated and lighted.

Bar association representatives on the law library board of trustees in counties with a population of 300,000 or more are chosen by the members of the county bar association.

The amount of the fee of civil filings in superior court that supports the county or regional law library can be

raised up to \$15 upon the request of the law library board of trustees and approval of the county legislative authority.

The fee for filing an action in district court is raised from \$25 up to \$31. District court fees for performing other services are established as follows:

- Issuing a writ of garnishment or other writ, \$6;
- Filing a supplemental proceeding, \$12;
- Demanding a jury in a civil case, \$50;
- Preparing a transcript of a judgment, \$6;
- Certifying a document on file or of record in the clerk's office, \$5;
- Preparing the record of a case for appeal to superior court, including any tape duplication, \$50; and
- Duplicating part of all of an electronic tape, \$10 per tape.

Courts of limited jurisdiction, including municipal courts, may charge the fees allowed to be charged by district courts. After July 1, 1992, the Office of Administrator for the Courts, at the direction of the Board for Judicial Administration, shall establish fees for all courts in the state.

Fees or charges for court services must be allowed when a judgment for court costs is awarded.

Substitute Bill Compared to Original Bill: Provisions authorizing the imposition of district and municipal court fees are added. Fees imposed by these courts must be allowed as court costs when a judgment of court costs is awarded.

Fiscal Note: Not requested.

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

Testimony For: The law governing county law libraries needs to be clarified. There needs to be some standardization of how district court fees are charged.

Testimony Against: None.

Witnesses: Fred Saeger, Washington Association of County Officials; Janet McClain, Administrator for the Courts; Kurt Sharar, Washington State Association of Counties; and Bonita McCormick, Washington Collection Association.

**HOUSE COMMITTEE ON
REVENUE**

Majority Report: *The substitute bill by Committee on Local Government be substituted therefor and the substitute bill as amended by Committee on Revenue do pass.* Signed by 14 members: Representatives Wang, Chair; Fraser, Vice Chair; Brumsickle, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher; Carlson; Day; J. Kohl; Leonard; Morris; Morton; Rust; and Silver.

Staff: Rick Peterson (786-7150).

Summary of Recommendation of Committee on Revenue Compared to Recommendation of Committee on Local Government: The section allowing the county commissioners, upon the request of the trustees of the county law library, to increase the amount deposited in the regional law library fund is deleted. The section requiring the court administrator to set fees for all courts by July 1, 1992 is deleted.

Fiscal Note: Requested February 9, 1992.

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

Testimony For: None.

Testimony Against: Section 10, which has the court administrator setting fees for all courts, should be dropped.

Witnesses: Stu Halsan, Washington State Bar Association (opposed Section 10).