

HOUSE BILL REPORT

HB 2468

As Reported By House Committee On:

Law & Justice

Title: An act relating to filing fees.

Brief Description: Clarifying the division of certain court filing fees.

Sponsors: Representatives Appelwick, Costa, Sheahan, Scott and Hatfield.

Brief History:

Committee Activity:

Law & Justice: 2/2/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Edie Adams (786-7180).

Background: Superior court clerks are required by law to collect specified filing fees. The amount of the fee depends on the nature of the action and nature of the document to be filed.

Most of the fees collected are subject to division. For example, fees collected for filing abstracts of judgments from other courts are divided between the county and the public safety and education account, whereas fees collected for filing adoption petitions are divided between the county, public safety and education account, and the county or regional law library fund. In contrast, the county retains all the fees for filing petitions to modify divorce decrees.

During the 1995 session, the Legislature enacted SHB 1672, which restructured then-existing statutes governing fees collected by superior court clerks. However, some inconsistencies in the fee statutes remain. Specifically, two separate provisions impose a filing fee of \$25 for a petition for determination of water rights. Under one provision, the fee is to be split between the county, public safety and education

account, and the county or regional law library fund. Under the other provision, the county retains the entire fee.

The Legislature also passed a law creating a \$35 filing fee for petitions concerning the validity of nonconsensual common law liens, and another law providing for the filing of a Department of Labor and Industries notice of debt due for compensating a crime victim. The latter law did not specify the amount of the filing fee. However, the filing fee for initial filings in civil actions is \$110. Neither law specified whether filing fees were to be divided or, if so, how.

Summary of Substitute Bill: The provision requiring the filing fee for a petition for determination of water rights to be split between the county, public safety and education account, and the county or regional law library fund, is stricken.

The \$35 filing fee for petitions concerning the validity of nonconsensual common law liens is to be divided between the county and public safety and education account. The filing fee for a notice of debt due for compensating a crime victim is explicitly set at \$110, to be divided between the county, public safety and education account, and county or regional law library.

Substitute Bill Compared to Original Bill: The original bill made changes to provisions regarding filing fees for petitions in probate disputes and nonjudicial probate disputes and deleted the \$2 filing fee for a disclaimer of interest.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill corrects some inconsistencies and ambiguities in provisions relating to fees collected by court clerks. The bill does not contain any fee increases.

Testimony Against: None.

Testified: Jan Michels, Washington Association of County Clerks and Washington Association of County Officials (pro); and Debbie Wilke, Washington Association of County Officials.