

HOUSE BILL REPORT

SSB 5144

As Passed House-Amended:

April 14, 1997

Title: An act relating to the administration of county clerks' offices.

Brief Description: Modifying numerous local government administrative requirements.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Roach).

Brief History:

Committee Activity:

Law & Justice: 3/26/97, 4/1/97 [DPA].

Floor Activity:

Passed House-Amended: 4/14/97, 95-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended. Signed by 11 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Kenney; Lambert; Radcliff; Sherstad and Skinner.

Minority Report: Do not pass. Signed by 2 members: Representatives Cody and Lantz.

Staff: Trudes Hutcheson (786-7384).

Background: One of the responsibilities of the superior and district court clerks is to keep track of the various judgments filed in their courts.

An authenticated foreign judgment may be filed in any superior court or district court of any county of this state. The clerk must treat the foreign judgment in the same manner as a judgment of the superior or district court of this state, and the foreign judgment is subject to the same procedures, defenses, counterclaims, cross-claims, proceedings for reopening, vacating, or staying as a judgment of a superior or district court in this state. When a foreign judgment is filed with the court, the clerk must mail a notice of the filing to the judgment debtor. No execution or other process for enforcement of the judgment may be issued until 10 days after the date the judgment is filed or 10 days after the notice is mailed, whichever is later. If the foreign judgment is filed in district court,

execution or other process may not be issued until 14 days after the date the judgment is filed or notice is mailed, whichever is later.

Every county clerk must keep a record, called the execution docket, of all the judgments filed in the court, the amounts of the judgments, the parties to the actions, and other relevant information. When a judgment is paid in full, the clerk must note on the execution docket that the judgment has been satisfied. A district court may file a judgment in superior court by filing a transcript of the district court docket. Thereafter, the district court's judgment is generally treated as a judgment from superior court.

Summary of Bill: The statutes governing foreign judgments require that the judgment creditor mail notice of the filing of the foreign judgment to the judgment debtor. The judgment creditor must also file proof of the mailing with the court clerk. No execution or other process of the foreign judgment will be allowed until 10 days after the proof of mailing has been filed with the clerk, as opposed to after the date the judgment is filed. When the foreign judgment is filed in district court, execution or other process will not be allowed until 14 days after filing the proof of mailing.

After the district court has transferred a judgment into superior court, the superior court may remand the case to district court for determination of any motion to vacate or modify the original judgment. The clerk has authority to satisfy judgments for criminal and juvenile legal financial obligations when the clerk's record indicates payment in full or when directed by the court. Various technical corrections are made, and certain sections are reorganized to clarify the statutes.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill clarifies archaic statutes and makes the statutes consistent with current practices.

Testimony Against: None.

Testified: Debbie Wilke, Washington Association of County Officials.