

# HOUSE BILL ANALYSIS

## HB 1231

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**Title:** An act relating to court filing fees.

**Brief Description:** Revising court filing fees for tax warrants and recovery of state agency overpayments.

**Sponsors:** Representatives Constantine and Sheahan.

### Brief Summary of Bill

- Eliminates the public safety and education account split requirement for revenue from superior court fees for warrants filed by a state agency for recovery of unpaid taxes.
- Increases the fees for filing warrants for unpaid taxes and warrants for recovery of overpayment of state retirement benefits, and for filing disclaimers of interests.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Bill Perry (786-7123).

#### Background:

Superior courts are authorized to collect various fees for filing documents in court and for performing other services. The amount of many of these fees is set by statute. The revenue generated from some of these fees must be split with the state Public Safety and Education Account (PSEA). Forty-six percent of this revenue goes to the PSEA. The remaining 54 percent stays with the counties.

The current \$5 fee for filing a tax warrant by the Department of Revenue or other state agency is subject to the PSEA split. The current \$5 fee for filing a warrant for overpayment of state retirement benefits is not subject to the split. Both of these fees are provided for in the chapter of law dealing with court fees. Various state agency statutes also contain separate provisions for a \$5 filing fee for such warrants for unpaid taxes or benefit overpayments.

The chapter of law dealing with court fees also provides for a \$2 fee for filing a disclaimer of interest under the probate code. Revenue from this fee is not subject to the PSEA split.

A fee of up to \$20 per hour may be collected for several services designated as "special." Revenue from this fee is not subject to the PSEA split. One of the special services covered by this provision is the processing of ex parte orders "by mail."

**Summary of Bill:**

The following increases in superior court fees are made:

- The fee for filing by any state agency of a warrant for unpaid taxes or overpayment of benefits is increased from \$5 to \$20, effective July 1, 2001;
- The fee for filing a disclaimer of interest is increased from \$2 to \$20, effective 90 days after the end of the session in which the bill is passed.

The revenue from state agency filings of warrants for unpaid taxes is no longer subject to the PSEA split with the state.

Various separate agency statutes providing for a filing fee for warrants for unpaid taxes or overpayment of benefits are cross-referenced to the general provision in the court fees law which provides for the \$20 filing fee as of July 1, 2001. These agencies include the departments of Retirement Systems, Licensing, Employment Security, Labor and Industries, and Revenue.

The designation of some court services such as processing ex parte orders and performing historical searches as "special" is removed. The fee that may be collected for processing ex parte orders is not limited to those orders that are processed "by mail."

**Fiscal Note:** Requested January 31, 1999.

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