

# SENATE BILL REPORT

## SB 5035

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As Reported By Senate Committee On:  
Judiciary, February 3, 1999  
Ways & Means, March 8, 1999

**Title:** An act relating to court funding and improvements.

**Brief Description:** Providing an additional funding source for courts.

**Sponsors:** Senators Heavey, McCaslin and Haugen; by request of Board for Judicial Administration.

**Brief History:**

**Committee Activity:** Judiciary: 1/15/99, 2/3/99 [DPS].

Ways & Means: 3/8/99 [DP2S, DNPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Hargrove, Haugen, Long, McCaslin and Thibaudeau.

**Staff:** Dick Armstrong (786-7460)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5035 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Wojahn.

**Minority Report:** Do not pass substitute.

Signed by Senators Honeyford, McDonald and Rossi.

**Staff:** Bryon Moore (786-7826)

**Background:** The Board for Judicial Administration (BJA) established work groups during the past two years to review the operation and funding of the various court levels in the state. BJA has concluded that, given the significant increase in workloads, the courts of this state need additional revenues to fulfill their statutory and constitutional duties. In addition, BJA has determined that local governments are utilizing a disproportional amount of their local revenues to fund their court services, including increasing costs for indigent defense services, jury costs, witness fees, death penalty cases, and juvenile dependency actions.

BJA is recommending a variety of modifications to the method of funding court services, law enforcement training, indigent criminal representations, court improvements, and death penalty cases.

**Summary of Second Substitute Bill:** An additional \$5 fee is assessed on traffic infractions. The PSEA assessment is increased from 60 percent to 70 percent.

The filing fee for civil actions in superior court is increased from \$110 to \$140; the general filing fee in district court is increased from \$31 to \$40.

**Second Substitute Bill Compared to Substitute Bill:** The second substitute removed all provisions of the substitute bill except the increase in base fee and PSEA assessment and the increase in superior and district court filings fees. The following is a summary of the major provisions removed:

- General fund-state appropriations totaling \$51 million. The appropriation would have funded: Office of the Administrator for the Court operational expenditures; reimbursement for jury service; and salary and benefit costs for judges at the district and municipal court level.
- Public Safety and Education Account appropriations totaling \$27.2 million. The appropriations would have funded civil representation; an extraordinary criminal justice assistance account; dependency representation; and law enforcement training.
- Court Improvement Account appropriations totaling \$10 million.

**Substitute Bill Compared to Original Bill:** The state is to pay the salaries and benefits of current full-time elected municipal court judges. The state continues the current practice of paying for one half of the salary and benefits for superior court judges.

The filing fees for district court are reduced from the proposed \$45 to \$40. (Current fees are set at \$31.) The \$5 reduction in the proposed fee results in \$800,000 less being paid into the court improvement account.

The state split from the PSEA fine and assessment increases changes from 48 percent to 46 percent to insure an increase in revenue for local governments.

State funding of \$15 million is provided to increase jury duty per diem. The state is obligated to pay jury per diem at a range of at least \$50 to a maximum of \$100, depending on state funding. The reasons a person may be excused from jury duty are tightened. Employers who keep employees on the payroll during jury duty are to receive the authorized jury compensation amount. The Office of the Administrator for the Courts is required to develop a plan to determine the effectiveness of increasing jury per diem to \$100 per day.

The responsibility of administering the extraordinary crime reimbursement account is given to the Office of Public Defense and the Washington Association of Sheriffs and Police Chiefs.

The Institute for Public Policy is required to do a study on the effects of utilizing a collection agency to collect fines and fees imposed by the courts.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** July 1, 1999.

**Testimony For (Judiciary):** The bill is primarily designed to assist the trial courts. Criminal statutes have increased the workload of the courts at all levels. Filing fees are being increased because it is fair to ask those that use the courts to pay the costs. Heavy costs to the counties are being incurred. The courts are overburdened and need help. The state bar is supportive of the bill to help the courts work more efficiently. The bill is good for business.

Law enforcement officers need more training to deal with a more complex society. Funding for legal services have been reduced by the federal government, and the effect has been felt the most in the rural counties. Standards need to be explicitly stated for the counties to receive monies for defense costs. Counties are supportive of the intent and concept of the bill, but are concerned that the change in the funding mechanisms (PSEA split and increase in fines) will result in less monies to the counties. Cities also support the bill, but are disappointed that the cities are excluded from the bill. County officials are neutral on the bill at this time. Commission on judicial conduct needs money to operate better.

**Testimony Against (Judiciary):** Filing fees may be going up too high and will have a negative effect on businesses and citizens who will be reluctant to collect debts owed them. Courts need to focus more on justice and accountability and less on money and finding.

**Testified (Judiciary):** PRO: Richard Guy, Chief Justice; Dan Berschauer, Superior Court Judge; Kip Stiltz, District Court Judge; Wayne Blair, Bar President; Chuck Foster, Mary McQueen, OAC; Larry Erickson, Executive Director of WASPC; Tim Schelberg, WASPC; Michael Parsons, Director, CJTC; Sharon Tolton, Assistant Director, CJTC; Luci Isaki, Ragan Powers, Equal Justice Coalition; Sherry Appleton; Debbie Wilke, County Officials; Kathy Gerke, Mike Shaw, Association of Counties; Doug Shaefer, Attorney. CON: Mark Bennett; Mark Gjurasic, Collectors' Association.

**Testimony For (Ways & Means):** This provides additional revenue to local governments which will help address needs at the local level. Additionally, the second substitute bill provides additional revenues to the Public Safety and Education Account, which will allow increased funding for law enforcement training and other criminal justice needs.

**Testimony Against (Ways & Means):** The second substitute bill removes most of the policy changes which were intended to improve judicial operations and the criminal justice system.

**Testified (Ways & Means):** PRO: Debbie Wilke, WA Association of County Official; Mike Shaw, WA Association of Counties; Kathy Gerke, Association of WA Cities; Larry

Erickson, WA Association of Sheriffs and Police Chiefs; Steve Conroy, Municipal court Judge; CON: Chuck Foster, Office of the Administrator for the Courts.