

HOUSE BILL REPORT

HB 2150

As Passed House:

March 17, 2003

Title: An act relating to civil legal services funding, administration, and oversight.

Brief Description: Modifying the administration of civil legal services.

Sponsors: By Representatives Lantz, Darneille and Sehlin.

Brief History:

Committee Activity:

Judiciary: 3/3/03, 3/4/03 [DP];

Appropriations: 3/8/03 [DP].

Floor Activity:

Passed House: 3/17/03, 82-16.

Brief Summary of Bill

- Moves the administration and oversight of civil legal services from the Department of Community, Trade and Economic Development to the Administrative Office of the Courts.
- Creates a new account in the custody of the State Treasurer in which all moneys appropriated for civil legal services shall be deposited.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 5 members: Representatives Lantz, Chair; Moeller, Vice Chair; Flannigan, Kirby and Lovick.

Minority Report: Do not pass. Signed by 4 members: Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell and Newhouse.

Staff: Trudes Tango Hutcheson (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 27 members: Representatives Sommers, Chair;

Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Conway, Cox, DeBolt, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke, Sump and Talcott.

Staff: Susan Howson (786-7142).

Background:

Various organizations, such as Columbia Legal Services, the Northwest Justice Project, and volunteer attorney programs, provide civil (not criminal) legal services to indigent people in Washington.

Funding for civil legal services comes from a variety of sources, including: (a) federal funding; (b) state funding; (c) the Interest on Lawyers Trust Accounts (IOLTA) program administered by the Legal Foundation of Washington, which was created by the Washington Supreme Court; and (d) other contributions from various organizations.

State funding for civil legal services generally comes from the Public Safety and Education Account (PSEA). State funding has, at different times, also come from other sources, such as the general fund, Temporary Assistance for Needy Families (TANF), and the Violence Reduction and Drug Enforcement Account (VRDE).

The Department of Community, Trade, and Economic Development (DCTED), which is an executive branch agency, administers the funds appropriated by the Legislature for civil legal services. The DCTED contracts with Columbia Legal Services, which provides services and subcontracts with other providers for delivery of civil legal services. There are statutory provisions governing the categories of cases and subject matters for which civil legal service providers may and may not use state funds.

Civil legal service programs receiving state funding must be audited annually by an independent outside auditor and are subject to audits by the State Auditor. In addition, a bipartisan, bicameral legislative Civil Legal Services Oversight Committee (Committee) was created in 1997 to review the activities of state funded legal service providers. The Committee is required to meet periodically.

The Task Force on Civil Equal Justice Funding (Task Force), created by the Washington Supreme Court, has been evaluating the civil legal needs of Washington residents and studying the funding issues around civil legal services. One recommendation from the Task Force is to move the administration and oversight of civil legal services from the DCTED to the Administrative Office of the Courts (AOC).

Summary of Bill:

The administration and oversight of civil legal services is moved from the DCTED to the AOC.

The State Civil Legal Services Account is created in the custody of the State Treasurer. All moneys appropriated from any source, fund, or account for civil representation of indigent persons shall be deposited in the civil legal services account. Any revenues deposited directly into the account may be spent only after appropriation. Expenditures from the account may be used only for civil representation of indigent persons as authorized under current law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Judiciary) The court already administers the funding for indigent criminal defense. This bill would bring the administration of civil legal services under the umbrella of the court. It will consolidate the funds into a single account and change the administration from the DCTED to the AOC. The AOC is more directly accountable. The AOC can administer the civil legal services program efficiently for the same amount or less than the DCTED. The bill does not raise fees and does not take out the legislative oversight component of civil legal services. The Legislature still has control over how much money is appropriated for civil legal services and how it can be used.

Testimony For: (Appropriations) The purpose of this bill is to change the administration of moneys for civil legal services. There is no change to the Legislature's authority over the amount of funds made available for these services or the use of funds.

Testimony Against: (Judiciary) None.

Testimony Against: (Appropriations) None.

Testified: (Judiciary) Representative Lantz, prime sponsor; Marlin Appelwick, Task Force on Civil Equal Justice; and Jeff Hall, Board for Judicial Administration.

Testified: (Appropriations) Mary McQueen, Administrative Office of the Courts.