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## Judiciary Committee

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### **E2SSB 5454**

**Title:** An act relating to court operations.

**Brief Description:** Revising trial court funding provisions.

**Sponsors:** Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles; by request of Board For Judicial Administration.

#### **Brief Summary of Engrossed Second Substitute Bill**

- Requires the state to pay one-half of district and municipal court judges' salaries and makes those judges eligible for the Supplemental Judicial Retirement Fund if certain conditions are met.
- Requires cities and counties in which the state is paying half the salaries of judges to create trial court improvement funds.
- Increases superior and district court civil filing fees and other miscellaneous court fees.

**Hearing Date:**

**Staff:** Trudes Tango Hutcheson (786-7384).

**Background:**

District courts are county courts and municipal courts are those created by cities and towns. Funding for courts is provided by both the state and local jurisdictions. The state funds all court operations for the Supreme Court and the Court of Appeals and funds the benefits and half of the salaries of superior court judges. Local jurisdictions fund the other half of superior court judges' salaries and all court operations for district and municipal courts.

**Judges' Salaries**

The number of district court judges in each county is set by statute. The Washington Citizens' Commission on Salaries for Elected Officials sets all judges' salaries except the salaries for municipal court judges. Municipal court judges' salaries are set by the city's legislative body and cannot be more than the county's superior court judge's salary. There are currently 107 elected district court judges and 24 elected municipal court judges.

**Supplemental Judicial Retirement Account**

Generally, judges are members of the public employees' retirement system (PERS). In addition, a supplemental judicial retirement account was created for judges of superior courts, the Court of Appeals, and the Supreme Court who are members of PERS. Judges pay into the supplemental account two and one-half percent of their salaries, and the state contributes an equal amount.

### **Court Fees**

The filing fee for a civil cause of action in superior court is \$110 and \$31 in district court. Currently, there is no filing fee when a party files a counter claim, cross-claim, or third-party claim in civil actions. Courts also impose other fees, set by statute, for various services. For example, fees are imposed for: jury demands; criminal convictions in superior court; appeals filed in superior court from a lower court; filing a petition to contest a will; preparing transcripts; and other services.

Most, but not all, of the fees collected by superior and district courts are split between the state and the local government. Generally, 46 percent of the money collected from superior court fees and 32 percent of the money collected from district court fees are deposited in the Public Safety and Education Account (PSEA).

### **Law Libraries**

Each county with a population of 8,000 or more is required to maintain a county law library. The library is governed by a board of trustees. Counties may join to form a regional law library.

State law provides that \$12 of every new probate or civil filing fee collected in superior court and \$6 of every civil filing fee collected in district court are to be used for the support of the county law library. Upon approval of the library board of trustees and the county legislative authority, the \$12 contribution amount may be increased to \$15.

### **Summary of Engrossed Second Substitute Bill:**

The Legislature finds that local government should not be primarily responsible for funding trial courts. The Legislature intends to increase state funding responsibility of trial courts and provide trial courts with additional resources.

### **Judges' Salaries**

Beginning July 1, 2006, the state will pay one-half the salaries of district court judges and one-half of an elected municipal court judge's salary if the municipal court judge's salary is equivalent to 95 to 100 percent of the salary set for full-time district court judges. The city is responsible for all other compensation, benefits, and expenses related to municipal court judges except where specifically provided otherwise.

### **Trial Court Improvement Accounts**

Beginning July 1, 2006, cities and counties in which the state is paying one-half of the municipal and district court judges' salaries must establish trial court improvement accounts. The city or county must deposit into the account an amount equal to one-half of the state's contribution for the payment of judges' salaries. The money must be used to fund improvements to the city and county's courts.

### **Supplemental Judicial Retirement Account**

Elected district and municipal court judges who are members of PERS and who qualify for state payment of one-half of their salaries are eligible for the Supplemental Judicial Retirement Account.

**Court Fees**

Fees in district and superior courts are amended as follows:

<b>District Court (subject to PSEA split)</b>	<b>Current</b>	<b>E2SSB 5454</b>
Filing fee	\$31	\$43
Filing counterclaim, cross-claim, or third-party claims	No provision	\$43 + dispute resol. center fee authorized by county
Issuing writs	\$6	\$12
Filing supplemental proceedings	\$12	\$20
Demanding jury in civil case	\$50	\$125
Preparing transcripts of judgments	\$6	\$20
Upon conviction or guilty plea court may impose fee	No provision	\$43
Jury fee (criminal cases)	\$25	\$125
Jury fee (civil cases)	\$25	\$125
Small claims court filing	\$10	\$14
Small claims counter, cross, and third-party claims	No provision	\$14 + dispute resol. center fee authorized by county
<b>Superior Court Fees (subject to PSEA split)</b>		
Civil filing fee	\$110	\$200
Filing counter, cross, and third-party claims	No provision	\$200
Initial unlawful detainer filing	\$30	\$45
Civil appeal from lower court	\$110	\$200
Filing petition for review of administrative act	\$110	\$200
Filing unlawful harassment petition	\$41	\$53
Filing notice of debt due for crime victim comp.	\$110	\$200
Instituting probate proceedings	\$110	\$200

Filing petition to contest will in probate	\$110	\$200
Upon criminal conviction	\$110	\$200
Filing a judgment from a different court	\$15	\$20
To proceed with an unlawful detainer action	\$80	\$112
Filings in a nonjudicial probate dispute	\$2	\$20 (if it is filed within an existing case in the same court)
Transferring venue	No provision	\$20
<b>Superior Court Fees (not subject to PSEA split)</b>	<b>Current</b>	<b>E2SSB 5454</b>
Filing petition for modification of a dissolution or paternity decree	\$20	\$36
Jury fee for 6 person jury (criminal)	\$50	\$125
Jury fee for 12 person jury (criminal)	\$100	\$250
Preparing certified copies w/ seal	\$2 first page \$1 add. pages	\$5 \$1
Authenticating a document	\$1 per seal	\$2
Preparing copies of documents w/o seal	\$2 first page \$1 add. pages	\$0.50 per page \$0.35 per page if document is in electronic format
Copies of documents on CD	No provision	\$20
Filing supplemental proceedings	No provision	\$20
Filing of oaths and affirmations	\$20	language removed
Filing a disclaimer of interest	\$2	language removed
Registering land titles	\$5	\$20
Issuing extension of judgments	\$110	\$200
Family law facilitator program fee (at discretion of county)	\$10	\$20
Filing frivolous mechanic and materialmen's lien	No provision	\$35
Filing a will or codicil	No provision	\$20

<b>Law Libraries</b>	<b>Current</b>	<b>E2SSB 5454</b>
For every superior court civil filing fee, county must deposit in law library fund For every district court civil filing fee, county must deposit	\$12 (up to \$15 if approved by county) \$6	\$17 (up to \$20 if approved and up to \$30 in counties with multiple library sites) \$7

**Fees Constitute Reimbursement to Counties by the State**

The revenue to counties for some of the superior court fees is deemed to be a complete reimbursement from the state for the state's share of benefits paid to the superior court judges prior to the effective date of the act, and no claim shall lie against the state for such benefits.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except for sections 101 through 108 and 201 through 205, which take effect July 1, 2006.