

SENATE BILL REPORT

SB 5890

As Reported By Senate Committee On:
Judiciary, March 1, 2005

Title: An act relating to county law library funding.

Brief Description: Authorizing a filing fee surcharge for funding county law libraries.

Sponsors: Senators Kline, Weinstein and Jacobsen.

Brief History:

Committee Activity: Judiciary: 2/22/05, 3/1/05 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Lilah Amos (786-7429)

Background: Each county with a population of at least 8,000 persons is required to maintain a county law library governed by a board of trustees. Each county with a population of less than 8,000 has the option of maintaining a county law library supervised by the prosecuting attorney, who will serve as trustee.

Counties with populations between 8,000 and 125,000 persons may jointly establish and maintain a regional law library. Counties electing to establish regional law libraries must also maintain a library at each courthouse where the superior court is located.

County law libraries are funded by court filing fees. \$12 of every new probate or civil filing fee in superior court and \$6 of every civil filing fee collected in district court must be used for the support of the county law library. Upon a showing of need, the \$12 contribution may be increased to \$15 at the request of the library board of trustees, with the approval of the county legislative authority.

The filing fee for a civil cause of action or probate in superior court is \$110, and in district court the filing fee is \$6.

Summary of Substitute Bill: The Washington institute for public policy must examine who uses law libraries, for what purpose they are used, and the type of fees imposed by law libraries. Results of the study and any proposed legislation for promoting efficiency in law libraries must be delivered to the judiciary committees of the legislature by December 31, 2005.

Substitute Bill Compared to Original Bill: The provision allowing a legislative authority to impose an additional surcharge not to exceed the amount allocated for law libraries on each new superior and district court civil filing fee upon showing of need by the law library board of trustees is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Law libraries provide access to justice for persons who are often not trained in the law and have no funds to hire lawyers to represent them. Availability of laws is critical to our system of justice. Law library funding comes from court filing fees. The amount distributed to the library per case filed has not increased since 1992. With dramatic increases in the cost of reference materials, and no significant increase in the number of civil case filings which produce library funds, law libraries are having to make increasingly difficult choices which inevitably limit hours of operation and decrease fundamental resources which are current and available to users.

Testimony Against: Increased fees contemplated in this bill would have increased the filing fee costs to one collection business in Eastern Washington by \$20,000 during 11 months in 2004. That business employs 15 people. In such a competitive environment, costs can't be passed on to clients, so layoffs would be necessary. The businesses bringing these collection actions do not use the law library, so would receive no benefit for the increased cost. It would be much fairer to charge user fees or find other sources of revenue for law library services.

Who Testified: PRO: Jean Holcomb, King County Law Library; Kay Newman, Washington State Law Library; Mark Rising, King County Law Library Board of Trustees; Mary Mulcahy; Steve Hamaker; Jennifer Niehaus-Rivers, Paralegal Department, Highline Community College.

CON: Vickie Visculgia and Judy Warnick, Washington Collectors Association.

Signed In, Unable to Testify & Submitted Written Testimony: Maria Sosnowski, Clark County Law Library.