

SENATE BILL REPORT

SB 5941

As Passed Senate, May 3, 2011

Title: An act relating to judicial branch funding.

Brief Description: Concerning judicial branch funding.

Sponsors: Senators Eide, Regala, Rockefeller and Kline.

Brief History:

Committee Activity: Ways & Means: 4/26/11, 4/28/11 [DP, DNP].

First Special Session: Passed Senate: 5/03/11, 26-17.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Brown, Fraser, Hatfield, Hewitt, Kastama, Keiser, Kohl-Welles, Pflug, Pridemore, Regala and Rockefeller.

Minority Report: Do not pass.

Signed by Senators Baxter, Holmquist Newbry, Honeyford and Schoesler.

Staff: Jenny Greenlee (786-7711)

Background: Superior and district courts are authorized by statute to collect filing fees and other fees for court services. County clerks are authorized to collect and distribute these fees.

Superior Court Filing Fees. The following fees are collected for cases filed in superior court. These fees are subject to division between the county, the state General Fund, and the county or regional law library fund. The only exception to that division is the fee for filing a notice of appeal or discretionary review. Those fees are transmitted to the appropriate state appellate court.

Superior Court Filing	Fee
First or initial paper in any civil action	\$200
Unlawful detainer action	\$45
First or initial paper on appeal from a court of limited jurisdiction or any civil appeal	\$200

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Petition for judicial review under the Administrative Procedure Act	\$200
Notice of debt due for the compensation of a crime victim	\$200
First paper in a probate proceeding	\$200
Petition to contest a will admitted to probate or petition to admit a will which has been rejected	\$200
Notice of appeal or notice of discretionary review	\$250

District Court Filing Fees. District courts are courts of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases in which the amount claimed or in dispute is \$75,000 or less. District courts also have jurisdiction over small claims and traffic infractions.

District court clerks are required to collect the following fees for various services as prescribed by statute. Except for certain costs, all fees, fines, forfeitures, and penalties collected in whole or in part by the district court are remitted by the district court clerk to the county treasurer. The county treasurer must remit 32 percent of the non-interest money received by district courts to the State Treasurer for deposit into the state General Fund. The remaining balance of the non-interest money received by the county treasurer is deposited in the county current expense fund and the county or regional law library fund. Expenditures of the district court are paid from the county's current expense fund.

District Court Filing	Fee
Any civil action at time of commencement or transfer	\$43 + potential \$10 surcharge for dispute resolution centers
Counterclaim, cross-claim, or third-party claim	\$43 + potential \$10 surcharge for dispute resolution centers
Small claims	\$14 + potential \$15 surcharge for dispute resolution centers

In 2009 the Legislature created surcharges on filing fees in superior and district courts. These surcharges are set to expire July 1, 2011. The surcharges are currently set at:

- \$30 for the filings listed in the superior court chart above, except for the filing of a first or initial paper in an appeal from a court of limited jurisdiction, which is subject to a \$20 surcharge;
- \$20 for the filings listed in the district court chart above, excluding small claims; and
- \$10 for small claims filings.

All surcharges collected by the courts must be remitted to the State Treasurer for deposit in the Judicial Stabilization Trust Account. Expenditures from this account may only be used for the support of the judicial branch agencies.

Summary of Bill: The expiration date for the surcharges is removed. The revenue from the surcharges is split equally between the state and the county collecting the fee.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2011.

Staff Summary of Public Testimony: PRO: The Board for Judicial Administration supports this bill. Justice is a core government service and while it should generally not be funded through user fees, there are not a lot of funding options currently available. Even with the surcharge in place over the last two years, the cuts to the judicial branch have been dramatic. The courts need this funding to continue. Dramatic cuts have also occurred in local courts as local counties are struggling. The split with the locals is very important. Superior Court judges support the continuation of the surcharges and the splitting of revenue with the local courts. Several years ago many stakeholders came together for the Justice in Jeopardy movement. That group created a number of priorities for court funding. The Legislature funded a good portion of the initial funding priorities. The recession has prevented the remainder from being funded. The priorities remain, and one critical priority is a fee split between the counties and the state. A partnership was entered into by the state and counties as a result of Justice in Jeopardy. Counties fund 90 percent of the cost of trial courts in Washington. The state only pays about 4 percent of the trial court costs. The Superior courts find the 50/50 split of the surcharge acceptable. Stakeholders met this year and decided that the surcharges should continue and the funds split between the locals and the state. The Judicial Stabilization Trust Account is a critical part of funding for the Office of Public Defense and Office of Civil Legal Aid. This funding supports constitutionally mandated public defense activities, including indigent defense. The underlying filing fees have not been raised since 2005. This bill allows for the filing fee's purchasing power to be realized by adding the surcharges. The counties support this bill as long as the local/state split is maintained. Without this funding, counties lose the ability to fully fund their courts. The responsibility for the court system is local, and these fees will help counties run the court system. The cities support the bill and the split between local and state. The cities would like to see an amendment to the bill clarifying that the jurisdiction hearing the case collects the fee and the surcharge. There are a few instances where municipal courts hear these types of cases, and they would like to retain this revenue in those instances.

Persons Testifying: PRO: Mellani McAleenan, Board for Judicial Administration, Superior Court Judges Association; Richard McDormott, King County Superior Court; Joanne Moore, Office of Public Defense; Jim Bamberger, Office of Civil Legal Aid; Brian Enslow, Washington State Association of Counties; Candice Bock, Association of Washington Cities.