

SENATE BILL REPORT

ESB 6608

As Passed Senate, March 6, 2012

Title: An act relating to judicial stabilization trust account surcharges.

Brief Description: Changing judicial stabilization trust account surcharges.

Sponsors: Senators Harper, Pflug, Frockt, Kline and Eide.

Brief History:

Committee Activity: Ways & Means: 2/27/12 [DPS, DNP, w/oRec].

Passed Senate: 3/06/12, 39-9.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6608 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

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

Minority Report: That it be referred without recommendation.

Signed by Senators Parlette, Ranking Minority Member Capital; Baumgartner.

Staff: Sherry McNamara (786-7402)

Background: Superior and district courts are authorized by statute to collect filing fees and other fees for court services. Revenue from superior court filing fees is split with 46 percent going to the state and the remainder going to the county and the county or regional law library. Revenue from district court filing fees is split with 32 percent going to the state and the remainder going to the county and the county or regional law library.

In 2009 the Legislature authorized temporary surcharges on filing fees in superior and district courts. Superior court filings are subject to a \$30 surcharge, except for filings of an appeal from a court of limited jurisdiction, where the surcharge is \$20. District court filings are subject to a \$20 surcharge, except for small claims filings, which are subject to a \$10 surcharge. The temporary surcharges are set to expire on July 1, 2013.

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.

All of the revenue from surcharges must be remitted to the State Treasurer for deposit into the Judicial Stabilization Trust Account (Account). Expenditures from this Account may only be used for the support of judicial branch agencies. The revenue from the surcharges is split between the state and the county collecting the fee, with 75 percent going to the state and 25 percent going to the county.

Funds from the surcharge going to the county must be used to support local trial courts and court-related costs.

During the 2011-2013 biennium, an estimated \$9 million will be deposited into the Account. Funds from the Account are appropriated for expenditures in the Administrative Office of the Courts, the Office of Public Defense, and the Office of Civil Legal Aid.

Summary of Engrossed Bill: The surcharges are increased by \$10:

- superior court filing surcharge is \$40;
- filing of an appeal from a court of limited jurisdiction surcharge is \$30.

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 takes effect on July 1, 2012.

Staff Summary of Public Testimony: PRO: Fee-for-service justice is something that we prefer to not support, however; we find ourselves in dire circumstances where we need the financial support to provide our constitutional obligations. This bill will assure funding so the judicial branch services will continue.

Persons Testifying: PRO: Mellani McAleenan, Board for Judicial Administration; Joanne Moore, Office of Public Defense; Jim Bamberger, Office of Civil Legal Aid.