

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5058 SB	<b>Title:</b> Non-government Parties	<b>Agency:</b> 055 – Admin Office of the Courts (AOC)
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total:</b>					

### Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>STATE</b>					
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

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OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill would:

- 1) Provide for interim attorney fees and costs during any action, suit, or judicial review if a government agency knowingly acts contrary to law;
- 2) Provide a non-government party to move for interim attorney's fees;
- 3) Require the non-government party to bear the burden of proof beyond a reasonable doubt that the government party knowingly acted contrary to law;
- 4) Provide for the award of interim attorney's fees and costs in an amount adequate to pay the non-government party's claims.

Government party is defined as the state and all state agencies, cities, counties, special districts, municipal incorporations, and their agencies.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

This bill would amend RCW 4.84.010, regarding payment of attorneys' fees in court cases, to provide that a nongovernment party in action against a government party, when there is an allegation that the government party has knowingly acted contrary to law, can move for interim attorney's fees, which must be heard and decided before other proceedings; if the allegation is proven, the court shall order the government party to pay costs & fees adequate to finance the claim.

### **II.B - Cash Receipt Impact**

No cash receipt impact.

### **II.C – Expenditures**

This bill could increase court time due to the additional hearing requirements. No data exists to base an estimate for the number of cases this could affect, but impact is expected to be minimal.