

Section 1. Section 1, chapter 264, Laws of 1971 ex. sess. and RCW 41.04.250 are each amended to read as follows:

Any department, division, or separate agency of the state government, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401(a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to provide deferred annuities ((in lieu of a portion of salary or wages)) for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section ((401 (a), [403(b)]) 403(b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in accordance with the salary reduction agreement between the public entity and the employee.

Coverage of an employee under a qualified pension plan or contract for a deferred annuity under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW.

Passed the Senate January 26, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 20

[Engrossed Senate Bill No. 90]

CLERKS OF SUPERIOR COURTS--FEES, SCHEDULE, DISPOSITION

AN ACT Relating to fees of clerks of the superior courts; providing

for allocating portions thereof for judicial salaries; amending section 36.18.020, chapter 4, Laws of 1963, as last amended by section 1, chapter 32, Laws of 1970 ex. sess. and RCW 36.13.020; adding a new section to chapter 4, Laws of 1963 and to chapter 36.18 RCW; and establishing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 32, Laws of 1970 ex. sess. and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of (~~twenty-five~~) thirty-two dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of (~~twenty-five~~) thirty-two dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of fifty dollars, and in the event that the case is settled out of court not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or (~~of~~) of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((twenty-five))~~ thirty-two dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of ~~((twenty-five))~~ thirty-two dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of twenty-five dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, ~~((1970))~~ 1972, shall be completed and governed by the fee schedule in effect as of January 1, ~~((1970))~~ 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

NEW SECTION. Sec. 2. There is added to chapter 4, Laws of 1963 and to chapter 36.18 RCW a new section to read as follows:

An amount equal to seven dollars from each filing fee paid pursuant to subsections (1), (2), (11) and (12) of RCW 36.18.020, as now or hereafter amended, shall be allocated to the payment of the monthly salaries of the judges of the superior courts, the court of appeals and the supreme court in the following manner:

(1) Three dollars of each such amount shall be paid into the county treasury and allocated to payment of the salaries of judges of the superior courts in the county; and

(2) Four dollars of each such amount shall be collected by the county treasurer and shall be transmitted by him each month to the state treasurer for deposit in the state general fund to aid in the payment of salaries of the judges of the superior courts, the court of appeals and the supreme court.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1972.

Passed the Senate February 2, 1972.
Passed the House February 12, 1972.
Approved by the Governor February 19, 1972.
Filed in Office of Secretary of State February 19, 1972.

CHAPTER 21
[Engrossed Senate Bill No. 109]
DIVORCE, ANNULLMENT--
DUTY OF PROSECUTING ATTORNEY

AN ACT Relating to domestic relations; and amending section 8, chapter 215, Laws of 1949 and RCW 26.08.080.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 8, chapter 215, Laws of 1949 and RCW 26.08.080 are each amended to read as follows:

((Each party to any divorce or annulment action shall serve the prosecuting attorney of the county in which the action is commenced with copies of the summons and complaint and such other papers as may be required by court rule at the time the same are filed in the county clerk's office.)) Upon a special written order of the court it shall be the duty of the prosecuting attorney to appear ((upon the trial of every default or noncontested)) in a divorce or annulment case((, and in such other divorce cases as the presiding judge may direct,)) as a party to said action and to advise the court, and to that end he shall have power to cause witnesses to be subpoenaed to testify at the trial, respecting any charges made in the complaint or answer or the performance or neglect of any duty by either, or upon any vital matter touching the status of the parties, and the witness fees of such witnesses called by the prosecuting attorney shall be charged to the county. The prosecuting attorney shall have the same right to appeal as other parties to the action. Neither the prosecuting attorney nor his deputy nor the law partner of either shall accept employment in any divorce case in his county or receive any fee or compensation from either party in any such divorce action.

Passed the Senate January 28, 1972.
Passed the House February 10, 1972.
Approved by the Governor February 19, 1972.
Filed in Office of Secretary of State February 19, 1972.