

ends of justice will not be interfered with by such a course and the action is of such a character that a change of venue may be ordered: *Provided*, That in criminal prosecutions the case shall not be sent for trial to any court outside the county unless the accused shall waive his right to a trial by a jury of the county in which the offense is alleged to have been committed.

SEC. 2. When a criminal case is transferred to another county pursuant to RCW 10.25 the county from which such case is transferred shall pay to the county in which the case is tried all costs accrued for per diem and mileage for jurors and witnesses and all other costs properly charged to a convicted defendant.

Transfer of
criminal case
—Payment of
costs.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 304.

[H. B. 138.]

FEES OF PUBLIC OFFICERS.

AN ACT relating to fees of public officers; amending and enacting section 5, chapter 51, Laws of 1951, and RCW 36.18.020; amending section 1, chapter 43, Laws of 1903, as last amended by section 1, chapter 205, Laws of 1909, and RCW 4.44.100; amending section 2, chapter 43, Laws of 1903 and RCW 4.44.110; amending section 3, chapter 56, Laws of 1893, as last amended by section 1, chapter 26, Laws of 1955, and RCW 7.32.030; amending section 82.32-.220, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 82.32.220; amending section 9, chapter 188, Laws of 1941 and RCW 59.08.090; amending section 3, page 418, Laws of 1869, as amended by section 2105, Code 1881, and RCW 10.46.190; amending section 1, chapter 249, Laws of 1953, as last amended by section 1, chapter 31, Laws of 1957, and RCW 27.24.070; adding a new section to chapter 126, Laws of 1913 and to chapter 2.32 RCW; and repealing section 2, chapter 249, Laws of 1953 and RCW 27.24.080.

Be it enacted by the Legislature of the State of Washington:

RCW 36.18.020 amended.

SECTION 1. Section 5, chapter 51, Laws of 1951, and RCW 36.18.020 are each amended and enacted to read as follows:

Superior courts—
Clerk's fees.

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 fifteen 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 fifteen 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 tax commission 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 twenty-five 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 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 fifteen 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 fifteen 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 fifteen dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to the effective date of this amendatory act shall be completed and governed by the fee schedule in effect as of January 1, 1959.

RCW 4.44.100 amended.

SEC. 2. Section 1, chapter 43, Laws of 1903, as last amended by section 1, chapter 205, Laws of 1909, and RCW 4.44.100 are each amended to read as follows:

Civil procedure—Jury trial—Fee—Waiver.

In all civil actions triable by a jury in the superior court any party to the action may, at or prior to the time the case is called to be set for trial, serve upon the opposite party or his attorney, and file with the clerk of the court a statement of himself, or attorney, that he elects to have such case tried by jury. Unless such statement is filed and a jury fee paid as provided by law, the parties shall be deemed to have waived trial by jury, and consented to a trial by the court: *Provided*, That, in the superior courts of counties of the first class such parties shall serve and file such statement, in manner herein provided, at any time not later than two days before the time the case is called to be set for trial.

RCW 4.44.110 amended.

SEC. 3. Section 2, chapter 43, Laws of 1903 and RCW 4.44.110 are each amended to read as follows:

Fee part of taxable costs.

The jury fee paid by the party demanding a trial by jury shall be a part of the taxable costs in such action.

RCW 7.32.030 amended.

SEC. 4. Section 3, chapter 56, Laws of 1893, as last amended by section 1, chapter 26, Laws of 1955, and RCW 7.32.030 are each amended to read as follows:

Garnishment—Application for writ—Affidavit—Contents—Deposit.

Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, including the amount alleged to be due, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, or that the garnishee is an incorporated or joint stock company, and that the defendant is the owner of shares in such company

or has an interest therein, and shall pay to the clerk of the court a fee as provided by law.

SEC. 5. There is added to chapter 126, Laws of 1913 and to chapter 2.32 RCW, a new section to read as follows: New section.

The clerk of the superior court shall pay into the county treasury from each fee collected for the filing of each new civil case in his office, including appeals, the sum of four dollars, which shall be known as stenographer or court reporter costs. Stenographer
or court
reporter fees.

SEC. 6. Section 82.32.220, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 82.32.220 are each amended to read as follows: RCW 82.32.220
amended.

The sheriff shall file with the clerk of the superior court of his county a copy of the warrant, and thereupon the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: *Provided, however,* That the phrase "bona fide interests of third persons" shall not in-

Excise taxes
—Tax warrant
—Execution of
—Lien—Satis-
faction.

clude any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction. The amount of such warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of such clerk, and the sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court. Such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

The sheriff shall be entitled to fees as provided by law for his services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee as provided by law, which shall be added to the amount of the warrant.

The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant.

SEC. 7. Section 9, chapter 188, Laws of 1941 and RCW 59.08.090 are each amended to read as follows:

The sheriff's fee shall be the same as in other civil actions. Sheriff's fee.

SEC. 8. Section 3, page 418, Laws of 1869, as amended by section 2105, Code 1881 and RCW 10.46.190 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace, shall be liable to all the costs of the proceedings against him, including, when tried by a jury in the superior court, a jury fee as provided for in civil actions, and when tried by a jury before a committing magistrate, six dollars for jury fee, for which judgment shall be rendered and collection had as in cases of fines. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk, to be by him applied as the jury fee in civil cases is applied. Criminal procedure—Jury trial—Fee.

SEC. 9. Section 1, chapter 249, Laws of 1953 as last amended by section 1, chapter 31, Laws of 1957, and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the clerk of the superior court shall pay from each fee collected for the filing in his office of every new probate or civil matter, including appeals, abstracts or transcripts of judgments, the sum of three dollars for the support of the law library in that county, which shall be paid to the county treasurer to be credited to the county law library fund. There shall be paid to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is one hundred dollars or more, in addition to the other fees required by law the sum of one dollar and fifty cents as fees for the support of the law library in that county which are to be taxed as part of costs in each case: Civil procedure—Superior court—Fees for support of law library.

(1) By each person instituting an action, when the first paper is filed;

(2) By each defendant, other adverse party, or intervenor, appearing separately when his appearance is entered on his first paper filed.

The justice of the peace shall pay such fees so collected to county treasurer to be credited to the county law library fund.

Repeal.

SEC. 10. Section 2, chapter 249, Laws of 1953 and RCW 27.24.080 are each hereby repealed.

Severability.

SEC. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 305.

[H. B. 367.]

SCHOOL DIRECTORS—POWERS.

AN ACT relating to school districts; and amending section 2, chapter 68, Laws of 1955 and RCW 28.58.100.

Be it enacted by the Legislature of the State of Washington:

RCW 28.58.100 amended.

SECTION 1. Section 2, chapter 68, Laws of 1955 and RCW 28.58.100 are each amended to read as follows:

School directors—General powers.

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed