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EXPLANATORY NOTE

RCW 2.12.060 was amended twice during the 1971 session, each without reference to the other.

1971 c 30 was enacted primarily to include the court of appeals within the judges' retirement system provided for in chapter 2.12 RCW.

1971 c 81 was enacted primarily to change the names of "judges" of the supreme court to "justices" of the supreme court. Although these amendments do not appear to be in conflict, a possible conflict occurred in the wording used to provide for deduction from the salaries of judges of the court of appeals for the retirement fund.

1971 c 30 sec. 6 uses ", six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals,".

1971 c 81 sec. 8 uses ", six and one-half percent of the total salaries of each judge of the court of appeals,".

The administrator for the courts has advised that administratively the language contained in 1971 c 30 sec. 6 is followed by his office.

It is the purpose of this bill to resolve the possible conflict by reenacting the language contained in 1971 c 30 sec. 6.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

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CHAPTER 38

[House Bill No. 308]

FEEES OF CLERKS OF SUPERIOR COURT--CODE CORRECTION

AN ACT Relating to fees of clerks of the superior courts; reenacting section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 20, Laws of 1972 ex. sess. and by section 5, chapter 57, Laws of 1972 ex. sess. and RCW 36.18.020; and declaring an emergency.

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 20, Laws of 1972 ex. sess. and by

section 5, chapter 57, Laws of 1972 ex. sess. and RCW 36.18.020 are each reenacted 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 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 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 of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors. In the event that the case is settled out of court and the court is notified 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 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 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, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 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. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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EXPLANATORY NOTE

RCW 36.18.020 [pertaining to fees of clerks of the superior courts] was amended twice during the 1972 extraordinary session, each without reference to the other.

(1) Section 1, chapter 20, Laws of 1972 ex. sess. changed the amount of filing fees in subsections (1), (2), (11) and (12).

(2) Section 5, chapter 57, Laws of 1972 ex. sess. [as part of an act pertaining to juries] amended subsection (5) to differentiate between the jury fee for a jury of six and the fee when a jury of twelve is demanded.

As these amendments appear to be in different

respects, the purpose of this bill is to give effect to each amendment by reenacting the sections with both amendments included therein.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

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CHAPTER 39

[House Bill No. 309]

ASSOCIATION OF COUNTIES--CODE CORRECTION

AN ACT Relating to counties; amending and reenacting section 36.40.040, chapter 4, Laws of 1963 as last amended by section 4, chapter 85, Laws of 1971 ex. sess. and RCW 36.40.040; and declaring an emergency.

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

Section 1. Section 36.40.040, chapter 4, Laws of 1963 as last amended by section 4, chapter 85, Laws of 1971 ex. sess. and RCW 36.40.040 are each amended and reenacted to read as follows:

Upon receipt of the estimates the auditor shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the