

decision is located. ~~((A))~~ The petition(s) shall be served and filed within thirty days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all ~~((other))~~ parties of record. If a timely petition is filed any party of record not filing or joining in the first petition who wants relief from the decision must join in the petition or serve and file a cross-petition within twenty days after service of the first petition or thirty days after service of the final decision of the agency, whichever period of time is longer. The court, in its discretion, may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the agency decision. Where other statutes provide for stay or supersedeas of an agency decision, it may be stayed by the agency or the reviewing court only as provided therein; otherwise the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(6) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or
- (f) arbitrary or capricious.

Passed the Senate March 22, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

CHAPTER 53

[Engrossed Senate Bill No. 2300]

JURY FEES

AN ACT Relating to courts; amending section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 and RCW 10.46.190; amending section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030; and amending section

35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090.

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

Section 1. Section 3, page 418, Laws of 1869 as last amended by section 8, chapter 304, Laws of 1961 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))~~ twenty-five 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.

Sec. 2. Section 70, page 235, Laws of 1854 as last amended by section 1, page 118, Laws of 1888 and RCW 12.12.030 are each amended to read as follows:

After the appearance of the defendant, and before the justice shall proceed to enquire into the merits of the cause, either party may demand a jury to try the action, which jury shall be composed of six good and lawful ~~((men))~~ persons having the qualifications of jurors in the superior court of the same county, unless the parties shall agree upon a lesser number(;): PROVIDED, That the party demanding the jury shall first pay to the justice the sum of ~~((six))~~ twenty-five dollars, which shall be paid over by the justice to the ~~((jury before they are discharged))~~ county, and said amount shall be taxed as costs against the losing party.

Sec. 3. Section 35.20.090, chapter 7, Laws of 1965 as amended by section 8, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.090 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972 unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Passed the Senate March 16, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.