

"AN ACT Relating to industrial development."

Substitute House Bill No. 1262 authorizes the use of umbrella industrial development revenue bonds by the Community Economic Revitalization Board (CERB).

The use of umbrella industrial development bonds in the state of Washington is acceptable and will be beneficial to the economic development of the state. However, section 13 relates to the operation of the Community Economic Revitalization Board's local government grant/loan program, and would place further restrictions on the use of CERB's loan and grant funds.

Section 17 would direct funds away from CERB's facilities construction loan revolving fund to the public works revolving fund established by Engrossed Substitute Senate Bill No. 4404. This would be contrary to legislative intent regarding the use of EAA's Public Facilities Revolving Account Funds.

For these reasons, I have vetoed sections 13 and 17 of Substitute House Bill No. 1262.

The remaining sections of the bill are approved.

CHAPTER 258

[Engrossed Substitute Senate Bill No. 4430]
COURT IMPROVEMENT ACT OF 1984

AN ACT Relating to courts; amending section 1, chapter 299, Laws of 1961 as last amended by section 1, chapter 151, Laws of 1979 and RCW 3.30.010; amending section 3, chapter 299, Laws of 1961 as amended by section 1, chapter 73, Laws of 1971 and RCW 3.30.030; amending section 4, chapter 299, Laws of 1961 and RCW 3.30.040; amending section 5, chapter 299, Laws of 1961 as amended by section 2, chapter 73, Laws of 1971 and RCW 3.30.050; amending section 8, chapter 299, Laws of 1961 and RCW 3.30.080; amending section 11, chapter 299, Laws of 1961 as last amended by section 1, chapter 29, Laws of 1982 and RCW 3.34.020; amending section 12, chapter 299, Laws of 1961 as amended by section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030; amending section 13, chapter 299, Laws of 1961 as last amended by section 1, chapter 195, Laws of 1983 and RCW 3.34.040; amending section 14, chapter 299, Laws of 1961 as amended by section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050; amending section 15, chapter 299, Laws of 1961 and RCW 3.34.060; amending section 16, chapter 299, Laws of 1961 and RCW 3.34.070; amending section 17, chapter 299, Laws of 1961 and RCW 3.34.080; amending section 18, chapter 299, Laws of 1961 as amended by section 5, chapter 73, Laws of 1971 and RCW 3.34.090; amending section 19, chapter 299, Laws of 1961 and RCW 3.34.100; amending section 20, chapter 299, Laws of 1961 and RCW 3.34.110; amending section 21, chapter 299, Laws of 1961 and RCW 3.34.120; amending section 22, chapter 299, Laws of 1961 as last amended by section 2, chapter 195, Laws of 1983 and RCW 3.34.130; amending section 23, chapter 299, Laws of 1961 as amended by section 5, chapter 186, Laws of 1981 and RCW 3.34.140; amending section 24, chapter 299, Laws of 1961 and RCW 3.34.150; amending section 25, chapter 299, Laws of 1961 and RCW 3.38.010; amending section 26, chapter 299, Laws of 1961 as amended by section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020; amending section 1, chapter 213, Laws of 1963 and RCW 3.38.022; amending section 27, chapter 299, Laws of 1961 as amended by section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030; amending section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031; amending section 28, chapter 299, Laws of 1961 as amended by section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040; amending section 29, chapter 299, Laws of 1961 and RCW 3.38.050; amending section 30, chapter 299, Laws of 1961 and RCW 3.38.060; amending section 31, chapter 299, Laws of 1961 as amended by section 7, chapter 162, Laws of 1980 and RCW 3.42.010; amending section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020; amending section 33, chapter 299, Laws of 1961 and RCW 3.42.030; amending section 34, chapter 299, Laws of 1961 as amended by section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040; amending section 98, chapter 299, Laws of 1961 as amended by section 6, chapter 73, Laws of 1971 and RCW 3.54.010; amending section 101, chapter 299, Laws of 1961 as last amended by section 2,

chapter 29, Laws of 1982 and RCW 3.58.020; amending section 102, chapter 299, Laws of 1961 and RCW 3.58.030; amending section 103, chapter 299, Laws of 1961 as amended by section 3, chapter 3, Laws of 1983 and RCW 3.58.040; amending section 104, chapter 299, Laws of 1961 as amended by section 3, chapter 213, Laws of 1963 and RCW 3.58.050; amending section 111, chapter 299, Laws of 1961 as last amended by section 14, chapter 128, Laws of 1980 and RCW 3.62.070; amending section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010; amending section 113, chapter 299, Laws of 1961 as last amended by section 7, chapter 331, Laws of 1981 and RCW 3.66.020; amending section 115, chapter 299, Laws of 1961 and RCW 3.66.040; amending section 116, chapter 299, Laws of 1961 and RCW 3.66.050; amending section 117, chapter 299, Laws of 1961 as last amended by section 176, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.66.060; amending section 7, chapter 110, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1975 and RCW 3.66.065; amending section 1, chapter 75, Laws of 1969 as amended by section 1, chapter 156, Laws of 1983 and RCW 3.66.067; amending section 118, chapter 299, Laws of 1961 as amended by section 32, chapter 165, Laws of 1983 and RCW 3.66.070; amending section 119, chapter 299, Laws of 1961 and RCW 3.66.080; amending section 120, chapter 299, Laws of 1961 as amended by section 1, chapter 241, Laws of 1967 and RCW 3.66.090; amending section 123, chapter 299, Laws of 1961 and RCW 3.70.010; amending section 124, chapter 299, Laws of 1961 and RCW 3.70.020; amending section 125, chapter 299, Laws of 1961 and RCW 3.70.030; amending section 126, chapter 299, Laws of 1961 as amended by section 10, chapter 162, Laws of 1980 and RCW 3.70.040; amending section 130, chapter 299, Laws of 1961 and RCW 3.74.010; amending section 131, chapter 299, Laws of 1961 and RCW 3.74.020; amending section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030; amending section 1, chapter 187, Laws of 1919 as last amended by section 10, chapter 331, Laws of 1981 and RCW 12.40.010; amending section 2, chapter 187, Laws of 1919 and RCW 12.40.020; amending section 2, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.025; amending section 3, chapter 187, Laws of 1919 as last amended by section 3, chapter 330, Laws of 1981 and RCW 12.40.030; amending section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 194, Laws of 1981 and RCW 12.40.040; amending section 5, chapter 187, Laws of 1919 and RCW 12.40.050; amending section 6, chapter 187, Laws of 1919 as amended by section 11, chapter 331, Laws of 1981 and RCW 12.40.060; amending section 7, chapter 187, Laws of 1919 and RCW 12.40.070; amending section 8, chapter 187, Laws of 1919 as amended by section 12, chapter 331, Laws of 1981 and RCW 12.40.080; amending section 9, chapter 187, Laws of 1919 and RCW 12.40.090; amending section 10, chapter 187, Laws of 1919 as amended by section 1, chapter 254, Laws of 1983 and RCW 12.40.100; amending section 11, chapter 187, Laws of 1919 as last amended by section 3, chapter 254, Laws of 1983 and RCW 12.40.110; amending section 4, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.120; amending section 680, page 171, Laws of 1869 as last amended by section 738, Code of 1881 and RCW 7.20.140; amending section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.100; amending section 35, chapter 299, Laws of 1961 and RCW 3.46.010; amending section 36, chapter 299, Laws of 1961 and RCW 3.46.020; amending section 38, chapter 299, Laws of 1961 and RCW 3.46.040; amending section 40, chapter 299, Laws of 1961 and RCW 3.46.060; amending section 41, chapter 299, Laws of 1961 and RCW 3.46.070; amending section 42, chapter 299, Laws of 1961 and RCW 3.46.080; amending section 43, chapter 299, Laws of 1961 as amended by section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090; amending section 44, chapter 299, Laws of 1961 and RCW 3.46.100; amending section 1, chapter 84, Laws of 1973 as amended by section 1, chapter 94, Laws of 1980 and RCW 4.84.250; amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 12.20.060; amending section 4, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1971 and RCW 2.06.040; amending section 367, page 201, Laws of 1854 as last amended by section 7, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.84.010; amending section 4, chapter 254, Laws of 1983 and RCW 12.24.135; amending section 4, page 404, Laws of 1854 as last amended by section 1, chapter 186, Laws of 1983 and RCW 26.04.050; amending section 50, chapter 299, Laws of 1961 and RCW 3.50.010; amending section 51, chapter 299, Laws of 1961 as amended by section 17, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 as amended by section 18, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.030; amending section 53, chapter 299, Laws of 1961 as amended by section 1, chapter 35, Laws of 1975-'76 2nd ex. sess. and RCW

3.50.040; amending section 54, chapter 299, Laws of 1961 and RCW 3.50.050; amending section 55, chapter 299, Laws of 1961 and RCW 3.50.060; amending section 56, chapter 299, Laws of 1961 and RCW 3.50.070; amending section 57, chapter 299, Laws of 1961 and RCW 3.50.080; amending section 58, chapter 299, Laws of 1961 and RCW 3.50.090; amending section 60, chapter 299, Laws of 1961 and RCW 3.50.110; amending section 79, chapter 299, Laws of 1961 as amended by section 1, chapter 84, Laws of 1969 and RCW 3.50.300; amending section 81, chapter 299, Laws of 1961 as amended by section 5, chapter 156, Laws of 1983 and RCW 3.50.320; amending section 82, chapter 299, Laws of 1961 as amended by section 6, chapter 156, Laws of 1983 and RCW 3.50.330; amending section 83, chapter 299, Laws of 1961 as amended by section 7, chapter 156, Laws of 1983 and RCW 3.50.340; amending section 92, chapter 299, Laws of 1961 and RCW 3.50.430; amending section 93, chapter 299, Laws of 1961 and RCW 3.50.440; amending section 94, chapter 299, Laws of 1961 and RCW 3.50.450; amending section 46.08.190, chapter 12, Laws of 1961 and RCW 46.08.190; amending section 6, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 221, Laws of 1983 and RCW 46.63.040; amending section 46.83.050, chapter 12, Laws of 1961 and RCW 46.83.050; amending section 3, page 121, Laws of 1890 and RCW 78.12.030; amending section 5.20.010, chapter 7, Laws of 1965 as amended by section 4, chapter 33, Laws of 1975 and RCW 35.20.010; amending section 49, chapter 299, Laws of 1961 and RCW 3.46.150; amending section 22, chapter 299, Laws of 1961 as last amended by section 19 of this 1984 act and RCW 3.34.130; amending section 46, chapter 299, Laws of 1961 as amended by section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120; amending section 59, chapter 299, Laws of 1961 as amended by section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100; amending section 105, chapter 299, Laws of 1961 and RCW 3.62.010; amending section 106, chapter 299, Laws of 1961 as last amended by section 8, chapter 73, Laws of 1971 and RCW 3.62.020; amending section 108, chapter 299, Laws of 1961 as amended by section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040; amending section 109, chapter 299, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 330, Laws of 1981 and RCW 3.62.060; amending section 1, chapter 249, Laws of 1953 as last amended by section 1, chapter 126, Laws of 1979 and RCW 27.24.070; amending section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 239, Laws of 1983 and RCW 7.68.035; amending section 16, chapter 172, Laws of 1935 as last amended by section 11, chapter 232, Laws of 1983 and RCW 9.41.160; amending section 3, page 421, Laws of 1873 as last amended by section 11, chapter 199, Laws of 1969 ex. sess. and RCW 10.82.070; amending section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as amended by section 55, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.010; amending section 28A.87.060, chapter 223, Laws of 1969 ex. sess. as amended by section 57, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.060; amending section 28A.87.070, chapter 223, Laws of 1969 ex. sess. as amended by section 58, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.070; amending section 28A.87.130, chapter 223, Laws of 1969 ex. sess. as amended by section 60, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.130; amending section 28A.87.140, chapter 223, Laws of 1969 ex. sess. as amended by section 61, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.140; amending section 35.20.220, chapter 7, Laws of 1965 as amended by section 5, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.220; amending section 35A.42.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.010; amending section 35A.47.030, chapter 119, Laws of 1967 ex. sess. as amended by section 69, chapter 3, Laws of 1983 and RCW 35A.47.030; amending section 2, chapter 20, Laws of 1972 ex. sess. and RCW 36.18.025; amending section 1, chapter 158, Laws of 1963 and RCW 46.08.172; amending section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 16, chapter 165, Laws of 1983 and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 18, chapter 165, Laws of 1983 and RCW 46.20.311; amending section 11, chapter 165, Laws of 1983 and RCW 46.20.680; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as last amended by section 58, chapter 7, Laws of 1984 and RCW 46.44.105; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515; amending section 6, chapter 209, Laws of 1975 1st ex. sess. as amended by section 1, chapter 57, Laws of 1977 and RCW 46.61.587; reenacting and amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and by section 4, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.110; amending section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81.070; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 23, chapter 46, Laws of 1983 1st

ex. sess. and RCW 75.08.230; amending section 15, chapter 2, Laws of 1983 and RCW 69.50-.505; reenacting and amending section 77.12.170, chapter 36, Laws of 1955 as amended by section 1, chapter 284, Laws of 1983 and by section 2, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.12.170; amending section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 36, chapter 78, Laws of 1980 and RCW 77.12.201; amending section 3, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.21.070; amending section 1, chapter 103, Laws of 1979 and RCW 7.06.010; amending section 206, page 168, Laws of 1854 as amended by section 248, Code of 1881 and RCW 4.48.010; amending section 207, page 168, Laws of 1854 as last amended by section 249, Code of 1881 and RCW 4.48.020; amending section 208, page 168, Laws of 1854 as last amended by section 250, Code of 1881 and RCW 4.48.030; amending section 209, page 169, Laws of 1854 as last amended by section 251, Code of 1881 and RCW 4.48.040; amending section 256, page 61, Laws of 1869 as last amended by section 252, Code of 1881 and RCW 4.48.050; amending section 210, page 169, Laws of 1854 as last amended by section 253, Code of 1881 and RCW 4.48.060; amending section 210, page 169, Laws of 1854 as last amended by section 254, Code of 1881 and RCW 4.48.070; amending section 259, page 62, Laws of 1869 as last amended by section 3, chapter 9, Laws of 1957 and RCW 4.48.080; amending section 260, page 62, Laws of 1869 as last amended by section 256, Code of 1881 and RCW 4.48.090; amending section 376, page 202, Laws of 1854 as last amended by section 514, Code of 1881 and RCW 4.48.100; amending section 121, chapter 299, Laws of 1961 and RCW 3.66.100; amending section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030; amending section 35.22.280, chapter 7, Laws of 1965 as last amended by section 20, chapter 316, Laws of 1977 ex. sess. and RCW 35.22.280; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 28, chapter 136, Laws of 1979 ex. sess. and RCW 35.23.440; amending section 35.24.290, chapter 7, Laws of 1965 as last amended by section 23, chapter 316, Laws of 1977 ex. sess. and RCW 35.24.290; amending section 35.27.370, chapter 7, Laws of 1965 as last amended by section 25, chapter 316, Laws of 1977 ex. sess. and RCW 35.27.370; amending section 35.30.010, chapter 7, Laws of 1965 and RCW 35.30.010; amending section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020; amending section 9A.20.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.010; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.06 RCW; adding new sections to chapter 2.08 RCW; adding new sections to chapter 2.56 RCW; adding a new section to chapter 3.30 RCW; adding new sections to chapter 3.50 RCW; adding a new section to chapter 3.62 RCW; adding new sections to chapter 4.48 RCW; adding a new chapter to Title 7 RCW; adding a new section to chapter 12.16 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.24 RCW; adding a new section to chapter 35.27 RCW; adding a new section to chapter 35.30 RCW; adding a new section to chapter 35A.11 RCW; adding a new section to chapter 43.08 RCW; creating new sections; recodifying RCW 35A.20.150; repealing section 1, chapter 11, Laws of 1955 and RCW 3.04.010; repealing section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030; repealing section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040; repealing section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050; repealing section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060; repealing section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1955 and RCW 3.04.070; repealing section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080; repealing section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090; repealing section 10, page 224, Laws of 1854, section 1703, Code of 1881, and RCW 3.04.100; repealing section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110; repealing section 12, chapter 187, Laws of 1919 and RCW 3.04.120; repealing section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130; repealing section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; repealing section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150; repealing section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010; repealing section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020; repealing section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030; repealing section 2800, Code of 1881, section

9, chapter 11, Laws of 1955 and RCW 3.08.040; repealing section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050; repealing section 10, chapter 11, Laws of 1955 and RCW 3.08.060; repealing section 3, chapter 237, Laws of 1953 and RCW 3.08.065; repealing section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; repealing section 2, chapter 237, Laws of 1953 and RCW 3.08.080; repealing section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010; repealing section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021; repealing section 6, chapter 156, Laws of 1951 and RCW 3.12.041; repealing section 7, chapter 156, Laws of 1951 and RCW 3.12.051; repealing section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071; repealing section 1, chapter 63, Laws of 1931 and RCW 3.12.080; repealing section 8, chapter 7, Laws of 1891, section 1 chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090; repealing section 10, chapter 156, Laws of 1951 and RCW 3.14.020; repealing section 9, chapter 156, Laws of 1951 and RCW 3.14.050; repealing section 13, chapter 156, Laws of 1951 and RCW 3.14.060; repealing section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002; repealing section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004; repealing section 13, chapter 11, Laws of 1955 and RCW 3.16.008; repealing section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010; repealing section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020; repealing section 3, chapter 145, Laws of 1909, sections 3, 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030; repealing section 17, chapter 11, Laws of 1955 and RCW 3.16.050; repealing section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060; repealing section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070; repealing section 2, chapter 66, Laws of 1893 and RCW 3.16.080; repealing section 3, chapter 66, Laws of 1893 and RCW 3.16.090; repealing section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100; repealing section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110; repealing section 4, chapter 7, Laws of 1891 and RCW 3.16.120; repealing section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130; repealing section 10, chapter 7, Laws of 1891 and RCW 3.16.140; repealing section 6, chapter 7, Laws of 1891 and RCW 3.16.150; repealing section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160; repealing section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010; repealing section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965, section 2, chapter 102, Laws of 1979, section 6, chapter 331, Laws of 1981 and RCW 3.20.020; repealing section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030; repealing section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909, section 175, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.20.040; repealing section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050; repealing section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060; repealing section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070; repealing section 3, chapter 75, Laws of 1929 and RCW 3.20.080; repealing section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090; repealing section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110; repealing section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; repealing section 4, chapter 206, Laws of 1953 and RCW 3.20.131; repealing section 1, chapter 14, Laws of 1923 and RCW 3.24.010; repealing section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020; repealing section 4, chapter 14, Laws of 1923 and RCW 3.24.030; repealing section 5, chapter 14, Laws of 1923 and RCW 3.24.040; repealing section 6, chapter 14, Laws of 1923 and RCW 3.24.050; repealing section 3, chapter 14, Laws of 1923 and RCW 3.24.060; repealing section 7, chapter 14, Laws of 1923 and RCW 3.24.070; repealing section 8, chapter 14, Laws of 1923

and RCW 3.24.080; repealing section 9, chapter 14, Laws of 1923 and RCW 3.24.090; repealing section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010; repealing section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020; repealing section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030; repealing section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040; repealing section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050; repealing section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060; repealing section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070; repealing section 128, chapter 299, Laws of 1961 and RCW 3.74.910; repealing section 129, chapter 299, Laws of 1961 and RCW 3.74.920; repealing section 211, chapter 249, Laws of 1909, section 1, chapter 100, Laws of 1917 and RCW 9.04.020 repealing section 7, chapter 84, Laws of 1973 and RCW 4.84.310 repealing section 61, chapter 299, Laws of 1961 and RCW 3.50.120; repealing section 62, chapter 299, Laws of 1961 and RCW 3.50.130; repealing section 63, chapter 299, Laws of 1961 and RCW 3.50.140; repealing section 64, chapter 299, Laws of 1961 and RCW 3.50.150; repealing section 65, chapter 299, Laws of 1961 and RCW 3.50.160; repealing section 66, chapter 299, Laws of 1961 and RCW 3.50.170; repealing section 67, chapter 299, Laws of 1961 and RCW 3.50.180; repealing section 68, chapter 299, Laws of 1961 and RCW 3.50.190; repealing section 69, chapter 299, Laws of 1961 and RCW 3.50.200; repealing section 70, chapter 299, Laws of 1961 and RCW 3.50.210; repealing section 71, chapter 299, Laws of 1961 and RCW 3.50.220; repealing section 72, chapter 299, Laws of 1961 and RCW 3.50.230; repealing section 73, chapter 299, Laws of 1961 and RCW 3.50.240; repealing section 74, chapter 299, Laws of 1961 and RCW 3.50.250; repealing section 75, chapter 299, Laws of 1961 and RCW 3.50.260; repealing section 76, chapter 299, Laws of 1961 and RCW 3.50.270; repealing section 77, chapter 299, Laws of 1961, section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280; repealing section 78, chapter 299, Laws of 1961 and RCW 3.50.290; repealing section 80, chapter 299, Laws of 1961 and RCW 3.50.310; repealing section 84, chapter 299, Laws of 1961 and RCW 3.50.350; repealing section 85, chapter 299, Laws of 1961 and RCW 3.50.360; repealing section 86, chapter 299, Laws of 1961 and RCW 3.50.370; repealing section 87, chapter 299, Laws of 1961 and RCW 3.50.380; repealing section 88, chapter 299, Laws of 1961 and RCW 3.50.390; repealing section 89, chapter 299, Laws of 1961 and RCW 3.50.400; repealing section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410; repealing section 91, chapter 299, Laws of 1961 and RCW 3.50.420; repealing section 95, chapter 299, Laws of 1961 and RCW 3.50.460; repealing section 96, chapter 299, Laws of 1961 and RCW 3.50.470; repealing section 35.20.040, chapter 7, Laws of 1965 and RCW 35.20.040; repealing section 35.20.050, chapter 7, Laws of 1965 and RCW 35.20.050; repealing section 35.20.060, chapter 7, Laws of 1965 and RCW 35.20.060; repealing section 35.20.070, chapter 7, Laws of 1965, section 88, chapter 81, Laws of 1971 and RCW 35.20.070; repealing section 35.20.080, chapter 7, Laws of 1965 and RCW 35.20.080; repealing section 35.20.900, chapter 7, Laws of 1965, section 5, chapter 33, Laws of 1975 and RCW 35.20.900; repealing section 35.21.170, chapter 7, Laws of 1965 and RCW 35.21.170; repealing section 35.22.420, chapter 7, Laws of 1965, section 3, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.420; repealing section 35.22.430, chapter 7, Laws of 1965 and RCW 35.22.430; repealing section 35.22.440, chapter 7, Laws of 1965 and RCW 35.22.440; repealing section 35.22.460, chapter 7, Laws of 1965, section 4, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.460; repealing section 35.22.480, chapter 7, Laws of 1965, section 5, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.480; repealing section 5, chapter 241, Laws of 1967 and RCW 35.22.485; repealing section 35.22.490, chapter 7, Laws of 1965 and RCW 35.22.490; repealing section 35.22.500, chapter 7, Laws of 1965 and RCW 35.22.500; repealing section 35.22.510, chapter 7, Laws of 1965, section 26, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.510; repealing section 35.22.520, chapter 7, Laws of 1965 and RCW 35.22.520; repealing section 35.22.530, chapter 7, Laws of 1965, section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530; repealing section 35.22.540, chapter 7, Laws of 1965 and RCW 35.22.540; repealing section 35.22.550, chapter 7, Laws of 1965 and RCW 35.22.550; repealing section 35.22.560, chapter 7, Laws of 1965, section 89, chapter 81, Laws of 1971 and RCW 35.22.560; repealing section 35.23.590, chapter 7, Laws of 1965 and RCW 35.23.590; repealing section 35.23.600, chapter 7, Laws of 1965, section 8, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.600; repealing section 35.23.610, chapter 7, Laws of 1965 and RCW 35.23.610; repealing section 35.23.620, chapter 7, Laws of 1965, section 7, chapter 241, Laws of 1967 and RCW 35.23.620; repealing

section 6, chapter 241, Laws of 1967 and RCW 35.23.625; repealing section 35.23.630, chapter 7, Laws of 1965 and RCW 35.23.630; repealing section 35.23.640, chapter 7, Laws of 1965 and RCW 35.23.640; repealing section 35.23.650, chapter 7, Laws of 1965, section 1, chapter 35, Laws of 1969 and RCW 35.23.650; repealing section 35.23.660, chapter 7, Laws of 1965 and RCW 35.23.660; repealing section 35.23.670, chapter 7, Laws of 1965 and RCW 35.23.670; repealing section 35.24.450, chapter 7, Laws of 1965, section 1, chapter 94, Laws of 1965, section 11, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.450; repealing section 35.24.460, chapter 7, Laws of 1965, section 2, chapter 94, Laws of 1965, section 12, chapter 116, Laws of 1965 ex. sess., section 29, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.460; repealing section 8, chapter 241, Laws of 1967 and RCW 35.24.465; repealing section 35.24.470, chapter 7, Laws of 1965, section 13, chapter 116, Laws of 1965 ex. sess., section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470; repealing section 1, chapter 108, Laws of 1965 and RCW 35.24.480; repealing section 35.27.520, chapter 7, Laws of 1965, section 16, chapter 116, Laws of 1965 ex. sess., section 1, chapter 28, Laws of 1969 and RCW 35.27.520; repealing section 2, chapter 108, Laws of 1965 and RCW 35.27.525; repealing section 35.27.530, chapter 7, Laws of 1965, section 17, chapter 116, Laws of 1965 ex. sess., section 31, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.530; repealing section 9, chapter 241, Laws of 1967 and RCW 35.27.535; repealing section 35.27.540, chapter 7, Laws of 1965, section 18, chapter 116, Laws of 1965 ex. sess., section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540; repealing section 35A.20.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.010; repealing section 35A.20.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.020; repealing section 35A.20.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.030; repealing section 35A.20.040, chapter 119, Laws of 1967 ex. sess., section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040; repealing section 35A.20.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.050; repealing section 35A.20.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.060; repealing section 35A.20.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.070; repealing section 35A.20.080, chapter 119, Laws of 1967 ex. sess., section 34, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.080; repealing section 35A.20.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.090; repealing section 35A.20.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.100; repealing section 35A.20.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.110; repealing section 35A.20.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.120; repealing section 35A.20.130, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.130; repealing section 7, chapter 132, Laws of 1981, section 1, chapter 9, Laws of 1983 1st ex. sess. and RCW 2.56.100; repealing section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess., section 129, chapter 78, Laws of 1980 and RCW 3.62.015; repealing section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055; repealing section 2, chapter 330, Laws of 1981 and RCW 3.62.080; repealing section 4, chapter 330, Laws of 1981 and RCW 13.40.260; repealing section 2, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.026; repealing section 2, chapter 70, Laws of 1980, section 6, chapter 330, Laws of 1981 and RCW 36.18.027; repealing section 3, chapter 212, Laws of 1977 ex. sess., section 1, chapter 164, Laws of 1979 ex. sess., section 8, chapter 4, Laws of 1981, section 1, chapter 127, Laws of 1981 and RCW 43.101.210; repealing section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.518; repealing section 46.68.050, chapter 12, Laws of 1961, section 10, chapter 99, Laws of 1969, section 23, chapter 199, Laws of 1969 ex. sess. and RCW 46.68.050; repealing section 2, chapter 9, Laws of 1970 ex. sess., section 1, chapter 26, Laws of 1971 ex. sess., section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030; repealing section 5, chapter 39, Laws of 1963 and RCW 46.81.040; repealing section 3, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.050; repealing section 7, chapter 39, Laws of 1963, section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; repealing section 47.08.030, chapter 13, Laws of 1961, section 26, chapter 199, Laws of 1969 ex. sess. and RCW 47.08.030; repealing section 1, chapter 57, Laws of 1975, section 31, chapter 78, Laws of 1980 and RCW 77.21.050; repealing section 1, chapter 144, Laws of 1953, section 1, chapter 260, Laws of 1957, section 1, chapter 127, Laws of 1965 ex. sess., section 1, chapter 100, Laws of 1972 ex. sess., section 2, chapter 106, Laws of 1973, section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 2, chapter 263, Laws of 1975 1st ex. sess., section 2, chapter 318, Laws of 1977 ex. sess., section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090; repealing section 6, chapter 221, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1972 ex. sess., section 3, chapter 106, Laws of 1973, section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 3, chapter 263, Laws of 1975 1st ex. sess., section 3, chapter 318, Laws of 1977 ex. sess., section 5, chapter 255, Laws of 1979 ex. sess. and

RCW 2.06.060; repealing section 2, chapter 144, Laws of 1953, section 2, chapter 260, Laws of 1957, section 2, chapter 127, Laws of 1965 ex. sess., section 1, chapter 65, Laws of 1967, section 3, chapter 100, Laws of 1972 ex. sess., section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 4, chapter 263, Laws of 1975 1st ex. sess., section 4, chapter 318, Laws of 1977 ex. sess., section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; repealing section 1, chapter 259, Laws of 1957, section 1, chapter 93, Laws of 1969, section 1, chapter 156, Laws of 1974 ex. sess., section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010; repealing section 57, page 233, Laws of 1854, section 168, page 370, Laws of 1873, section 1869, Code of 1881 and RCW 12.16.010; repealing section 66, page 234, Laws of 1854, section 177, page 371, Laws of 1873, section 1878, Code of 1881 and RCW 12.16.100; repealing section 67, page 234, Laws of 1854, section 178, page 371, Laws of 1873, section 1879, Code of 1881 and RCW 12.16.110; repealing section 68, page 234, Laws of 1854, section 179, page 372, Laws of 1873, section 1880, Code of 1881 and RCW 12.16.120; making an appropriation; and providing effective dates.

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

NEW SECTION. Sec. 1. This act may be known and cited as the court improvement act of 1984.

NEW SECTION. Sec. 2.

INDEX

Administrator for the Courts, salary, sec. 405
 Appropriation to Administrator for the
 Courts—Distribution to Counties, sec. 901
 Attorneys' fees, secs. 88, 89
 Dispute Resolution Centers, secs. 501–510
 District Court Act
 Civil jurisdiction increased, sec. 41
 Court commissioner's authority, sec. 31
 Distribution of moneys, secs. 306, 307
 Service of process, secs. 701–703
 Technical amendments, generally, secs. 1–86
 Effective Dates, sec. 903
 Judges' Salaries
 Generally, secs. 401–404
 Supreme Court, sec. 401
 Court of Appeals, sec. 402
 Superior Court, sec. 403
 Judicial Administration Commission
 Generally, secs. 601–603
 Administrator for the Courts, duties, sec. 602
 Appropriation, sec. 902
 Compensation, sec. 601
 Duties, sec. 603
 Membership, sec. 601
 Report to Legislature, sec. 603
 Judicial impact notes, sec. 604
 Mandatory arbitration, establishment of program, sec. 511
 Municipal Courts

Restrictions on termination, secs. 201-203, 210

Distribution of moneys, secs. 303, 304, 319

Reorganization of Municipal Court statutes, secs. 101-135

Repeal of Municipal Criminal Code, secs. 202-209

Sentencing Authority, secs. 801-807

Municipal Criminal Codes

Restrictions on repeal, secs. 203-209

Referees in civil actions, secs. 512-524

Repealed statutes

Distribution of moneys, sec. 339

Justice of Peace statutes, secs. 80-86

Judges' salaries, sec. 404

Municipal Court reorganization, secs. 130-135

Sentencing Authority of Municipal Courts, secs. 801-807

Sec. 3. Section 1, chapter 299, Laws of 1961 as last amended by section 1, chapter 151, Laws of 1979 and RCW 3.30.010 are each amended to read as follows:

As used (~~herein~~) in this chapter unless the context clearly requires otherwise:

"City" means an incorporated city or town.

"Department" means (~~the designation of~~) an administrative unit of a (~~justice~~) district court established for the orderly and efficient administration of (~~justice court~~) business and may include, without being limited in scope thereby, a unit or units for determining (~~one or more of the following:~~) traffic cases, violations of city ordinances, violations of state law, criminal cases, civil cases, or jury cases.

"Population" means the latest population of the judicial district of each county as estimated and certified by the office of financial management. The office of financial management, on or before May 1, 1970 and on or before May 1st each four years thereafter, shall estimate and certify to the (~~board of county commissioners~~) county legislative authority the population of each judicial district of each county.

Sec. 4. Section 3, chapter 299, Laws of 1961 as amended by section 1, chapter 73, Laws of 1971 and RCW 3.30.030 are each amended to read as follows:

The judges (~~of the justice court~~) of each (~~justice~~) district court district shall be the justices of the peace of the district elected or appointed as provided in chapters 3.30 through 3.74 RCW. Such courts shall alternately be referred to as district courts and the judges thereof as district judges.

Sec. 5. Section 4, chapter 299, Laws of 1961 and RCW 3.30.040 are each amended to read as follows:

The ~~((justice))~~ district courts shall be open except on nonjudicial days. Sessions of the court shall be held at such places as shall be provided by the ~~((justice))~~ district court districting plan. The court shall sit as often as business requires in each city of the ~~((justice-court))~~ district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff.

Sec. 6. Section 5, chapter 299, Laws of 1961 as amended by section 2, chapter 73, Laws of 1971 and RCW 3.30.050 are each amended to read as follows:

Each ~~((judge is authorized to organize his court not inconsistent))~~ court may be organized in a manner consistent with the departments created by the districting plan.

Sec. 7. Section 8, chapter 299, Laws of 1961 and RCW 3.30.080 are each amended to read as follows:

The supreme court may adopt rules of procedure for ~~((justice))~~ district courts~~((:PROVIDED, That the justice courts))~~. A district court may adopt local rules of procedure which are not inconsistent with state law or with the rules adopted by the supreme court. If the rules of the supreme court ((herein)) authorized ((shall be)) under this section are adopted, all procedural laws in conflict ((therewith)) with the rules shall ((thenceforth)) be of no effect.

Sec. 8. Section 11, chapter 299, Laws of 1961 as last amended by section 1, chapter 29, Laws of 1982 and RCW 3.34.020 are each amended to read as follows:

In each ~~((justice-court))~~ district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice of the peace; in each ~~((justice-court))~~ district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each ~~((justice-court))~~ district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each ~~((justice-court))~~ district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof~~((:PROVIDED, That))~~. If a ((justice-court)) district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county ((commissioners)) legislative authority without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following~~((:PROVIDED FURTHER, That))~~. Upon any redistricting of the county thereafter ((RCW 3.34.010, as now or hereafter amended, shall again designate)) the number of justices in the county~~((:PROVIDED;~~

~~That~~) shall be designated under RCW 3.34.010. In a ~~((justice court))~~ district having a population of one hundred twenty thousand people or more adjoining a metropolitan county of another state which has a population in excess of five hundred thousand, there shall be one full time justice in addition to the number otherwise allowed by this section and without regard to RCW 3.34.030 or resolution of the county ~~((commissioners: PROVIDED FURTHER, That))~~ legislative authority. The county ~~((commissioners))~~ legislative authority may by resolution make a part time position a full time office~~((: PROVIDED FURTHER, That))~~. The county ~~((commissioners))~~ legislative authority may by resolution provide for the election of one full time justice in addition to the number of full time justices authorized ~~((hereinbefore))~~.

Sec. 9. Section 12, chapter 299, Laws of 1961 as amended by section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030 are each amended to read as follows:

Notwithstanding the limitations of RCW 3.34.010 and 3.34.020 in any district having more than one justice of the peace, if any city or town elects to select under the provisions of chapter 3.50 RCW a person other than a justice of the peace to serve as municipal judge, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may reduce the number of justices of the peace required for the county and district by one for each one hundred and fifty thousand persons or fraction thereof residing in all such municipalities, electing to select a municipal judge who is not also a justice of the peace: PROVIDED, That in no case shall the number of justices of the peace in any county be less than one for each one hundred thousand persons or major fraction thereof in such county, nor shall the number of justices of the peace in any district be less than one for each one hundred and fifty thousand persons or major fraction thereof.

Sec. 10. Section 13, chapter 299, Laws of 1961 as last amended by section 1, chapter 195, Laws of 1983 and RCW 3.34.040 are each amended to read as follows:

~~((Justices of the peace))~~ A district judge serving a district~~((s))~~ having a population of forty thousand or more persons, and ~~((justices))~~ a district judge receiving a salary greater than the maximum salary provided in RCW 3.58.020~~((f))~~~~((6))~~ ~~((for serving as a justice,))~~ shall be deemed full time ~~((justices))~~ judges and shall devote all of their time to the office and shall not engage in the practice of law. Other ~~((justices))~~ judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations ~~((but such justice shall not use the office or supplies furnished by the judicial district for his private business))~~ but shall maintain a separate office for ~~((his))~~ private business ~~((nor))~~ and shall ~~((he))~~ not use for private business the services of any clerk or secretary paid for by the county ~~((for his private business))~~ or office space or supplies furnished by the judicial district.

Sec. 11. Section 14, chapter 299, Laws of 1961 as amended by section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050 are each amended to read as follows:

At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each ~~((justice))~~ district court district the number of ~~((justices-of-the-peace))~~ judges authorized for ~~((such))~~ the district by the ~~((justice))~~ district court districting plan. ~~((Justices-of-the-peace))~~ Judges shall be elected for each district by the qualified electors of the ~~((justice-court))~~ district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of ~~((justices-of-the-peace))~~ judges for ~~((justice-court))~~ districts entitled to more than one ~~((justice-of-the-peace))~~ judge, the county auditor shall designate each such office of ~~((justice-of-the-peace))~~ district judge to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. ~~((Each-candidate.))~~ At the time of the filing of ~~((his))~~ the declaration of candidacy, each candidate shall designate by number which one, and only one, of the numbered offices for which he or she is a candidate and the name of ~~((such))~~ the candidate shall appear on the ballot for only the numbered office for which the candidate filed ~~((his))~~ a declaration of candidacy.

Sec. 12. Section 15, chapter 299, Laws of 1961 and RCW 3.34.060 are each amended to read as follows:

To be eligible to file a declaration of candidacy for and to serve as a ~~((justice-of-the-peace))~~ district court judge, a person must:

- (1) Be a registered voter of the ~~((justice))~~ district court district; and
- (2) Be either:
 - (a) A lawyer admitted to practice law in the state of Washington; or
 - (b) A person who has been elected and has served as a justice of the peace, district judge, municipal judge, or police judge in Washington; or
 - (c) In those districts having a population of less than ten thousand persons, a person who has taken and passed ~~((such))~~ the qualifying examination for the office of ~~((justice-of-the-peace))~~ district judge as shall be provided by rule of the supreme court.

Sec. 13. Section 16, chapter 299, Laws of 1961 and RCW 3.34.070 are each amended to read as follows:

Every ~~((justice-of-the-peace))~~ district judge shall hold office for a term of four years from and after the second Monday in January next succeeding his or her selection and continuing until ~~((his))~~ a successor is elected and qualified.

Sec. 14. Section 17, chapter 299, Laws of 1961 and RCW 3.34.080 are each amended to read as follows:

Each ~~((justice-of-the-peace, justice-of-the-peace))~~ district judge, district judge pro tempore and ~~((justice))~~ district court commissioner shall, before

entering upon the duties of ~~((such))~~ office, take an oath to support the Constitution of the United States and the Constitution and laws of the state of Washington, and to perform the duties of the office faithfully and impartially and to the best of his or her ability.

Sec. 15. Section 18, chapter 299, Laws of 1961 as amended by section 5, chapter 73, Laws of 1971 and RCW 3.34.090 are each amended to read as follows:

The county ~~((commissioners))~~ legislative authority shall provide for the bonding of each district judge, ~~((justice of the peace, justice of the peace))~~ district judge pro tempore, ~~((justice))~~ district court commissioner, clerk of the district court, and court employee, at the expense of the county, in such amount as the county ~~((commissioners))~~ legislative authority shall prescribe, conditioned that each such person will pay over according to law all moneys which shall come into ~~((his hands))~~ the person's custody in causes filed in ~~((his))~~ the district court. Such bond shall not be less than the maximum amount of money liable to be under the control, at any one time, of each such person in the performance of his or her duties. Such bond may be a blanket bond. If the county obtains errors and omissions insurance covering district court personnel, the costs of such coverage shall be a reimbursable expense pursuant to RCW 3.62.050 as now or hereafter amended.

Sec. 16. Section 19, chapter 299, Laws of 1961 and RCW 3.34.100 are each amended to read as follows:

If ~~((any justice))~~ a district judge dies, resigns, is convicted of a felony, ~~((or))~~ ceases to reside in the district ~~((or))~~, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The ~~((board of county commissioners))~~ county legislative authority shall fill all vacancies by appointment and the ~~((justice))~~ judge thus appointed shall hold office until the next general election and until ~~((his))~~ a successor is elected and qualified. ~~((Justices of peace))~~ District judges shall be granted sick leave in the same manner as other county employees.

Sec. 17. Section 20, chapter 299, Laws of 1961 and RCW 3.34.110 are each amended to read as follows:

A ~~((justice of the peace))~~ district judge shall not act as judge in any of the following cases:

(1) In an action to which ~~((he))~~ the judge is a party, or in which ~~((he))~~ the judge is directly interested, or in which ~~((he))~~ the judge has been an attorney for a party.

(2) When ~~((he))~~ the judge or one of the parties believes that the parties cannot have an impartial trial before ~~((him: PROVIDED, That))~~ the judge. Only one change of judges shall be allowed each party under this subsection.

When a ~~((justice))~~ judge is disqualified under this section, the case shall be heard before another ~~((justice))~~ judge or ~~((justice))~~ judge pro tempore of the same county.

Sec. 18. Section 21, chapter 299, Laws of 1961 and RCW 3.34.120 are each amended to read as follows:

~~((If a justice of the peace be a lawyer, his))~~ The partner and associates of a judge who is a lawyer shall not practice law before ((him)) the judge.

Sec. 19. Section 22, chapter 299, Laws of 1961 as last amended by section 2, chapter 195, Laws of 1983 and RCW 3.34.130 are each amended to read as follows:

(1) Each ~~((justice))~~ district court shall designate one or more ~~((justices of the peace))~~ persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a ~~((justice of the peace of the))~~ district judge. The qualifications of a ~~((justice of the peace))~~ judge pro tempore shall be the same as for a ~~((justice of the))~~ district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the ~~((county in which the justice court district or portion thereof is located))~~ state. A ~~((justice of the peace))~~ judge pro tempore may sit in any district of the county for which he or she is appointed. A ~~((justice of the peace))~~ judge pro tempore shall be paid for each day he or she holds a session one-two hundred fiftieth of the annual salary of a full time ~~((justice of the))~~ district judge. For each day that a ~~((justice of the peace))~~ judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the ~~((justice of the peace))~~ judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time ~~((justice of the peace))~~ district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money from the judiciary education account to the administrator for the courts pursuant to RCW 2.56.100 for the purpose of reimbursing counties for the salaries of ~~((justices of the peace))~~ judges pro tempore for certain days in excess of thirty worked per year the ~~((justice of the peace))~~ judge pro tempore was required to work as the result of service by a ~~((justice of the peace))~~ judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any ~~((justice of the peace))~~ judge pro tempore was required to work as the result of service by a ~~((justice of the peace))~~ judge on

a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 20. Section 23, chapter 299, Laws of 1961 as amended by section 5, chapter 186, Laws of 1981 and RCW 3.34.140 are each amended to read as follows:

Any (~~justice of the peace~~) district judge may hold a session in any (~~justice court~~) district in the state, at the request of the (~~justice~~) judge or majority of (~~justices~~) judges in (~~such~~) the district if the visiting (~~justice of the peace~~) judge determines that the state of (~~justice court~~) business in his or her district (~~will permit him to be absent: PROVIDED; That~~) allows the judge to be absent. The (~~board of county commissioners of the~~) county legislative authority in which (~~such justice~~) the district court is located shall first approve (~~such~~) the temporary absence and (~~no justice of the peace~~) the judge pro tempore shall not be required to serve during (~~his~~) the judge's absence. A visiting (~~justice~~) judge shall be entitled to reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended while so acting, to be paid by the visited district(~~PROVIDED, That no such~~). These expenses shall not be paid to the visiting (~~justice~~) judge unless the (~~county commissioners~~) legislative authority of the county in which the visited district is located (~~shall have consented and~~) has approved (~~thereto prior to such~~) the payment before the visit.

Sec. 21. Section 24, chapter 299, Laws of 1961 and RCW 3.34.150 are each amended to read as follows:

(~~Where a justice court~~) If a district has more than one (~~justice~~) judge, the supreme court may by rule provide for the manner of selection of one of the (~~justices~~) judges to serve as presiding judge and prescribe (~~his~~) the presiding judge's duties.

Sec. 22. Section 25, chapter 299, Laws of 1961 and RCW 3.38.010 are each amended to read as follows:

There is established in each county a (~~justice~~) district court districting committee composed of the following:

(1) The judge of the superior court, or, if there be more than one such judge, then one of the judges selected by that court;

(2) The prosecuting attorney, or a deputy selected by (~~him~~) the prosecuting attorney;

(3) A practicing lawyer of the county selected by the president of the largest local bar association, if there be one, and if not, then by the county (~~commissioners~~) legislative authority;

(4) A judge of ~~((an inferior court of))~~ a court of limited jurisdiction in the county selected by the president of the Washington state magistrates' association; and

(5) The mayor, or ~~((his))~~ representative appointed by the mayor, of each first, second, and third class city of the county;

(6) One person to represent the fourth class cities of the county, if any, to be designated by the president of the association of Washington cities: PROVIDED, That if there should be neither a first class nor a second class city within the county, the mayor, or ~~((his))~~ the mayor's representative, of each fourth class city shall be a member;

(7) The chairman of the ~~((board of county commissioners))~~ county legislative authority; and

(8) The county auditor.

Sec. 23. Section 26, chapter 299, Laws of 1961 as amended by section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020 are each amended to read as follows:

~~((Upon the classification of any county as a class A county, or upon the adoption of a resolution by majority vote of the board of county commissioners of any county of the first, second, third, fourth, fifth, sixth, eighth or ninth class electing to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county,))~~ The ((justice)) district court districting committee ~~((shall become activated and))~~ shall meet at the call of the prosecuting attorney to prepare a plan for the districting of the county into one or more district court districts in accordance with the provisions of chapters 3.30 through 3.74 RCW~~((, which))~~. The plan shall include the following:

(1) The boundaries of each ~~((justice court))~~ district proposed to be established;

(2) The number of ~~((justices))~~ judges to be elected in each ~~((justice court))~~ district;

(3) The location of the central office, courtrooms and records of each court;

(4) The other places in the ~~((justice court))~~ district, if any, where the court shall sit;

(5) The number and location of ~~((justice))~~ district court commissioners to be authorized, if any;

(6) The departments, if any, into which each ~~((justice))~~ district court shall be initially organized, including municipal departments provided for in chapter 3.46 RCW;

(7) The name of each ~~((justice court))~~ district; and

(8) The allocation of the time and allocation of salary of each ~~((justice))~~ judge who will serve part time in a municipal department.

~~((Not later than three months after the classification of the county as class A or the adoption of the elective resolution by the county commissioners, the plan shall be transmitted to the county commissioners.))~~

Sec. 24. Section 1, chapter 213, Laws of 1963 and RCW 3.38.022 are each amended to read as follows:

The districting plan may provide that the offices and courtrooms of more than one ~~((justice court))~~ district may be in the same building: PROVIDED, That no office or courtroom of any district shall be located further than two miles outside the boundary of the district which it serves.

Sec. 25. Section 27, chapter 299, Laws of 1961 as amended by section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030 are each amended to read as follows:

Upon receipt of the ~~((justice court))~~ districting plan, the county ~~((commissioners))~~ legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the ~~((commissioners))~~ county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county~~((:))~~ as a whole it may adopt such plan. If the ~~((commissioners))~~ county legislative authority finds that ~~((such))~~ the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, ~~((they))~~ the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's ~~((justice))~~ district court districting plan. The plan decided upon shall be adopted by the county ~~((commissioners))~~ legislative authority not later than six months after the classification of the county as class A or the adoption of the elective resolution.

Sec. 26. Section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031 are each amended to read as follows:

As a part of the ~~((justice court))~~ districting plan, the county ~~((commissioners))~~ legislative authority shall designate a date on which the terms of the ~~((justices of the peace))~~ district judges of the county shall end.

For each ~~((justice))~~ judicial position under the districting plan, the county ~~((commissioners))~~ legislative authority shall appoint a person qualified under RCW 3.34.060 who shall take office on the date designated by the county ~~((commissioners))~~ legislative authority and shall serve until the next quadrennial election of ~~((justices of the peace))~~ district judges as provided in RCW 3.34.050.

Pending cases, proceedings, and matters shall be transferred to the appropriate court as provided in RCW 3.74.900.

Sec. 27. Section 28, chapter 299, Laws of 1961 as amended by section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040 are each amended to read as follows:

The districting committee may meet for the purpose of amending the districting plan at any time on call of the county ~~((commissioners))~~ legislative authority, the ~~((chairman))~~ chairperson of the committee or a majority of its members. Amendments to the plan shall be submitted to the county ~~((commissioners))~~ legislative authority not later than March 15th of each year for adoption by the ~~((commissioners))~~ county legislative authority following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any ~~((such))~~ amendment which would reduce the salary or shorten the term of any judge shall not be effective until the next regular election for ~~((justice of the peace))~~ district judge. All other amendments may be effective on a date set by the county ~~((commissioners))~~ legislative authority.

Sec. 28. Section 29, chapter 299, Laws of 1961 and RCW 3.38.050 are each amended to read as follows:

~~((Justice))~~ District court districts shall be established in accordance with the following standards:

- (1) Every part of the county shall be in some ~~((justice court))~~ district.
- (2) The whole county may constitute one ~~((justice court))~~ district.
- (3) There shall not be more ~~((justice court))~~ districts than there are ~~((justices of the peace))~~ judges authorized for the county.
- (4) ~~((No justice court))~~ A district boundary shall not intersect the boundary of an election precinct.
- (5) ~~((No))~~ A city shall not lie in more than one ~~((justice court))~~ district.
- (6) Whenever a county is divided into more than one ~~((justice court))~~ district, each district shall be so established as best to serve the convenience of the people of ~~((such))~~ the district, considering the distances which must be traveled by parties and witnesses in going to and from the court and any natural barriers which may obstruct such travel.

Sec. 29. Section 30, chapter 299, Laws of 1961 and RCW 3.38.060 are each amended to read as follows:

Joint ~~((justice court))~~ districts may be established containing all or part of two or more counties. The county containing the largest portion of the population of ~~((such))~~ a joint district shall be known as the "principal county" and each joint ~~((justice court))~~ district shall be deemed to lie within the principal county for the purpose of chapters 3.30 through 3.74 RCW. A joint ~~((justice court))~~ district may be established by resolution of one county concurred in by a resolution of each other county: PROVIDED,

That the county (~~(commissioners)~~) legislative authority of a county containing the largest portion of the population of a city may include the portions of such city lying outside the county in a joint (~~(justice court)~~) district without concurrence of the other counties.

Elections of (~~(justices)~~) judges in joint (~~(justice court)~~) districts shall be conducted and canvassed in the same manner as elections of superior court judges in joint judicial districts.

Sec. 30. Section 31, chapter 299, Laws of 1961 as amended by section 7, chapter 162, Laws of 1980 and RCW 3.42.010 are each amended to read as follows:

When so authorized by the (~~(justice court)~~) districting plan, one or more (~~(justice)~~) district court commissioners may be appointed in any (~~(justice court)~~) district by the (~~(justices of the peace of such)~~) judges of the district. Each commissioner shall be a registered voter of the county in which the (~~(justice court)~~) district or a portion thereof is located, and shall hold office (~~(during)~~) at the pleasure of the (~~(justices of the peace appointing him: PROVIDED, That)~~) appointing judges. Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay (~~(justices of the peace)~~) judges as provided under RCW 3.34.060.

Sec. 31. Section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020 are each amended to read as follows:

Each (~~(justice)~~) district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the (~~(justices of the peace who appointed him)~~) appointing judges possess and shall prescribe. (~~(Justice court commissioners shall not have power to hear and determine civil matters other than traffic infractions.)~~)

Sec. 32. Section 33, chapter 299, Laws of 1961 and RCW 3.42.030 are each amended to read as follows:

Any party may have a case transferred from a (~~(justice)~~) district court commissioner to a (~~(justice of the peace)~~) judge of the same district for hearing, by filing a motion for transfer. The commissioner shall forthwith transfer the case to (~~(such justice)~~) the judge.

Sec. 33. Section 34, chapter 299, Laws of 1961 as amended by section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040 are each amended to read as follows:

(~~(Justice)~~) District court commissioners shall receive such compensation as the county (~~(commissioners)~~) legislative authority or city council shall provide.

Sec. 34. Section 98, chapter 299, Laws of 1961 as amended by section 6, chapter 73, Laws of 1971 and RCW 3.54.010 are each amended to read as follows:

The clerk and deputy clerks of district courts shall receive such compensation as shall be provided by the county (~~(commissioners)~~) legislative authority.

Sec. 35. Section 101, chapter 299, Laws of 1961 as last amended by section 2, chapter 29, Laws of 1982 and RCW 3.58.020 are each amended to read as follows:

~~((t))~~ The annual salaries of part time (~~(justices of the peace)~~) district judges shall be set by the county (~~(commissioners)~~) legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:

~~((a))~~ (1) In (~~(justice court)~~) districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;

~~((b))~~ (2) In (~~(justice court)~~) districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;

~~((c))~~ (3) In (~~(justice court)~~) districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty-five thousand dollars;

~~((d))~~ (4) In (~~(justice court)~~) districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;

~~((e))~~ (5) In (~~(justice court)~~) districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty-two thousand dollars;

~~((f))~~ (6) In (~~(justice court)~~) districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars.

Sec. 36. Section 102, chapter 299, Laws of 1961 and RCW 3.58.030 are each amended to read as follows:

The compensation of (~~(justices of the peace)~~) judges, clerks, judges pro tempore, deputy clerks, and court commissioners payable by the county shall be paid monthly out of the county treasury from the same funds out of which other salaried county officers are paid.

Sec. 37. Section 103, chapter 299, Laws of 1961 as amended by section 3, chapter 3, Laws of 1983 and RCW 3.58.040 are each amended to read as follows:

~~((Justices of the peace, justices of the peace))~~ District judges, judges pro tempore, court commissioners, and ((justice)) district court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided in chapter 42.24 RCW.

Sec. 38. Section 104, chapter 299, Laws of 1961 as amended by section 3, chapter 213, Laws of 1963 and RCW 3.58.050 are each amended to read as follows:

The county ~~((commissioners))~~ legislative authority shall furnish all necessary facilities for the ~~((justice))~~ district courts, including suitable courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone and may lease or construct courtrooms and offices for such purpose~~((PROVIDED, That)).~~ The county ((commissioners)) legislative authority shall not be required to furnish courtroom space in any place other than as provided in the districting plan.

Sec. 39. Section 111, chapter 299, Laws of 1961 as last amended by section 14, chapter 128, Laws of 1980 and RCW 3.62.070 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be charged a filing fee determined pursuant to an agreement as provided for in chapter 39.34 RCW, the inter-local cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62-.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs. In the event no agreement is reached between a municipal corporation and the county providing the court service within ninety days of September 1, 1979, the municipal corporation and the county shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW, and the municipal corporation and the county shall be entitled to the same rights and subject to the same duties as other parties who have agreed to submit to arbitration pursuant to chapter 7.04 RCW. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional

costs borne by the county in providing ((justice)) district court services for such city.

Sec. 40. Section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010 are each amended to read as follows:

The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the ((justice)) district court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the ((justice)) district court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such ((justice)) district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The ((justice)) district court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW((: ~~PROVIDED, That in the trial of actions brought for violating any city ordinance, a jury trial shall be allowed only for criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor.~~ ~~PROVIDED FURTHER, That~~)). No jury trial may be held in a proceeding involving a traffic infraction.

Sec. 41. Section 113, chapter 299, Laws of 1961 as last amended by section 7, chapter 331, Laws of 1981 and RCW 3.66.020 are each amended to read as follows:

The ((justice)) district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed ((three thousand)) seven thousand five hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed ((three thousand)) seven thousand five hundred dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed ((three thousand)) seven thousand five hundred dollars;

(3) Of an action for a penalty not exceeding ((three thousand)) seven thousand five hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed ((three thousand)) seven thousand five hundred dollars, though the penalty of the bond exceeds that sum,

the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by ~~((him or his predecessor in office))~~ the court, when the amount claimed does not exceed ~~((three thousand))~~ seven thousand five hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed ~~((three thousand))~~ seven thousand five hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed ~~((three thousand))~~ seven thousand five hundred dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed ~~((three thousand))~~ seven thousand five hundred dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed ~~((three thousand))~~ seven thousand five hundred dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The ~~((three thousand))~~ seven thousand five hundred dollar~~((s))~~ amounts provided in subsections (1) through (9) of this section shall remain in effect until June 30, ~~((1981; effective July 1, 1981))~~ 1985; effective July 1, 1985, such amount shall be increased to ~~((five))~~ ten thousand dollars. ~~((Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.))~~

The amounts of money referred to in this section shall be exclusive of interest, costs and attorney's fees.

Sec. 42. Section 115, chapter 299, Laws of 1961 and RCW 3.66.040 are each amended to read as follows:

(1) An action arising under RCW 3.66.020~~((, subsections))~~ (1), (2) except for the recovery of possession of personal property, (4), (6), (7), and (9) may be brought in any ~~((justice court))~~ district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed or in which the defendant, or if there be more than one defendant, where some one of the defendants may be served with the notice and complaint in which latter case, however, the ~~((justice court))~~ district where the defendant or defendants is or are served must be within the county in which the said defendant or defendants reside.

(2) An action arising under RCW 3.66.020~~((, subsection))~~(2) for the recovery of possession of personal property and ~~((subsection))~~ RCW 3.66.020(8) shall be brought in the district in which the subject matter of the action or some part thereof is situated.

(3) An action arising under RCW 3.66.020~~((, subsection))~~ (3) and (5) shall be brought in the district in which the cause of action, or some part thereof arose.

(4) An action arising under RCW 3.66.020(~~(-subsection))~~(2)(~~;~~) for the recovery of damages for injuries to the person or for injury to personal property arising from a motor vehicle accident may be brought, at the plaintiff's option, either in the district in which the cause of action, or some part thereof, arose, or in the district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed.

(5) An action against a nonresident of this state may be brought in any district where service of process may be had, or in which the cause of action or some part thereof arose, or in which the plaintiff or one of them resides.

(6) For the purposes of chapters 3.30 through 3.74 RCW, the residence of a corporation defendant shall be deemed to be in any district where the corporation transacts business or has an office for the transaction of business or transacted business at the time the cause of action arose or where any person resides upon whom process may be served upon the corporation, unless herein otherwise provided.

Sec. 43. Section 116, chapter 299, Laws of 1961 and RCW 3.66.050 are each amended to read as follows:

If a civil action is brought in the wrong (~~(justice court))~~ district, the action may nevertheless be tried therein unless the defendant, at the time (~~(he))~~ the defendant appears, requests a transfer of the action to the proper district. Upon such demand an order shall be entered transferring the action to the proper district and awarding the defendant a reasonable attorney's fee to be paid by the plaintiff.

Sec. 44. Section 117, chapter 299, Laws of 1961 as last amended by section 176, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.66.060 are each amended to read as follows:

The (~~(justice))~~ district court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances(~~(: PROVIDED, That))~~. It shall in no event impose a greater punishment than a fine of (~~(one))~~ five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute(~~(-and))~~. It may suspend and revoke vehicle operator(~~(s))~~s' licenses in the cases provided by law; (2) to sit as a committing magistrate(~~(s))~~ and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW; and (5) to hear and determine traffic infractions under chapter 46.63 RCW.

Sec. 45. Section 7, chapter 110, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1975 and RCW 3.66.065 are each amended to read as follows:

If a defendant is found guilty, a (~~justice~~) judge holding office pursuant to chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW, and not the jury, shall assess (~~his~~) punishment, notwithstanding the provisions of RCW 10.04.100. If (~~such justice~~) the judge determines that the punishment (~~he is~~) authorized (~~to assess~~) is inadequate compared to the gravity of the offense he or she may order such defendant to enter recognizance to appear in the superior court of the county and may also recognize the witnesses and shall proceed as a committing magistrate.

Sec. 46. Section 1, chapter 75, Laws of 1969 as amended by section 1, chapter 156, Laws of 1983 and RCW 3.66.067 are each amended to read as follows:

After a conviction, the court may defer sentencing the defendant and place (~~him~~) the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw (~~his~~) the plea of guilty (~~to permit him~~) and to enter a plea of not guilty, and the court may dismiss the charges (~~against him~~).

Sec. 47. Section 118, chapter 299, Laws of 1961 as amended by section 32, chapter 165, Laws of 1983 and RCW 3.66.070 are each amended to read as follows:

All criminal actions shall be brought in the (~~justice court~~) district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located, (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, and (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while intoxicated and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under RCW 2.56.110, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred.

Sec. 48. Section 119, chapter 299, Laws of 1961 and RCW 3.66.080 are each amended to read as follows:

If a criminal action is commenced in an improper district under RCW 3.66.070, the (~~justice~~) court (~~of the district~~) may of its own volition or at the request of either party order the case removed for trial to a proper district.

Sec. 49. Section 120, chapter 299, Laws of 1961 as amended by section 1, chapter 241, Laws of 1967 and RCW 3.66.090 are each amended to read as follows:

A change of venue may be allowed upon motion:

(1) Where there is reason to believe that an impartial trial cannot be had in the district or municipal court in which the action was commenced; or

(2) Where the convenience of witnesses or the ends of justice would be forwarded by the change.

When such change is ordered, it shall be to the ~~((justice))~~ district court of another district in the same county, if any, otherwise to the ~~((justice))~~ district court of an adjacent district in another county: PROVIDED, That where an affidavit of prejudice is filed against a judge of a municipal court the cause shall be transferred to another department of the municipal court, if one exists, otherwise to a judge pro tempore appointed in the manner prescribed by law. The court to which a case is removed on change of venue under this section shall have the same jurisdiction, either civil or criminal to hear and determine the case as the court from which the case was removed.

Sec. 50. Section 123, chapter 299, Laws of 1961 and RCW 3.70.010 are each amended to read as follows:

There is established in the state an association, to be known as the Washington state magistrates' association, membership in which shall include all duly elected or appointed and qualified ~~((inferior-court))~~ judges of courts of limited jurisdiction, including but not limited to ~~((justices-of-the-peace))~~ district judges, police court judges and municipal court judges.

Sec. 51. Section 124, chapter 299, Laws of 1961 and RCW 3.70.020 are each amended to read as follows:

The first meeting of the Washington state magistrates' association shall be held at the next regular meeting of the present organization after June 7, 1961 to be held during the month of August or September, 1961, at which meeting those ~~((inferior-court))~~ judges of courts of limited jurisdiction, as provided in RCW 3.70.010, attending shall temporarily organize themselves for the purpose of adopting a Constitution and bylaws and may either adopt or amend the present Constitution and bylaws of the Washington state magistrates' association or provide for bylaws only, electing officers as provided therein and doing all things necessary and proper to formally establish a permanent Washington state magistrates' association, after which meeting the association may meet each year during the month of August or September, beginning in 1962. Meetings shall be held in the state of Washington.

Sec. 52. Section 125, chapter 299, Laws of 1961 and RCW 3.70.030 are each amended to read as follows:

For attendance at the annual meetings of the association, beginning in 1962 and thereafter, ~~((an-inferior-court))~~ a judge of a court of limited jurisdiction shall be entitled to receive reimbursement for judge's reasonable travel expenses as provided in RCW 43.03.050 and 43.03.060 from the county or city responsible for the operating cost of the court over which he

~~or she presides ((twenty dollars per day or major portion thereof;)) while attending meetings of the association((, plus first class transportation or mileage allowance at the rate of ten cents per mile. PROVIDED, That)).~~ The per diem and transportation or mileage allowance authorized by this section shall not be paid to any judge for more than five days in any one calendar year.

Sec. 53. Section 126, chapter 299, Laws of 1961 as amended by section 10, chapter 162, Laws of 1980 and RCW 3.70.040 are each amended to read as follows:

The Washington state magistrates' association shall:

(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;

(2) Promulgate suggested rules for the administration of the ((justice)) courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;

(3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

Sec. 54. Section 130, chapter 299, Laws of 1961 and RCW 3.74.010 are each amended to read as follows:

All ((justice court)) district judges under chapters 3.30 through 3.74 RCW shall remain members of the state retirement system.

Sec. 55. Section 131, chapter 299, Laws of 1961 and RCW 3.74.020 are each amended to read as follows:

The full time judges of the ((justice)) district court shall be ineligible to any other office, or public employment than a judicial office or employment during the term for which they shall have been elected.

Sec. 56. Section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74-.030 are each amended to read as follows:

A ((justice court)) district judge shall retire from judicial office at the end of the calendar year in which he or she has attained the age of seventy-five years. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to August 11, 1969.

Sec. 57. Section 1, chapter 187, Laws of 1919 as last amended by section 10, chapter 331, Laws of 1981 and RCW 12.40.010 are each amended to read as follows:

((That)) In every ((justice)) district court ((of this state)) there shall be created and organized by the court a department to be known as the "small claims department of the ((justice's)) district court". ((If the justice

~~court is operating under the provisions of chapters 3.30 through 3.74 RCW,)) The small claims department ((of that court)) shall have jurisdiction, but not exclusive, in cases for the recovery of money only ((where)) if the amount claimed does not exceed one thousand dollars. ((If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed five hundred dollars.))~~

Sec. 58. Section 2, chapter 187, Laws of 1919 and RCW 12.40.020 are each amended to read as follows:

~~((Actions in such))~~ A small claims ~~((departments))~~ action shall be ~~((deemed))~~ commenced by the plaintiff ~~((appearing before the justice of the peace and subscribing to and verifying a claim as hereinafter provided))~~ filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of ten dollars shall be paid when the claim is filed.

Sec. 59. Section 2, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.025 are each amended to read as follows:

A defendant in a ~~((justice))~~ district court proceeding ~~((wherein))~~ in which the claim is within the jurisdictional amount for the small claims department ((of the justice court)) may in accordance with court rules transfer the action to the small claims department~~((:-PROVIDED, HOWEVER, That)).~~ In the event of such a transfer the provisions of RCW 12.40.070 shall not be applicable if the plaintiff was an assignee of the claim at the time the action was commenced nor shall the provisions of RCW 12.40.080 prohibit an attorney from representing the plaintiff if he was the attorney of record for the plaintiff at the time the action was commenced.

Sec. 60. Section 3, chapter 187, Laws of 1919 as last amended by section 3, chapter 330, Laws of 1981 and RCW 12.40.030 are each amended to read as follows:

Upon filing ~~((said))~~ of a claim ((such justice of the peace shall appoint a)), the court shall set a time for ((the)) hearing of ((said)) the matter and ((shall)) cause to be issued a notice of the claim((,- as hereinafter provided;)) which shall be served upon the defendant.

~~((Said justice of the peace shall collect in advance upon each claim the sum of ten dollars, and this shall be the only fee for such justice of the peace to be charged or taxed against the plaintiff in such action during the pendency or disposition of said claim. PROVIDED, HOWEVER, That when any such "small claims department" shall be created and organized in any justice court as herein provided, in which the justice is not paid a salary, he may be paid as compensation for conducting such department from the county treasury of his county such monthly salary as the county court and commissioners of said county shall deem just and proper.))~~

Sec. 61. Section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 194, Laws of 1981 and RCW 12.40.040 are each amended to read as follows:

~~((Said))~~ The notice of claim can be served either as provided for the service of summons or complaint and notice in civil actions or by registered or certified mail ~~((provided))~~ if a return receipt with the signature of the party being served is filed with the court ~~((but))~~. No other paper is to be served with the notice. The officer serving ~~((such))~~ the notice shall be entitled to receive from the plaintiff, besides mileage, the fee specified in RCW 36.18.040 for such service; which sum, together with the filing fee named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

Sec. 62. Section 5, chapter 187, Laws of 1919 and RCW 12.40.050 are each amended to read as follows:

~~((The))~~ A claim ~~((hereinbefore referred to))~~ filed in the small claims department shall contain: (1) The name and address of the plaintiff ~~((and the name of the defendant, followed by))~~; (2) a statement, in brief and concise form, of the nature and amount of ~~((said))~~ the claim and ~~((the time of the accruing of such claim))~~ when the claim accrued; and ~~((shall also state))~~ (3) the name and residence of the defendant, if ~~((same be))~~ known to the plaintiff, for the purpose of serving the notice of claim on ~~((such))~~ the defendant.

Sec. 63. Section 6, chapter 187, Laws of 1919 as amended by section 11, chapter 331, Laws of 1981 and RCW 12.40.060 are each amended to read as follows:

The notice of claim directed to the defendant shall contain ~~((a statement in brief and concise form notifying such defendant of the name, address, amount and natures of the alleged claim of plaintiff, and))~~: (1) The name and address of the plaintiff; (2) a brief and concise statement of the nature and amount of the claim; (3) a statement directing and requiring defendant to appear personally in the ~~((justice court))~~ small claims department at a time certain, which shall not be less than five days from the date of service of ~~((such))~~ the notice; ~~((said notice shall further provide))~~; and (4) a statement advising the defendant that in case of his or her failure to ~~((so))~~ appear, judgment will be given against defendant for the amount of ~~((such))~~ the claim.

Sec. 64. Section 7, chapter 187, Laws of 1919 and RCW 12.40.070 are each amended to read as follows:

~~((A))~~ A claim~~((s))~~ must be verified by the real claimant, and no claim shall be filed or prosecuted in ~~((such))~~ the small claims department by the assignee of ~~((such))~~ the claim.

Sec. 65. Section 8, chapter 187, Laws of 1919 as amended by section 12, chapter 331, Laws of 1981 and RCW 12.40.080 are each amended to read as follows:

No attorney at law, legal paraprofessional, nor any person other than the plaintiff and defendant, shall concern himself or herself or in any manner interfere with the prosecution or defense of ~~((such))~~ litigation in ~~((said))~~ the small claims department without the consent of the ~~((justice of said justice's))~~ judge of the district court. If a corporation plaintiff is represented by an attorney at law, or legal paraprofessional, the ~~((justice))~~ judge shall at the request of the defendant transfer the case to the regular civil docket. In the small claims department it shall not be necessary to summon witnesses, but the plaintiff and defendant in any claim shall have the privilege of offering evidence in their behalf by witnesses appearing at such hearing, and the ~~((justice))~~ judge may informally consult witnesses or otherwise investigate the controversy between the parties, and give judgment or make such orders as the judge may ~~((by him be deemed))~~ deem to be right, just and equitable for the disposition of the controversy.

Sec. 66. Section 9, chapter 187, Laws of 1919 and RCW 12.40.090 are each amended to read as follows:

~~((No))~~ A formal pleading, other than the ~~((said))~~ claim and notice, shall not be necessary to define the issue between the parties~~((; and))~~. The hearing and disposition of ~~((all such))~~ the actions shall be informal, with the sole object of dispensing speedy and quick justice between the litigants~~((: PROVIDED, That no))~~. An attachment, garnishment or execution shall not issue from the small claims department on any claim except as ~~((hereinafter))~~ provided in this chapter.

Sec. 67. Section 10, chapter 187, Laws of 1919 as amended by section 1, chapter 254, Laws of 1983 and RCW 12.40.100 are each amended to read as follows:

If a monetary judgment or order is entered, it shall be the judgment debtor's duty to pay the judgment ~~((forthwith))~~ upon such terms and conditions as the ~~((justice of such court))~~ judge shall prescribe. If the judgment is not paid to the prevailing party at the time the judgment is entered and the judgment debtor is present in court, the court may order a payment plan.

Sec. 68. Section 11, chapter 187, Laws of 1919 as last amended by section 3, chapter 254, Laws of 1983 and RCW 12.40.110 are each amended to read as follows:

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within twenty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the ~~((justice))~~ judge before whom such hearing was had shall certify ~~((such))~~ the judgment in substantially the following form:

Washington.

In the ((Justice's)) District Court of County(~~(before~~
~~..... Justice of the Peace for Precinct)).~~

..... Plaintiff,

vs.

..... Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action before me, the under-
signed, had on this the day of 19.., wherein
..... was plaintiff and defendant, jurisdic-
tion of said defendant having been had by personal service (or otherwise) as
provided by law, I then and there entered judgment against in
the sum of Dollars; (2) the judgment has not been paid within
twenty days or the period otherwise ordered by the court; and (3) pursuant
to RCW 12.40..., the amount of the judgment is hereby increased by any
costs of certification under this section and the amount specified in RCW
36.18.020(3).

Witness my hand this day of, 19...

.....
~~((Justice of the Peace))~~ District
Judge sitting in the Small Claims
Department.

(2) The ~~((justice of the peace of such justice's court))~~ judge shall
forthwith enter the judgment transcript on the judgment docket of the
~~((justice's))~~ district court; and thereafter garnishment, execution, and other
process on execution provided by law may issue thereon, as in other judg-
ments of ~~((justice's))~~ district courts.

(3) Transcripts of such judgments may be filed and entered in judg-
ment lien dockets in superior courts with like effect as in other cases.

Sec. 69. Section 4, chapter 83, Laws of 1970 ex. sess. and RCW 12-
.40.120 are each amended to read as follows:

No appeal shall be permitted from a judgment of the small claims de-
partment of the ~~((justice))~~ district court where the amount claimed was less
than one hundred dollars nor shall any appeal be permitted by a party who
requested the exercise of jurisdiction by the small claims ~~((court))~~
department.

Sec. 70. Section 680, page 171, Laws of 1869 as last amended by sec-
tion 738, Code of 1881 and RCW 7.20.140 are each amended to read as
follows:

Either party to a judgment in a proceeding for a contempt, may appeal
therefrom in like manner and with like effect as from judgment in an action,

but such appeal shall not have the effect to stay the proceedings in any other action, suit or proceeding, or upon any judgment, decree or order therein, concerning which, or wherein such contempt was committed. (~~Contempts of justices' courts are punishable in the manner specially provided for in chapter 3.28 RCW.~~)

Sec. 71. Section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.100 are each amended to read as follows:

There shall be three departments of the municipal court, which shall be designated as Department Nos. 1, 2 and 3: PROVIDED, That when the administration of justice and the accomplishment of the work of the court make additional departments necessary, the legislative body of the city may create additional departments as they are needed. The departments shall be established in such places as may be provided by the legislative body of the city, and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one of their number to act as presiding judge of the municipal court for a term of one year, and he shall be responsible for administration of the court and assignment of calendars to all departments. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090(~~, 3.20.100 and 3.20.110~~) in all civil and criminal proceedings. The city shall assume the costs of the elections of the municipal judges in accordance with the provisions of RCW 29.13.045.

Sec. 72. Section 35, chapter 299, Laws of 1961 and RCW 3.46.010 are each amended to read as follows:

Any city may secure the establishment of a municipal department of the (~~justice~~) district court, to be designated "The Municipal Department of (city)." Such department may also be designated "The Municipal Court of (city)."

Sec. 73. Section 36, chapter 299, Laws of 1961 and RCW 3.46.020 are each amended to read as follows:

Each judge of a municipal department shall be a (~~justice of the peace~~) judge of the district court in which the municipal department is situated. Such judge may be alternately designated as a municipal judge or police judge.

Sec. 74. Section 38, chapter 299, Laws of 1961 and RCW 3.46.040 are each amended to read as follows:

Establishment of a municipal department shall be initiated by a petition from the legislative body of the city to the (~~board of county commissioners~~) county legislative authority. Such petition shall be filed (~~with the commissioners~~) not less than thirty days prior to February 1, 1962, or any subsequent year, and shall set forth: (1) The number of full time and part time judges required for the municipal department; (2) The amount of time

for which a part time judge will be required for the municipal department; and (3) Whether the full time judge or judges will be elected or appointed. In a petition filed subsequent to 1962 provision shall be made for temporary appointment of a municipal judge to fill each elective position until the next election for (~~justices of the peace~~) district judges. The petition shall be forthwith transmitted to the districting committee. The organization of the municipal department shall be incorporated into the districting plan. The districting committee in its plan shall designate the proportion of the salary of each (~~justice~~) judge serving as a part time municipal judge to be paid by the city, which shall be proportionate to the time of such judge allotted to the municipal department by the districting plan. A city may withdraw its petition any time prior to adoption of the districting plan by the (~~board of county commissioners~~) county legislative authority, and thereupon the municipal department pursuant to this chapter shall not be established.

Sec. 75. Section 40, chapter 299, Laws of 1961 and RCW 3.46.060 are each amended to read as follows:

In (~~justice~~) district court districts having more than one (~~justice of the peace~~) judge, appointment of part time municipal judges shall be made from the (~~justices of the peace~~) judges of the district by the mayor in such manner as the city legislative body shall determine.

Sec. 76. Section 41, chapter 299, Laws of 1961 and RCW 3.46.070 are each amended to read as follows:

In each (~~justice~~) district court district where an election is held for the position of municipal judge, the county auditor, prior to the date for filing declarations for the office of (~~justice of the peace~~) district judge, shall designate the proper number of municipal judge positions, commencing with number one, and if there is more than one municipal judge in any municipal department, one or more positions may, at the request of the legislative body of the city, be further designated as municipal traffic judge positions. Only voters of the city shall vote for municipal judges.

Sec. 77. Section 42, chapter 299, Laws of 1961 and RCW 3.46.080 are each amended to read as follows:

A municipal judge shall serve in such capacity for his or her term as (~~justice of the peace;~~) district judge and may be removed from so serving in the same manner and for the same reasons as he or she may be removed from the office of (~~justice of the peace~~) district judge.

Sec. 78. Section 43, chapter 299, Laws of 1961 as amended by section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090 are each amended to read as follows:

The salary of a full time municipal judge shall be paid wholly by the city. The salary of a (~~justice of the peace~~) district judge serving a municipal department part time shall be paid jointly by the county and the city in the same proportion as the time of the (~~justice~~) judge has been allocated

to each. Salaries of court commissioners serving the municipal department shall be paid by the city.

Sec. 79. Section 44, chapter 299, Laws of 1961 and RCW 3.46.100 are each amended to read as follows:

A vacancy in a position of full time municipal judge shall be filled for the unexpired term by appointment in such manner as the city may determine. In districts having more than one (~~(justice of the peace)~~) judge, a vacancy in a position of part time municipal judge shall be filled for the unexpired term by appointment in such manner as the city shall determine from the (~~(justices)~~) judges of the district, including any (~~(justice)~~) judge appointed by the county commissioners to fill an unexpired term.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 11, Laws of 1955 and RCW 3.04.010;
- (2) Section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030;
- (3) Section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040;
- (4) Section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050;
- (5) Section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060;
- (6) Section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11. Laws of 1955 and RCW 3.04.070;
- (7) Section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080;
- (8) Section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090;
- (9) Section 10, page 224, Laws of 1854, section 1703, Code of 1881, and RCW 3.04.100;
- (10) Section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110;
- (11) Section 12, chapter 187, Laws of 1919 and RCW 3.04.120;
- (12) Section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130;
- (13) Section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; and
- (14) Section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150.

NEW SECTION. Sec. 81. The following acts or parts of acts are each repealed:

(1) Section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010;

(2) Section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020;

(3) Section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030;

(4) Section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040;

(5) Section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050;

(6) Section 10, chapter 11, Laws of 1955 and RCW 3.08.060;

(7) Section 3, chapter 237, Laws of 1953 and RCW 3.08.065;

(8) Section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; and

(9) Section 2, chapter 237, Laws of 1953 and RCW 3.08.080.

NEW SECTION. Sec. 82. The following acts or parts of acts are each repealed:

(1) Section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010;

(2) Section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021;

(3) Section 6, chapter 156, Laws of 1951 and RCW 3.12.041;

(4) Section 7, chapter 156, Laws of 1951 and RCW 3.12.051;

(5) Section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071;

(6) Section 1, chapter 63, Laws of 1931 and RCW 3.12.080;

(7) Section 8, chapter 7, Laws of 1891, section 1 chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090;

(8) Section 10, chapter 156, Laws of 1951 and RCW 3.14.020;

(9) Section 9, chapter 156, Laws of 1951 and RCW 3.14.050; and

(10) Section 13, chapter 156, Laws of 1951 and RCW 3.14.060.

NEW SECTION. Sec. 83. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002;

(2) Section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004;

(3) Section 13, chapter 11, Laws of 1955 and RCW 3.16.008;

(4) Section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010;

(5) Section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020;

(6) Section 3, chapter 145, Laws of 1909, sections 3, 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030;

- (7) Section 17, chapter 11, Laws of 1955 and RCW 3.16.050;
- (8) Section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060;
- (9) Section i, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070;
- (10) Section 2, chapter 66, Laws of 1893 and RCW 3.16.080;
- (11) Section 3, chapter 66, Laws of 1893 and RCW 3.16.090;
- (12) Section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100;
- (13) Section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110;
- (14) Section 4, chapter 7, Laws of 1891 and RCW 3.16.120;
- (15) Section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130;
- (16) Section 10, chapter 7, Laws of 1891 and RCW 3.16.140;
- (17) Section 6, chapter 7, Laws of 1891 and RCW 3.16.150; and
- (18) Section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160.

NEW SECTION. Sec. 84. The following acts or parts of acts are each repealed:

- (1) Section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010;
- (2) Section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965, section 2, chapter 102, Laws of 1979, section 6, chapter 331, Laws of 1981 and RCW 3.20.020;
- (3) Section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030;
- (4) Section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909, section 175, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.20.040;
- (5) Section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050;
- (6) Section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060;
- (7) Section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070;
- (8) Section 3, chapter 75, Laws of 1929 and RCW 3.20.080;

(9) Section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090;

(10) Section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110;

(11) Section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; and

(12) Section 4, chapter 206, Laws of 1953 and RCW 3.20.131.

NEW SECTION. Sec. 85. The following acts or parts or acts are each repealed:

(1) Section 1, chapter 14, Laws of 1923 and RCW 3.24.010;

(2) Section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020;

(3) Section 4, chapter 14, Laws of 1923 and RCW 3.24.030;

(4) Section 5, chapter 14, Laws of 1923 and RCW 3.24.040;

(5) Section 6, chapter 14, Laws of 1923 and RCW 3.24.050;

(6) Section 3, chapter 14, Laws of 1923 and RCW 3.24.060;

(7) Section 7, chapter 14, Laws of 1923 and RCW 3.24.070;

(8) Section 8, chapter 14, Laws of 1923 and RCW 3.24.080; and

(9) Section 9, chapter 14, Laws of 1923 and RCW 3.24.090.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010;

(2) Section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020;

(3) Section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030;

(4) Section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040;

(5) Section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050;

(6) Section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060;

(7) Section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070;

(8) Section 128, chapter 299, Laws of 1961 and RCW 3.74.910; and

(9) Section 129, chapter 299, Laws of 1961 and RCW 3.74.920.

NEW SECTION. Sec. 87. Section 211, chapter 249, Laws of 1909, section 1, chapter 100, Laws of 1917 and RCW 9.04.020 are each repealed.

Sec. 88. Section 1, chapter 84, Laws of 1973 as amended by section 1, chapter 94, Laws of 1980 and RCW 4.84.250 are each amended to read as follows:

Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is ~~((three thousand))~~ seven thousand five hundred dollars or less, there shall be taxed and allowed to the prevailing party as a part of the costs of the action a reasonable amount to be fixed by the court as attorneys' fees. After July 1, ~~((1984))~~ 1985, the maximum amount of the pleading under this section shall be ~~((five))~~ ten thousand dollars.

Sec. 89. Section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 12.20.060 are each amended to read as follows:

When the prevailing party in district court is entitled to recover costs as authorized in RCW 4.84.010 in a civil action ~~((before a justice of the peace))~~, the ~~((justice))~~ judge shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the ~~((justice))~~ judge shall enter up a judgment in favor of the defendant for the amount of his costs; and in case any party so entitled to costs is represented in the action by an attorney, the ~~((justice))~~ judge shall include ~~((an))~~ attorney's fees of twenty-five dollars as part of the costs: PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he obtains, exclusive of costs, a judgment in the sum of five dollars or more.

NEW SECTION. Sec. 90. There is added to chapter 3.30 RCW a new section to read as follows:

All references to justices of the peace in other titles of the Revised Code of Washington shall be construed as meaning district judges. All references to justice courts or justice of the peace courts in other titles of the Revised Code of Washington shall be construed as meaning district courts.

Sec. 91. Section 4, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1971 and RCW 2.06.040 are each amended to read as follows:

The court shall sit in panels of three judges and decisions shall be rendered by not less than a majority of the panel. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decisions shall be stated. All decisions of the court having precedential value shall be published as opinions of the court. Each panel shall determine whether a decision of the court has sufficient precedential value to be published as an opinion of the court. Decisions determined not to have precedential value shall not be published. Panels in the first division shall be comprised of such judges as the chief judge thereof shall from time to time direct. Judges of the respective divisions may sit in other divisions and causes may be transferred between divisions, as directed by written order of the chief justice. The court may hold sessions in such of the following cities

as may be designated by rule: Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland, Wenatchee, and Walla Walla.

No judge of the court shall be entitled to per diem or mileage for services performed at either his legal residence or the headquarters of the division of the court of which he is a member.

The court may establish rules supplementary to and not in conflict with rules of the supreme court.

Sec. 92. Section 367, page 201, Laws of 1854 as last amended by section 7, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.84.010 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

- (1) Filing fees;
- (2) Fees for the service of process;
- (3) Fees for service by publication;

(4) Notary fees, but only to the extent the fees are for services that are expressly required by law and only to the extent they represent actual costs incurred by the prevailing party;

(5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial or in mandatory arbitration in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;

~~((6))~~ (5) Statutory attorney and witness fees; and

~~((7))~~ (6) To the extent that the court or arbitrator finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial or at the mandatory arbitration hearing: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

NEW SECTION. Sec. 93. Section 7, chapter 84, Laws of 1973 and RCW 4.84.310 are each repealed.

Sec. 94. Section 4, chapter 254, Laws of 1983 and RCW 12.24.135 are each amended to read as follows:

In any proceeding brought under this chapter to enforce a judgment which has been certified under RCW 12.40.110, the execution issued by the justice shall include the amount of the judgment owed plus reasonable costs

and reasonable attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment under this chapter.

Sec. 95. Section 4, page 404, Laws of 1854 as last amended by section 1, chapter 186, Laws of 1983 and RCW 26.04.050 are each amended to read as follows:

The following named officers and persons are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, any regularly licensed or ordained minister or any priest of any church or religious denomination (~~(anywhere within the state)~~), and judges of (~~(any)~~) courts of limited jurisdiction(~~(:)~~) as defined in RCW 3.02.010(~~(, within their respective counties)~~).

NEW SECTION. Sec. 101. There is added to chapter 3.50 RCW a new section to read as follows:

The legislature finds that there is a multitude of statutes governing the municipal courts of the state. This situation is confusing and misleading to attorneys, judges, court personnel, and others who work with the municipal courts. The legislature therefore finds that a reorganization of the municipal courts of the state would allow those courts to operate in a more effective and efficient manner. This chapter provides a court structure which may be used by cities and towns with a population of four hundred thousand or less which choose to operate under this chapter.

NEW SECTION. Sec. 102. There is added to chapter 3.50 RCW a new section to read as follows:

After January 1, 1985, cities and towns with a population of four hundred thousand or less which are operating a municipal court under Title 35 or 35A RCW shall operate the court pursuant to this chapter. In the alternative, a city or town may establish a municipal department of a district court under chapter 3.46 RCW.

Municipal judges holding office on the effective date of this section shall continue to hold office until expiration of their term or January 1, 1986, whichever occurs first.

Sec. 103. Section 50, chapter 299, Laws of 1961 and RCW 3.50.010 are each amended to read as follows:

Any city or town with a population of (~~(twenty)~~) four hundred thousand or less may by ordinance provide for an inferior court to be known and designated as a municipal court, which shall be entitled "The Municipal Court of (insert name of city or town)", hereinafter designated and referred to as "municipal court", which court shall have jurisdiction and shall exercise all powers by this chapter declared to be vested in the municipal court, together with such other powers and jurisdiction as are generally conferred upon such court in this state (~~(by)~~) either by common law or by express statute (~~(upon said court)~~).

Sec. 104. Section 51, chapter 299, Laws of 1961 as amended by section 17, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Sec. 105. Section 52, chapter 299, Laws of 1961 as amended by section 18, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.030 are each amended to read as follows:

Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses and traffic infractions under ((the)) city or town ordinances which may be processed by the violations bureau.

A violations bureau may be authorized to process traffic infractions in conformity with chapter 46.63 RCW.

A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail and payment of penalties. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any criminal traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the city or town or laws of the state of Washington.

Any employees of an existing violations bureau of any city shall continue as ((a)) city employees.

Sec. 106. Section 53, chapter 299, Laws of 1961 as amended by section 1, chapter 35, Laws of 1975-'76 2nd ex. sess. and RCW 3.50.040 are each amended to read as follows:

Within thirty days after the effective date of the ordinance creating the municipal court, the mayor of each city or town shall(~~with the approval~~

~~of the legislative body thereof,)) appoint a municipal judge or judges of the municipal court for a term of four years(~~(, commencing January 15, 1962. Succeeding appointments shall be made in like manner by the fifteenth day of December preceding the end of every four year term))~~. The terms of judges serving on the effective date of this 1984 section and municipal judges who are appointed to terms commencing before January 1, 1986, shall expire January 1, 1986. The terms of their successors shall commence on January 1, 1986, and on January 1 of each fourth year thereafter, pursuant to appointment or election as provided in this chapter. Appointments shall be made on or before December 1 of the year next preceding the year in which the terms commence.~~

The legislative authority of a city or town that has the general power of confirmation over mayoral appointments shall have the power to confirm the appointment of a municipal judge.

~~((The))~~ A person appointed as a full-time or part-time municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney ~~((duly))~~ admitted to practice law before the courts of record of the state of Washington: PROVIDED, That in a municipality having a population less than five thousand persons, a person other than an attorney may be the judge. Any city or town shall have authority to appoint a ~~((duly elected justice of the peace))~~ district judge as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a ~~((justice of the peace))~~ district judge, the city or town shall pay a pro rata share of ~~((his))~~ the salary.

Sec. 107. Section 54, chapter 299, Laws of 1961 and RCW 3.50.050 are each amended to read as follows:

The legislative authority of ~~((each))~~ the city or town may, by ordinance, provide that the position of municipal judge within the city or town shall be an elective position. The ordinance shall provide for the qualifications of the municipal judge which shall be the same as the qualifications necessary for the appointment thereof; and further, shall provide that the municipal judge shall be elected in the same manner as other elective city officials are elected to office, and that the term of the municipal judge shall be ~~((concurrent with other city officials of the city or town))~~ for a term of four years commencing on January 1, 1986, and every four years thereafter.

Sec. 108. Section 55, chapter 299, Laws of 1961 and RCW 3.50.060 are each amended to read as follows:

A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by ~~((ordinance adopted on or before January 2, 1966 or not more than ten days before January 2nd of any fourth year thereafter))~~ adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with sections 203 through 209 of this act.

~~((On and after January 2, 1966;))~~ A city or town ((electing to establish)) newly establishing a municipal court pursuant to this chapter shall do so by ((resolution adopted not more than ten days before January 2, 1966 or any fourth)) adoption of an appropriate ordinance on or before December 1 of any year, to take effect January 1 of the following year ((thereafter)).

Sec. 109. Section 56, chapter 299, Laws of 1961 and RCW 3.50.070 are each amended to read as follows:

Additional full or part time judges may be appointed ~~((by the mayor, subject to the approval))~~ or elected, as provided by ordinance of the legislative body of the city or town ~~((in the same manner as set forth in RCW 3.50.040;))~~ when public interest and the administration of justice makes ~~((necessary the appointment of an))~~ such additional judge or judges necessary.

NEW SECTION. Sec. 110. There is added to chapter 3.50 RCW a new section to read as follows:

Every judge of a municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of (naming such city) according to the best of my ability." The oath shall be filed in the office of the county auditor. The judge shall also give such bonds to the state and city for the faithful performance of the judge's duties as may be by law or ordinance directed.

Sec. 111. Section 57, chapter 299, Laws of 1961 and RCW 3.50.080 are each amended to read as follows:

~~((The salary of the))~~ Salaries of municipal court ((judge or)) judges((; together with)) shall be fixed by ordinance. All costs of operating the municipal court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings, and supplies, shall be paid wholly out of the funds of the city or town ((and the compensation of the municipal court judge and)). The city shall provide a suitable place for holding court and pay all expenses of maintaining it.

All employees of the municipal court shall, for all purposes, be deemed employees of the city or town. They shall be appointed by and serve at the pleasure of the court.

Sec. 112. Section 58, chapter 299, Laws of 1961 and RCW 3.50.090 are each amended to read as follows:

The mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of a municipal court or subsequent to the filing of an affidavit of prejudice. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided

herein. The municipal court judges pro tem shall receive such compensation as shall be fixed by the ordinances of the legislative body of the city or town wherein the municipal court is located. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing mayor.

NEW SECTION. Sec. 113. There is added to chapter 3.50 RCW a new section to read as follows:

Any vacancy in the municipal court due to a death, disability, or resignation of a municipal court judge shall be filled by the mayor, for the remainder of the unexpired term. The appointment shall be subject to confirmation by the legislative authority of the city or town if the legislative authority has the general power of confirmation over mayoral appointments. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter.

Sec. 114. Section 60, chapter 299, Laws of 1961 and RCW 3.50.110 are each amended to read as follows:

The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town: PROVIDED, That ~~((such))~~ the municipal court shall not be open on nonjudicial days.

Sec. 115. Section 79, chapter 299, Laws of 1961 as amended by section 1, chapter 84, Laws of 1969 and RCW 3.50.300 are each amended to read as follows:

In all cases of conviction, unless otherwise provided in chapters 3.30 through 3.74 RCW as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgment of the court is that the defendant pay a fine and costs, ~~((he))~~ the defendant may be committed to jail ~~((to be placed at hard labor))~~ until the judgment is paid in full.

A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior court.

Sec. 116. Section 81, chapter 299, Laws of 1961 as amended by section 5, chapter 156, Laws of 1983 and RCW 3.50.320 are each amended to read as follows:

After a conviction, the court may defer sentencing ~~((the defendant))~~ and place ~~((him))~~ the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date

of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw ~~((his))~~ the plea of guilty, permit ~~((him))~~ the defendant to enter a plea of not guilty, and dismiss the charges ~~((against him))~~.

Sec. 117. Section 82, chapter 299, Laws of 1961 as amended by section 6, chapter 156, Laws of 1983 and RCW 3.50.330 are each amended to read as follows:

For a period not to exceed two years after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of ~~((its))~~ the sentence upon stated terms, including installment payment of fines.

Sec. 118. Section 83, chapter 299, Laws of 1961 as amended by section 7, chapter 156, Laws of 1983 and RCW 3.50.340 are each amended to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. ~~((Whenever))~~ If the ends of justice will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

Sec. 119. Section 92, chapter 299, Laws of 1961 and RCW 3.50.430 are each amended to read as follows:

All criminal prosecutions for the violation of ~~((any))~~ a city ordinance shall be conducted in the name of the city and may be upon the complaint of any person.

Sec. 120. Section 93, chapter 299, Laws of 1961 and RCW 3.50.440 are each amended to read as follows:

Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance shall be punished by a fine of not more than five ~~((hundred))~~ thousand dollars or imprisonment in the city jail for a period not to exceed ~~((ninety days))~~ one year, or both such fine and imprisonment.

Sec. 121. Section 94, chapter 299, Laws of 1961 and RCW 3.50.450 are each amended to read as follows:

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted

governing pleadings, practice and procedure applicable to ((justice)) district courts.

NEW SECTION. Sec. 122. There is added to chapter 3.50 RCW a new section to read as follows:

A transfer of a case from the municipal court to either another municipal judge of the same city or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed in accordance with RCW 3.66.090 in all civil and criminal proceedings.

NEW SECTION. Sec. 123. There is added to chapter 3.50 RCW a new section to read as follows:

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of (name of city), State of Washington," surrounding the vignette.

NEW SECTION. Sec. 124. There is added to chapter 3.50 RCW a new section to read as follows:

A municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office.

NEW SECTION. Sec. 125. There is added to chapter 3.50 RCW a new section to read as follows:

"Mayor," as used in this chapter, means the chief administrative officer of the city.

NEW SECTION. Sec. 126. There is added to chapter 3.50 RCW a new section to read as follows:

In all civil cases, 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 district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A party requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the court. The fee shall be apportioned among the requesting parties. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Jury trials shall be allowed in all criminal cases unless waived by the defendant.

NEW SECTION. Sec. 127. There is added to chapter 3.50 RCW a new section to read as follows:

All criminal process issued by the municipal court shall be in the name of the state of Washington and run throughout the state, and be directed to

and served by the chief of police, marshal, or other police officer of any city or to any sheriff in the state.

NEW SECTION. Sec. 128. The enactment of sections 101 through 139 of this act shall not affect any case, proceeding, appeal, or other matter pending in any court operating under Title 35 or 35A RCW on the effective date of this act. The enactment of sections 101 through 139 of this act shall not have the effect of terminating or in any way modifying any right or liability, civil or criminal, which may be in existence on the effective date of this act.

NEW SECTION. Sec. 129. RCW 35A.20.150 is recodified as a section in chapter 35A.21 RCW.

NEW SECTION. Sec. 130. The following acts or parts of acts are each repealed:

- (1) Section 61, chapter 299, Laws of 1961 and RCW 3.50.120;
- (2) Section 62, chapter 299, Laws of 1961 and RCW 3.50.130;
- (3) Section 63, chapter 299, Laws of 1961 and RCW 3.50.140;
- (4) Section 64, chapter 299, Laws of 1961 and RCW 3.50.150;
- (5) Section 65, chapter 299, Laws of 1961 and RCW 3.50.160;
- (6) Section 66, chapter 299, Laws of 1961 and RCW 3.50.170;
- (7) Section 67, chapter 299, Laws of 1961 and RCW 3.50.180;
- (8) Section 68, chapter 299, Laws of 1961 and RCW 3.50.190;
- (9) Section 69, chapter 299, Laws of 1961 and RCW 3.50.200;
- (10) Section 70, chapter 299, Laws of 1961 and RCW 3.50.210;
- (11) Section 71, chapter 299, Laws of 1961 and RCW 3.50.220;
- (12) Section 72, chapter 299, Laws of 1961 and RCW 3.50.230;
- (13) Section 73, chapter 299, Laws of 1961 and RCW 3.50.240;
- (14) Section 74, chapter 299, Laws of 1961 and RCW 3.50.250;
- (15) Section 75, chapter 299, Laws of 1961 and RCW 3.50.260;
- (16) Section 76, chapter 299, Laws of 1961 and RCW 3.50.270;
- (17) Section 77, chapter 299, Laws of 1961, section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280;
- (18) Section 78, chapter 299, Laws of 1961 and RCW 3.50.290;
- (19) Section 80, chapter 299, Laws of 1961 and RCW 3.50.310;
- (20) Section 84, chapter 299, Laws of 1961 and RCW 3.50.350;
- (21) Section 85, chapter 299, Laws of 1961 and RCW 3.50.360;
- (22) Section 86, chapter 299, Laws of 1961 and RCW 3.50.370;
- (23) Section 87, chapter 299, Laws of 1961 and RCW 3.50.380;
- (24) Section 88, chapter 299, Laws of 1961 and RCW 3.50.390;
- (25) Section 89, chapter 299, Laws of 1961 and RCW 3.50.400;
- (26) Section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410;
- (27) Section 91, chapter 299, Laws of 1961 and RCW 3.50.420;
- (28) Section 95, chapter 299, Laws of 1961 and RCW 3.50.460; and

(29) Section 96, chapter 299, Laws of 1961 and RCW 3.50.470.

NEW SECTION. Sec. 131. The following acts or parts of acts are each repealed:

- (1) Section 35.20.040, chapter 7, Laws of 1965 and RCW 35.20.040;
- (2) Section 35.20.050, chapter 7, Laws of 1965 and RCW 35.20.050;
- (3) Section 35.20.060, chapter 7, Laws of 1965 and RCW 35.20.060;
- (4) Section 35.20.070, chapter 7, Laws of 1965, section 88, chapter 81, Laws of 1971 and RCW 35.20.070;
- (5) Section 35.20.080, chapter 7, Laws of 1965 and RCW 35.20.080;
- (6) Section 35.20.900, chapter 7, Laws of 1965, section 5, chapter 33, Laws of 1975 and RCW 35.20.900; and
- (7) Section 35.21.170, chapter 7, Laws of 1965 and RCW 35.21.170.

NEW SECTION. Sec. 132. The following acts or parts of acts are each repealed:

- (1) Section 35.22.420, chapter 7, Laws of 1965, section 3, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.420;
- (2) Section 35.22.430, chapter 7, Laws of 1965 and RCW 35.22.430;
- (3) Section 35.22.440, chapter 7, Laws of 1965 and RCW 35.22.440;
- (4) Section 35.22.460, chapter 7, Laws of 1965, section 4, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.460;
- (5) Section 35.22.480, chapter 7, Laws of 1965, section 5, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.480;
- (6) Section 5, chapter 241, Laws of 1967 and RCW 35.22.485;
- (7) Section 35.22.490, chapter 7, Laws of 1965 and RCW 35.22.490;
- (8) Section 35.22.500, chapter 7, Laws of 1965 and RCW 35.22.500;
- (9) Section 35.22.510, chapter 7, Laws of 1965, section 26, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.510;
- (10) Section 35.22.520, chapter 7, Laws of 1965 and RCW 35.22.520;
- (11) Section 35.22.530, chapter 7, Laws of 1965, section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530;
- (12) Section 35.22.540, chapter 7, Laws of 1965 and RCW 35.22.540;
- (13) Section 35.22.550, chapter 7, Laws of 1965 and RCW 35.22.550; and
- (14) Section 35.22.560, chapter 7, Laws of 1965, section 89, chapter 81, Laws of 1971 and RCW 35.22.560.

NEW SECTION. Sec. 133. The following acts or parts of acts are each repealed:

- (1) Section 35.23.590, chapter 7, Laws of 1965 and RCW 35.23.590;
- (2) Section 35.23.600, chapter 7, Laws of 1965, section 8, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.600;
- (3) Section 35.23.610, chapter 7, Laws of 1965 and RCW 35.23.610;
- (4) Section 35.23.620, chapter 7, Laws of 1965, section 7, chapter 241, Laws of 1967 and RCW 35.23.620;

- (5) Section 6, chapter 241, Laws of 1967 and RCW 35.23.625;
 - (6) Section 35.23.630, chapter 7, Laws of 1965 and RCW 35.23.630;
 - (7) Section 35.23.640, chapter 7, Laws of 1965 and RCW 35.23.640;
 - (8) Section 35.23.650, chapter 7, Laws of 1965, section 1, chapter 35, Laws of 1969 and RCW 35.23.650;
 - (9) Section 35.23.660, chapter 7, Laws of 1965 and RCW 35.23.660;
- and
- (10) Section 35.23.670, chapter 7, Laws of 1965 and RCW 35.23.670.

NEW SECTION. Sec. 134. The following acts or parts of acts are each repealed:

- (1) Section 35.24.450, chapter 7, Laws of 1965, section 1, chapter 94, Laws of 1965, section 11, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.450;
- (2) Section 35.24.460, chapter 7, Laws of 1965, section 2, chapter 94, Laws of 1965, section 12, chapter 116, Laws of 1965 ex. sess., section 29, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.460;
- (3) Section 8, chapter 241, Laws of 1967 and RCW 35.24.465;
- (4) Section 35.24.470, chapter 7, Laws of 1965, section 13, chapter 116, Laws of 1965 ex. sess., section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470;
- (5) Section 1, chapter 108, Laws of 1965 and RCW 35.24.480;
- (6) Section 35.27.520, chapter 7, Laws of 1965, section 16, chapter 116, Laws of 1965 ex. sess., section 1, chapter 28, Laws of 1969 and RCW 35.27.520;
- (7) Section 2, chapter 108, Laws of 1965 and RCW 35.27.525;
- (8) Section 35.27.530, chapter 7, Laws of 1965, section 17, chapter 116, Laws of 1965 ex. sess., section 31, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.530;
- (9) Section 9, chapter 241, Laws of 1967 and RCW 35.27.535; and
- (10) Section 35.27.540, chapter 7, Laws of 1965, section 18, chapter 116, Laws of 1965 ex. sess., section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540.

NEW SECTION. Sec. 135. The following acts or parts of acts are each repealed:

- (1) Section 35A.20.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.010;
- (2) Section 35A.20.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.020;
- (3) Section 35A.20.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.030;
- (4) Section 35A.20.040, chapter 119, Laws of 1967 ex. sess., section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040;
- (5) Section 35A.20.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.050;

(6) Section 35A.20.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.060;

(7) Section 35A.20.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.070;

(8) Section 35A.20.080, chapter 119, Laws of 1967 ex. sess., section 34, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.080;

(9) Section 35A.20.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.090;

(10) Section 35A.20.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.100;

(11) Section 35A.20.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.110;

(12) Section 35A.20.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.120; and

(13) Section 35A.20.130, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.130.

Sec. 136. Section 46.08.190, chapter 12, Laws of 1961 and RCW 46.08.190 are each amended to read as follows:

Every (~~justice of the peace and police~~) district and municipal court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor.

Sec. 137. Section 6, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 221, Laws of 1983 and RCW 46.63.040 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal (~~or police~~) court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal (~~or police~~) court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

Sec. 138. Section 46.83.050, chapter 12, Laws of 1961 and RCW 46.83.050 are each amended to read as follows:

Every ~~((police))~~ municipal court, ~~((justice))~~ district court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction.

Sec. 139. Section 3, page 121, Laws of 1890 and RCW 78.12.030 are each amended to read as follows:

Upon the filing of the notice, as provided in RCW 78.12.020, the ~~((justice of the peace or judge of the police))~~ district or municipal court shall issue an order, directed to the sheriff of the county or to any constable or city marshal therein, directing such officer to serve a notice in manner and form as is prescribed by law for service of summons upon any person or persons or the authorized agent or agents of any company or corporation named in the notice on file, as provided in RCW 78.12.020.

Sec. 201. Section 35.20.010, chapter 7, Laws of 1965 as amended by section 4, chapter 33, Laws of 1975 and RCW 35.20.010 are each amended to read as follows:

(1) There is hereby created and established in each incorporated city of this state having a population of more than four hundred thousand inhabitants, as shown by the federal or state census, whichever is the later, a municipal court, which shall be styled "The Municipal Court of (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

(2) A municipality operating a municipal court under this section may terminate that court if the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 202. There is added to chapter 3.50 RCW a new section to read as follows:

(1) If a municipality has, prior to the effective date of this section, repealed in its entirety that portion of its municipal code defining crimes but continues to hear and determine traffic infraction cases under chapter 46.63 RCW in a municipal court, the municipality and the appropriate county shall, prior to January 1, 1985, enter into an agreement under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs incurred after January 1, 1985, associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. If the municipality and the county cannot come to an agreement within the time prescribed by this section, they shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

(2) The agreement between the municipality and the county shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 203. There is added to chapter 3.50 RCW a new section to read as follows:

(1) A municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW under which the county or municipality is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county or municipality are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county or municipality have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW. A municipality that has entered into agreements with other municipalities that have terminated their municipal courts may not

thereafter terminate its court unless each municipality has reached an agreement with the appropriate county in accordance with this section.

(2) A municipality operating a municipal court under this chapter may not repeal in its entirety that portion of its municipal code defining crimes while retaining the court's authority to hear and determine traffic infractions under chapter 46.63 RCW unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

(3) A municipality operating a municipal court under this chapter may not repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 204. There is added to chapter 35.22 RCW a new section to read as follows:

A city of the first class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the

agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 205. There is added to chapter 35.23 RCW a new section to read as follows:

A city of the second class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 206. There is added to chapter 35.24 RCW a new section to read as follows:

A city of the third class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 207. There is added to chapter 35.27 RCW a new section to read as follows:

A town operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 208. There is added to chapter 35.30 RCW a new section to read as follows:

A city operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 209. There is added to chapter 35A.11 RCW a new section to read as follows:

A code city operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an

agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

Sec. 210. Section 49, chapter 299, Laws of 1961 and RCW 3.46.150 are each amended to read as follows:

Any city, having established a municipal department as provided in this chapter may, by written notice to the (~~board of county commissioners~~) county legislative authority not less than thirty days prior to February 1st of any year, require the (~~abolition~~) termination of the municipal department created pursuant to this chapter. However, the city may not give the written notice required by this section unless the city has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 301. It is the intent of the legislature to assure accountability, uniformity, economy, and efficiency in the collection and distribution by superior, district, and municipal courts of fees, fines, forfeitures, and penalties assessed and collected for violations of state statutes, and county, city, and town ordinances.

Sec. 302. Section 22, chapter 299, Laws of 1961 as last amended by section 19 of this 1984 act and RCW 3.34.130 are each amended to read as follows:

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid for each day he or she holds a session one-two hundred fiftieth of the annual salary of a full time district judge. For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in

whose place he or she serves shall be reduced by an amount equal to one-hundred fiftieth of such salary; PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money ~~((from the judiciary education account to the administrator for the courts pursuant to RCW 2.56-100))~~ for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 303. Section 46, chapter 299, Laws of 1961 as amended by section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120 are each amended to read as follows:

(1) All ((revenue)) money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs assessed and collected in whole or in part by the court shall be paid by the clerk to the city treasurer ((for the use of the city)).

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 304. Section 59, chapter 299, Laws of 1961 as amended by section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money((s)) imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 305. Section 105, chapter 299, Laws of 1961 and RCW 3.62.010 are each amended to read as follows:

The district court may at the time of sentencing or at any time thereafter suspend a portion or all of a fine or penalty (~~except that costs of the action shall not be suspended: PROVIDED, That the court may suspend costs in the case of juvenile or indigent defendants. "Costs" for the purpose of this section, does not include jury fees, witness fees or sheriff's fees~~).

Sec. 306. Section 106, chapter 299, Laws of 1961 as last amended by section 8, chapter 73, Laws of 1971 and RCW 3.62.020 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be (~~collected and~~) remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law. (~~The county treasurer shall place these moneys into the justice court suspense fund.~~)

(2) The county treasurer shall remit thirty-five percent of the money received under subsection (1) of this section to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

Sec. 307. Section 108, chapter 299, Laws of 1961 as amended by section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be (~~collected~~

and)) remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

Sec. 308. Section 109, chapter 299, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050 are each amended to read as follows:

~~((Quarterly, the county treasurer shall determine))~~ The total expenditures of the justice courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense, except costs of defense to be paid by a city pursuant to RCW 3.62.070~~((The treasurer shall then transfer an amount, equal to the total expenditures, from the justice court suspense fund to)), shall be paid from the county current expense fund. ((The treasurer shall then, using the percentages established as in RCW 3.62.015 provided remit the appropriate amounts of the remaining balance in the justice court suspense fund to the state general fund and to the appropriate city treasurer(s). The final remaining balance of the justice court suspense fund shall then be remitted as specified by the county commissioners:))~~

Sec. 309. Section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 330, Laws of 1981 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a ~~((justice))~~ district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of twenty dollars. ~~((Fees for the support of county law libraries provided for in RCW 27.24.070 shall be paid by the clerk out of the filing fee provided for in this section:))~~ No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

~~((Three dollars of the filing fee collected under this section shall be transmitted each month to the state treasurer for deposit in the general fund:))~~

Sec. 310. Section 1, chapter 249, Laws of 1953 as last amended by section 1, chapter 126, Laws of 1979 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))~~ county treasurer shall deposit in the county or regional law library fund a sum equal to seven dollars for every new probate or civil matter, including appeals, ((the sum of seven dollars)) filed with the clerk of the superior court and three dollars for every civil action commenced in district court for the support of the law library in that county or the regional law library to which the county belongs((, which shall be paid to the county treasurer to be credited to the county or regional law library fund)): PROVIDED, That upon a showing of need the seven dollar ~~((fee))~~ contribution may be increased up to nine dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies. ~~((There shall be paid from the filing fee paid by each person instituting an action, when the first paper is filed, 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 three hundred dollars or more, in addition to the other fees required by law the sum of three dollars as fees for the support of the law library in that county or for the regional law library which are to be taxed as part of costs in each case.~~

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

Sec. 311. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 239, Laws of 1983 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court ~~((of competent jurisdiction))~~ of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be fifty dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and twenty-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such

forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) (~~Except as provided in subsection (5) of this section;~~) Such penalty assessments shall be paid by the clerk of the superior court to the (~~city or~~) county treasurer(~~, as the case may be;~~) who shall monthly transmit (~~eighty percent of such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in an account within the state general fund to be known as the crime victims compensation account, hereby created, and all moneys placed in the account shall be used exclusively for the administration of this chapter, after appropriation by statute. Except as provided in subsection (5) of this section, the remaining twenty percent of such assessments shall be provided to the county prosecuting attorney to be used exclusively for~~) the money as provided in RCW 10.82.070. Until June 30, 1987, each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. After that date, each county shall continue to provide for such comprehensive programs. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one

hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program (~~(by a prosecuting attorney, the city or county treasurer, as the case may be, may transmit monthly eighty percent of such penalty assessments to the state treasurer and provide the remaining twenty percent of such assessments to the county prosecuting attorney to be used exclusively for a comprehensive program for victims and witnesses, and)~~), the prosecuting attorney ((may)) shall retain ((such twenty percent)) the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the ((twenty percent penalty assessments)) money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the ((city or)) county treasurer((, as the case may be,)) shall monthly transmit one hundred percent of ((such penalty assessments and shall transmit all previously retained penalty assessments and interest, if any,)) the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the ((crime victims compensation account within the state general fund)) public safety and education account established under section 338 of this 1984 act.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Until June 30, 1987, every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section. After that date, every city and town shall transmit to the county a percentage of such money, up to one and seventy-five one-hundredths percent, which matches the percentage of court revenue the county provides under subsection (4) of this section.

Sec. 312. Section 16, chapter 172, Laws of 1935 as last amended by section 11, chapter 232, Laws of 1983 and RCW 9.41.160 are each amended to read as follows:

Any violation of any provision of this chapter, except as otherwise provided, shall be a misdemeanor and punishable accordingly. ~~((There shall be levied and paid into the general fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all violations of this chapter.))~~

Sec. 313. Section 3, page 421, Laws of 1873 as last amended by section 11, chapter 199, Laws of 1969 ex. sess. and RCW 10.82.070 are each amended to read as follows:

~~((Except as otherwise provided by law.))~~ (1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, ((or)) for contempt of court, ((and the net proceeds of all fines collected within the several counties of the state)) or for breach of the penal laws((, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures,)) shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued((, and shall be by him transmitted to the state treasurer, for deposit in the general fund. PROVIDED, That)).

(2) The county treasurer shall remit monthly thirty-five percent of the money received under this section to the state treasurer for deposit as provided under section 338 of this 1984 act and shall deposit the remainder as provided by law.

(3) All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 314. Section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as amended by section 55, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.010 are each amended to read as follows:

Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars ~~((, said fine shall be turned over to the county treasurer and by him remitted to the state treasurer who shall place the same to the credit of the current school fund of the state. PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed~~

~~by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended)).~~

Sec. 315. Section 28A.87.060, chapter 223, Laws of 1969 ex. sess. as amended by section 57, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.060 are each amended to read as follows:

Any person who shall wilfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars. ~~((Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended:))~~

Sec. 316. Section 28A.87.070, chapter 223, Laws of 1969 ex. sess. as amended by section 58, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.070 are each amended to read as follows:

Any person having access to any question or questions prepared for the examination of teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars. ~~((Said fine shall be turned over to the county treasurer of the county in which it is collected and shall be by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended:))~~

Sec. 317. Section 28A.87.130, chapter 223, Laws of 1969 ex. sess. as amended by section 60, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.130 are each amended to read as follows:

Any school district official or employee who shall refuse or fail to deliver to his qualified successor all books, papers, and records pertaining to his position, or who shall wilfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred ~~((; said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state: PROVIDED FURTHER, That all~~

~~fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended)).~~

Sec. 318. Section 28A.87.140, chapter 223, Laws of 1969 ex. sess. as amended by section 61, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.140 are each amended to read as follows:

Any teacher who shall maltreat or abuse any pupil by administering any unreasonable punishment, or who shall inflict punishment on the head of a pupil, upon conviction thereof shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not exceeding one hundred dollars. ~~((Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.))~~

Sec. 319. Section 35.20.220, chapter 7, Laws of 1965 as amended by section 5, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.220 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all ~~((moncys))~~ money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 320. Section 35A.42.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.010 are each amended to read as follows:

In addition to authority granted and duties imposed upon code city treasurers by this title, code city treasurers, or the officers designated by

charter or ordinance to perform the duties of a treasurer, shall have the duties and the authority to perform the following: (1) As provided in RCW 8.12.500 relating to bonds and compensation payments in eminent domain proceedings; (2) as provided in RCW 68.12.050 relating to cemetery improvement funds; (3) as provided in RCW 41.28.080 relating to custody of employees' retirement funds; (4) as provided in RCW 47.08.100 relating to the use of city street funds; (5) as provided in RCW 46.68.080 relating to motor vehicle funds; (6) ~~((as provided in RCW 46.81.050 relating to fines and bail forfeitures and additional assessments for driver education; (7)))~~ as provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards; ~~((8))~~ (7) as provided in chapter 42.20 RCW relating to misappropriation of funds; and ~~((9))~~ (8) as provided in chapter 39.60 RCW relating to investment of municipal funds. The treasurer shall be subject to the penalties imposed for the violation of any of such provisions. Where a provision of this title, or the general law, names the city treasurer as an officer of a board or other body, or assigns duties to a city treasurer, such position shall be filled, or such duties performed, by the officer of a code city who is performing the duties usually performed by a city treasurer, although he may not have that designation.

Sec. 321. Section 35A.47.030, chapter 119, Laws of 1967 ex. sess. as amended by section 69, chapter 3, Laws of 1983 and RCW 35A.47.030 are each amended to read as follows:

The provisions of Title 47 RCW shall apply to code cities, its officers and employees to the same extent as such provisions are applicable to any other class of city within the state, including, without limitation, the following: (1) The acquisition by the state of municipal lands and the exchange of state highway and municipal lands, as provided in chapter 47.12 RCW; (2) the dedication of public land for city streets as provided by RCW 36.34.290 and 36.34.300; (3) ~~((the allocation of fines and forfeitures for highway violations as provided in RCW 46.68.050 and 47.08.030; (4)))~~ city contributions to finance toll facilities as provided in RCW 47.56.250; ~~((5))~~ (4) contracts with the department of transportation, as provided in RCW 47.01.210; ~~((6))~~ (5) the construction, maintenance, jurisdiction, and control of city streets, as provided in chapter 47.24 RCW; ~~((7))~~ (6) agreements between the department of transportation and a city for the benefit or improvement of highways, roads, or streets, as provided in RCW 47.28.140; ~~((8))~~ (7) sales, leases, or transfers as authorized by RCW 47.12.063, 47.12.066, and 47.12.080; ~~((9))~~ (8) the erection of information signs as regulated by RCW 47.42.050 and 47.42.060; ~~((10))~~ (9) provisions relating to limited access highways under chapter 47.52 RCW; ~~((11))~~ (10) the acquisition and abandonment for state highways as provided by RCW 36.75.090 and 90.28.020; and ~~((12))~~ (11) the sharing of maintenance of streets and alleys as an extension of county roads as provided by RCW 35.77.020.

Sec. 322. Section 2, chapter 20, Laws of 1972 ex. sess. and RCW 36.18.025 are each amended to read as follows:

~~((An amount equal to seven dollars from each filing fee))~~ Thirty-five percent of the money received from filing fees 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)) the county treasurer 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)) in the public safety and education account established under section 338 of this 1984 act.

Sec. 323. Section 1, chapter 158, Laws of 1963 and RCW 46.08.172 are each amended to read as follows:

There is hereby established an account within the general fund of the state treasury to be known as the "state capitol vehicle parking account". All unpledged parking rental income ~~((and fines))~~ collected by the department of general administration from rental of parking space ~~((and the enforcement of traffic regulations))~~ on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

Sec. 324. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 16, chapter 165, Laws of 1983 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one ~~((calendar))~~ calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years;

(2) Vehicular assault;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years. A revocation imposed

under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to RCW 46.20.610 or 46.61.515(~~((5))~~)(3) arising out of the same arrest;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 325. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 18, chapter 165, Laws of 1983 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under RCW 46.20.610(1) (a) or (b), the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(~~((5))~~)(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW

46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under RCW 46.20.610 shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

Sec. 326. Section 11, chapter 165, Laws of 1983 and RCW 46.20.680 are each amended to read as follows:

When the department is required to suspend, revoke, or deny a person's license, permit, or nonresident privilege to drive under either RCW 46.20.610 or under RCW 46.61.515(~~(5)~~)(3), and (1) the department has earlier imposed a suspension, revocation, or denial under the other of those two provisions or is preparing to do so, and (2) each of those two sanctions has been required as the result of civil or criminal proceedings arising from the same arrest, the department shall proceed as follows:

(a) If the civil and criminal sanctions imposed or to be imposed are for the same minimum length of time, the suspension, revocation, or denial imposed by the department is limited to that first imposed and fully effective under one of those provisions;

(b) If the civil and criminal sanctions are of different minimum lengths of time, the department shall impose the sanction of longer duration. If the sanction with the shorter minimum duration has earlier been imposed by the department, the department shall reduce the minimum duration of the longer revocation by the number of days the license, permit, or privilege to drive was actually under suspension, revocation, or denial pursuant to the earlier action by the department.

If a suspension, revocation, or denial of a person's license, permit, or nonresident privilege to drive would have been imposed by the department under RCW 46.20.610 but for the operation of this section, the suspension,

revocation, or denial shall be treated as if it had been imposed for the purposes of determining the minimum duration of subsequent suspensions or revocations required under that section.

Sec. 327. Section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as last amended by section 58, chapter 7, Laws of 1984 and RCW 46.44.105 are each amended to read as follows:

(1) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be assessed three cents for each pound of excess weight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven

to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) ~~The ((basic penalty)) penalties provided in subsections (1) and (2) of this section ((shall be distributed as prescribed in RCW 46.68.050. However, all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law)) shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.~~

~~(9) ((The additional penalty for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and transmitted by him to the state treasurer for deposit in the motor vehicle fund. However, all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100.~~

~~(10))~~ Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or

suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

((++)) (10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

Sec. 328. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than seven hundred fifty dollars. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism

agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not more than one thousand five hundred dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) (~~There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five~~

~~percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor. All funds derived from the penalty assessment are in addition to and exclusive of assessments made under RCW 46.81.030 and are for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.~~

~~(4) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.~~

~~(5))~~ The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

~~((6))~~ (4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

Sec. 329. Section 6, chapter 209, Laws of 1975 1st ex. sess. as amended by section 1, chapter 57, Laws of 1977 and RCW 46.61.587 are each amended to read as follows:

Any violation of RCW 43.51.320 or 46.61.585 or any rule promulgated by the parks and recreation commission to enforce the provisions thereof shall be punished by a fine of not more than twenty-five dollars (~~plus court costs, and said fine shall be deposited in the winter recreational parking account. Upon payment of the fine, a special winter recreational parking permit for the calendar year in which the violation occurs shall be issued by the commission to the owner of the vehicle subject to compliance with the rules and regulations governing the issuance of such permit~~).

Sec. 330. Section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and by section 4, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.110 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body. (~~Any monetary penalty imposed under this subsection is not subject to the statutory assessments applicable to traffic offenses, including but not limited to the assessments required by RCW 46.81.030, 43.101.210, 2.56.100, 3.62.080, and 13.40.260.~~)

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure

to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

~~((6) There shall be levied and paid into the general fund of the state treasury, a five-dollar fee in addition to the monetary penalty imposed for a traffic infraction other than a parking, standing, stopping, or pedestrian infraction. The five-dollar fee shall not be suspended by the court.))~~

Sec. 331. Section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81.070 are each amended to read as follows:

(1) ~~((Subject to RCW 46.81.060))~~ Each school district shall be reimbursed from ((the traffic safety education account)) funds appropriated for traffic safety education: PROVIDED, That the state superintendent shall determine the per pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be ((provided from the traffic safety education account)) appropriated.

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

Sec. 332. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 23, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.230 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) ~~((The courts may retain fifty percent of fines, forfeitures, and all costs collected under this title. The courts shall remit the remainder of the fines and forfeitures to the state treasurer monthly. Where a portion of a~~

~~fine assessed by a court is suspended, deferred, or otherwise not collected; the entire amount collected shall be remitted to the state treasurer:))~~ All fines and forfeitures collected or assessed by a justice court for a violation of this title or rule of the director shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon and salmon eggs by the department, to the extent these proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal.

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

Sec. 333. Section 15, chapter 2, Laws of 1983 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraphs (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401(d);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) All drug paraphernalia; and

(7) All moneys, negotiable instruments, securities, or other intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter: PROVIDED, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known

right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) or (a)(7) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) or (a)(7) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs.

Fifty percent of the money remaining after payment of such expenses (~~(shall be deposited in the criminal justice training account established under RCW 43.101.210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent))~~) shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency, and fifty percent shall be remitted to the state treasurer for deposit in the public safety and education account established in section 338 of this 1984 act;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the Bureau for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

Sec. 334. Section 77.12.170, chapter 36, Laws of 1955 as amended by section 1, chapter 284, Laws of 1983 and by section 2, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.12.170 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state game fund which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes;

(c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the commission under this title;

(g) ~~((Penalty assessments collected under RCW 77.21.050;~~

~~(h))~~ Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and

~~((i) Fines, forfeitures, and costs collected under this title for violations of law or rules of the commission;~~

~~((j)) (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW(, and~~

~~(k) Reimbursements collected under RCW 77.21.070).~~

~~(2) ((Courts shall collect fines[,] forfeitures, and reimbursements and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of these fines and forfeitures to the state game fund and shall return the remainder to the county in which it was collected.~~

~~((3)) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state game fund.~~

~~((4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.21.050; actual court costs, or reimbursements required under RCW 77.21.070.))~~

Sec. 335. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 36, chapter 78, Laws of 1980 and RCW 77.12.201 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year a amount in lieu of real property taxes on game lands equal to that which would be paid on similar parcels of real property situated in the county. ~~((Upon the election, all fines and forfeitures received by the county during that year under RCW 77.12.170 shall be deposited in the state treasury to be credited to the state game fund.))~~ Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules of the commission and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under section 338 of this 1984 act. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 336. Section 3, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal hunting or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission \$1,000

(b) Elk, deer, black bear, and cougar \$500

(2) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine.

(3) If two or more persons are convicted of illegally hunting or possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

(4) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(5) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

~~((6) All moneys derived from reimbursements required under this section shall be remitted within fifteen days after the end of each fiscal quarter to the state treasurer to the credit of the state game fund:))~~

NEW SECTION. Sec. 337. There is added to chapter 3.62 RCW a new section to read as follows:

There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

NEW SECTION. Sec. 338. There is added to chapter 43.08 RCW a new section to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state general fund. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs.

NEW SECTION. Sec. 339. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 132, Laws of 1981, section 1, chapter 9, Laws of 1983 1st ex. sess. and RCW 2.56.100;

(2) Section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess., section 129, chapter 78, Laws of 1980 and RCW 3.62.015;

(3) Section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055;

(4) Section 2, chapter 330, Laws of 1981 and RCW 3.62.080;

(5) Section 4, chapter 330, Laws of 1981 and RCW 13.40.260;

(6) Section 2, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.026;

(7) Section 2, chapter 70, Laws of 1980, section 6, chapter 330, Laws of 1981 and RCW 36.18.027;

(8) Section 3, chapter 212, Laws of 1977 ex. sess., section 1, chapter 164, Laws of 1979 ex. sess., section 8, chapter 4, Laws of 1981, section 1, chapter 127, Laws of 1981 and RCW 43.101.210;

(9) Section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.518;

(10) Section 46.68.050, chapter 12, Laws of 1961, section 10, chapter 99, Laws of 1969, section 23, chapter 199, Laws of 1969 ex. sess. and RCW 46.68.050;

(11) Section 2, chapter 9, Laws of 1970 ex. sess., section 1, chapter 26, Laws of 1971 ex. sess., section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030;

(12) Section 5, chapter 39, Laws of 1963 and RCW 46.81.040;

(13) Section 3, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.050;

(14) Section 7, chapter 39, Laws of 1963, section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060;

(15) Section 47.08.030, chapter 13, Laws of 1961, section 26, chapter 199, Laws of 1969 ex. sess. and RCW 47.08.030; and

(16) Section 1, chapter 57, Laws of 1975, section 31, chapter 78, Laws of 1980 and RCW 77.21.050.

NEW SECTION. Sec. 340. All money which represents fines, fees, forfeitures, or penalties collected before July 1, 1985, under the sections amended or repealed in this act and held in trust by courts on July 1, 1985, shall be transferred to the appropriate county, city, and town treasurers no later than July 15, 1985. All unexpended money contained in the accounts abolished by this act shall be transferred to the account established in section 338 of this act.

NEW SECTION. Sec. 401. There is added to chapter 2.04 RCW a new section to read as follows:

The annual salary of justices of the supreme court shall be prescribed by the legislature in the biennial omnibus appropriations act. No salary

warrant may be issued to a justice of the supreme court until the justice files with the state treasurer an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided for more than six months.

NEW SECTION. Sec. 402. There is added to chapter 2.06 RCW a new section to read as follows:

The annual salary of the judges of the court of appeals shall be prescribed by the legislature in the biennial omnibus appropriations act. No salary warrant may be issued to any judge until the judge files with the state treasurer an affidavit that no matter referred to the judge for opinion or decision has been uncompleted for more than six months.

NEW SECTION. Sec. 403. There is added to chapter 2.08 RCW a new section to read as follows:

The annual salary of the judges of the superior court shall be prescribed by the legislature in the biennial omnibus appropriations act.

*NEW SECTION. Sec. 404. The following acts or parts of acts are each repealed, including any amendments enacted during 1984:

(1) Section 1, chapter 144, Laws of 1953, section 1, chapter 260, Laws of 1957, section 1, chapter 127, Laws of 1965 ex. sess., section 1, chapter 100, Laws of 1972 ex. sess., section 2, chapter 106, Laws of 1973, section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 2, chapter 263, Laws of 1975 1st ex. sess., section 2, chapter 318, Laws of 1977 ex. sess., section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090;

(2) Section 6, chapter 221, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1972 ex. sess., section 3, chapter 106, Laws of 1973, section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 3, chapter 263, Laws of 1975 1st ex. sess., section 3, chapter 318, Laws of 1977 ex. sess., section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060;

(3) Section 2, chapter 144, Laws of 1953, section 2, chapter 260, Laws of 1957, section 2, chapter 127, Laws of 1965 ex. sess., section 1, chapter 65, Laws of 1967, section 3, chapter 100, Laws of 1972 ex. sess., section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 4, chapter 263, Laws of 1975 1st ex. sess., section 4, chapter 318, Laws of 1977 ex. sess., section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; and

(4) Section 1, chapter 259, Laws of 1957, section 1, chapter 93, Laws of 1969, section 1, chapter 156, Laws of 1974 ex. sess., section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010.

*Sec. 404 was partially vetoed, see message at end of chapter.

*NEW SECTION. Sec. 405. There is added to chapter 2.56 RCW a new section to read as follows:

There shall be a state office to be known as the office of administrator for the courts who shall be appointed by the supreme court of this state from a list of five persons submitted by the governor, and shall hold office at the pleasure of the appointing power. The administrator for the courts shall receive a salary prescribed by the legislature in the biennial omnibus appropriations act.

*Sec. 405. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 501. (1) The legislature finds and declares that:

(a) The resolution of many disputes can be costly and complex in a judicial setting where the parties involved are necessarily in an adversary posture and subject to formalized procedures; and

(b) Alternative dispute resolution centers can meet the needs of Washington's citizens by providing forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere.

(2) It is the intent of the legislature that programs established pursuant to this chapter:

(a) Stimulate the establishment and use of dispute resolution centers to help meet the need for alternatives to the courts for the resolution of certain disputes.

(b) Encourage continuing community participation in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes between and among members of the community.

(c) Offer structures for dispute resolution which may serve as models for resolution centers in other communities.

(d) Serve a specific community or locale and resolve disputes that arise within that community or locale.

(e) Educate the community on ways of using the services of the neighborhood dispute resolution center directly and in a preventive capacity.

NEW SECTION. Sec. 502. (1) A dispute resolution center may be created and operated by a municipality, county, or by a corporation organized exclusively for the resolution of disputes or for charitable or educational purposes. The corporation shall not be organized for profit, and no part of the net earnings may inure to the benefit of any private shareholders or individuals. The majority of the directors of such a corporation shall not consist of members of any single profession.

(2) A dispute resolution center may not begin operation under this chapter until a plan for establishing a center for the mediation and settlement of disputes has been approved by the legislative authority of the municipality or county creating the center or, in the case of a center operated by a nonprofit corporation, by the legislative authority of the municipality

or county within which the center will be located. A plan for a dispute resolution center shall not be approved and the center shall not begin operation until the legislative authority finds that the plan adequately prescribes:

(a) Procedures for filing requests for dispute resolution services with the center and for scheduling mediation sessions participated in by the parties to the dispute;

(b) Procedures to ensure that each dispute mediated by the center meets the criteria for appropriateness for mediation set by the legislative authority and for rejecting disputes which do not meet the criteria;

(c) Procedures for giving notice of the time, place, and nature of the mediation session to the parties, and for conducting mediation sessions that comply with the provisions of this chapter;

(d) Procedures which ensure that participation by all parties is voluntary;

(e) Procedures for obtaining referrals from public and private bodies;

(f) Procedures for meeting the particular needs of the participants, including, but not limited to, providing services at times convenient to the participants, in sign language, and in languages other than English;

(g) Procedures for providing trained and certified mediators who, during the dispute resolution process, shall make no decisions or determinations of the issues involved, but who shall facilitate negotiations by the participants themselves to achieve a voluntary resolution of the issues; and

(h) Procedures for informing and educating the community about the dispute resolution center and encouraging the use of the center's services in appropriate cases.

(3) A dispute resolution center established under this chapter annually shall provide to the administrator for the courts such data regarding its operation as the administrator requires. The administrator shall report annually beginning January 1, 1986, to the governor, the supreme court, and the legislature regarding the operation of centers established under this chapter.

NEW SECTION. Sec. 503. A dispute resolution center established under this chapter shall provide dispute resolution services either without charge to the participants or for a fee which is based on the participant's ability to pay.

NEW SECTION. Sec. 504. (1) In conducting a dispute resolution process, a center established under this chapter shall require:

(a) That the disputing parties enter into a written agreement which expresses the method by which they shall attempt to resolve the issues in dispute; and

(b) That at the conclusion of the dispute resolution process, the parties enter into a written agreement which sets forth the settlement of the issues and the future responsibilities, if any, of each party.

(2) A written agreement entered into with the assistance of a center at the conclusion of the written dispute resolution process is admissible as evidence in any judicial or administrative proceeding.

NEW SECTION. Sec. 505. All memoranda, work notes or products, or case files of centers established under this chapter are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless the court or administrative tribunal determines that the materials were submitted by a participant to the center for the purpose of avoiding discovery of the material in a subsequent proceeding. Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person is a privileged communication and is not subject to disclosure in any judicial or administrative proceeding unless all parties to the communication waive the privilege. The foregoing privilege and limitation on evidentiary use does not apply to any communication of a threat that injury or damage may be inflicted on any person or on the property of a party to the dispute, to the extent the communication may be relevant evidence in a criminal matter.

NEW SECTION. Sec. 506. Any person who voluntarily enters a dispute resolution process at a center established under this chapter may revoke his or her consent, withdraw from dispute resolution, and seek judicial or administrative redress prior to reaching a written resolution agreement. The withdrawal shall be in writing. No legal penalty, sanction, or restraint may be imposed upon the person.

NEW SECTION. Sec. 507. A dispute resolution center established under this chapter may seek and accept contributions from counties and municipalities, agencies of the state and federal governments, private sources, and any other available funds, and may expend the funds to carry out the purposes of this chapter.

NEW SECTION. Sec. 508. Any applicable statute of limitations shall be tolled as to participants in dispute resolution at a center established under this chapter during the period which begins with the date of the participants' execution of the written agreement required by section 504(1)(a) of this act and ends on the date that a written agreement at the conclusion of the dispute resolution process is executed under section 504(1)(b) of this act or a participant's written notice of withdrawal from the dispute resolution process is executed under section 506 of this act.

NEW SECTION. Sec. 509. Nothing in this chapter precludes any person or persons not operating under section 502 of this act from providing dispute resolution services. However, the provisions of section 505 of this act, relating to confidentiality, and section 508 of this act, relating to statutes of limitation, apply only to proceedings conducted by a dispute resolution center established under this chapter.

NEW SECTION. Sec. 510. Sections 501 through 509 of this act shall constitute a new chapter in Title 7 RCW.

Sec. 511. Section 1, chapter 103, Laws of 1979 and RCW 7.06.010 are each amended to read as follows:

In counties of the second class and larger, the superior court of ((a)) the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

Sec. 512. Section 206, page 168, Laws of 1854 as amended by section 248, Code of 1881 and RCW 4.48.010 are each amended to read as follows:

The court shall order all or any of the issues in ((the)) a civil action, whether of fact or law, or both, ((may be)) referred to a referee upon the written consent of the parties(;~~but either~~) which is filed with the clerk. Any party shall have the right in an action at law, upon an issue of fact, to demand a trial by jury. No referee appointed under this chapter may preside over a jury trial. The written consent of the parties constitutes a waiver of the right of trial by jury by any party having the right.

Sec. 513. Section 207, page 168, Laws of 1854 as last amended by section 249, Code of 1881 and RCW 4.48.020 are each amended to read as follows:

Where the parties do not consent, the court ((or judge)) may upon the application of either party, direct a reference in all cases formerly cognizable in chancery in which reference might be made:

(1) When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein; or,

(2) When the taking of an account shall be necessary for the information of the court, before judgment upon an issue of law, or for carrying a judgment or order into effect; or,

(3) When a question of fact other than upon the pleadings shall arise, upon motion or otherwise, in any stage of the action; or,

(4) When it is necessary for the information of the court in a special proceeding.

Sec. 514. Section 208, page 168, Laws of 1854 as last amended by section 250, Code of 1881 and RCW 4.48.030 are each amended to read as follows:

A reference may be ordered to any person or persons not exceeding three, agreed upon by the parties. If the ((parties do not agree)) reference is not agreed to by the parties, the court ((or judge)) may appoint one or more persons, not exceeding three.

Sec. 515. Section 209, page 169, Laws of 1854 as last amended by section 251, Code of 1881 and RCW 4.48.040 are each amended to read as follows:

~~((When the appointment of referees is made by the court or judge, each referee))~~ A person appointed by the court as a referee or who serves as a referee with the consent of the parties shall be:

- (1) Qualified as a juror as provided by statute.
- (2) Competent as juror between the parties.
- (3) A duly admitted and practicing attorney.

Sec. 516. Section 256, page 61, Laws of 1869 as last amended by section 252, Code of 1881 and RCW 4.48.050 are each amended to read as follows:

~~((When the))~~ If a referee((s are chosen)) is appointed by the court, each party shall have the same right ((of)) to challenge ((as to such referees, which)) the appointment. Challenges shall be made and determined in the same manner and with like effect as in the formation of juries, except that neither party shall be entitled to a peremptory challenge.

Sec. 517. Section 210, page 169, Laws of 1854 as last amended by section 253, Code of 1881 and RCW 4.48.060 are each amended to read as follows:

(1) Subject to the limitations and directions prescribed in the order of reference, the trial conducted by a referee((s)) shall be conducted in the same manner as a trial by the court. ((They)) Unless waived in whole or in part, the referee shall apply the rules of pleading, practice, procedure, and evidence used in the superior courts of this state. The referee shall have the same power to grant adjournments, administer oaths, preserve order, punish all violations thereof upon such trial, compel the attendance of witnesses, and to punish them for nonattendance or refusal to be sworn or testify, as is possessed by the court.

(2) A referee appointed under RCW 4.48.010 shall provide clerical personnel necessary for the conduct of the proceeding, including a court reporter.

Sec. 518. Section 210, page 169, Laws of 1854 as last amended by section 254, Code of 1881 and RCW 4.48.070 are each amended to read as follows:

The report of ((the)) a referee((s)) appointed by the court under RCW 4.48.020 shall state the facts found, and when the order of reference includes an issue of law, it shall state the conclusions of law separately from the facts. The referee((s)) shall file with ((their)) the report the evidence received upon the trial. If evidence offered by either party shall not be admitted on the trial and the party offering the same excepts to the decision rejecting such evidence at the time, the exceptions shall be noted by the referees and they shall take and receive such testimony and file it with the

report. Whatever judgment the court may give upon the report, it shall, when it appears that such evidence was frivolous and inadmissible, require the party at whose instance it was taken and reported, to pay all costs and disbursements thereby incurred.

Sec. 519. Section 259, page 62, Laws of 1869 as last amended by section 3, chapter 9, Laws of 1957 and RCW 4.48.080 are each amended to read as follows:

The report of a referee appointed by the court under RCW 4.48.020 shall be filed with the clerk within twenty days after the trial concludes. Either party may, within such time as may be prescribed by the rules of ((the)) court, or by special order, move to set the same aside, or for judgment thereon, or such order or proceeding as the nature of the case may require.

Sec. 520. Section 260, page 62, Laws of 1869 as last amended by section 256, Code of 1881 and RCW 4.48.090 are each amended to read as follows:

The court may affirm or set aside the report of a referee appointed under RCW 4.48.020 either in whole or in part. If it affirms the report it shall give judgment accordingly. If the report be set aside, either in whole or in part, the court may make another order of reference as to all or so much of the report as is set aside, to the original referees or others, or it may find the facts and determine the law itself and give judgment accordingly. Upon a motion to set aside a report, the conclusions thereof shall be deemed and considered as the verdict of the jury.

NEW SECTION. Sec. 521. There is added to chapter 4.48 RCW a new section to read as follows:

(1) Within twenty days after the conclusion of (1) a trial before a referee appointed under RCW 4.48.010, unless a later time is agreed to by the parties, the referee shall mail to each party a copy of the referee's proposed written report. The proposed report shall contain the findings of fact and conclusions of law by the referee and the judgment of the referee.

(2) Within ten days after receipt of the copy of the proposed report, any party may serve written objections and suggested modifications or corrections to the proposed report on the referee and the other parties. The referee shall without delay consider the objections and suggestions and prepare a final written report. If requested by any party, the referee shall conduct a hearing on the proposed report and any suggested corrections or modifications before preparing the final written report.

(3) Upon completion of the final written report, the referee shall file with the clerk of the superior court:

- (a) Copies of all original papers in the action filed with the referee;
- (b) Exhibits offered and received or rejected during the trial;
- (c) The transcript of the proceedings in the trial; and

(d) The final written report containing the findings of fact and conclusions of law by the referee and the judgment of the referee.

(4) The presiding judge of the superior court may allow the referee to file the final written report under subsection (3) of this section without any of the items listed in subsection (3) (a) through (c) of this section. However, the presiding judge shall require the referee to file those items if a timely notice of appeal of the judgment is filed.

(5) When the referee files the written report under subsection (3) of this section, the referee shall also mail to each party a copy of the report.

NEW SECTION. Sec. 522. There is added to chapter 4.48 RCW a new section to read as follows:

(1) Upon receipt by the clerk of the court of the final written report filed under section 521 of this act, the referral of the action shall terminate and the presiding judge of the superior court shall order the judgment contained in the report entered as the judgment of the court in the action. Subsequent motions and other post trial proceedings in the action may be conducted and disposed of by the referee upon order of the presiding judge, in the discretion of the presiding judge, or may otherwise be assigned by the presiding judge.

(2) The decision of a referee entered as provided in this section may be reviewed in the same manner as if the decision was made by the court.

NEW SECTION. Sec. 523. There is added to chapter 4.48 RCW a new section to read as follows:

(1) If an action is to be tried by a referee appointed under RCW 4.48-.010, at least five days before the date set for the trial the referee shall advise the clerk of the court of the time and place set for the trial. The clerk shall post in a conspicuous place in the courthouse a notice that includes the names of the parties to the action, the time and place set for the trial, the name of the referee, and a statement that the proceeding is being held before a referee agreed to by the parties under chapter 4.48 RCW.

(2) A person interested in attending a trial before a referee appointed under RCW 4.48.010 is entitled to do so as in a trial of a civil action in superior court. Upon request by any person, the referee shall give the person notice of the time and place set for the trial.

Sec. 524. Section 376, page 202, Laws of 1854 as last amended by section 514, Code of 1881 and RCW 4.48.100 are each amended to read as follows:

(1) The ((fees)) compensation of a referee((s)) appointed under RCW 4.48.020 shall be ((five dollars to each, for every day necessarily spent in the business of the reference and twenty cents per folio for writing testimony, but the parties may agree in writing upon any rate of compensation, and thereupon such rate shall be allowed)) the same as that established for a superior court judge pro tempore under RCW 2.08.180.

(2) If a referee is appointed pursuant to RCW 4.48.010, the referee's compensation shall be at the rate prescribed by subsection (1) of this section, unless otherwise agreed to by the parties.

(3) Payment of the compensation of a referee appointed under RCW 4.48.010 and the expense of the trial before the referee shall be the obligation of the parties. The obligation shall be borne equally unless the parties agree to a different allocation.

NEW SECTION. Sec. 601. (1) There is created a commission on judicial administration to study Washington's courts and report its findings and recommendations to the legislature, the governor, and the supreme court in accordance with section 603 of this act.

(2) The chief justice of the supreme court shall chair the commission. The commission shall be composed of members appointed in accordance with this section.

(3) The following members shall be appointed by the chief justice from a list of nominees submitted by the appropriate organization:

(a) A county clerk from a list submitted by the Washington association of county clerks;

(b) A district or municipal court administrator from a list submitted by the Washington state association for court administration;

(c) A superior court administrator from a list submitted by the Washington association of superior court administrators;

(d) A judge of the court of appeals from lists submitted by the chief judge of each division of that court;

(e) A superior court judge from a list submitted by the association of superior court judges;

(f) A district judge and a municipal court judge from a list submitted by the Washington state magistrates association;

(g) A prosecuting attorney or deputy prosecuting attorney from a list submitted by the Washington association of prosecuting attorneys;

(h) Two attorneys, one of whom practices primarily as a criminal defense lawyer, from a list submitted by the Washington state bar association;

(i) A juvenile court director from a list submitted by the association of juvenile court directors;

(j) An elected member of a county legislative authority from a list submitted by the Washington state association of counties;

(k) An elected member of a municipal legislative authority from a list submitted by the Washington association of cities;

(l) A law enforcement officer from a list submitted by the Washington association of sheriffs and police chiefs; and

(m) A shorthand court reporter from a list submitted by the Washington shorthand reporters association.

(4) The chief justice shall appoint three persons to the commission who have demonstrated a significant interest in the administration of justice in

this state and who are not affiliated with any of the organizations submitting nominees under subsection (3) of this section.

(5) The president of the senate shall appoint two members of the senate, one each from the majority and minority party, to the commission. The speaker of the house of representatives shall appoint two members of the house of representatives, one each from the majority and minority party, to the commission.

(6) Commission members shall serve without compensation. Commission members appointed under subsection (4) of this section shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION. Sec. 602. The administrator for the courts shall provide technical and administrative assistance to the commission on judicial administration in the performance of its duties.

NEW SECTION. Sec. 603. (1) The commission on judicial administration shall evaluate the existing structure of Washington's judicial system, the jurisdiction of each level of courts, and the existing means of administering and financing the state's courts and related court services, including probation, family court, court reporting, and juvenile court services.

(2) The commission shall report its findings and any recommendations for improvements in the structure, administration, and funding of the state's court system, including changes in court rule, statute, or the state Constitution, to the legislature, the governor, and the supreme court. The commission shall provide the legislature, the governor, and the supreme court with an interim report on its activities on January 1, 1985. The commission shall issue its final report by October 1, 1985, and the commission shall terminate on July 1, 1986.

NEW SECTION. Sec. 604. There is added to chapter 2.56 RCW a new section to read as follows:

(1) The office of the administrator for the courts, in cooperation with appropriate legislative committees and legislative staff, shall establish a procedure for the provision of judicial impact notes on the effect legislative bills will have on the workload and administration of the courts of this state. The administrator for the courts and the office of financial management shall coordinate the development of judicial impact notes with the preparation of fiscal notes under chapters 43.88A and 43.132 RCW.

(2) The administrator for the courts shall provide a judicial impact note on any legislative proposal at the request of any legislator. The note shall be provided to the requesting legislator and copies filed with the appropriate legislative committees in accordance with subsection (3) of this section when the proposed legislation is introduced in either house.

(3) When a judicial impact note is prepared and approved by the administrator for the courts, copies of the note shall be filed with:

- (a) The chairperson of the committee to which the bill was referred upon introduction in the house of origin;
- (b) The senate committee on ways and means;
- (c) The house of representatives committee on ways and means;
- (d) The senate judiciary committee;
- (e) The house of representatives judiciary committee;
- (f) The legislative budget committee; and
- (g) The office of financial management.

(4) This section shall not prevent either house of the legislature from acting on any bill before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any judicial impact note as provided in this section or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

Sec. 701. Section 121, chapter 299, Laws of 1961 and RCW 3.66.100 are each amended to read as follows:

(1) Every ((justice)) district judge having authority to hear a particular case may issue ((civil process in and to any place in the county or counties in which his district is located, and)) criminal process in and to any place in the state.

(2) Notwithstanding any provision in the justice court civil rules to the contrary, every district judge having authority to hear a particular case may issue civil process in and to any place in the state.

NEW SECTION. Sec. 702. There is added to chapter 12.16 RCW a new section to read as follows:

Any person may be compelled to attend as a witness before a district court in accordance with chapter 5.56 RCW.

NEW SECTION. Sec. 703. The following acts or parts of acts are each repealed:

(1) Section 57, page 233, Laws of 1854, section 168, page 370, Laws of 1873, section 1869, Code of 1881 and RCW 12.16.010;

(2) Section 66, page 234, Laws of 1854, section 177, page 371, Laws of 1873, section 1878, Code of 1881 and RCW 12.16.100;

(3) Section 67, page 234, Laws of 1854, section 178, page 371, Laws of 1873, section 1879, Code of 1881 and RCW 12.16.110; and

(4) Section 68, page 234, Laws of 1854, section 179, page 372, Laws of 1873, section 1880, Code of 1881 and RCW 12.16.120.

Sec. 801. Section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030 are each amended to read as follows:

The municipal court shall have ((exclusive original)) jurisdiction to try violations of all city ordinances and all other actions brought to enforce or

recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five (~~hundred~~) thousand dollars or imprisonment in the city jail not to exceed (~~six months~~) one year, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in (~~justice of the peace~~) district courts.

Sec. 802. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 20, chapter 316, Laws of 1977 ex. sess. and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the

use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring water-works, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five (~~hundred~~) thousand dollars or imprisonment in the city jail for (~~six months~~) one year, or both such fine and imprisonment;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 803. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 28, chapter 136, Laws of 1979 ex. sess. and RCW 35.23.440 are each amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipping houses, dram shops, saloons, bars, and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts

thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(15) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(16) Markets: To establish and regulate markets and market places.

(17) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(18) City commons: To provide for and regulate the commons of the city.

(19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(20) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(21) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(22) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(23) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(24) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(25) House numbers: To provide for the numbering of houses.

(26) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(27) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(28) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(30) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five (~~(hundred)~~) thousand dollars or (~~(six months)~~) imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(31) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(32) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(33) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(34) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(35) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(36) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(37) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(38) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(39) Franchises: To permit the use of the streets for railroad or other public service purposes.

(40) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(41) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(43) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(44) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(45) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(47) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(48) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(49) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(50) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(51) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(52) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property

specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(53) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(55) To provide for the general welfare.

Sec. 804. Section 35.24.290, chapter 7, Laws of 1965 as last amended by section 23, chapter 316, Laws of 1977 ex. sess. and RCW 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to

contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five (~~(hundred)~~) thousand dollars nor the term of such imprisonment exceed the term of (~~(six months)~~) one year;

(13) To establish fire limits, with proper regulations;

(14) To establish and maintain a free public library;

(15) To establish and regulate public markets and market places;

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 805. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 25, chapter 316, Laws of 1977 ex. sess. and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or

water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five (~~hundred~~) thousand dollars, nor the term of imprisonment exceed (~~six months~~) one year;

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 806. Section 35.30.010, chapter 7, Laws of 1965 and RCW 35.30.010 are each amended to read as follows:

The council, or other legislative body, of all cities within the state of Washington which were created by special charter prior to the adoption of the state Constitution, and which have not since reincorporated under any general statute, shall have, in addition to the powers specially granted by the charter of such cities, the following powers:

(1) To construct, establish and maintain drains and sewers.

(2) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city.

(3) To levy and collect annually a property tax on all property within such city.

(4) To license all shows, exhibitions and lawful games carried on therein; and to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

(5) To permit, under such restrictions as they may deem proper, the construction and maintenance of telephone, telegraph and electric light lines therein.

(6) To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment or both, but no such fine shall exceed ~~((three hundred))~~ five thousand dollars nor the term of imprisonment exceed ~~((three months))~~ one year.

(7) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

(8) To make all such ordinances, bylaws and regulations, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the city, and to do and perform any and all other acts and things necessary and proper to carry out the purposes of the municipal corporation.

Sec. 807. Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five ~~((hundred))~~ thousand dollars or imprisonment for any term not exceeding ~~((six months))~~ one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. The legislative body of each code city shall have all powers possible for a city or

town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66-.08.120, RCW 82.36.440, RCW 48.14.020, and RCW 48.14.080.

Sec. 808. Section 9A.20.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.010 are each amended to read as follows:

(1) Classified Felonies. (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.

(b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:

- (i) Class A felony; or
- (ii) Class B felony; or
- (iii) Class C felony.

(2) Misdemeanors and Gross Misdemeanors. (a) Any crime punishable by a fine of not more than (~~five hundred~~) one thousand dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

(b) All crimes other than felonies and misdemeanors are gross misdemeanors.

NEW SECTION. Sec. 901. There is appropriated from the general fund to the administrator for the courts for the biennium ending June 30, 1985, the sum of eight thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of section 601(6) of this act.

NEW SECTION. Sec. 902. (1) Sections 1 through 210, 511, 601 through 808, and 901 of this act shall take effect on July 1, 1984.

(2) Sections 501 through 510 and 512 through 524 of this act shall take effect on January 1, 1985.

(3) Sections 301 through 405 of this act shall take effect on July 1, 1985.

NEW SECTION. Sec. 903. 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 Senate March 2, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 28, 1984, with the exception of section 404(4) and section 405, which were vetoed.

Filed in Office of Secretary of State March 28, 1984.

Note: Governor's explanation of partial veto is as follows:

I am returning herewith, without my approval as to section 404(4) and section 405, Substitute Senate Bill 4430, entitled:

"AN ACT Relating to courts."

Senate Bill No. 3376 was just passed by the legislature and signed by me. That bill authorized the Supreme Court to set the salary for the position of Administrator for the Courts. It is common practice for staff salaries to be set within an administrative structure.

Sections 404(4) and 405 alter that practice by allowing the legislature to set the salary for the Administrator for the Courts. Those sections are in conflict with the intent of Senate Bill 3376.

With the exception of section 404(4) and section 405, which I have vetoed, Substitute Senate Bill No. 4430 is approved.

CHAPTER 259

[Engrossed Substitute Senate Bill No. 4647]

DEPARTMENT OF SOCIAL AND HEALTH SERVICES ADVISORY COMMITTEES

AN ACT Relating to the state advisory committee to the department of social and health services; amending section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 6, chapter 151, Laws of 1981 and RCW 43.20A.360; amending section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; amending section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; amending section 37, chapter 99, Laws of 1979 and RCW 43.131.221; and amending section 79, chapter 99, Laws of 1979 and RCW 43.131.222.

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

*Sec. 1. Section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 6, chapter 151, Laws of 1981 and RCW 43.20A.360 are each amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: