

community college facility;

(4) Acquisition, use and development of facilities at Fort Lewis or other suitable sites.

NEW SECTION. Sec. 4. There is hereby appropriated to the Washington law enforcement officers' training commission from the state general fund the sum of five hundred dollars, and such other funds as the agency may authorize as may be necessary to carry out the provisions of section 3 of this act.

Passed the Senate May 1, 1969.

Passed the House April 23, 1969.

Approved by the Governor May 10, 1969.

Filed in office of Secretary of State May 10, 1969.

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CHAPTER 221  
[Engrossed House Bill No. 183]  
COURT OF APPEALS

AN ACT Providing for a court of appeals; for the election, composition, terms of office and retirement of its judges; and amending section 29.21.150, chapter 9, Laws of 1965 and RCW 29.21.150; making an appropriation; and declaring an emergency with effective date.

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

NEW SECTION. Section 1. There is hereby established a court of appeals as a court of record. For the purpose of sections 1 through 10 of this act the following terms shall have the following meanings:

- (1) "Rules" means rules of the supreme court.
- (2) "Chief justice" means chief justice of the supreme court.
- (3) "Court" means court of appeals.
- (4) "Judge" means judge of the court of appeals.
- (5) "Division" means a division of the court of appeals.
- (6) "District" means a geographic subdivision of a division from which judges of the court of appeals are elected.
- (7) "General election" means the biennial election at which members of the house of representatives are elected.

NEW SECTION. Sec. 2. The court shall have three divisions, one of which shall be headquartered in Seattle, one of which shall be headquartered in Spokane, and one of which shall be headquartered in Tacoma:

(1) The first division shall have six judges from three districts, as follows:

(a) District 1 shall consist of King county and shall have four judges;

(b) District 2 shall consist of Snohomish county and shall have one judge; and

(c) District 3 shall consist of Island, San Juan, Skagit and Whatcom counties and shall have one judge.

(2) The second division shall have three judges, one from each of the following districts:

(a) District 1 shall consist of Pierce county.

(b) District 2 shall consist of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston counties.

(c) District 3 shall consist of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum counties.

(3) The third division shall have three judges, one from each of the following districts:

(a) District 1 shall consist of Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens counties.

(b) District 2 shall consist of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman counties.

(c) District 3 shall consist of Chelan, Douglas, Kittitas, Klickitat and Yakima counties.

NEW SECTION. Sec. 3. The administration and procedures of the court shall be as provided by rules of the supreme court. The court shall be vested with all power and authority, not inconsistent with said rules, necessary to carry into complete execution all of its

judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and the Constitution and laws of this state.

For the prompt and orderly administration of justice, the supreme court may (1) transfer to the appropriate division of the court for decision a case or appeal pending before the supreme court; or (2) transfer to the supreme court for decision a case or appeal pending in a division of the court.

Subject to the provisions of this section, the court shall have exclusive appellate jurisdiction in all cases except:

- (a) cases of quo warranto, prohibition, injunction or mandamus directed to state officials;
- (b) criminal cases where the death penalty has been decreed;
- (c) cases where the validity of all or any portion of a statute, ordinance, tax, impost, assessment or toll is drawn into question on the grounds of repugnancy to the Constitution of the United States or of the state of Washington, or to a statute or treaty of the United States, and the superior court has held against its validity;
- (d) cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination; and
- (e) cases involving substantive issues on which there is a direct conflict among prevailing decisions of panels of the court or between decisions of the supreme court;

all of which shall be appealed directly to the supreme court: PROVIDED, That whenever a majority of the court before which an appeal is pending, but before a hearing thereon, is in doubt as to whether such appeal is within the categories set forth in subsection (d) or (e) of this section, the cause shall be certified to the supreme court for such determination.

When the court acquires jurisdiction of any cause and makes a disposition thereof, there shall be a right of appeal to the supreme court when the court reverses a judgment or order of the superior

court by less than a unanimous decision. In all other cases, appeals from the court to the supreme court shall be only at the discretion of the supreme court upon the filing of a petition for review. No case, appeal or petition for a writ filed in the supreme court or the court shall be dismissed for the reason that it was not filed in the proper court, but it shall be transferred to the proper court.

NEW SECTION. Sec. 4. 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 opinions of the court shall 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 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.

NEW SECTION. Sec. 5. A judge of the court shall be:

(1) Admitted to the practice of law in the courts of this state not less than five years prior to taking office.

(2) A resident for not less than one year at the time of appointment or initial election in the district for which his position was created.

NEW SECTION. Sec. 6. Each judge of the court shall receive an annual salary of twenty-five thousand dollars until subsequently increased by the legislature, but no salary warrant shall be issued to any judge until he shall have made and filed with the state auditor

an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

NEW SECTION. Sec. 7. Upon the taking effect of sections 1 through 10 of this act, the governor shall appoint the judges of the court of appeals for each district in the numbers provided in section 2 of this act, who shall hold office until the second Monday in January of the year following the first state general election following the effective date of this act. In making the original appointments the governor shall take into consideration such factors as: Personal character; intellect; ability; diversity of background of experience in the practice of the law; diversity of political philosophy; diversity of educational experience; and diversity of affiliation with social and economic groups, for the purpose of establishing a balanced appellate court with the highest quality of personnel. At the first state general election after the effective date of this act there shall be elected from each district the number of judges provided for in section 2 of this act. Upon taking office the judges of each division elected shall come together at the direction of the chief justice and be divided by lot into three equal groups; those of the first group shall hold office until the second Monday in January of 1973, those of the second group shall hold office until the second Monday in January of 1975, and those of the third group shall hold office until the second Monday in January of 1977, and until their successors are elected and qualified. Thereafter, judges shall be elected for the full term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election: PROVIDED, HOWEVER, That if the governor shall make appointments to the appellate court from membership of the superior court, the governor shall, in making appointments filling vacancies created in the superior courts by such action, take into consideration such factors as: Personal character; intellect; ability; diversity of background of experience in the practice of the law; diversity of political philosophy; diversity of educational experience; and

diversity of affiliation with social and economic groups, for the purpose of maintaining a balanced superior court with the highest quality of personnel.

NEW SECTION. Sec. 8. If a vacancy occurs in the office of a judge of the court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election and the judge so elected shall hold the office for the remainder of the unexpired term.

NEW SECTION. Sec. 9. No judge, while in office, shall engage in the practice of law. No judge shall run for elective office other than a judicial office during the term for which he was elected.

NEW SECTION. Sec. 10. Judges shall retire at the age, and under the conditions and with the same retirement benefits as specified by law for the retirement of justices of the supreme court.

Sec. 11. Section 29.21.150, chapter 9, Laws of 1965 and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for ~~((judges))~~ justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, for state superintendent of public instruction, and for county superintendent of schools, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals.

NEW SECTION. Sec. 12. There is hereby appropriated from the general fund to the court of appeals to carry out the provisions of this act the sum of one million dollars.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 2, 1969.

Passed the Senate April 25, 1969.

Approved by the Governor May 8, 1969, with the exception of section 12, which is vetoed.

Filed in office of Secretary of State May 12, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...Section 12 of this bill contains a \$1,000,000 appropriation. Section 2 of the conference version of the budget also contains a \$1,000,000 appropriation for the appellate court. In order to bring Engrossed House Bill No. 183 into conformity with the action of the conference committee on the budget, I have vetoed section 12. The remainder of Engrossed House Bill No. 183 is approved."

CHAPTER 222  
[Engrossed House Bill No. 635]  
HIGHER EDUCATION--STUDENT FINANCIAL AID

AN ACT Relating to education; amending section 1, chapter 191, Laws of 1959 and RCW 28.76.420; amending section 28B.10.280, chapter ..., Laws of 1969 (HB 58) and RCW 28B.10.280; providing sections to effect the correlative and pari materia construction of this act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; providing for financial assistance to needy or disadvantaged students attending institutions of higher education within the state; making an appropriation; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 1, chapter 191, Laws of 1959 and RCW 28-.76.420 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University and the boards of trustees of the state col-