

- (6) Apportionment of benefits among state, local governments, litigants, legal profession and other users;
- (7) Opportunities for cost-saving, system regulation and accountability; and
- (8) Options for future means of funding.

The report required by this section shall be submitted to the ways and means committees of the house of representatives and senate by October 1, 1982.

NEW SECTION. Sec. 10. (1) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the legislative budget committee the sum of one hundred thousand dollars for the purpose of conducting a study of the judicial information system as provided in section 9 of this act.

(2) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the office of the administrator for the courts the sum of eight million six hundred thousand dollars for the judicial information system. Also authorized are 52.8 FTE staff years for fiscal year 1982 and 55.5 FTE staff years for fiscal year 1983.

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

NEW SECTION. Sec. 12. 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 April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 331

[Substitute House Bill No. 601]

COURT CONGESTION REDUCTION ACT OF 1981

AN ACT Relating to the courts; amending section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070; amending section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060; amending section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020; amending section 22, chapter 299, Laws of 1961 and RCW 3.34.130; amending section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66-.020; amending section 1, chapter 102, Laws of 1953 and RCW 4.28.100; amending section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260;

amending section 4, chapter 82, Laws of 1941 and RCW 5.24.040; amending section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010; amending section 6, chapter 187, Laws of 1919 and RCW 12.40.060; amending section 8, chapter 187, Laws of 1919 and RCW 12.40.080; adding a new section to chapter 2.04 RCW; adding a new section to chapter 3.02 RCW; and creating new sections.

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

NEW SECTION. Section 1. Recognizing the value of providing the people of the state of Washington with justice delivered in an expeditious fashion, recognizing the need to assure the people of the state of Washington that the quality of our judicial system will not be placed in jeopardy, and recognizing the need to avoid congestion of the courts at all levels of our judicial system, the legislature hereby enacts this Court Congestion Reduction Act of 1981.

Sec. 2. Section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of ~~((twenty-five))~~ one hundred dollars.

For copies of opinions, ~~((ten))~~ twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law two dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

Sec. 3. Section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080 are each amended to read as follows:

When allowed to either party, costs to be called the attorney fee, shall be as follows:

(1) ~~((In all actions settled before issue is joined, thirty-five dollars. (2)))~~ In all actions where judgment is rendered ~~((without a jury, thirty-five))~~, one hundred dollars.

~~((3))~~ In all actions where judgment is rendered after impanelling a jury, ~~thirty-five~~ dollars.

~~(4)~~ In all actions removed to the supreme court and settled before argument, ~~thirty-five~~ dollars.

(5)) (2) In all actions where judgment is rendered in the supreme court or the court of appeals, after argument, (~~(thirty-five)~~) one hundred dollars.

Sec. 4. Section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260 are each amended to read as follows:

A party who substantially prevails in an opinion of the supreme court or court of appeals shall, when the opinion becomes final, be allowed costs for expenses incurred by him, irrespective of costs taxed in the case in the court below, as follows: The fee of the clerk of the appellate court; the fee of the clerk of the superior court for preparing, certifying and transmitting to the appellate court the transcript on appeal, or any supplementary transcript, and the statement of facts, including all exhibits; attorney fees (~~(in the amount of twenty-five dollars)~~); the actual amount incurred in the printing of briefs required by the appellate rules, the actual amount incurred by the appellant, as stenographer's fees for preparing the statement of facts and one copy; and the actual cost of the premium on an appeal and/or superseas bond. When the judgment of the superior court is affirmed and remanded for trial, the awarding of costs shall abide the final determination of the cause. When the judgment is affirmed in part, reversed in part, modified or remanded for further proceedings, all or partial costs may be awarded to either party or it may be provided that costs shall abide the final result of the further proceedings. When an opinion is filed by the supreme court finally determining a cause reviewed by the court of appeals, the supreme court shall allow costs for the above items incurred in both the supreme court and court of appeals. When an order is entered in a case, the court shall have discretion to allow costs for any or all of the items set forth above. When in the opinion of the court a brief, statement of facts, or transcript is improper in substance or unnecessarily long with regard to the issues raised on the appeal, the court, may in its discretion order the disallowance as costs of any part or the whole of the cost thereof.

NEW SECTION. Sec. 5. There is added to chapter 2.04 RCW a new section to read as follows:

By January 1, 1982, the supreme court shall adopt rules for settlement conferences in civil cases in such superior courts and the court of appeals which are amenable to the settlement conference process.

Sec. 6. Section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020 are each amended to read as follows:

(1) Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than three thousand dollars;

(b) 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 is less than three thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than three thousand dollars;

(c) Of an action for a penalty less than three thousand dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than three thousand 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;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than three thousand dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than three thousand dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than three thousand dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount if less than three thousand dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than three thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

The three thousand dollars amounts provided in subsection (1) (a) through (i) of this section shall ~~((take effect on May 1, 1979, and shall))~~ remain in effect until June 30, 1981; effective July 1, 1981, ~~((and thereafter;))~~ such amounts shall be increased to five thousand dollars. Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.

(2) Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;

(b) 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 is less than five hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than five hundred dollars;

(c) Of an action for a penalty less than five hundred dollars;

(d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than 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;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Sec. 7. Section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66.020 are each amended to read as follows:

The justice 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 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 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 dollars;

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

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed three thousand 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, when the amount claimed does not exceed three thousand 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 dollars;

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

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed three thousand 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 dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The three thousand dollars amounts provided in subsections (1) through (9) of this section shall ~~((take effect on May 1, 1979, and shall))~~ remain in effect until June 30, 1981; effective July 1, 1981, ~~((and thereafter;))~~ such amount shall be increased to five 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.

NEW SECTION. Sec. 8. There is added to chapter 3.02 RCW a new section to read as follows:

By January 1, 1982, the supreme court shall adopt rules providing for discovery in civil cases in the courts of limited jurisdiction.

Sec. 9. Section 22, chapter 299, Laws of 1961 and RCW 3.34.130 are each amended to read as follows:

Each justice court shall designate one or more justices of the peace pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a justice of the peace of the district. The qualifications of a justice of the peace pro tempore shall be the same as for a justice of the district ~~((PROVIDED, That if no qualified person is available, then the court shall appoint a registered voter of the county in which the justice court district or portion thereof is located))~~, except that the person appointed need only be a registered voter of the county in which the justice court district or portion thereof is located. A justice of the peace pro tempore may sit in any district of the county for which he is appointed. A justice of the peace pro tempore shall be paid for each day he holds a session one-two hundred fiftieth of the annual salary of a full time justice of the district. For each day that a justice of the peace pro tempore serves in excess of thirty days during any calendar year, the annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary.

Sec. 10. Section 1, chapter 187, Laws of 1919 as last amended by section 4, chapter 102, Laws of 1979 and RCW 12.40.010 are each amended to read as follows:

That in every justice 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 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 the amount claimed does not exceed ~~((five hundred))~~ 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 ~~((two))~~ five hundred dollars.

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

~~((Said))~~ Notice of claim ~~((shall be))~~ directed to the defendant ~~((; naming him, and))~~ 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 directing and requiring defendant to appear personally in the justice court ~~((before the justice of the peace of said justice's court))~~ at a time certain, which shall not be less than five ~~((nor more than ten))~~ days from the date of service of such notice; said notice shall further provide that in case of failure to so appear, judgment will be given against defendant for the amount of such claim.

Sec. 12. Section 8, chapter 187, Laws of 1919 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 in any manner interfere with the prosecution or defense of such litigation in said department without the consent of the justice of said justice's court ~~((; nor shall it be))~~. If a corporation plaintiff is represented by an attorney at law, or legal paraprofessional, the justice 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 may informally consult witnesses or otherwise investigate the controversy between the parties, and give judgment or make such orders as may by him be deemed to be right, just and equitable for the disposition of the controversy.

Sec. 13. Section 1, chapter 102, Laws of 1953 and RCW 4.28.100 are each amended to read as follows:

When the defendant cannot be found within the state (~~((of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is prima facie evidence))~~), and upon the filing of an affidavit of the plaintiff, his agent, or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in RCW 4.28-.110) and complaint in the post office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in any of the following cases:

- (1) When the defendant is a foreign corporation, and has property within the state;
- (2) When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;
- (3) When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;
- (4) When the action is for divorce in the cases prescribed by law;
- (5) When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein;
- (6) When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same;
- (7) When the action is against any corporation, whether private or municipal, organized under the laws of the state, and the proper officers on whom to make service do not exist or cannot be found;
- (8) When the action is brought under RCW 4.08.160 and 4.08.170 to determine conflicting claims to property in this state.

Sec. 14. Section 4, chapter 82, Laws of 1941 and RCW 5.24.040 are each amended to read as follows:

This chapter shall not be construed to relieve any party of the duty of hereafter pleading such laws where required under the law and practice of this state (~~((immediately prior to the enactment hereof))~~).

Sec. 15. Section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060 are each amended to read as follows:

The supreme court of this state may provide by rule or special order for the holding in this state of an annual conference of the judges of the courts of record of this state, judges of the courts of limited jurisdiction, and (~~(of)~~)

invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice. Each judge attending such annual judicial conference shall be entitled to be reimbursed for (~~transportation~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended (~~and shall receive forty dollars per day for subsistence and lodging~~), to be paid from state appropriations made for the purposes of this chapter.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 25, 1981.

Passed the Senate April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 332

[Substitute House Bill No. 374]

CITIES AND TOWNS—ANNEXATION

AN ACT Relating to annexation; amending section 35.13.020, chapter 7, Laws of 1965 as last amended by section 3, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.020; amending section 35.13.180, chapter 7, Laws of 1965 and RCW 35.13.180; amending section 35.13.247, chapter 7, Laws of 1965 and RCW 35.13.247; amending section 35A.14.020, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 124, Laws of 1979 ex. sess. and RCW 35A.14.020; amending section 35A.14.300, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.300; amending section 35A.14.380, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.380; amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090; amending section 18, chapter 189, Laws of 1967 as amended by section 2, chapter 142, Laws of 1979 ex. sess. and RCW 36.93.180; and adding new sections to chapter 35.13 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.13 RCW a new section to read as follows:

After submission of a petition for annexation to the prosecuting attorney as required by RCW 35.13.020, the prosecuting attorney shall review the petition and determine whether in the prosecuting attorney's opinion the city or town is legally authorized to take the actions specifically requested in the petition, in the comprehensive plan, or in the provisions for creation of a community municipal corporation. If, in the opinion of the prosecuting attorney, the city or town is legally authorized to carry out all actions requested in the petition, in the comprehensive plan, or in the provisions for creation of a community municipal corporation, the prosecuting attorney