

commenced within (1) three years from the date of the alleged wrongful act, or (2) one year from the time that plaintiff discovers the injury or condition was caused by the wrongful act, whichever period of time expires last.

Passed the House March 9, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 81

[Engrossed Senate Bill No. 122]

COURTS--

POWERS AND DUTIES

AN ACT Relating to the judiciary; amending section 2, chapter 24, Laws of 1909 as amended by section 1, chapter 119, Laws of 1911, and RCW 2.04.071; amending section 14, page 324, Laws of 1890 and RCW 2.04.080; amending section 2, chapter 38, Laws of 1955 and RCW 2.04.100; amending section 1, chapter 206, Laws of 1909 and RCW 2.04.110; amending section 15, page 344, Laws of 1890 and RCW 2.08.080; amending section 11, page 343, Laws of 1890 as amended by section 1, chapter 149, Laws of 1967 and RCW 2.08.180; amending section 1, chapter 202, Laws of 1969 ex. sess. and RCW 2.12.035; amending section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060; amending section 2, chapter 53, Laws of 1891 and RCW 2.20.020; amending section 3, chapter 124, Laws of 1909 and RCW 2.24.050; amending section 3, chapter 54, Laws of 1891 as amended by section 1, chapter 39, Laws of 1895 and RCW 2.28.030; amending section 3, chapter 57, Laws of 1891 and RCW 2.32.050; amending section 5, chapter 126, Laws of 1921 and RCW 2.48.200; amending section 8, chapter 259, Laws of 1957 and RCW 2.56.080; amending section 90, chapter 299, Laws of 1961 and RCW 3.50.410; amending section 1, chapter 60, Laws of 1929 and RCW 4.56.190; amending section 2, chapter 60, Laws of 1929 and RCW 4.56.200; amending section 8, chapter 60, Laws of 1929 and RCW 4.56.225; amending section 2, chapter 138, Laws of 1933 and RCW 4.76.030; amending section 7, chapter 60, Laws of 1893 and RCW 4.80.050; amending section 17, chapter 60, Laws of 1893 and RCW 4.80.140; amending section 384, page 203, Laws of 1854 as last amended by section 1, chapter 62, Laws of 1959 and RCW 4.84.170; amending section 385, page 204, Laws of 1854 as last amended by section

523, Code of 1881 and RCW 4.84.180; amending section 3, chapter 95, Laws of 1895 and RCW 4.92.030; amending section 2, page 338, Laws of 1890 and RCW 5.48.020; amending section 2, chapter 25, Laws of 1929 and RCW 6.04.010; amending section 1, page 377, Laws of 1854 as last amended by section 335, Code of 1881 and RCW 6.08.010; amending section 265, page 182, Laws of 1854 as last amended by section 366, Code of 1881 and RCW 6.24.090; amending section 33, chapter 65, Laws of 1895 and RCW 7.16.330; amending section 35, chapter 65, Laws of 1895 and RCW 7.16.350; amending section 436, page 212, Laws of 1854 as last amended by section 10, chapter 9, Laws of 1957 and RCW 7.36.040; amending section 2, chapter 256, Laws of 1947 and RCW 7.36.140; amending section 2, chapter 213, Laws of 1955 and RCW 8.04.070; amending section 2, chapter 156, Laws of 1955 and RCW 8.04.098; amending section 7, chapter 74, Laws of 1891 as last amended by section 4, chapter 177, Laws of 1951, and RCW 8.04.130; amending section 9, chapter 74, Laws of 1891 and RCW 8.04.150; amending section 4, chapter 79, Laws of 1949 and RCW 8.08.040; amending section 8, chapter 79, Laws of 1949 and RCW 8.08.080; amending section 16, chapter 84, Laws of 1893 as last amended by section 16, chapter 153, Laws of 1907 and RCW 8.12.200; amending section 49, chapter 153, Laws of 1907 as amended by section 21, chapter 154, Laws of 1915 and RCW 8.12.530; amending section 13, page 375, Laws of 1909 and RCW 8.16.130; amending section 7, page 299, Laws of 1890 and RCW 8.20.100; amending section 9, page 300, Laws of 1890 and RCW 8.20.120; amending section 15, chapter 254, Laws of 1951 and RCW 9.81.090; amending section 67, chapter 249, Laws of 1909 and RCW 9.82.030; amending section 7, chapter 133, Laws of 1955 as amended by section 10, chapter 200, Laws of 1967 and RCW 9.95.060; amending section 4, chapter 42, Laws of 1955 and RCW 9.95.063; amending section 16, page 75, Laws of 1865 as last amended by section 1, chapter 91, Laws of 1967 and RCW 10.31.060; amending section 5, chapter 30, Laws of 1907 and RCW 10.76.050; amending section 8, chapter 30, Laws of 1907 as last amended by section 1, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.060; amending section 6, chapter 30, Laws of 1907 as last amended by section 2, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.070; amending section 7, chapter 30, Laws of 1907 and RCW 10.76.080; amending section 11.96.010, chapter 145, Laws of 1965 and RCW 11.96.010; amending section 14, chapter 302, Laws of 1961 and RCW 13.04.220; amending section 24, chapter 87, Laws of 1961 and RCW 15.63.240; amending section 14, chapter 125, Laws of 1929 and RCW 17.04.230; amending section 12, chapter 140, Laws of 1921 and

RCW 17.16.110; amending section 12, chapter 323, Laws of 1959 and RCW 18.08.210; amending section 36, chapter 52, Laws of 1957 and RCW 18.32.280; amending section 15, chapter 222, Laws of 1949 and RCW 18.78.140; amending section 16, chapter 305, Laws of 1955 as amended by section 16, chapter 70, Laws of 1965 and RCW 18.83.160; amending section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 and RCW 18.85.290; amending section 15, chapter 71, Laws of 1941 and RCW 18.92.210; amending section 11, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.110; amending section 10, chapter 211, Laws of 1955 and RCW 19.77.100; amending section 20, chapter 139, Laws of 1959 and RCW 20.01.200; amending section 7, chapter 154, Laws of 1933 and RCW 22.20.100; amending section 28, chapter 115, Laws of 1921 and RCW 24.32.360; amending section 4, page 404, Laws of 1854 as last amended by section 1, chapter 35, Laws of 1913 and RCW 26.04.050; amending section 9, chapter 215, Laws of 1949 and RCW 26.08.090; amending section 28A.58.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.500; amending section 16, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.160; amending section 28B.50.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.300; amending section 29.04.030, chapter 9, Laws of 1965 and RCW 29.04.030; amending section 29.21.070, chapter 9, Laws of 1965 and RCW 29.21.070; amending section 29.30.020, chapter 9, Laws of 1965 and RCW 29.30.020; amending section 29.65.130, chapter 9, Laws of 1965 and RCW 29.65.130; amending section 29.80.020, chapter 9, Laws of 1965 and RCW 29.80.020; amending section 30.04.040, chapter 33, Laws of 1955 and RCW 30.04.040; amending section 30.30.090, chapter 33, Laws of 1955 and RCW 30.30.090; amending section 23, chapter 208, Laws of 1941 and RCW 31.08.260; amending section 3, chapter 173, Laws of 1933 as last amended by section 1, chapter 65, Laws of 1969 and RCW 31.12.050; amending section 31, chapter 173, Laws of 1933 as last amended by section 15, chapter 180, Laws of 1967 and RCW 31.12.360; amending section 115, chapter 235, Laws of 1945 and RCW 33.04.060; amending section 8, chapter 235, Laws of 1945 as amended by section 1, chapter 71, Laws of 1953 and RCW 33.08.070; amending section 113, chapter 235, Laws of 1945 and RCW 33.40.120; amending section 14, chapter 234, Laws of 1959 and RCW 34.04.140; amending section 35.20.070, chapter 7, Laws of 1965 and RCW 35.20.070, amending section 35.22.560, chapter 7, Laws of 1965 and RCW 35.22.560; amending section 35.44.230, chapter 7, Laws of 1965 and RCW 35.44.230; amending section 35.44.260, chapter 7, Laws of 1965 and RCW 35.44.260; amending section

35.44.270, chapter 7, Laws of 1965 and RCW 35.44.270; amending section 35.50.260, chapter 7, Laws of 1965 and RCW 35.50.260; amending section 35.55.080, chapter 7, Laws of 1965 and RCW 35.55.080; amending section 35.56.090, chapter 7, Laws of 1965 and RCW 35.56.090; amending section 36.05.060, chapter 4, Laws of 1963 and RCW 36.05.060; amending section 16, chapter 189, Laws of 1967 as amended by section 9, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.160; amending section 29, chapter 72, Laws of 1967 and RCW 36.94.290; amending section 16, chapter 4, Laws of 1917 and RCW 37.16.130; amending section 7, chapter 1, Laws of 1961 as last amended by section 23, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.070; amending section 21, chapter 1, Laws of 1961 and RCW 41.06.210; amending section 12, chapter 1, Laws of 1959 and RCW 41.14.120; amending section 21, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.230; amending section 65, chapter 80, Laws of 1947 and RCW 41.32.650; amending section 16, chapter 50, Laws of 1951 and RCW 41.40.440; amending section 2, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.020; amending section 43.07.120, chapter 8, Laws of 1965 and RCW 43.07.120; amending section 43.08.020, chapter 8, Laws of 1965 and RCW 43.08.020; amending section 43.10.030, chapter 8, Laws of 1965 and RCW 43.10.030; amending section 3, chapter 32, Laws of 1969 and RCW 43.19.190; amending section 43.19.200, chapter 8, Laws of 1965 and RCW 43.19.200; amending section 43.24.120, chapter 8, Laws of 1965 and RCW 43.24.120; amending section 43.52.430, chapter 8, Laws of 1965 and RCW 43.52.430; amending section 43.78.030, chapter 8, Laws of 1965 and RCW 43.78.030; amending section 47.32.070, chapter 13, Laws of 1961 and RCW 47.32.070; amending section 10, chapter 7, Laws of 1933, ex. sess. and RCW 49.32.080; amending section 8, chapter 294, Laws of 1959 and RCW 49.46.080; amending section 21, chapter 37, Laws of 1957 and RCW 49.60.260; amending section 128, chapter 35, Laws of 1945 and RCW 50.32.120; amending section 129, chapter 35, Laws of 1945 and RCW 50.32.130; amending section 132, chapter 35, Laws of 1945 and RCW 50.32.160; amending section 51.52.110, chapter 23, Laws of 1961 and RCW 51.52.110; amending section 17, chapter 390, Laws of 1955 as amended by section 4, chapter 142, Laws of 1959 and RCW 54.16.160; amending section 1, chapter 142, Laws of 1959 and RCW 54.16.165; amending section 32, chapter 210, Laws of 1941 as amended by section 2, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.080; amending section 13, chapter 114, Laws of 1929 as amended by section 2, chapter 39, Laws of 1965 ex. sess. and RCW 57.16.090; amending

section 49, chapter 231, Laws of 1909 and RCW 58.28.490; amending section 22, chapter 96, Laws of 1891 and RCW 59.12.200; amending section 12, chapter 24, Laws of 1893 as last amended by section 1, chapter 38, Laws of 1969 and RCW 60.04.130; amending section 4, chapter 86, Laws of 1961 and RCW 60.76.040; amending section 3, chapter 33, Laws of 1929 as amended by section 1, chapter 13, Laws of 1931 and RCW 64.08.010; amending section 27, chapter 250, Laws of 1907 and RCW 65.12.175; amending section 6, chapter 127, Laws of 1967 ex. sess. as amended by section 1, chapter 268, Laws of 1969 ex. sess. and RCW 71.02.413; amending section 8, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.060; amending section 72.33.240, chapter 28, Laws of 1959 and RCW 72.33.240; amending section 74.08.080, chapter 26, Laws of 1959 as amended by section 2, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.080; amending section 74.08.100, chapter 26, Laws of 1959 and RCW 74.08.100; amending section 53, chapter 146, Laws of 1951 and RCW 78.52.500; amending section 125, chapter 255, Laws of 1927 and RCW 79.01.500; amending section 80.04.260, chapter 14, Laws of 1961 and RCW 80.04.260; amending section 80.28.190, chapter 14, Laws of 1961 and RCW 80.28.190; amending section 80.36.240, chapter 14, Laws of 1961 and RCW 80.36.240; amending section 81.04.260, chapter 14, Laws of 1961 and RCW 81.04.260; amending section 81.53.130, chapter 14, Laws of 1961 and RCW 81.53.130; amending section 81.53.170, chapter 14, Laws of 1961 and RCW 81.53.170; amending section 81.68.070, chapter 14, Laws of 1961 and RCW 81.68.070; amending section 81.80.340, chapter 14, Laws of 1961 and RCW 81.80.340; amending section 82.32.180, chapter 15, Laws of 1961 as last amended by section 51, chapter 26, Laws of 1967 ex. sess. and RCW 82.32.180; amending section 13, chapter 292, Laws of 1961 and RCW 83.24.020; amending section 83.32.050, chapter 15, Laws of 1961 and RCW 83.32.050; amending section 83.56.160, chapter 15, Laws of 1961 and RCW 83.56.160; amending section 84.28.080, chapter 15, Laws of 1961 as amended by section 9, chapter 214, Laws of 1963 and RCW 84.28.080; amending section 84.28.110, chapter 15, Laws of 1961 as amended by section 12, chapter 214, Laws of 1963 and RCW 84.28.110; amending section 84.64.120, chapter 15, Laws of 1961 and RCW 84.64.120; amending section 84.64.400, chapter 15, Laws of 1961 and RCW 84.64.400; amending section 10, chapter 153, Laws of 1915 and RCW 85.05.079; amending section 13, chapter 117, Laws of 1895 as last amended by section 1, chapter 99, Laws of 1913, and RCW 85.05.130; amending section 6, chapter 342, Laws of 1955 and RCW 85.05.470; amending

section 13, chapter 115, Laws of 1895 as last amended by section 1, chapter 133, Laws of 1917 and RCW 85.06.130; amending section 3, chapter 170, Laws of 1935 and RCW 85.06.660; amending section 5, chapter 187, Laws of 1921 and RCW 85.06.750; amending section 1, chapter 157, Laws of 1921 and RCW 85.08.440; amending section 14, chapter 184, Laws of 1967 and RCW 85.15.130; amending section 14, chapter 26, Laws of 1949 and RCW 85.16.190; amending section 16, chapter 26, Laws of 1949 and RCW 85.16.210; amending section 15, chapter 45, Laws of 1951 and RCW 85.18.140; amending section 6, chapter 225, Laws of 1909 and RCW 85.24.130; amending section 7, chapter 225, Laws of 1909 and RCW 85.24.140; amending section 21, chapter 131, Laws of 1961 and RCW 85.32.200; amending section 8, chapter 194, Laws of 1933 and RCW 87.03.410; amending section 3, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.760; amending section 4, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.765; amending section 11, chapter 120, Laws of 1929 and RCW 87.22.090; amending section 29, chapter 124, Laws of 1925 ex. sess. and RCW 87.56.225; amending section 7, chapter 236, Laws of 1907 and RCW 88.32.090; amending section 23, chapter 117, Laws of 1917 and RCW 90.03.200; amending section 8, chapter 107, Laws of 1939 and RCW 90.24.070; amending section 20, chapter 11, Laws of 1911 and RCW 91.04.325; amending section 23, chapter 8, Laws of 1909 ex. sess. as amended by section 24, chapter 11, Laws of 1911 and RCW 91.04.360; amending section 23, chapter 23, Laws of 1911 and RCW 91.08.250; amending section 58, chapter 23, Laws of 1911 and RCW 91.08.580; adding a new section to chapter 221, Laws of 1969 ex. sess. and chapter 2.06 RCW; repealing section 17, page 324, Laws of 1890 and RCW 2.04.060; repealing section 5, page 322, Laws of 1890, section 2, chapter 5, Laws of 1905, section 3, chapter 24, Laws of 1909 and RCW 2.04.120; repealing section 2, page 321, Laws of 1890 and RCW 2.04.130; repealing section 6, chapter 24, Laws of 1909 and RCW 2.04.140; repealing section 2174, Code of 1881, section 13, page 324, Laws of 1890 and RCW 2.32.010; repealing section 2, page 366, Laws of 1854, section 2, page 417, Laws of 1863, section 2175, Code of 1881 and RCW 2.32.020; repealing section 3, page 366, Laws of 1854, section 2176, Code of 1881 and RCW 2.32.030; repealing section 4, chapter 57, Laws of 1891 and RCW 2.32.040; repealing section 1, chapter 192, Laws of 1947 and RCW 2.32.080; repealing section 1, page 320, Laws of 1890 and RCW 2.32.100; repealing section 6, page 320, Laws of 1890, section 1, chapter 58, Laws of 1891, section 1, chapter 30, Laws of 1897, section 1, chapter

148, Laws of 1909 and RCW 2.32.150; repealing section 1, page 331, Laws of 1890 and RCW 2.32.340; repealing section 2, page 331, Laws of 1890 and RCW 2.32.350; and declaring an emergency.

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

Section 1. Section 2, chapter 24, Laws of 1909 as amended by section 1, chapter 119, Laws of 1911 and RCW 2.04.071 are each amended to read as follows:

At the next general election, and at each biennial general election thereafter, there shall be elected three (~~judges~~) justices of the supreme court, to hold 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.

Sec. 2. Section 14, page 324, Laws of 1890 and RCW 2.04.080 are each amended to read as follows:

The several (~~judges~~) justices of the supreme court, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the supreme court of the State of Washington to the best of my ability." Which oath or affirmation may be administered by any person authorized to administer oaths, a certificate whereof shall be affixed thereto by the person administering the oath. And the oath or affirmation so certified shall be filed in the office of the secretary of state.

Sec. 3. Section 2, chapter 38, Laws of 1955 and RCW 2.04.100 are each amended to read as follows:

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

Sec. 4. Section 1, chapter 206, Laws of 1909 and RCW 2.04.110 are each amended to read as follows:

Each of the (~~judges~~) justices of the supreme court, judges of the court of appeals, and the judges of the superior courts shall in open court during the presentation of causes, before them, appear in and wear gowns, made of black silk, of the usual style of judicial gowns.

Sec. 5. Section 15, page 344, Laws of 1890 and RCW 2.08.080 are each amended to read as follows:

Every judge of a superior court shall, before entering upon

the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state. Such oath or affirmation to be in form substantially the same as prescribed for ((judges)) justices of the supreme court.

Sec. 6. Section 11, page 343, Laws of 1890 as amended by section 1, chapter 149, Laws of 1967 and RCW 2.08.180 are each amended to read as follows:

A case in the superior court of any county may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; and his action in the trial of such cause shall have the same effect as if he were a judge of such court. A judge pro tempore shall, before entering upon his duties in any cause, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) 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 pro tempore in the cause wherein is plaintiff and defendant, according to the best of my ability."

A judge pro tempore who is a practicing attorney and who is not a retired ((judge)) justice of the supreme court or judge of a superior court of the state of Washington, or who is not an active judge of an inferior court of the state of Washington, shall receive a compensation of one-two hundred and fiftieth of the annual salary of a superior court judge for each day engaged in said trial, to be paid in the same manner as the salary of the superior judge. A judge who is an active judge of an inferior court of the state of Washington shall receive no compensation as judge pro tempore. A justice or judge who has retired from the supreme court, court of appeals, or superior court of the state of Washington shall receive compensation as judge pro tempore in the amount of sixty percent of the amount payable to a judge pro tempore under this section.

Sec. 7. Section 1, chapter 202, Laws of 1969 ex. sess. and RCW 2.12.035 are each amended to read as follows:

The retirement pay or pension of any ((judge)) justice of the supreme or judge of any superior court of the state who was in office on August 6, 1965, and who retired prior to December 1, 1968, or who would have been eligible to retire at the time of death prior to December 1, 1968, shall be based, effective December 1, 1968, upon

the annual salary which was being prescribed by the statute in effect for the office of ((judge)) justice of the supreme court or for the office of judge of the superior court, respectively, at the time of his retirement or at the end of the term immediately prior to his retirement if his retirement was made after expiration of his term or at the time of his death if he died prior to retirement. The widow's benefit for the widow of any such justice or judge as provided for in RCW 2.12.030 shall be based, effective December 1, 1968, upon such retirement pay.

Sec. 8. Section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060 are each amended to read as follows:

For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each ((judge)) justice of the supreme court six and one-half percent of the total salaries of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such justices or judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the ((judges)) justices of the supreme court and the judges of the court of appeals and the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges and justices to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for: if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The state auditor shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges and justices for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter.

Sec. 9. Section 2, chapter 53, Laws of 1891 and RCW 2.20.020 are each amended to read as follows:

The following persons are magistrates:

(1) The justices of the supreme court.

(2) The judges of the court of appeals.

~~((2))~~ (3) The superior judges, and justices of the peace.

~~((3))~~ (4) All municipal officers authorized to exercise the powers and perform the duties of a justice of the peace.

Sec. 10. Section 3, chapter 124, Laws of 1909 and RCW 2.24.050 are each amended to read as follows:

All of the acts and proceedings of court commissioners hereunder shall be subject to revision by the superior court. Any party in interest may have such revision upon demand made by written motion, filed with the clerk of the superior court, within ten days after the entry of any order or judgment of the court commissioner. Such revision shall be upon the records of the case, and the findings of fact and conclusions of law entered by the court commissioner, and unless a demand for revision is made within ten days from the entry of the order or judgment of the court commissioner, his orders and judgments shall be and become the orders and judgments of the superior court, and from same an appeal may be taken to the supreme court or the court of appeals in all cases where an appeal will lie from like orders and judgments entered by the judge.

Sec. 11. Section 3, chapter 54, Laws of 1891 as amended by section 1, chapter 39, Laws of 1895 and RCW 2.28.030 are each amended to read as follows:

A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he is a member in any of the following cases:

(1) In an action, suit or proceeding to which he is a party, or in which he is directly interested.

(2) When he was not present and sitting as a member of the court at the hearing of a matter submitted for its decision.

(3) When he is related to either party by consanguinity or affinity within the third degree. The degree shall be ascertained and computed by ascending from the judge to the common ancestor and descending to the party, counting a degree for each person in both lines, including the judge and party and excluding the common ancestor.

(4) When he has been attorney in the action, suit or proceeding in question for either party; but this section does not apply to an application to change the place of trial, or the regulation of the order of business in court.

In the cases specified in subdivisions (3) and (4), the disqualification may be waived by the parties, and except in the

supreme court and the court of appeals shall be deemed to be waived unless an application for a change of the place of trial be made as provided by law.

Sec. 12. Section 3, chapter 57, Laws of 1891 and RCW 2.32.050 are each amended to read as follows:

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he is clerk--

(1) To keep the seal of the court and affix it in all cases where he is required by law.

(2) To record the proceedings of the court.

(3) To keep the records, files and other books and papers appertaining to the court.

(4) To file all papers delivered to him for that purpose in any action or proceeding in the court.

(5) To attend the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.

(6) To keep the journal of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments and decrees.

(7) To authenticate by certificate or transcript, as may be required, the records, files or proceedings of the court, or any other paper appertaining thereto and filed with him.

(8) To exercise the powers and perform the duties conferred and imposed upon him elsewhere by statute.

(9) In the performance of his duties to conform to the direction of the court.

Sec. 13. Section 5, chapter 126, Laws of 1921 and RCW 2.48.200 are each amended to read as follows:

No person shall practice law who holds a commission as judge in any court of record, or as sheriff, coroner, or deputy sheriff; nor shall the clerk of the supreme court, the court of appeals, or of the superior court or ~~((the))~~ any deputy ~~((of either))~~ thereof practice in the court of which he is clerk or deputy clerk: PROVIDED, It shall be unlawful for a deputy prosecuting attorney, or for the employee, partner, or agent of a prosecuting attorney, or for an attorney occupying offices with a prosecuting attorney, to appear for an adverse interest in any proceeding in which a prosecuting attorney is appearing, or to appear in any suit, action or proceeding

in which a prosecuting attorney is prohibited by law from appearing, but nothing herein shall preclude a judge or justice of a court of this state from finishing any business by him undertaken in a court of the United States prior to his becoming a judge or justice.

Sec. 14. Section 8, chapter 259, Laws of 1957 and RCW 2.56.080 are each amended to read as follows:

This chapter shall apply to the following courts: The supreme court, the court of appeals, the superior courts, and, when and to the extent so ordered by the supreme court, to the inferior courts of this state, including justice courts.

Sec. 15. Section 90, chapter 299, Laws of 1961 and RCW 3.50.410 are each amended to read as follows:

In the superior court the trial shall be de novo, subject to the right of the respondent to file an amended complaint therein. The defendant in the superior court may have a trial by jury. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge with a fine of not to exceed five hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Appeals shall lie to the supreme court or the court of appeals of the state of Washington as in other criminal cases in the superior court.

Sec. 16. Section 1, chapter 60, Laws of 1929 and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme court, court of appeals, or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed six years from the day on which such judgment was rendered: PROVIDED, HOWEVER, That any such judgment rendered upon a contract made prior to the ninth day of June, 1897, any judgment upon, or reviving or continuing such judgment, and any revival thereof, shall cease to be a lien upon the real estate of the judgment debtor at the end of five years from the rendition thereof, and in case of an appeal from any such judgment of the superior court, the date of the final judgment in the supreme court or court of appeals shall be the time from which said five years shall commence to run. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 17. Section 2, chapter 60, Laws of 1929 and RCW 4.56.200 are each amended to read as follows:

The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(1) Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof;

(2) Judgments of the district court of the United States rendered in any county in this state other than that in which the real estate of the judgment debtor to be affected is situated, judgments of the supreme court of this state, judgments of the court of appeals of this state, and judgments of the superior court for any county other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such judgment with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this act;

(3) Judgments of a justice of peace rendered in the county in which the real estate of the judgment debtor is situated, from the time of the filing of a duly certified transcript of the docket of the justice of the peace with the county clerk of the county in which such judgment was rendered, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county; and

(4) Judgments of a justice of the peace rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said justice of the peace was originally filed.

Sec. 18. Section 8, chapter 60, Laws of 1929 and RCW 4.56.225 are each amended to read as follows:

If any judgment heretofore or hereafter rendered in this state upon a contract made prior to the ninth day of June, 1897, or any judgment upon, or reviving or continuing such judgment, or any revival thereof, shall remain unsatisfied, in whole or in part, at the end of five years from the date of its rendition, the judgment creditor may sue thereon, or the lien thereof may be revived and continued, as in this section provided:

(1) The judgment creditor, his assignee, or the party to whom the judgment is due and payable, shall file a motion with the clerk of the court where the judgment is entered, to revive and continue the lien of the same, with leave to issue an execution. The motion

shall state the names of the parties to the judgment, the date of its entry, the amount claimed to be due thereon, or the particular property, of which the possession was thereby adjudged to such party, remaining undelivered. The motion shall be subscribed in the same manner as an original complaint.

(2) At any time after filing such motion, the party filing it may cause notice to be served on the judgment debtor in like manner and with like effect as a summons; said notice shall be attached to a copy of said motion by the clerk of the court, and be served by the sheriff or other officer as an original summons and shall cite the judgment debtor to appear and show cause why said motion should not be allowed. The time in which the judgment debtor shall be required to appear, shall be the same as is prescribed for answer to a complaint and the law applicable to service of a summons, shall apply to the service of such notice. In case the judgment debtor be dead, the notice may be served upon his legal representative.

(3) The judgment debtor, or in case of his death, his legal representative, may file an answer or demurrer to such motion, within the time allowed by law to answer a complaint, alleging any defense to such motion which may exist. If no answer be filed within the time prescribed, the motion shall be allowed as of course. The moving party may demur or reply to the answer. The pleadings shall be subscribed and verified, and the proceedings concluded as in original actions.

(4) The word "representatives" in this section shall be deemed to include any and all persons in whose possession property of the judgment debtor which is liable to be taken and sold or delivered in satisfaction of the execution, may be, and not otherwise.

(5) The order allowing the motion shall specify the amount due upon such unsatisfied judgment for which execution is to issue, or the particular property the possession of which is to be delivered, and shall be entered in the journal and docket as a judgment, and a final record shall be made of the proceedings in the same manner as a judgment.

Such motion shall not be granted unless it is established by the oath of the party, or other satisfactory proof, that the judgment or some part thereof remains unsatisfied. The order of the court allowing the motion and granting leave to issue an execution shall operate as a revival of the judgment for the amount found to be due at the time of such revival and the same shall be and continue a lien upon the real estate of the judgment debtor situated in the county wherein the order is entered, for a period of five years from and after the date of such order, in like manner with the original judgment, and upon the real estate of the judgment debtor situated in any other county upon the filing of a duly certified transcript of

such order with the county clerk of the county in which the real estate to be affected is situated. Revival judgments shall bear the same rate of interest and be in all respects similar to original judgments as to lien and enforcement of collection: PROVIDED, HOWEVER, That no judgment upon a contract made prior to the ninth day of June, 1897, and subsequent to the ninth day of June, 1891, nor any judgment upon, or reviving or continuing such judgment, nor any revival thereof, shall be sued upon, or shall be revived or continued unless such suit or proceedings for such revival or continuance shall be commenced within six years after the date of its rendition, and PROVIDED, FURTHER, That in all cases of an appeal from any judgment mentioned in this section, the date of final judgment in the supreme court or court of appeals of this state shall be the time from which said period of five years, or six years, as the case may be, shall commence to run.

Sec. 19. Section 2, chapter 138, Laws of 1933 and RCW 4.76.030 are each amended to read as follows:

If the trial court shall, upon a motion for new trial, find the damages awarded by a jury to be so excessive or inadequate as unmistakably to indicate that the amount thereof must have been the result of passion or prejudice, the trial court may order a new trial or may enter an order providing for a new trial unless the party adversely affected shall consent to a reduction or increase of such verdict, and if such party shall file such consent and the opposite party shall thereafter appeal from the judgment entered, the party who shall have filed such consent shall not be bound thereby, but upon such appeal the court of appeals or the supreme court shall, without the necessity of a formal cross-appeal, review de novo the action of the trial court in requiring such reduction or increase, and there shall be a presumption that the amount of damages awarded by the verdict of the jury was correct and such amount shall prevail, unless the court of appeals or the supreme court shall find from the record that the damages awarded in such verdict by the jury were so excessive or so inadequate as unmistakably to indicate that the amount of the verdict must have been the result of passion or prejudice.

Sec. 20. Section 7, chapter 60, Laws of 1893 and RCW 4.80.050 are each amended to read as follows:

Alleged error in any order, ruling or decision to which it is provided in this chapter that no exception need be taken, or in any report, finding of fact, conclusion of law, charge, refusal to charge, or other ruling or decision which shall have been excepted to by any party as prescribed in this chapter, shall be reviewed by the supreme court or the court of appeals, upon an appeal taken by the party against whom any such ruling or decision was made, or in which

he has joined, from any other appealable order or from the final judgment in the cause, where such error, if found to exist, would materially affect the correctness of the judgment or order appealed from: PROVIDED, The ruling or decision, the alleged error in which is sought to be so reviewed, together with the exception thereto, if any, was a matter of record in the cause in the first instance, or before the hearing of the appeal has been brought into the record in the manner prescribed in this chapter. And any such alleged error shall also be considered in the court wherein or by a judge whereof the same was committed, upon hearing and decision of a motion for a new trial, a motion for judgment notwithstanding a verdict, or a motion to set aside a referee's report or decision, made by a party against whom the ruling or decision to be reviewed was made, whether the alleged erroneous ruling or decision is a part of the record or not, where the alleged error, if found to exist, would materially affect the decision of the motion. But no exception to any appealable order or to any final judgment shall be necessary or proper in order to secure a review of such order or judgment upon direct appeal therefrom.

Sec. 21. Section 17, chapter 60, Laws of 1893 and RCW 4.80.140 are each amended to read as follows:

This chapter shall apply to and govern all civil actions and proceedings, both legal and equitable, and all criminal causes, in the superior courts, but shall not apply to courts of justices of the peace or other inferior courts or tribunals from which an appeal does not lie directly to the supreme court or court of appeals.

Sec. 22. Section 384, page 203, Laws of 1854 as last amended by section 1, chapter 62, Laws of 1959 and RCW 4.84.170 are each amended to read as follows:

In all actions prosecuted in the name and for the use of the state, or in the name and for the use of any county, and in any action brought against the state or any county, and on all appeals to the supreme court or the court of appeals of the state in all actions brought by or against either the state or any county, the state or county shall be liable for costs in the same case and to the same extent as private parties.

Sec. 23. Section 385, page 204, Laws of 1854 as last amended by section 523, Code of 1881 and RCW 4.84.180 are each amended to read as follows:

When the decision of a court of inferior jurisdiction, in an action or special proceeding, is brought before the supreme court, court of appeals, or a superior court for review, such proceedings shall, for purpose of costs, be deemed an action at issue upon a question of law, from the time the same is brought into the supreme court or superior court, and costs thereon may be awarded and

collected in such manner as the court shall direct, according to the nature of the case.

Sec. 24. Section 3, chapter 95, Laws of 1895 and RCW 4.92.030 are each amended to read as follows:

The attorney general or his assistant shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appeals may be taken to the supreme court or court of appeals of the state as in other actions or proceedings, but in case an appeal shall be taken on behalf of the state, no bond shall be required of the appellant.

Sec. 25. Section 2, page 338, Laws of 1890 and RCW 5.48.020 are each amended to read as follows:

Whenever the record required by law of the proceedings, judgment or decree in any action or other proceeding of any court in this state in which a final judgment has been rendered, or any part thereof, is lost or destroyed by fire or otherwise, such court may, upon the application of any party interested therein, grant an order authorizing such record or parts thereof to be supplied or replaced--

(1) by a certified copy of such original record, or part thereof, when the same can be obtained;

(2) by a duly certified copy of the record in the supreme court or court of appeals of such original record of any action or proceeding that may have been removed to the supreme court or court of appeals and remains recorded or filed in said ((supreme)) courts;

(3) by the original pleadings, entries, papers and files in such action or proceeding when the same can be obtained;

(4) by an agreement in writing signed by all the parties to such action or proceeding, their representatives or attorneys, that a substituted copy of such original record is substantially correct.

Sec. 26. Section 2, chapter 25, Laws of 1929 and RCW 6.04.010 are each amended to read as follows:

The party in whose favor a judgment of a court of record of this state has been, or may hereafter be, rendered, or his assignee, may have an execution issued for the collection or enforcement of the same, at any time within six years from the rendition thereof: PROVIDED, That no execution shall issue on any judgment rendered upon a contract made prior to the ninth day of June, 1897, after the expiration of five years from the date of the rendition thereof, unless and until such judgment has been revived in the manner provided by law, except that in case of an appeal the date of the final judgment in the supreme court or the court of appeals shall be the time from which said period of five years shall commence to run.

Sec. 27. Section 1, page 377, Laws of 1854 as last amended by section 335, Code of 1881 and RCW 6.08.010 are each amended to read as follows:

Stay of execution shall be allowed on judgments rendered in the supreme court, the court of appeals, and superior court, as follows:

(1) In the supreme court and in the court of appeals:

(a) On all sums under five hundred dollars, thirty days.

(b) On all sums over five and under fifteen hundred dollars, sixty days.

(c) On all sums over fifteen hundred dollars, ninety days.

(2) On judgments rendered in the superior court:

(a) On all sums under three hundred dollars, two months.

(b) On all sums over three hundred and under one thousand dollars, five months.

(c) On all sums over one thousand dollars, six months.

Sec. 28. Section 265, page 182, Laws of 1854 as last amended by section 366, Code of 1881 and RCW 6.24.090 are each amended to read as follows:

The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer, who shall return the money with his execution and his doings thereon, to the clerk of the court from which the execution issued, according to the order thereof: PROVIDED, HOWEVER, That when final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the proceedings on execution and return shall be docketed for confirmation in the superior court in which the action was originally commenced, and like proceedings shall be had as though said execution had issued from the said superior court.

Sec. 29. Section 33, chapter 65, Laws of 1895 and RCW 7.16.330 are each amended to read as follows:

Writs of review, mandate, and prohibition issued by the supreme court, the court of appeals, or by a superior court, may, in the discretion of the court issuing the writ, be made returnable, and a hearing thereon be had at any time.

Sec. 30. Section 35, chapter 65, Laws of 1895 and RCW 7.16.350 are each amended to read as follows:

From a final judgment in the superior court, in any such proceeding, an appeal shall lie to the supreme court or the court of appeals.

Sec. 31. Section 436, page 212, Laws of 1854 as last amended by section 10, chapter 9, Laws of 1957 and RCW 7.36.040 are each amended to read as follows:

Writs of habeas corpus may be granted by the supreme court, the court of appeals, or superior court, or by any judge of ~~((either))~~ such courts, and upon application the writ shall be granted without delay.

Sec. 32. Section 2, chapter 256, Laws of 1947 and RCW 7.36.140 are each amended to read as follows:

In the consideration of any petition for a writ of habeas corpus by the supreme court or the court of appeals, whether in an original proceeding or upon an appeal, if any federal question shall be presented by the pleadings, it shall be the duty of the supreme court to determine in its opinion whether or not the petitioner has been denied a right guaranteed by the Constitution of the United States.

Sec. 33. Section 2, chapter 213, Laws of 1955 and RCW 8.04.070 are each amended to read as follows:

At the time and place appointed for hearing the petition, or to which the hearing may have been adjourned, if the court has satisfactory proof that all parties interested in the lands, real estate, premises or other property described in the petition have been duly served with the notice, and is further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property are sought to be appropriated is really necessary for the public use of the state, it shall make and enter an order, to be recorded in the minutes of the court, and which order shall be final unless review thereof to the supreme court or the court of appeals of the state is taken within five days after entry thereof, adjudicating that the contemplated use for which the lands, real estate, premises or other property are sought to be appropriated is really a public use of the state.

Sec. 34. Section 2, chapter 156, Laws of 1955 and RCW 8.04.098 are each amended to read as follows:

At the time and place appointed for hearing the petition, the court may enter an order adjudicating public use as affecting all tracts of land, property, or property rights as described therein, which order shall be final as to those respondents not seeking a review to the supreme court or the court of appeals within five days after the entry thereof.

Sec. 35. Section 7, chapter 74, Laws of 1891 as last amended by section 4, chapter 177, Laws of 1951 and RCW 8.04.130 are each amended to read as follows:

Upon the entry of judgment upon the verdict of the jury or the decision of the court awarding damages, the state may make payment of the damages and the costs of the proceedings by depositing them with the clerk of the court, to be paid out under the direction of the court or judge thereof; and upon making such payment into court of the damages assessed and allowed for any land, real estate, premises, or other property mentioned in the petition, and of the costs, the state shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or party interested

recovers a greater amount of damages; and in that case the state shall be liable only for the amount in excess of the sum paid into court and the costs of appeal.

In the event of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the moneys paid into the superior court by the state pursuant to this section shall remain in the custody of the court until the final determination of the proceedings by the supreme court or the court of appeals.

Sec. 36. Section 9, chapter 74, Laws of 1891 and RCW 8.04.150 are each amended to read as follows:

Either party may appeal from the judgment for damages entered in the superior court, to the supreme court or the court of appeals of the state, within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the amount of damages in respect to the parties to the appeal: PROVIDED HOWEVER, That upon such appeal no bond shall be required: AND PROVIDED FURTHER, That if the owner of land, the real estate or premises accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals, and final judgment by default may be rendered in the superior court as in other cases: PROVIDED FURTHER, That no appeal shall operate so as to prevent the said state of Washington from taking possession of such property pending such appeal after the amount of said award shall have been paid into court.

Sec.37. Section 4, chapter 79, Laws of 1949 and RCW 8.08.040 are each amended to read as follows:

At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition have been duly served with said notice as prescribed herein, and shall be further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property sought to be appropriated is a public use of the county, the court or judge thereof may make and enter an order adjudicating that the contemplated use is really a public use of the county, and which order shall be final unless review thereof to the supreme court or the court of appeals be taken within five days after entry of such order, adjudicating that the contemplated use for which the lands, real estate, premises or other property sought to be appropriated is really a public use of the county, and directing that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises, or other property

sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking or appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated, after offsetting against any and all such compensation and damages, special benefits, if any, accruing to such remainder by reason of such appropriation and use by the county of such lands, real estate, premises, and other property described in the petition; such determination to be made by a jury, unless waived, in which event the compensation or damages shall be determined by the court without a jury.

Sec. 38. Section 8, chapter 79, Laws of 1949 and RCW 9.08.080 are each amended to read as follows:

Either party may appeal from the judgment for compensation of the damages awarded in the superior court to the supreme court or the court of appeals within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court or the court of appeals the propriety and justice of the amount of damage in respect to the parties to the appeal: PROVIDED, That upon such appeal no bonds shall be required: AND PROVIDED FURTHER, That if the owner of land, real estate, or premises accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals, and final judgment by default may be rendered in the superior court as in other cases.

Sec. 39. Section 16, chapter 84, Laws of 1893 as last amended by section 16, chapter 153, Laws of 1907 and RCW 8.12.200 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases, provided that in case any defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement unless appealed from, and no appeal from the same shall delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such city, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the

rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings the money so paid into the superior court by such city, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals and final judgment may be rendered in the superior court as in other cases.

Sec. 40. Section 49, chapter 153, Laws of 1907 as amended by section 21, chapter 154, Laws of 1915 and RCW 8.12.530 are each amended to read as follows:

At any time within six months from the date of rendition of the last judgment awarding compensation for any such improvement in the superior court, or if any appeal be taken, then within two months after the final determination of the appeal in the supreme court or the court of appeals, any such city may discontinue the proceedings by ordinance passed for that purpose before making payment or proceeding with the improvement by paying or depositing in court all taxable costs incurred by any parties to the proceedings up to the time of such discontinuance. If any such improvement be discontinued, no new proceedings shall be undertaken therefor until the expiration of one year from the date of such discontinuance.

Sec. 41. Section 13, page 375, Laws of 1909 and RCW 8.16.130 are each amended to read as follows:

Either party may appeal from the judgment for compensation awarded for the property taken, entered in the superior court, to the supreme court or the court of appeals of the state within sixty days after the entry of the judgment, and such appeal shall bring before the supreme court or the court of appeals the justness of the compensation awarded for the property taken, and any error occurring on the hearing of such matter, prejudicial to the party appealing: PROVIDED, HOWEVER, That if the owner or owners of the land taken accepts the sum awarded by the jury or court, he or they shall be deemed thereby to have waived their right of appeal to the supreme court or the court of appeals.

Sec. 42. Section 7, page 299, Laws of 1890 and RCW 8.20.100 are each amended to read as follows:

Upon the entry of judgment upon the verdict of the jury or the decision of the court or judge thereof, awarding damages as hereinbefore prescribed, the petitioner, or any officer of, or other person duly appointed by said corporation, may make payment of the damages assessed to the parties entitled to the same, and of the

costs of the proceedings, by depositing the same with the clerk of said superior court, to be paid out under the direction of the court or judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs, to any land, real estate, premises or other property mentioned in said petition, such corporation shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or other person or party interested shall recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court, and the costs of appeal: PROVIDED, That in case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by such corporation as aforesaid, shall remain in the custody of said court until the final determination of the proceedings by the said supreme court or the court of appeals.

Sec. 43. Section 9, page 300, Laws of 1890 and RCW 8.20.120 are each amended to read as follows:

Either party may appeal from the judgment for damages entered in the superior court, to the supreme court or the court of appeals of the state, within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the amount of damages in respect to the parties to the appeal: PROVIDED, HOWEVER, That no bond shall be required of any person interested in the property sought to be appropriated by such corporation, but in case the corporation appropriating such land, real estate, premises or other property is appellant, it shall give a bond like that prescribed in RCW 8.20.130, to be executed, filed and approved in the same manner: AND PROVIDED FURTHER, That if the owner of the land, real estate, premises or other property accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals, and final judgment by default may be rendered in the superior court as in other cases.

Sec. 44. Section 15, chapter 254, Laws of 1951 and RCW 9.81.090 are each amended to read as follows:

Reasonable grounds on all the evidence to believe that any person is a subversive person, as defined in this act, shall be cause for discharge from any appointive office or other position of profit or trust in the government of or in the administration of the business of this state, or of any county, municipality or other political subdivision of this state, or any agency thereof. The attorney general and the personnel director, and the civil service commission of any county, city or other political subdivision of this state, shall, by appropriate rules or regulations, prescribe that

persons charged with being subversive persons, as defined in this act, shall have the right of reasonable notice, date, time and place of hearing, opportunity to be heard by himself and witnesses on his behalf, to be represented by counsel, to be confronted by witnesses against him, the right to cross-examination, and such other rights which are in accordance with the procedures prescribed by law for the discharge of such person for other reasons. Every person and every board, commission, council, department, or other agency of the state of Washington or any political subdivision thereof having responsibility for the appointment, employment or supervision of public employees not covered by the classified service in this section referred to, shall establish rules or procedures similar to those required herein for classified services for a hearing for any person charged with being a subversive person, as defined in this act, after notice and opportunity to be heard. Every employing authority discharging any person pursuant to any provision of this act, shall promptly report to the special assistant attorney general in charge of subversive activities the fact of and the circumstances surrounding such discharge. Any person discharged under the provisions of this act shall have the right within thirty days thereafter to appeal to the superior court of the county wherein said person may reside or wherein he may have been employed for determination by said court as to whether or not the discharge appealed from was justified under the provisions of this act. The court shall regularly hear and determine such appeals and the decision of the superior court may be appealed to the supreme court or the court of appeals of the state of Washington as in civil cases. Any person appealing to the superior court may be entitled to trial by jury if he or she so elects.

Sec. 45. Section 67, chapter 249, Laws of 1909 and RCW 9.82.030 are each amended to read as follows:

Every person having knowledge of the commission of treason, who conceals the same, and does not, as soon as may be, disclose such treason to the governor or a (~~judge of the supreme court or a superior court;~~) justice of the supreme court or a judge of either the court of appeals or the superior court, shall be guilty of misprision of treason and punished by a fine of not more than one thousand dollars, or by imprisonment in the state penitentiary for not more than five years or in a county jail for not more than one year.

Sec. 46. Section 7, chapter 133, Laws of 1955 as amended by section 10, chapter 200, Laws of 1967 and RCW 9.95.060 are each amended to read as follows:

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the

supreme court or the court of appeals, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of institutions, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Sec. 47. Section 4, chapter 42, Laws of 1955 and RCW 9.95.063 are each amended to read as follows:

If a defendant who has been in prison during the pendency of an appeal, upon a new trial ordered by the supreme court or the court of appeals shall be again convicted, the period of his former imprisonment shall be deducted by the superior court from the period of imprisonment to be fixed on the last verdict of conviction.

Sec. 48. Section 16, page 75, Laws of 1865 as last amended by section 1, chapter 91, Laws of 1967 and RCW 10.31.060 are each amended to read as follows:

Whenever any person or persons shall have been indicted or accused on oath of any public offense, or thereof convicted, and a warrant of arrest shall have been issued, the magistrate issuing such warrant, or any ((judge)) justice of the supreme court, ((~~or of any superior court;~~)) or any judge of either the court of appeals or superior court may indorse thereon an order signed by him and authorizing the service thereof by telegraph or teletype, and thereupon such warrant and order may be sent by telegraph or teletype to any marshal, sheriff, constable or policeman, and on the receipt of the telegraphic or teletype copy thereof by any such officer, he shall have the same authority and be under the same obligations to arrest, take into custody and detain the said person or persons, as if the said original warrant of arrest, with the proper direction for the service thereof, duly indorsed thereon, had been placed in his hands, and the said telegraphic or teletype copy shall be entitled to full faith and credit, and have the same force and effect in all courts and places as the original; but prior to indictment and conviction, no such order shall be made by any officer, unless in his judgment there is probable cause to believe the said accused person or persons guilty of the offense charged: PROVIDED, That the making of such order by any officer aforesaid, shall be prima facie evidence

of the regularity thereof, and of all the proceedings prior thereto. The original warrant and order, or a copy thereof, certified by the officer making the order, shall be preserved in the telegraph office or police agency from which the same is sent, and in telegraphing or teletyping the same, the original or the said certified copy may be used.

Sec. 49. Section 5, chapter 30, Laws of 1907 and RCW 10.76.050 are each amended to read as follows:

Either party to the cause may have the evidence and all of the matters not of record in the cause made a part of the record by the certifying of a statement of facts or bill of exceptions as in other cases. If an appeal should be not taken, such statement of facts or bill of exceptions shall remain on file in the office of the clerk of the court where the cause was tried, and if an appeal be taken, the statement of facts or bill of exceptions shall be returned from the supreme court or the court of appeals to the court where the cause was tried when the supreme court or the court of appeals shall have rendered its final judgment in the cause.

Sec. 50. Section 8, chapter 30, Laws of 1907 as last amended by section 1, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.060 are each amended to read as follows:

The (~~director of institutions~~) secretary of social and health services shall forthwith provide adequate facilities at one or several of the state institutions under his direction and control wherein shall be confined persons committed as criminally insane. Such persons shall be under the custody and control of the (~~director of institutions~~) secretary of social and health services to the same extent that other persons are who are committed to his custody, but such provision shall be made for their control, care and treatment as is proper in view of their derangement. In order that the (~~director~~) secretary can adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the (~~director~~) secretary to place such individual in a proper institution, all persons who are committed to the (~~director of institutions~~) secretary of social and health services as criminally insane shall be promptly examined by qualified personnel in such manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the custody of the (~~director of institutions~~) secretary of social and health services save upon the order of a court of competent jurisdiction made after a trial and judgment of discharge.

When any person so committed petitions for a discharge, the (~~director of institutions~~) secretary of social and health services shall send him in the custody of a guard to the county where the

hearing is to be held at the time the case is called for trial. During the time he is absent from the institution, he shall be confined in the county jail, but shall at all times be deemed to be in the custody of the guard. If he is remitted to custody, the guard shall forthwith return him to such institution as designated by the ((director of institutions)) secretary of social and health services. If the state does not desire to appeal, the order of discharge shall be sufficient acquittal to the ((director of institutions)) secretary of social and health services. If the state does appeal from an order of discharge, it shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution designated by the ((director of institutions)) secretary of social and health services until the supreme court or the court of appeals has rendered a final decision in the cause.

Sec. 51. Section 6, chapter 30, Laws of 1907 as last amended by section 2, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.070 are each amended to read as follows:

When any person committed under the authority of this chapter, including persons found sane at the time of trial but committed by reason of being so liable to a relapse or recurrence of the insane or mentally irresponsible condition as to be an unsafe person to be so at large, claims to be sane or mentally responsible and to be free from danger of any relapse or recurrence of mental unsoundness and a safe person to be at large, he shall apply to the ((director of institutions)) secretary of social and health services for an examination of his mental condition and fitness to be at large. If the ((director of institutions)) secretary of social and health services certifies that there is reasonable cause to believe that the person has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of trial, that he is not liable to a recurrence of a prior insane or mentally irresponsible condition, and is a safe person to be at large, the ((director of institutions)) secretary of social and health services shall permit him to present a petition to the court that committed him, setting up the facts leading to his commitment, and that he has since become sane and mentally responsible, and is in such condition that he is a safe person to be at large, and shall pray his discharge from custody.

The petition shall be served upon the prosecuting attorney of the county, and it shall be his duty to resist the application. No other pleadings than the petition need be filed, and the court shall set the cause down for trial before a jury, and the trial shall proceed as in other cases. The sole issue to be tried in the case shall be whether the person petitioning for a discharge has, since his commitment, become a safe person to be at large, and the burden

of proof shall be upon him. If the evidence given upon his trial upon the criminal charge has been preserved by a certified statement of facts or bill of exceptions filed in the cause, either party may read such parts of the record as may be desired as evidence upon the hearing.

The jury shall be required to find whether the petitioner has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of the trial, whether he is still liable to a recurrence of a prior insane or mentally irresponsible condition, and, in either case, whether he is a safe person to be at large. If they so find, he shall be entitled to discharge. If not, his petition shall be dismissed, and he shall be remitted to custody. Either party may appeal to the supreme court or the court of appeals from the judgment discharging the petitioner or remitting him to custody. The procedure on appeal shall be the same as in other cases. The judgment of remission shall be conclusive that the petitioner is an unsafe person to be at large at the time of its entry.

If he subsequently claims to have become sane and a safe person to be at large, he may upon a certificate of probable cause by the ((director of institutions)) secretary of social and health services, which shows a change in his mental condition since the last trial and his present sanity and fitness to be at large, again petition for discharge, and the proceedings thereon shall be as in this chapter provided.

Sec. 52. Section 7, chapter 30, Laws of 1907 and RCW 10.76.080 are each amended to read as follows:

Should any criminally insane person discharged hereunder again become insane or mentally irresponsible, or be found to be an unsafe person to be at large because of mental unsoundness, the prosecuting attorney of the county from which he was committed may file a petition in the name of the state, setting up the facts leading to his commitment and subsequent discharge, and the relapse which is the basis of the petition. A warrant shall be issued for the defendant as in criminal cases, the defendant taken into custody, and the case tried to a jury, as in other cases provided herein; but the burden of proof, showing reasons for commitment, shall be upon the state. Should the jury find the defendant sane, and a safe person to be at large, he shall be discharged. Should they find that since his discharge he has suffered a relapse or recurrence of his mental unsoundness, and by reason thereof he is an unsafe person to be at large, the court shall issue an order remitting him to custody as criminally insane. The evidence given upon the former trial or trials, if preserved by statement of facts or bill of exceptions as

hereinbefore prescribed, may be read upon such hearing, and either party may appeal to the supreme court or the court of appeals as in other cases.

Sec. 53. Section 11.96.010, chapter 145, Laws of 1965 and RCW 11.96.010 are each amended to read as follows:

Any interested party may appeal to the supreme court or the court of appeals from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions.

Sec. 54. Section 14, chapter 302, Laws of 1961 and RCW 13.04.220 are each amended to read as follows:

If the court finds that the decision of the ((director)) secretary on the institutional placement or transfer of institutional placement of any juvenile committed under the provisions of RCW 13.04.190 and 13.04.200 is arbitrary, capricious, or contrary to law, the court may change, modify, or set aside the decision of the ((director)) secretary. The ruling of the committing court shall be appealable to the state supreme court or the court of appeals.

Sec. 55. Section 24, chapter 87, Laws of 1961 and RCW 15.63.240 are each amended to read as follows:

Any party aggrieved by any order, rule or regulation issued by the commission, or by any action taken by it, or by any action taken by the ((director)) secretary in approving or disapproving any action of the commission, may apply to the superior court of the state of Washington in the county in which such party is a resident or has his principal place of business for a review of such decision. Where applicable, the procedure for such a review shall be that specified in chapter 34.04, the administrative procedure act, as in force on the effective date of this chapter, or as thereafter amended. The court may thereupon take such action as in its opinion the law requires and its decision shall be appealable to the supreme court or the court of appeals of this state subject to the laws and rules of court relating to appeals.

Sec. 56. Section 14, chapter 125, Laws of 1929 and RCW 17.04.230 are each amended to read as follows:

Any interested party may appeal from the decision and order of the board of directors of such district to the superior court of the county in which such district is located, by serving written notice of appeal on the chairman of the board of directors and by filing in the office of the clerk of the superior court a copy of said notice of appeal with proof of service attached, together with a good and sufficient cost bond in the sum of two hundred dollars, said cost bond to run to such district and in all respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice must be served and filed within ten days

from the date of the decision and order of such board of directors, and said bond must be filed within five days after the filing of such notice of appeal. Whenever notice of appeal and the cost bond as herein provided shall have been filed with the clerk of the superior court, the clerk shall notify the board of directors of such district thereof, and such board shall forthwith certify to said court all notices and records in said matters, together with proof of service, and a true copy of the order and decision pertaining thereto made by such board. If no appeal be perfected within ten days from the decision and order of such board, the same shall be deemed confirmed and the board shall certify the amount of such charges to the county treasurer who shall enter the same on the tax rolls against the land. When an appeal is perfected the matter shall be heard in the superior court de novo and the court's decision shall be conclusive on all persons served under this chapter: PROVIDED, That an appeal may be taken to the supreme court or the court of appeals from the order or decision of the superior court in the manner provided by existing laws, and upon the conclusion of such appeal, the amount of charges and costs adjudged to be paid shall be certified by the clerk of the superior court to the county treasurer and said treasurer shall proceed to enter the same on his rolls against the lands affected.

Sec. 57. Section 12, chapter 140, Laws of 1921 and RCW 17.16.110 are each amended to read as follows:

Any person feeling himself aggrieved at the decision and order of the board of county commissioners approving the amount of such expenses and establishing the same as a tax against the land involved may appeal therefrom to the superior court of the county, by serving a written notice of appeal on the board and by filing a copy of same with proof of service attached, together with a good and sufficient cost bond to be approved by the county clerk in the sum of two hundred dollars, said cost bond to run to the county and in all other respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice of appeal must be served and filed within ten days from the date of the decision and order of the board approving the amount of said expense and establishing the same as a tax against the land involved, and said appeal must be brought on for hearing upon a certified copy of the records in the matter without further pleadings, at the next term of court thereafter. An appeal from the judgment of the superior court in the matter may be taken to the supreme court or the court of appeals of the state as in other cases (~~of~~) on appeal (~~to that tribunal~~). Upon the final conclusion of any appeal so taken, the county clerk shall certify to the county treasurer the result of such appeal.

Sec. 58. Section 12, chapter 323, Laws of 1959 and RCW

18.08.210 are each amended to read as follows:

In all cases where the director shall refuse to renew or shall revoke a certificate of registration the holder shall be entitled to a hearing and shall be given twenty days' notice in writing by the director thereof. The notice shall specify the offenses with which the accused person is charged and shall also give the day and place where the hearing is to be held. The hearing shall be held in the county seat of the county in which the accused person resides.

The director may issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be taken in writing, and may be taken by deposition under such rules as the director may prescribe.

The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, file them in his office, and serve upon the accused a copy of such findings and conclusions.

Any order refusing renewal of registration or revoking registration shall be in writing signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within fifteen days after a copy thereof is served upon him, to the superior court of the county in which the aggrieved person resides, which shall hear the matter de novo.

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as provided in other civil cases.

Sec. 59. Section 36, chapter 52, Laws of 1957 and RCW 18.32.280 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as provided in other civil cases.

Sec. 60. Section 15, chapter 222, Laws of 1949 and RCW 18.78.140 are each amended to read as follows:

Proceedings to revoke or suspend any license granted pursuant to this chapter may be instituted by the director on his own complaint, or on the verified complaint of any person filed with the director. Such complaint shall set forth the facts constituting the grounds for which said license shall be revoked or suspended. The board of directors provided for in this chapter, together with the director, shall constitute a committee to hear and determine the charges and make findings of fact and conclusions. The director

shall serve upon the license-holder against whom the complaint is made a notice in writing twenty days prior to the date set for the hearing, which notice shall specify the offense with which said person is charged, shall contain a copy of the complaint, and shall state the time and place of hearing. All hearings shall be held in Olympia unless the director shall fix a different place. Said notice may be served by registered mail addressed to the license-holder at his or her address last known to the director. The director shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have an opportunity to defend and to have counsel and may have such subpoenas as he or she may desire, issued by the director. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath, administered by the director. Testimony may be taken by deposition under such rules as the director may prescribe. The committee shall hear and determine the charges and shall make findings of fact and conclusions upon the evidence produced, and shall file the same in the director's office. The director shall serve a copy of said findings and conclusions by registered mail upon the accused. The revocation or suspension of a license to practice shall be in writing and signed by the director, and shall state the grounds upon which such order is based. The accused person shall have the right to appeal from such order to the superior court of Thurston county within twenty days after a copy of such order is served upon such person, for the purpose of having the reasonableness and lawfulness of said order inquired into and determined. On such appeal the entire record laid before the committee shall be certified by the director to said superior court, and the review on appeal shall be confined to the evidence and exhibits introduced at the hearing before the committee. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court in the manner provided by law in civil cases.

Sec. 61. Section 16, chapter 305, Laws of 1955 as amended by section 16, chapter 70, Laws of 1965 and RCW 18.83.160 are each amended to read as follows:

Any person feeling himself aggrieved by the refusal of the director to issue a license as provided in this chapter, or to renew the same, or by the revocation or suspension of a license issued pursuant to the provisions of this chapter, shall have the right to appeal from such order within fifteen days after a copy of such order is served upon him to the superior court of any county, which court shall hear such matter de novo, and appeal shall lie to the supreme court or the court of appeals of the state from the judgment of the said superior court in the same manner as provided by law in other

civil cases.

Sec. 62. Section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 and RCW 18.85.290 are each amended to read as follows:

The superior court to which the appeal is taken shall summarily hear and determine the question involved upon the appeal, and such determination shall be based solely on the transcript of the record. Should the court find that the director has exceeded his authority or that his findings are not supported by a fair preponderance of the evidence, the order of the director shall be reversed or modified.

If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

An appeal may be taken by an appellant whose license has been revoked or suspended by the director, from the final order of the superior court. The proceedings on appeal to the supreme court or the court of appeals shall be limited to a review of the proceedings by the director and the superior court in the same manner and subject to the same procedure and requirements as provided for in the case of an appeal in a civil action from a judgment of the superior court of this state.

Sec. 63. Section 15, chapter 71, Laws of 1941 and RCW 18.92.210 are each amended to read as follows:

Any person feeling himself aggrieved by an order of the director shall have the right to appeal from such order within fifteen days after a copy of such order is served upon him, to the superior court of any county, which court shall hear such matter de novo. An appeal shall lie to the supreme court or the court of appeals of the state from the judgment of said superior court in the same manner as provided by law in other civil cases.

Sec. 64. Section 11, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.110 are each amended to read as follows:

When the attorney general requires the attendance of any person, as provided in RCW 19.10.100, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as through the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or

postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the supreme court or the court of appeals by certiorari or other appropriate proceeding.

Sec. 65. Section 10, chapter 211, Laws of 1955 and RCW 19.77.100 are each amended to read as follows:

Any person who believes he will be damaged by a registration of a trademark by the secretary of state may request cancellation of such registration by filing with the secretary of state in duplicate a verified petition setting forth the facts in support of such request, accompanied by a fee of twenty-five dollars payable to the secretary of state. To each copy of said petition for cancellation there shall be attached a copy of each of the trademarks or trade names, or the personal name, portrait, or signature, of the petitioner, or other exhibits of like character relied on in the petition. Thereafter the secretary of state shall mail to the registrant or his agent for service of record with the secretary of state a copy of said petition, addressed to the last known address of the registrant or such agent according to the files of the secretary of state, accompanied by a notice that said registrant may, within twenty days if the registrant is a resident of the state of Washington, or within sixty days if the registrant is a nonresident of the state of Washington, file in duplicate a verified answer to said petition. Thereafter the secretary of state shall forward a copy of said answer to said petitioner, accompanied by a notice that said petitioner may, within a specified time, not less than twenty days, file in duplicate a verified statement as to any further facts which are pertinent to issues raised by said answer, and the secretary of state shall in like manner forward a copy thereof to said registrant or such agent. The secretary of state shall then fix a hearing date not less than thirty days from the last day that the petitioner may file a statement of further facts. Written notice of such hearing shall be served on the parties by the secretary of state not less than fifteen days before the hearing in the same manner as the petition and answer were forwarded. Additional relevant testimony or other evidence may be introduced by the parties, and the secretary of state may subpoena such witnesses as he deems necessary. The parties shall have the right to be represented by counsel. On conclusion of the hearing the secretary of state shall grant or deny the petitioner's request for cancellation of the registration as the facts shall warrant and shall send a copy of his decision to the petitioner and to the registrant or such agent. If the secretary of state finds that the trademark should not have been registered, or is in violation of the common law rights of the petitioner, or if the

secretary of state receives no answer from the registrant within the time limits specified hereinabove, he shall cancel said registration from the register, unless a petition for review of such decision is filed as provided hereinafter.

Either the petitioner or the registrant may, within sixty days after mailing of the copy of the decision by the secretary of state, file in the superior court of the state of Washington for Thurston county, and mail to the secretary of state and the other party or such agent at his last known address according to the files of the secretary of state, a petition for review of the decision of the secretary of state. The court shall review such decision on the basis of the record before the secretary of state for the purpose of determining the reasonableness and lawfulness of such decision and, subject to the right of appeal to the supreme court or the court of appeals of the state, the decree of the superior court shall be binding upon the secretary of state with respect to the granting or denial of the petitioner's request for cancellation. In any such petition for review the secretary of state shall be a necessary party, and the petitioner for cancellation and the registrant shall be proper parties.

Sec. 66. Section 20, chapter 139, Laws of 1959 and RCW 20.01.200 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as provided in other civil cases.

Sec. 67. Section 7, chapter 154, Laws of 1933 and RCW 22.20.100 are each amended to read as follows:

In all respects in which the commission has power and authority under this chapter, application and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, petition for writs of review to the superior court filed therein, appeals of mandate filed with the supreme court or the court of appeals of this state and considered and disposed of by said courts in the manner, under the conditions and subject to the regulations and with the effect specified in the public service commission laws of this state.

Sec. 68. Section 28, chapter 115, Laws of 1921 and RCW 24.32.360 are each amended to read as follows:

Every order, decision or other official act of the director of agriculture shall be subject to review, and any party aggrieved by such order, decision or act of the director of agriculture may appeal therefrom to the superior court of the county of Thurston by serving upon the director of agriculture a notice of such appeal, specifying the order, decision or act appealed from, and filing the same with

the clerk of the superior court of the county of Thurston within sixty days after the date of such order, decision or official act. Whereupon the director of agriculture shall, within ten days after filing of such notice of appeal, make and certify a transcript of all the records and papers on file in his office affecting or relating to the order, decision or act appealed from, and upon the payment of the fee therefor by the appellant, the director of agriculture shall file the same in the office of the clerk of said superior court. Upon the hearing of such appeal the burden of proof shall be upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the director of agriculture from which appeal is taken. Any party to such appeal to the superior court who is aggrieved by the judgment of said court rendered upon such appeal may prosecute an appeal to the supreme court or the court of appeals of the state of Washington. The general laws relating to bills of exception, statements of fact and appeals to the supreme court or the court of appeals, shall apply to all appeals taken to the supreme court or the court of appeals under this chapter: PROVIDED, That no supersedeas of the judgment of the superior court shall be allowed, except at the discretion of said superior court. If supersedeas is allowed, it shall be upon such bond and with such conditions as the superior court may require by its order.

Sec. 69. Section 4, page 404, Laws of 1854 as last amended by section 1, chapter 35, Laws of 1913 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: ((Judges)) 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 justices of the peace within their respective counties.

Sec. 70. Section 9, chapter 215, Laws of 1949 and RCW 26.08.090 are each amended to read as follows:

Pending an action for divorce or annulment the court may make, and by attachment enforce, such orders for the disposition of the persons, property and children of the parties as the court may deem right and proper, and such orders relative to the expenses of such action, including attorneys' fees, as will insure to the wife an efficient preparation of her case and a fair and impartial trial thereof. Upon the entry of judgment in the superior court, reasonable attorneys' fees may be awarded either party, in addition to statutory costs. Upon any appeal, the supreme court or the court of appeals may in its discretion award reasonable attorneys' fees to either party for services on the appeal, in addition to statutory

costs.

Sec. 71. Section 28A.58.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.500 are each amended to read as follows:

Either party to the proceedings in the superior court may appeal the decision to the supreme court or the court of appeals of this state as any other civil action is appealed.

Sec. 72. Section 16, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.160 are each amended to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appeal shall be available to the supreme court or the court of appeals from the order of the superior court as in other civil cases.

Sec. 73. Section 28B.50.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.300 are each amended to read as follows:

Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this act by or for a school district and obtained identifiably with federal, state or local funds appropriated for community college purposes or post-high school vocational educational purposes, or used or obtained with funds budgeted for community college purposes or post-high school vocational educational purposes, or used or obtained primarily for community college or vocational educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the state board for community college education: PROVIDED, That cash, funds, accounts or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before April 3, 1967 for community college purposes shall remain with and continue to be, after April 3, 1967, an asset of the school district: AND PROVIDED FURTHER, That any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other

property for community college purposes: AND PROVIDED FURTHER, That unexpended funds of a common school district derived from the sale, prior to July 1, 1967, of bonds authorized for any purpose which includes community college purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a community college is located, and the president of each community college, shall each submit to the state board of education, and the state board for community college education within sixty days of April 3, 1967, an inventory listing all real estate, personal property, choses in action, and other assets, held by a school district, which under the criteria of this section, will become the assets of the state board for community college education: PROVIDED, That assets used "primarily" for community college purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the school year 1965-1966, or if acquired subsequent to July 1, 1966, since its time of acquisition, for community college purposes: PROVIDED, FURTHER, That the ultimate decision and approval with respect to the allocation and disposition of the assets under this section shall be made by the governor, or an advisory committee appointed by him for that purpose. The decision of the governor or his advisory committee may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court or the court of appeals of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 74. Section 29.04.030, chapter 9, Laws of 1965 and RCW 29.04.030 are each amended to read as follows:

Any ((judge)) justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer has occurred or is about to occur.

Sec. 75. Section 29.21.070, chapter 9, Laws of 1965 and RCW 29.21.070 are each amended to read as follows:

The offices of ~~((judge))~~ justice of the supreme court, judge of the court of appeals, judge of the superior court and justice of the peace shall be nonpartisan and the candidates therefor shall be nominated and elected as such. Not less than ten days before the time for filing declarations of candidacy, each county auditor shall designate how many justices of the peace are to be elected in each precinct in his county.

Sec. 76. Section 29.30.020, chapter 9, Laws of 1965 and RCW 29.30.020 are each amended to read as follows:

The positions on a primary ballot shall be arranged substantially as follows: First, United States senator; next, congressional; next, ~~((judges))~~ justices of supreme court; next, judges of the court of appeals; next, judges of superior court; next, other state officers; next, legislative; next, county officers; next, precinct officers; next, justice of the peace; next, precinct committeemen. There shall be a blank space left following the list of names of candidates for each office for writing in the name of a candidate, if desired.

Sec. 77. Section 29.65.130, chapter 9, Laws of 1965 and RCW 29.65.130 are each amended to read as follows:

Any candidate at a primary election who may desire to contest the nomination of any candidate for the same office thereat may proceed by affidavit presented to any ~~((judge))~~ justice of the supreme court, any judge of the court of appeals, or any judge of the superior court of the county in which any error or omission occurred. The affidavit shall be presented within five days after the completion of the canvass by the canvassing board, and not later, and the candidate whose nomination is so contested shall by the order of such judge or justice, duly served, be required to appear and abide the orders of the court to be made therein.

Sec. 78. Section 29.80.020, chapter 9, Laws of 1965 and RCW 29.80.020 are each amended to read as follows:

Not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor,

secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, ((judge)) justice of the supreme court, judge of the court of appeals, and judge of the superior court may file with the secretary of state a typewritten statement advocating his candidacy not to exceed three hundred fifty words per printed page accompanied by a photograph not more than five years old and suitable for reproduction. No such statement or photograph shall be filed by any person who is the sole nominee for any office.

Sec. 79. Section 30.04.040, chapter 33, Laws of 1955 and RCW 30.04.040 are each amended to read as follows:

Any bank or trust company may, within thirty days after a rule or regulation has been served upon it, apply to the superior court of Thurston county for a writ of review to test its reasonableness or lawfulness. In every such hearing the burden shall be upon the corporation to establish the rule or regulation to be unreasonable or unlawful. Appeal may be taken to the supreme court or the court of appeals as in other actions.

Pendency of the writ of review shall not stay the operation of the rule or regulation but the court may restrain or suspend it in whole or in part.

Sec. 80. Section 30.30.090, chapter 33, Laws of 1955 and RCW 30.30.090 are each amended to read as follows:

The decree so rendered shall be a final order from which any party in interest may appeal as in civil actions to the supreme court or the court of appeals of the state of Washington.

Sec. 81. Section 23, chapter 208, Laws of 1941 and RCW 31.08.260 are each amended to read as follows:

Whenever the supervisor shall deny an application for a license or shall revoke or suspend a license issued pursuant to this chapter, or shall issue any specific order or demand, then such applicant or licensee thereby affected may, within thirty days from the date of service of notice as provided for in this chapter, appeal to the superior court of the state of Washington for Thurston county. The appeal shall be perfected by serving a copy of the notice of appeal upon the supervisor and by filing it, together with proof of service, with the clerk of the superior court of Thurston county. Whereupon the supervisor shall, within fifteen days after filing of such notice of appeal, make and certify a transcript of the evidence and of all the records and papers on file in his office relating to the order appealed from, and the supervisor shall forthwith file the same in the office of the clerk of said superior court. The reasonable costs of preparing such transcript shall be assessed by the court as part of the costs. A trial shall be had in said

superior court de novo. The applicant or licensee, as the case may be, shall be deemed the plaintiff and the state of Washington the defendant. Each party shall be entitled to subpoena witnesses and produce evidence to sustain or reverse the findings and order or demand of the supervisor. During the pendency of any appeal from the order of revocation or suspension of a license, the order of revocation theretofore entered by the supervisor shall be stayed and any other order or demand appealed from may be stayed in the discretion of the court. Either party may appeal from the judgment of said superior court to the supreme court or the court of appeals of the state of Washington as in other civil actions.

Sec. 82. Section 3, chapter 173, Laws of 1933, as last amended by section 1, chapter 65, Laws of 1969 and RCW 31.12.050 are each amended to read as follows:

A credit union shall be organized in the following manner:

The applicants shall execute in quadruplicate articles of incorporation and bylaws by the terms of which they agree to be bound, which shall be submitted to and approved by the supervisor.

The articles of incorporation shall state:

- (1) The name and location of the proposed credit union;
- (2) The number of its directors, which shall not be less than five nor more than fifteen;
- (3) The names, occupations and post office address of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take; and
- (4) The par value of the shares of the credit union, which shall be five dollars.

When articles of incorporation complying with the foregoing requirements, together with duplicate copies of such bylaws, have been filed with the supervisor, he shall ascertain whether such articles of incorporation and bylaws of such credit union are consistent with the purposes of this chapter and whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the purpose of the proposed credit union will be honestly and efficiently conducted in accordance with the purpose of this chapter, and he shall further determine the economic advisability for such credit union, also taking into consideration all surrounding facts and circumstances pertaining to a successful operation of said credit union, and whether the proposed credit union is being formed for other than the legitimate objects covered by this chapter. After the supervisor shall have satisfied himself of the above facts, and within thirty days after receipt of such certificates and bylaws, he shall endorse upon each of the articles of incorporation his official signature with the word "approved" or the word "refused" with the

date thereof. In case of refusal, he shall return one of the quadruplicate certificates so endorsed with a copy of the bylaws to the person from whom the same were received, which refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of the county in which the credit union is proposed to be located. In case an appeal is taken the supervisor shall prepare, certify and deliver to such credit union a copy of the order of refusal with any documents filed by the applicant, and upon such transcript of proceedings, with any testimony that may be offered by either party, the case shall be tried in the superior court to which the appeal is taken, which shall be heard in the nature of a writ of review and summarily disposed of by the superior court upon such orders and proceedings as the judge may deem best and a judgment rendered, from which an appeal may be taken by either party to the supreme court or the court of appeals; all conditioned that the appellant, upon taking the appeal, shall pay the reasonable charges for a transcript of the proceedings. In case of approval of the proposed corporation, the supervisor shall give notice thereof to the proposed incorporators, and shall file one of the quadruplicate articles of incorporation in his own office, and shall transmit another quadruplicate copy to the secretary of state, and shall return two quadruplicate copies and one of the duplicate bylaws of the incorporators. The incorporators shall file one of the quadruplicate copies with the county auditor of the county in which such credit union is to be located, with a filing fee of twenty-five cents.

Upon receipt from the proposed incorporators of a filing fee of five dollars the secretary of state shall file and record the articles of incorporation. Upon the filing of articles of incorporation, approved as aforesaid by the supervisor, with the secretary of state and county auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this chapter, and whose existence may be perpetual. In order to simplify the organization of credit unions the supervisor shall cause forms of articles of incorporation and bylaws to be prepared consistent with the provisions of this chapter, and upon written application of any seven residents of this state shall supply them without charge with blank forms of articles of incorporation and form of suggested bylaws.

Sec. 83. Section 31, chapter 173, Laws of 1933 as last amended by section 15, chapter 180, Laws of 1967 and RCW 31.12.360 are each amended to read as follows:

If an officer of a credit union is, in the opinion of the supervisor, dishonest, inefficient, incapable of doing his work, or

wilfully disobeying orders of the supervisor, or is in any way violating this chapter or the bylaws of the credit union, he may be suspended by the supervisor. The supervisor shall give the board of the credit union prompt notice of such suspension and promptly upon receipt thereof the board shall call a meeting of its members to consider the matter forthwith and give the supervisor at least seven days' notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, it shall remove such director, officer or employee immediately. In the event that the board of the credit union shall fail to remove such director, officer or employee, the supervisor may petition the superior court of the county wherein the principal office of the credit union is located, setting forth the reasons why such person should be removed. Such petition shall be answered by the credit union as in civil actions. Such cause shall be heard by the court de novo without the intervention of a jury and upon such hearing the superior court shall enter its decision as to whether such person shall remain in or be removed from his position. The court shall make and enter specific findings of fact and conclusions of law and its decision shall be reviewable by the supreme court or the court of appeals. The supervisor shall be charged with the administration and enforcement of this chapter, shall require each credit union to conduct its business in compliance therewith, and shall have power to commence and prosecute actions and proceedings to enforce the provisions of this chapter, to enjoin violations thereof, and to collect sums due the state of Washington from any credit union.

Sec. 84. Section 115, chapter 235, Laws of 1945 and RCW 33.04.060 are each amended to read as follows:

An association may petition the superior court of the state of Washington for Thurston county for the review of any decision, ruling, requirement or other action or determination of the supervisor, by filing its complaint, duly verified, with the clerk of the court and serving a copy thereof upon the supervisor. Upon the filing of the complaint, the clerk of the court shall docket the same as a cause pending therein.

The supervisor may answer the complaint and the petitioner reply thereto, and the cause shall be heard before the court as in other civil actions. Both the petitioner and the supervisor may appeal from the decision of the court to the supreme court or the court of appeals of the state of Washington.

Sec. 85. Section 9, chapter 235, Laws of 1945 as amended by section 1, chapter 71, Laws of 1953 and RCW 33.08.070 are each amended to read as follows:

The supervisor, not later than six months after receipt of the proposed articles and bylaws shall endorse upon each copy thereof the

word "approved" or "refused" and the date thereof. In case of refusal, he shall forthwith return one copy of the articles and bylaws to the incorporators, and the refusal shall be final unless the incorporators, or a majority of them, within thirty days after the refusal, appeal to the superior court of Thurston county. The appeal may be accomplished by the incorporators preparing a notice of appeal, serving a copy of it upon the supervisor, and filing the notice with the clerk of the court, whereupon the clerk, under the direction of the judge, shall give notice to the appellants and to the supervisor of a date for the hearing of the appeal. The appeal shall be tried de novo by the court. At the hearing a record shall be kept of the evidence adduced, and the decision of the court shall be final unless an appeal therefrom is taken to the supreme court or the court of appeals as in other cases.

Sec. 86. Section 113, chapter 235, Laws of 1945 and RCW 33.40.120 are each amended to read as follows:

The court, upon notice and hearing may remove the liquidator for cause. From such order of removal the supervisor may appeal to the supreme court or the court of appeals by notice of appeal and bond for costs as in other appeals.

During the pendency of any appeal the director of ((finance, budget and business)) general administration shall act as liquidator of the association, without giving any additional bond for the performance of his duties as such liquidator.

If such order of removal shall be affirmed, the director of ((finance, budget and business)) general administration shall name another liquidator for the association, which nominee, upon qualifying as required for receivers generally, shall succeed to the position of liquidator of the association.

Sec. 87. Section 14, chapter 234, Laws of 1959 and RCW 34.04.140 are each amended to read as follows:

An aggrieved party may secure a review of any final judgment of the superior court under this chapter by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Sec. 88. Section 35.20.070, chapter 7, Laws of 1965 and RCW 35.20.070 are each amended to read as follows:

In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein in criminal cases. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge to pay a fine of not to exceed five hundred dollars or to imprisonment in the city jail for not to exceed six months, or both such fine and imprisonment. Neither the appellant nor the respondent

shall be required to pay in advance any fee for filing or prosecuting the appeal in a criminal case, but if the appellant is convicted he may be required, as a part of the sentence, to pay the costs of prosecution which shall be taxed in the amount and manner of costs in criminal prosecutions in the superior court, in addition to the costs taxed in the municipal court. If the appellant be acquitted, he shall have judgment against the city for his costs to be fixed and taxed in the same manner. From judgment of the superior court appeal shall lie to the supreme court or the court of appeals as in other superior court actions.

Sec. 89. Section 35.22.560, chapter 7, Laws of 1965 and RCW 35.22.560 are each amended to read as follows:

In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein. If the defendant be convicted in the superior court he shall be sentenced anew by the superior court judge with a fine of not to exceed three hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Neither the city nor the appellant shall be required to pay in advance any fee for filing or prosecuting the appeal, but if the appellant is convicted he may be required, as a part of the sentence to pay the costs of prosecution, to be taxed in the amount and manner of costs in criminal prosecutions in the superior court. If the appellant be acquitted he shall have judgment against the city for his costs to be fixed and taxed in the same manner. Appeal shall lie to the supreme court or the court of appeals as in other criminal cases in the superior court.

Sec. 90. Section 35.44.230, chapter 7, Laws of 1965 and RCW 35.44.230 are each amended to read as follows:

Within ten days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming the assessment roll and the record of the council with reference to the assessment. This transcript, upon payment of the necessary fees therefor, shall be furnished by the city or town clerk and shall be certified by him to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees payable therefor shall be the same as those payable to the clerk of the superior court for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions.

Sec. 91. Section 35.44.260, chapter 7, Laws of 1965 and RCW 35.44.260 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as in other cases if

taken within fifteen days after the date of the entry of the judgment in the superior court. The record and the opening brief of the appellant must be filed in the supreme court or the court of appeals within sixty days after the filing of the notice of appeal: PROVIDED, That the time for filing the record and the serving and filing of briefs may be extended by order of the superior court or by stipulation of the parties concerned.

Sec. 92. Section 35.44.270, chapter 7, Laws of 1965 and RCW 35.44.270 are each amended to read as follows:

A certified copy of the decision of the superior court pertaining to assessments for local improvements shall be filed with the officer having custody of the assessment roll and he shall modify and correct the assessment roll in accordance with the decision. In case of appeal to the supreme court or the court of appeals, a certified copy of its order shall be filed with the officer having custody of the assessment roll and he shall thereupon modify and correct the assessment roll in accordance with the order.

Sec. 93. Section 35.50.260, chapter 7, Laws of 1965 and RCW 35.50.260 are each amended to read as follows:

In the alternative method of foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and costs chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects the trial; judgment and order of sale, and appeals to the supreme court or the court of appeals shall be governed by the statutes governing the foreclosure of mortgages on real property.

Sec. 94. Section 35.55.080, chapter 7, Laws of 1965 and RCW 35.55.080 are each amended to read as follows:

Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as

made by the city council to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. Appeal shall lie to the supreme court or the court of appeals as in other causes.

Sec. 95. Section 35.56.090, chapter 7, Laws of 1965 and RCW 35.56.090 are each amended to read as follows:

Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council or commission to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council or commission. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars, and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff, and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. An appeal shall lie to the supreme court or the court of appeals as in other causes.

Sec. 96. Section 36.05.060, chapter 4, Laws of 1963 and RCW 36.05.060 are each amended to read as follows:

The practice, procedure, rules of evidence, and appeals to the supreme court or the court of appeals applicable to civil actions, are preserved under this chapter.

Sec. 97. Section 16, chapter 189, Laws of 1967 as amended by section 9, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed

change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

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

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Sec. 98. Section 29, chapter 72, Laws of 1967 and RCW 36.94.290 are each amended to read as follows:

The decision of the board of county commissioners upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written

notice of appeal with the clerk of the board of county commissioners and with the clerk of the superior court within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within the ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening

brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this section. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 99. Section 16, chapter 4, Laws of 1917 and RCW 37.16.130 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any respondent recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive unless appealed from, and no appeal from the same shall delay the proceedings nor deprive the county of the right to possession of the property condemned, if such county shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such county, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings the money so paid into the superior court shall remain in the custody of said superior court until the final determination of the proceedings. If any party entitled to appeal accepts the sum awarded by the jury or by the court, he shall be deemed thereby to have waived an appeal to the supreme court or the court of appeals.

Sec. 100. Section 7, chapter 1, Laws of 1961 as last amended by section 23, chapter 36, Laws of 1969 ex.sess. and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or

position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The ((judges)) justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, ((health)) fisheries, ((institutions and public assistance)) social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) the secretary of the board, commission or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time or temporary employees, and

part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officer and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW).

Sec. 101. Section 21, chapter 1, Laws of 1961 and RCW 41.06.210 are each amended to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court or the court of appeals from the order of the superior court as in other civil cases.

Sec. 102. Section 12, chapter 1, Laws of 1959 and RCW 41.14.120 are each amended to read as follows:

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or demoted may within ten days from the time of his removal, suspension, or demotion, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the

determination of the question of whether the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation, in lieu of affirming a removal, may modify the order by directing the suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the supreme court or the court of appeals.

Sec. 103. Section 21, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.230 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

Sec. 104. Section 65, chapter 80, Laws of 1947 and RCW 41.32.650 are each amended to read as follows:

Appeals from the judgment of the superior court may be taken

to the supreme court or the court of appeals in the manner provided for taking appeals in equity cases.

Sec. 105. Section 16, chapter 50, Laws of 1951 and RCW 41.40.440 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board effecting such claimant's right to retirement or disability benefits.

Sec. 106. Section 2, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.020 are each amended to read as follows:

"Public official" means every person holding a position of public trust in or under an executive, legislative or judicial office of the state and includes judges of the superior ~~((and))~~ court, the court of appeals, and justices of the supreme court~~((s))~~, members of the legislature together with the secretary and sergeant at arms of the senate and the clerk and sergeant at arms of the house of representatives, elective and appointive state officials and such employees of the supreme court, of the legislature, and of the state offices as are engaged in supervisory, policy making or policy enforcing work.

"Candidate" means any individual who declares himself to be a candidate for an elective office and who if elected thereto would meet the definition of public official herein set forth.

"Regulatory agency" means any state board, commission, department or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches.

Sec. 107. Section 43.07.120, chapter 8, Laws of 1965 and RCW 43.07.120 are each amended to read as follows:

The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;

(3) For filing and recording trademark, ten dollars;

(4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, ~~((judge))~~ justice of the supreme court ~~((or of a superior court))~~, judge of the court

of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance.

Sec. 108. Section 43.08.020, chapter 8, Laws of 1965 and RCW 43.08.020 are each amended to read as follows:

The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in the sum of two hundred and fifty thousand dollars, to be approved by the secretary of state and one of the ((judges)) justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state.

Sec. 109. Section 43.10.030, chapter 8, Laws of 1965 and RCW 43.10.030 are each amended to read as follows:

The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for

failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state.

Sec. 110. Section 3, chapter 32, Laws of 1969 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing advisory committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: PROVIDED, That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the director after consultation with the state purchasing advisory committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the purchasing advisory committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

Sec. 111. Section 43.19.200, chapter 8, Laws of 1965 and RCW 43.19.200 are each amended to read as follows:

The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefor, to the director.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

Sec. 112. Section 43.24.120, chapter 8, Laws of 1965 and RCW 43.24.120 are each amended to read as follows:

Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of motor vehicles to the superior court of Thurston county, which shall be taken, prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of motor vehicles, but the decision may be reviewed as to matters of law by the supreme court or the court of appeals upon writs of review sued out in the manner provided by law.

Sec. 113. Section 43.52.430, chapter 8, Laws of 1965 and RCW 43.52.430 are each amended to read as follows:

Any party in interest deeming itself aggrieved by any order of the commission or of the director of ~~((conservation))~~ ecology may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court or the court of appeals as in the case of civil appeals.

Sec. 114. Section 43.78.030, chapter 8, Laws of 1965 and RCW 43.78.030 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: PROVIDED, That this section shall not apply to the printing of the supreme court, and the court of appeals reports: PROVIDED FURTHER, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: AND PROVIDED FURTHER, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of ~~((institutions))~~ social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed two hundred dollars, may be

done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Sec. 115. Section 47.32.070, chapter 13, Laws of 1961 and RCW 47.32.070 are each amended to read as follows:

Six days after filing of the order above provided for, if no review thereof be taken to the supreme court or the court of appeals of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

Sec. 116. Section 10, chapter 7, Laws of 1933 ex. sess. and RCW 49.32.080 are each amended to read as follows:

Whenever any court of the state of Washington shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the supreme court or the court of appeals for its review. Upon the filing of such record in the supreme court or the court of appeals, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.

Sec. 117. Section 8, chapter 294, Laws of 1959 and RCW 49.46.080 are each amended to read as follows:

(1) As new regulations or changes or modification of previously established regulations are proposed, the director shall call a public hearing for the purpose of the consideration and establishment of such regulations following the procedures used in the promulgation of standards of safety under RCW 49.16.080,

49.16.090 and 49.16.100, as amended.

(2) Any interested party may obtain a review of the director's findings and order in the superior court of county of petitioners' residence by filing in such court within sixty days after the date of publication of such regulation a written petition praying that the regulation be modified or set aside. A copy of such petition shall be served upon the director. The finding of facts, if supported by evidence, shall be conclusive upon the court. The court shall determine whether the regulation is in accordance with law. If the court determines that such regulation is not in accordance with law, it shall remand the case to the director with directions to modify or revoke such regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the director. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the director with directions that such additional evidence be taken before the director. The director may modify the findings and conclusions, in whole or in part, by reason of such additional evidence.

(3) The judgment and decree of the court shall be final except that it shall be subject to review by the supreme court or the court of appeals as in other civil cases.

(4) The proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued under the provisions of this chapter. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

Sec. 118. Section 21, chapter 37, Laws of 1957 and RCW 49.60.260 are each amended to read as follows:

(1) The board shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business, for the enforcement of any order which is not complied with and is issued by a tribunal under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file

in court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the hearing tribunal. Within five days after filing such petition in court the board shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

The court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to issue such orders and grant such relief by injunction or otherwise, including temporary relief, as it deems just and suitable and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any order of the board or hearing tribunal.

(2) The findings of the hearing tribunal as to the facts, if supported by substantial and competent evidence shall be conclusive. The court, upon its own motion or upon motion of either of the parties to the proceeding, may permit each party to introduce such additional evidence as the court may believe necessary to a proper decision of the cause.

(3) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to a review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court or the court of appeals, and the record so certified shall contain all that was before the lower court.

Sec. 119. Section 128, chapter 35, Laws of 1945 and RCW 50.32.120 are each amended to read as follows:

Within thirty days after any commissioner's decision, involving review of an appeal tribunal's decision, has been communicated to any interested party, such interested party may appeal to the superior court of the county of his residence, and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the appeal tribunal. The proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the commissioner personally, by personal service, or by mailing a copy thereof to the commissioner, and by filing the notice of appeal together with proof of service thereof with the clerk of the court and by complying with the requirements of this title

relating to undertakings on appeal. The service and the filing together with proof of service of the notice of appeal and compliance with the provisions of this title relating to undertakings on appeal, all within thirty days, shall be jurisdictional. The commissioner shall within twenty days after receipt of such notice of appeal serve and file his notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The commissioner shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of his complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court or the court of appeals as in other civil cases.

Sec. 120. Section 129, chapter 35, Laws of 1945 and RCW 50.32.130 are each amended to read as follows:

No bond of any kind shall be required of any individual appealing to the superior court or the supreme court or the court of appeals from a commissioner's decision affecting such individual's application for initial determination or claim for waiting period credit or for benefits.

No appeal from a commissioner's decision by any other interested party shall be deemed to be perfected nor shall the court have jurisdiction thereof unless within the thirty day appeal period provided by this title for service and filing of notice of appeal the appellant shall first have deposited with the commissioner the sum theretofore determined by the commissioner to be due from such appellant, if any, together with interest thereon, if any, and in addition thereto shall have filed with the commissioner an undertaking in such amount and with such sureties as the superior court shall approve to the effect that appellant will pay all costs which may be adjudged against him in the prosecution of such appeal. At the option of the appellant such undertaking may be in a sum sufficient to guarantee payment of the amount previously determined by the commissioner to be due from the appellant, if any, together with interest, if any, in addition to an amount approved by the court as sufficient to pay all costs which may be adjudged against appellant in prosecution of such appeal, in which event the appellant shall not be required to deposit any sum with the commissioner as a condition precedent to the taking of an appeal to the superior court. In the event of an appeal to the supreme court or the court of appeals, a deposit or undertaking shall be required of the appellant guaranteeing payment of all sums for which appellant may be adjudged liable, including costs. Such deposit or undertaking shall be approved by the superior court and filed with either the clerk of the supreme court or the court of appeals within the time allowed ((in

civil cases)) for appeal ((to the supreme court)) in civil cases. The jurisdictional requirements of this section are in addition to the provisions of this title relating to the service and filing of a notice of appeal.

Sec. 121. Section 132, chapter 35, Laws of 1945 and RCW 50.32.160 are each amended to read as follows:

It shall be unlawful for any attorney engaged in any appeal to the courts on behalf of an individual involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits to charge or receive any fee therein in excess of a reasonable fee to be fixed by the superior court in respect to the services performed in connection with the appeal taken thereto and to be fixed by the supreme court or the court of appeals in the event of an appeal thereto, and if the decision of the commissioner shall be reversed or modified, such fee and the costs shall be payable out of the unemployment compensation administration fund. In the allowance of fees the court shall give consideration to the provisions of this title in respect to fees pertaining to proceedings involving an individual's application for initial determination, claim for waiting period credit, or claim for benefits. In other respects the practice in civil cases shall apply.

Sec. 122. Section 51.52.110, chapter 23, Laws of 1961 and RCW 51.52.110 are each amended to read as follows:

Within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or beneficiary, as shown by the department's records, the superior court for Thurston county, or to the superior court of the county wherein the injury occurred. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. The department shall, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. The board shall serve upon the appealing party, the director and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which

shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

Sec. 123. Section 17, chapter 390, Laws of 1955 as amended by section 4, chapter 142, Laws of 1959 and RCW 54.16.160 are each amended to read as follows:

Before approval of the roll, a notice shall be published once each week for two successive weeks in a newspaper of general circulation in the county, stating that the roll is on file and open to inspection in the office of the secretary, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing shall be held by the commission on the protests. After the hearing the commission may alter any and all assessments shown on the roll and may, by resolution, approve it, but if an assessment is raised, a new notice, similar to the first, shall be given, and a hearing had thereon, after which final approval of the roll may be made. Any person aggrieved by the assessments shall perfect an appeal to the superior court of the county within ten days after the approval, in the manner provided for appeals from assessments levied by cities of the first class. In the event such an appeal shall be taken, the judgment of the court shall confirm the assessment insofar as it affects the property of the appellant unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the commission thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant. In the same manner as provided with reference to cities of the first class an appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, if taken within fifteen days after the date of the entry of the judgment in the superior court. Engineering, office, and other expenses necessary or incident to the improvement shall be borne by the public utility district: PROVIDED, That when a municipal

corporation included in the public utility district already owns or operates a utility of a character like that for which the assessments are levied hereunder, all such engineering and other expenses shall be borne by the local assessment district.

Sec. 124. Section 1, chapter 142, Laws of 1959 and RCW 54.16.165 are each amended to read as follows:

Whenever any land against which there has been levied any special assessment by any public utility district shall have been sold in part or subdivided, the board of commissioners of such public utility district shall have the power to order a segregation of the assessment.

Any person owning any part of the land involved in a special assessment and desiring to have such special assessment against the tracts of land segregated to apply to smaller parts thereof shall apply in writing to the board of commissioners of the public utility district which levied the assessment. If the commissioners determine that a segregation should be made they shall do so as nearly as possible on the same basis as the original assessment was levied and the total of the segregated parts of the assessment shall equal the assessment before segregation.

The commission shall then send notice thereof by mail to the several owners interested in the tract, as shown on the general tax rolls. If no protest is filed within twenty days from date of mailing said notice, the commission shall then by resolution approve said segregation. If a protest is filed, the commission shall have a hearing thereon, after mailing to the several owners at least ten days notice of the time and place thereof. After the hearing, the commission may by resolution approve said segregation, with or without change. Within ten days after the approval, any person aggrieved by the segregation may perfect an appeal to the superior court of the county wherein the property is situated and therefrom to the supreme court or the court of appeals, all as provided for appeals from assessments levied by cities of the first class. The resolution approving said segregation shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part, and shall order the county treasurer to make segregation on the original assessment roll as directed in the resolution. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered. The board of commissioners may require as a condition to the order of segregation that the person seeking it pay the public utility district the reasonable engineering and clerical costs incident to making the segregation. Unless otherwise provided in said resolution, the county treasurer shall apportion amounts paid

on the original assessment in the same proportion as the segregated assessments bear to the original assessment. Upon segregation being made by the county treasurer, as aforesaid, the lien of the special assessment shall apply to the segregated parcels only to the extent of the segregated part of such assessment.

Sec. 125. Section 32, chapter 210, Laws of 1941 as amended by section 2, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.080 are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which such sewer district is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such

appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 126. Section 13, chapter 114, Laws of 1929 as amended by section 2, chapter 39, Laws of 1965 ex. sess. and RCW 57.16.090 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which such water district is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said

water district commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such water district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance

with such decision.

Sec. 127. Section 49, chapter 231, Laws of 1909 and RCW 58.28.490 are each amended to read as follows:

Appeals and writs of review may be prosecuted to the supreme court or the court of appeals from a superior court from the judgment ((of)) or orders of the superior court in all cases arising under this chapter or said acts of congress as in other cases and the general statutes as to the commencement of actions, bringing the same to trial, making an entry of judgment, the taking and perfecting appeals, and the making up of the records on appeal and relating to writs of review in the superior court, court of appeals, and supreme court, and all other procedure in the superior court, court of appeals, and supreme courts shall be applicable to actions under this chapter and under said acts of congress.

Sec. 128. Section 22, chapter 96, Laws of 1891 and RCW 59.12.200 are each amended to read as follows:

If either party feels aggrieved by the judgment he may appeal to the supreme court or the court of appeals, as in other civil actions: PROVIDED, That if the defendant appealing desires a stay of proceedings pending such appeal, he shall execute and file a bond, with two or more sufficient sureties to be approved by the judge, conditioned to abide the order of the court on such appeal, and to pay all rents and other damages justly accruing to the plaintiff during the pendency of the appeal.

Sec. 129. Section 12, chapter 24, Laws of 1893 as last amended by section 1, chapter 38, Laws of 1969 and RCW 60.04.130 are each amended to read as follows:

In every case in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

- (1) All persons performing labor.
- (2) All persons furnishing material or supplying equipment.
- (3) The subcontractors.
- (4) The original contractors.

The proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow to the

prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the superior court, court of appeals, and supreme court.

Sec. 130. Section 4, chapter 86, Laws of 1961 and RCW 60.76.040 are each amended to read as follows:

The lien may be enforced within the same time and in the same manner as mechanics' liens are foreclosed when said lien is upon real property, or within the same time and in the same manner as chattel liens are enforced when the lien is upon personal property. The court may allow, as part of the costs of the action, the moneys paid for filing or recording the claim, a reasonable attorney's fee in the superior court, court of appeals, and supreme court, and court costs.

Sec. 131. Section 3, chapter 33, Laws of 1929 as amended by section 1, chapter 13, Laws of 1931 and RCW 64.08.010 are each amended to read as follows:

Acknowledgments of deeds, mortgages and other instruments in writing, required to be acknowledged may be taken in this state before a ((judge)) justice of the supreme court, or the clerk thereof, or the deputy of such clerk, before a judge of the court of appeals, or the clerk thereof, before a judge of the superior court, or qualified court commissioner thereof, or the clerk thereof, or the deputy of such clerk, or a county auditor, or the deputy of such auditor, or a qualified notary public, or a qualified United States commissioner appointed by any district court of the United States for this state, and all said instruments heretofore executed and acknowledged according to the provisions of this section are hereby declared legal and valid.

Sec. 132. Section 27, chapter 250, Laws of 1907 and RCW 65.12.175 are each amended to read as follows:

If the court, after hearing, finds that the applicant has title, whether as stated in his application or otherwise, proper for registration, a decree of confirmation of title and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, except as herein otherwise provided, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the application, or included in "all other persons or parties unknown claiming any right, title, estate, lien or interest in, to, or upon the real estate described in the application herein", and such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law, or in equity, for reversing judgments or decrees, except as herein especially provided. An appeal may be taken to the supreme court or the court of appeals of the state of Washington, within the same time, upon like notice, terms and

conditions as are now provided for the taking of appeals from the superior court to the supreme court or the court of appeals of the state of Washington in civil actions.

Sec. 133. Section 6, chapter 127, Laws of 1967 ex. sess. as amended by section 1, chapter 268, Laws of 1969 ex. sess. and RCW 71.02.413 are each amended to read as follows:

In any case where determination is made that a person, or the estate of such person, is able to pay all, or any portion of the monthly charges for hospitalization, and/or charges for outpatient services, a notice of finding of responsibility shall be served on such person or persons and the legal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay per month not to exceed the monthly costs of hospitalization, and/or costs of outpatient services, as fixed in accordance with the provisions of RCW 71.02.410, or as otherwise limited by the provisions of RCW 71.02.230, 71.02.320, and 71.02.410 through 71.02.417. The responsibility for the payment to the department of ~~((institutions))~~ social and health services shall commence thirty days after service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospitalization, and/or the costs of outpatient services, accruing thereafter. The notice and finding of responsibility shall be served upon all persons found financially responsible either personally, or, by registered or certified mail, enclosing a form for acknowledgment of service with return postage prepaid. If service is by mailing and a form of acknowledgment of service is not executed and returned to the department, then personal service must be made for the finding of responsibility to be effective. An appeal may be made to the ~~((director of institutions))~~ secretary of social and health services, or his designee within thirty days from the date of posting of such notice and finding of responsibility, upon the giving of written notice of appeal to the ~~((director of institutions))~~ secretary of social and health services by registered or certified mail, or by personal service. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeal may be presided over by a hearing examiner appointed by the ~~((director))~~ secretary, and the proceedings shall be recorded either manually or by a mechanical device. At the conclusion of such hearing, the hearing examiner shall make findings of fact and his conclusions and recommended determination of responsibility.

Thereafter, the ~~((director))~~ secretary, or his designee, may either affirm, reject or modify the findings, conclusions and determination of responsibility made by the hearing examiner. Judicial review of the ~~((director's))~~ secretary's determination of responsibility in the superior court, the court of appeals, and the supreme court may be taken in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 134. Section 8, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.060 are each amended to read as follows:

All female persons convicted in the superior courts of a felony and sentenced to a term of confinement, shall be committed to the Washington correctional institution for women. Female persons sentenced to death shall be committed to the Washington correctional institution for women, notwithstanding the provisions of RCW 10.70.060, except that the death warrant shall provide for the execution of such death sentence at the Washington state penitentiary as provided by RCW 10.70.050, and the ~~((director of institutions))~~ secretary of social and health services shall transfer to the Washington state penitentiary any female offender sentenced to death not later than seventy-two hours prior to the date fixed in the death warrant for the execution of the death sentence. The provisions of this section shall not become effective until the ~~((director of institutions))~~ secretary of social and health services certifies to the chief justice of the supreme court, the chief judge of each division of the court of appeals, the superior courts and the prosecuting attorney of each county that the facilities and personnel for the implementation of commitments are ready to receive persons committed to the Washington correctional institution for women under the provisions of this section.

Sec. 135. Section 72.33.240, chapter 28, Laws of 1959 and RCW 72.33.240 are each amended to read as follows:

Any parent or guardian feeling aggrieved by an adverse decision of a superintendent of a state school pertaining to admission, placement or discharge of his ward may apply to the supervisor of the division for a review and reconsideration of the decision. The supervisor shall rule within ten days from the date of receipt of the request for review. In the event of an unfavorable ruling by the supervisor, such parent or guardian may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent or guardian shall have the right to appeal from the decision of the superior court to the supreme court or the court of appeals of the

state of Washington, as in civil cases.

Sec. 136. Section 74.08.080, chapter 26, Laws of 1959 as amended by section 2, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.080 are each amended to read as follows:

In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in RCW 74.08.070, he shall have the right to petition the superior court for judicial review in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended. Either party may appeal from the decision of the superior court to the supreme court or the court of appeals of the state: PROVIDED, That no filing fee shall be collected of the appellant and no bond shall be required on any appeal under this chapter. In the event that (~~either~~) the superior court, the court of appeals, or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 137. Section 74.08.100, chapter 26, Laws of 1959 and RCW 74.08.100 are each amended to read as follows:

Proof of age and length of residence in the state of any applicant may be established as provided by the rules and regulations of the department: PROVIDED, That if an applicant is unable to establish proof of age or length of residence in the state by any other method he may make a statement under oath of his age on the date of application or the length of his residence in the state, before any judge of the superior court, any judge of the court of appeals, or any justice of the supreme court of the state of Washington, and such statement shall constitute sufficient proof of age of applicant or of length of residence in the state: PROVIDED HOWEVER, That any applicant who wilfully makes a false statement as to his age or length of residence in the state under oath before a judge of the superior court, a judge of the court of appeals, or a justice of the supreme court, as provided above, shall be guilty of a felony.

Sec. 138. Section 53, chapter 146, Laws of 1951 and RCW 78.52.500 are each amended to read as follows:

The executive secretary, upon receipt of said copy of the application for review, shall forthwith transmit to the clerk of the superior court in which the application for review has been filed, a certified transcript of all pleadings, applications, proceedings, rules, regulations or orders of the committee and of the evidence heard by the committee on the hearings of the matter or cause:

PROVIDED, That the parties, with the consent and approval of the committee may stipulate in writing that only certain portions of the record be transcribed. Said proceedings for review shall be for the purpose of having the lawfulness or reasonableness of the rule, regulation, order or decision of the committee, inquired into and determined, and the superior court hearing said cause shall have the power to vacate or set aside such rule, regulation, order or decision on the ground that it is unlawful or unreasonable. After the said transcript is filed, the judge of said superior court may, on his motion, or on application of any parties interested therein, make an order fixing a time for the filing of the transcript and briefs and shall fix a day for the hearing of the cause. All proceedings under this section shall have precedence in any court in which they may be pending. An appeal shall lie to the supreme court or the court of appeals of this state from orders, judgments and decisions made by the superior court. The procedure upon the trial of such proceedings in the superior court and upon appeal to the supreme court or the court of appeals of this state shall be the same as in other civil actions, except as herein provided.

Sec. 139. Section 125, chapter 255, Laws of 1927 and RCW 79.01.500 are each amended to read as follows:

Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of state land commissioners, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is

taken. The hearing and trial of said appeal in the superior court shall be de novo before the court, without a jury, upon the pleadings and papers so certified, but the court may order the pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court may appeal therefrom to the supreme court or the court of appeals of the state, in the manner, and within the time, for appealing from judgments in actions at law. Unless appeal be taken from the judgment of the superior court, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tidelands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

Sec. 140. Section 80.04.260, chapter 14, Laws of 1961 and RCW 80.04.260 are each amended to read as follows:

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for the appropriate relief by

way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court or the court of appeals from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court or the court of appeals under the provisions of this section.

Sec. 141. Section 80.28.190, chapter 14, Laws of 1961 and RCW 80.28.190 are each amended to read as follows:

No gas company shall, after January 1, 1956, operate in this state any gas plant for hire without first having obtained from the commission under the provisions of this chapter a certificate declaring that public convenience and necessity requires or will require such operation and setting forth the area or areas within which service is to be rendered; but a certificate shall be granted where it appears to the satisfaction of the commission that such gas company was actually operating in good faith, within the confines of the area for which such certificate shall be sought, on June 8, 1955. Any right, privilege, certificate held, owned or obtained by a gas company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the commission. The commission shall have power, after hearing, when the applicant requests a certificate to render service in an area already served by a certificate holder under this chapter only when the existing gas company or companies serving such area will not provide the same to the satisfaction of the commission and in all other cases, with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and

conditions as, in its judgment, the public convenience and necessity may require.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the commission as is provided herein.

In all respects in which the commission has power and authority under this chapter applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review to the superior court filed therewith, appeals or mandate filed with the supreme court or the court of appeals of this state considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations and with the effect specified in the ((public service)) Washington utilities and transportation commission laws of this state.

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any of the provisions of this section or who fails to obey, observe or comply with any order, decision, rule or regulation, directive, demand or requirements, or any provision of this section, is guilty of a gross misdemeanor and punishable as such.

Neither this section, RCW 80.28.200, 80.28.210, nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union except insofar as the same may be permitted under the provisions of the Constitution of the United States and acts of congress.

The commission shall collect the following miscellaneous fees from gas companies: Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Sec. 142. Section 80.36.240, chapter 14, Laws of 1961 and RCW 80.36.240 are each amended to read as follows:

The commission in conducting hearings, promulgating rules, and otherwise proceeding to make effective the provisions of RCW

80.36.230 and 80.36.240, shall be governed by, and shall have the powers provided in this title, as amended; all provisions as to review of the commission's orders and appeals to the supreme court or the court of appeals contained in said title, as amended, shall be available to all companies and parties affected by the commission's orders issued under authority of RCW 80.36.230 and 80.36.240.

Sec. 143. Section 81.04.260, chapter 14, Laws of 1961 and RCW 81.04.260 are each amended to read as follows:

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court or the court of appeals from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court or the court of appeals under the

provisions of this section.

Sec. 144. Section 81.53.130, chapter 14, Laws of 1961 and RCW 81.53.130 are each amended to read as follows:

In the construction of new railroads across existing highways, the railroads shall do or cause to be done all the work of constructing the crossings and road changes that may be required, and shall acquire and furnish whatever property or easements may be necessary, and shall pay, as provided in RCW 81.53.100 through 81.53.120, the entire expense of such work including all compensation or damages for property or property rights taken, damaged or injuriously affected. In all other cases the construction work may be apportioned by the commission between the parties who may be required to contribute to the cost thereof as the parties may agree, or as the commission may consider advisable. All work within the limits of railroad rights of way shall in every case be done by the railroad company owning or operating the same. The cost of acquiring additional lands, rights or easements to provide for the change of existing crossings shall, unless the parties otherwise agree, in the first instance be paid by the municipality or county within which the crossing is located; or in the case of a state road or parkway, shall be paid in the manner provided by law for paying the cost of acquiring lands, rights or easements for the construction of state roads or parkways. The expense accruing on account of property taken or damaged shall be divided and paid in the manner provided for dividing and paying other costs of construction. Upon the completion of the work and its approval by the commission, an accounting shall be had, and if it shall appear that any party has expended more than its proportion of the total cost, a settlement shall be forthwith made. If the parties shall be unable to agree upon a settlement, the commission shall arbitrate, adjust and settle the account after notice to the parties. In the event of failure and refusal of any party to pay its proportion of the expense, the sum with interest from the date of the settlement may be recovered in a civil action by the party entitled thereto. In cases where the commission has settled the account, the finding of the commission as to the amount due shall be conclusive in any civil action brought to recover the same if such finding has not been reviewed or appealed from as herein provided, and the time for review or appeal has expired. If any party shall review or appeal from any finding or order of the commission apportioning the cost between the parties liable therefor, the superior court, the court of appeals, or the supreme court, as the case may be, shall cause judgment to be entered in such review proceedings for such sum or sums as may be found lawfully or justly due by one party to another.

Sec. 145. Section 81.53.170, chapter 14, Laws of 1961 and RCW

81.53.170 are each amended to read as follows:

Upon the petition of any party to a proceeding before the commission, any finding or findings, or order or orders of the commission, made under color of authority of this chapter, except as otherwise provided, may be reviewed in the superior court of the county wherein the crossing is situated, and the reasonableness and lawfulness of such finding or findings, order or orders inquired into and determined, as provided in this title for the review of the commission's orders generally. An appeal may be taken to the supreme court or the court of appeals from the judgment of the superior court in like manner as provided in said ~~((public service))~~ utilities and transportation commission law for appeals to the supreme court or the court of appeals.

Sec. 146. Section 81.68.070, chapter 14, Laws of 1961 and RCW 81.68.070 are each amended to read as follows:

In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the superior court filed therewith, appeals or mandate filed with the supreme court or the court of appeals of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in this title.

Sec. 147. Section 81.80.340, chapter 14, Laws of 1961 and RCW 81.80.340 are each amended to read as follows:

In all respects in which the commission has power and authority under this chapter applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review to the superior court filed therewith, appeals or mandate filed with the supreme court or the court of appeals of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in this title. The right of review and appeal hereby conferred shall be available to any motor carriers, complainant, protestant or other person adversely affected by any decision or order of the commission.

Sec. 148. Section 82.32.180, chapter 15, Laws of 1961 as last amended by section 51, chapter 26, Laws of 1967 ex. sess. and RCW 82.32.180 are each amended to read as follows:

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston

county, within the time limitation for a refund provided in chapter 82.32 RCW. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party shall be allowed to appeal to the supreme court or the court of appeals in the same manner as other civil actions are appealed to ~~((that))~~ those courts.

It shall not be necessary for the taxpayer to protect against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Sec. 149. Section 13, chapter 292, Laws of 1961 and RCW 83.24.020 are each amended to read as follows:

Any person who may feel aggrieved by the determination of the ~~((tax commission))~~ department of revenue as provided for in RCW 83.24.010 may file a petition with the superior court of the county wherein the decedent resided, which petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary

to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such hearing, shall be served by the petitioner or his attorney upon the supervisor of the inheritance tax division and on each person interested in said property at least twenty days before the date of hearing, if served personally, and if served by publication the service shall be the same as the service of summons by publication in civil action. The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact, but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court or the court of appeals as allowed by the laws of the state.

Sec. 150. Section 83.32.050, chapter 15, Laws of 1961 and RCW 83.32.050 are each amended to read as follows:

Should the court determine that the property described in the findings is subject to the lien of the said tax and that said property has been transferred within the meaning of the inheritance provisions of this title, the court shall afford affirmative relief to the state in said action and a judgment shall be rendered therein in favor of the state ascertaining and determining the amount of said tax, and the person or persons liable therefor and the property chargeable therewith or subject to lien therefor.

No fee shall be charged against the state, the ((tax commission)) department of revenue or the supervisor by any officer in this state in any proceeding taken under the inheritance tax provisions of this title, nor shall any bond or undertaking be required in any such proceeding.

The orders, decrees, and judgments, fixing tax or determining that no tax is due, shall have the force and effect of judgments in civil actions, and the state or any interested party may appeal to the supreme court or the court of appeals.

The lien of a judgment rendered as provided by this section shall be and remain a lien from the date of entry thereof for six years unless sooner paid, irrespective of the provisions of RCW 83.04.010, as amended.

Sec. 151. Section 83.56.160, chapter 15, Laws of 1961 and RCW 83.56.160 are each amended to read as follows:

(1) If the ((tax commission)) department of revenue determines that there is a deficiency in respect to the tax imposed by this

chapter, it is authorized to send notice of such deficiency to the donor by registered mail. Within thirty days after such notice is mailed the donor may have the decision of the ((tax commission)) department of revenue reviewed by filing a petition in the superior court for Thurston county, Washington, for determination of the deficiency. No assessment of a deficiency in respect to the tax imposed by this chapter, and no distraint or proceeding in court for its collection shall be made, begun or prosecuted until such notice has been mailed to the donor, nor until the expiration of such thirty days; nor if a petition be filed with the superior court for review until the decision has become final;

(2) If the donor files a petition for review, the entire amount redetermined as a deficiency by the decision of the court shall become final and shall be assessed and shall be paid upon notice and demand from the ((tax commission)) department of revenue. No part of the amount determined as a deficiency by the ((tax commission)) department of revenue, but disallowed as such by the decision of the court, shall be assessed or collected by distraint or by proceedings in court without assessment;

(3) If the donor does not file a petition for review as provided herein within the time prescribed, the deficiency, notice of which has been mailed to the donor, shall be assessed and shall be paid upon notice and demand of the ((tax commission)) department of revenue;

(4) The donor shall at any time have the right, by a signed notice in writing filed with the ((tax commission)) department of revenue, to waive the restrictions provided herein on the assessment and collection of the whole or any part of the deficiency;

(5) The ((tax commission)) department of revenue shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the donor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the ((tax commission)) department of revenue at or before the hearing or rehearing;

(6) If the ((tax commission)) department of revenue has mailed to the donor notice of a deficiency as provided herein, and the donor files a petition with the ((tax commission)) department of revenue within the time prescribed, the ((tax commission)) department of revenue shall have no right to determine any additional deficiency in respect to the calendar year, except in the case of fraud, and except as provided in this section, relating to assertion of greater deficiencies before the ((tax commission)) department of revenue, or the making of jeopardy assessments. If the donor is notified that, on account of a mathematical error appearing upon the face of the

return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered (for the purposes of this chapter) as a notice of deficiency, and the donor shall have no right to file a petition with the ((tax commission)) department of revenue based on such notice, nor shall such assessment or collection be prohibited by the provisions hereof;

(7) The ((tax commission)) department of revenue in redetermining a deficiency in respect to any calendar year shall consider such facts with relation to the taxes for other calendar years as may be necessary correctly to determine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether the tax for any other calendar year has been overpaid or underpaid;

(8) For the purposes of this chapter the decision of the superior court shall be final unless there is an appeal taken to the supreme court or the court of appeals;

(9) Where it is shown to the satisfaction of the ((tax commission)) department of revenue that the payment of the deficiency upon the date prescribed for the payment thereof, will result in undue hardship to the donor, the ((tax commission)) department of revenue, except where the deficiency is due to negligence, to intentional disregard of the rules and regulations, or to fraud with intent to evade the tax, may grant an extension for the payment of such deficiency or any part thereof, for a period not in excess of six months. If an extension is granted, the ((tax commission)) department of revenue may require the donor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the ((tax commission)) department of revenue deems necessary conditioned upon the payment of the deficiency in accordance with the terms of the extension;

(10) In the absence of notice to the ((tax commission)) department of revenue of the existence of a fiduciary relationship notice of a deficiency in respect of the tax imposed by this chapter, if mailed to the donor at his last known address, shall be sufficient for the purposes of this chapter even if such donor is deceased, or is under a legal disability.

Sec. 152. Section 84.28.080, chapter 15, Laws of 1961 as amended by section 9, chapter 214, Laws of 1963 and RCW 84.28.080 are each amended to read as follows:

Whenever the department or the ((commission)) department of revenue shall enter an order or decision with respect to classification or declassification of forest lands under this chapter, the owner of such lands, the department, the county assessor

of the county in which such lands are located, or the taxpayers in a case arising under RCW 84.28.060, may, within thirty days following the entry of such order or decision, appeal to the superior court of the county within which such lands are situated for a review of the order or decision of the department or of the ~~((commission))~~ department of revenue. The appeal shall be perfected in the same manner as is provided by law for appeals from decisions of the ~~((commission))~~ department of revenue. Upon such appeal, the superior court shall sit without a jury, shall receive evidence de novo and shall determine the correct classification of the lands involved in accordance with the requirements of this chapter. The decision of the superior court shall be subject to appeal and review in the supreme court or the court of appeals in the same manner and by the same procedure as appeals are taken and perfected ~~((to that court))~~ in civil actions at law. Upon appeal from any order or decisions of the department or the ~~((commission))~~ department of revenue and pending the dismissal or final determination of such appeal, the lands involved shall be assessed and taxed in the same manner as they were assessed and taxed prior to the effective date of such order or decision.

Sec. 153. Section 84.28.110, chapter 15, Laws of 1961 as amended by section 12, chapter 214, Laws of 1963 and RCW 84.28.110 are each amended to read as follows:

Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the fifteenth day of February of each year, report under oath to the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same were cut. If no such report of cutting is made, or if the assessor shall believe the report to be inaccurate, incorrect or mistaken, the assessor may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. As soon as the report is filed, if the assessor is satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor shall have determined the amount of timber or forest crop cut as herein provided, the assessor shall determine the full current stumpage rates for the timber or forest crop cut and shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to twelve and one-half percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the assessor: PROVIDED, Whenever within

the period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one percent for each year that has expired from the date of such classification until such cutting: PROVIDED, FURTHER, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Whenever the owner is dissatisfied with the determination of the amount cut as made by the assessor, or with the full current stumpage rates as fixed by the assessor, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved and the county assessor of the county, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only, to be charged against the funds to which the collected tax was paid. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. The judgment of the superior court shall be subject to appeal to the supreme court or the court of appeals in the same manner and by the same procedure as appeals are taken and perfected ((to that court)) in civil actions at law.

Sec. 154. Section 84.64.120, chapter 15, Laws of 1961 and RCW 84.64.120 are each amended to read as follows:

Appeals from the judgment of the court may be taken to the supreme court or the court of appeals at any time within thirty days after the rendition of said judgment by giving notice thereof orally in open court at the time of the rendition of the judgment, or by giving written notice thereof at any time thereafter, and within thirty days from the date of the rendition of such judgment, and the party taking such appeal shall execute, serve and file a bond payable to the state of Washington, with two or more sureties, to be approved by the court, in an amount to be fixed by the court, conditioned that the appellant shall prosecute his said appeal with effect, and will pay the amount of any taxes, interest and costs which may be finally adjudged against the real property involved in the appeal by any court having jurisdiction of the cause, which bond shall be so served

and filed at the time of the service of said notice of appeal, and the respondent may, within five days after the service of such bond, object to the sureties thereon, or to the form and substance of such bond, in the court in which the action is pending, and if, upon hearing of such objections to said bond, it is determined by the court that the sureties thereon are insufficient for any reason, or that the bond is defective for any other reason, the court shall direct a new bond to be executed with sureties thereon, to be justified as provided by law, but no appeal shall be allowed from any judgment for the sale of land or lot for taxes, and no bond given on appeal as herein provided shall operate as a supersedeas, unless the party taking such appeal shall before the time of giving notice of such appeal, and within thirty days herein allowed within which to appeal, deposit with the county treasurer of the county in which the land or lots are situated, an amount of money equal to the amount of the judgment and costs rendered in such cause by the trial court. If, in case of an appeal, the judgment of the lower court shall be affirmed, in whole or in part, the supreme court or the court of appeals shall enter judgment for the amount of taxes, interest and costs, with damages not to exceed twenty percent, and shall order that the amount deposited with the treasurer as aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the supreme court or the clerk of the division of the court of appeals in which the appeal is pending shall transmit to the county treasurer of the county in which the land or lots are situated a certified copy of the order of affirmance, and it shall be the duty of such county treasurer upon receiving the same to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the supreme court, and to account for the same as collected taxes. If the judgment of the superior court shall be reversed and the cause remanded for a rehearing, and if, upon a rehearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, as herein provided, the clerk of such superior court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit such judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein shall be construed as requiring an additional deposit in case of more than one appeal being prosecuted in said proceeding. If, upon a final hearing, judgment

shall be refused for the sale of the land or lots for the taxes, penalties, interest and costs, or any part thereof, in said proceedings, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the land or lots in respect to which such deposit shall have been made.

Sec. 155. Section 84.64.400, chapter 15, Laws of 1961 and RCW 84.64.400 are each amended to read as follows:

Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court or the court of appeals of the state substantially in the manner and within the time prescribed for appeals in RCW 84.64.120.

Sec. 156. Section 10, chapter 153, Laws of 1915 and RCW 85.05.079 are each amended to read as follows:

Either the dike commissioners or any landowner who has appealed to the superior court in accordance with the provisions of this act shall have a right to appeal to the supreme court or the court of appeals within the time and in the manner prescribed by existing law.

Sec. 157. Section 13, chapter 117, Laws of 1995 as last amended by section 1, chapter 89, Laws of 1913 and RCW 85.05.130 are each amended to read as follows:

If at any time it shall appear to the board of diking commissioners that any lands within or without said district as originally established are being benefited by the diking system of said district and that said lands are not being assessed for the benefits received, or that any lands within said district are being assessed out of or not in proportion to the benefits which said lands are receiving from the maintenance of the diking system of said district, and said board of diking commissioners shall determine that certain lands, either within or without the boundaries of the district as originally established, should be assessed for the purpose of raising funds for the future maintenance of the diking system of the district, or that the assessments on land already assessed should be equalized by diminishing or increasing the same so that said lands shall be assessed in proportion to the benefits received, said commissioners shall file a petition in the superior court in the original cause, setting forth the facts, describing the lands not previously assessed and the lands the assessments on which should be equalized, stating the estimated amount of benefits per acre being received by each tract of land respectively, giving the name of the owner or reputed owner of each such tract of land, and praying that such original cause be opened for further proceedings

for the purpose of subjecting new lands to assessment or equalizing the assessments upon lands already assessed, or both.

Upon the filing of such petition, summons shall issue thereon and be served on the owners of all lands affected, in the same manner as summons is issued and served in original proceedings, as near as may be, and if such new lands lie within the boundaries of any other diking district, said summons shall also be served upon the commissioners of such other diking district.

In case any of the new lands sought to be assessed in said proceeding lie within the boundaries of any other diking district, and the diking commissioners of such other district believe that the maintenance of the dike or dikes of such other district is benefiting lands within the district instituting the proceedings, said diking commissioners of such other districts shall intervene in such proceedings by petition, setting forth the facts, describing the lands in the district instituting the proceeding which they believe are being benefited by the maintenance of the diking system of their district, and praying that the benefits to such lands may be determined and such lands subjected to assessment for the further maintenance of the diking system of their district, to the end that all questions of benefits to lands in their respective districts may be settled and determined in one proceeding, and such petitioners in intervention shall cause summons to be issued upon such petition in intervention and served upon the commissioners of the diking district instituting the proceeding and upon the owners of all lands sought to be affected by such petition in intervention.

In case the owner of any such new lands sought to be assessed in said proceedings shall be maintaining a private dike against salt or fresh water for the benefit of said lands, and shall believe that the maintenance of such private dike is benefiting any lands within or without the district instituting the proceedings, or in case any such new lands sought to be assessed are included within the boundaries of some other diking district and are being assessed for the maintenance of the dikes of such other district, and the owner of such lands believes that the maintenance of the dike or dikes of such other district is benefiting lands included within the district instituting said proceedings, such owner or owners may by answer and cross-petition set forth the facts and pray that at the hearing upon said petition and cross-petition the benefits accruing from the maintenance of the respective dikes may be considered, to the end that a fair and equitable adjustment of the benefits being received by any lands from the maintenance of the various dikes benefiting the same, may be determined for the purpose of fixing the assessments for the future maintenance of such dikes, and may interplead in said proceeding such other diking district in which his lands sought to be

assessed in said proceeding are being assessed for the maintenance of the dike or dikes of such other district.

No answer to any petition or petition in intervention shall be required, unless the party served with summons desires to offset benefits or to ask other affirmative relief, and no default judgment shall be taken for failure to answer any petition or petition in intervention, but the petitioners or petitioners in intervention shall be required to establish the facts alleged by competent evidence.

Upon the issues being made up, or upon the lapse of time within which the parties served are required to appear by any summons, the court shall impanel a jury to hear and determine the matters in issue, and the jury shall determine and assess the benefits, if any, which the respective tracts of land are receiving or will receive from the maintenance of the dike or dikes to be maintained, taking into consideration any and all matters relating to the benefits, if any, received or to be received from any dike, structure or improvement, and to credit, or charge, as the case may be, to each tract so situated as to affect any other tract or tracts, or having improvements or structures thereon or easements granted in connection therewith affecting any other tract or tracts included in such proceedings and shall specify in their verdict the respective amount of benefits per acre, if any, assessed to each particular tract of land, by legal subdivisions. Upon the return of the verdict of the jury, the court shall enter its judgment in accordance therewith, as supplemental to the original decree, or in case a petition in intervention be filed by the diking commissioners of some other district than that instituting the proceeding, such judgment to be supplemental to all such original decrees, and thereafter, all assessments and levies for the future maintenance of any dike or dikes described in said judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in said judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal to the supreme court or the court of appeals within thirty days after the entry thereof, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the verdicts of the jury in respect to the parties to the appeal. No bonds shall be allowed on such appeals. Nothing in this section contained shall be construed as affecting the right of diking districts to consolidation in any manner provided by law.

Sec. 158. Section 6, chapter 342, Laws of 1955 and RCW 85.05.470 are each amended to read as follows:

Any protestant who filed a protest prior to the final order of the board, may appeal from such final order, but to do so must within

ten days from the date said order was entered, bring direct action in the superior court in the county wherein such district or portion thereof is situated, against such board of commissioners in their official capacity, which action shall be prosecuted under the procedure of civil actions, with right of appeal to the supreme court or the court of appeals as provided in civil actions. In any such action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings, and all other matters, except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary or unreasonable action of the board.

Sec. 159. Section 13, chapter 115, Laws of 1895 as last amended by section 1, chapter 133, Laws of 1917 and RCW 85.06.130 are each amended to read as follows:

If at any time it shall appear to the board of drainage commissioners that any lands within or without said district as originally established are being benefited by the drainage system of said district and that said lands are not being assessed for the benefits received, or if after the construction of any drainage system, it appears that lands embraced therein have in fact received or are receiving benefits different from those found in the original proceedings, and which could not reasonably have been foreseen before the final completion of the improvement, or that any lands within said district are being assessed out of or not in proportion to the benefits which said lands are receiving from the maintenance of the drainage system of said district, and said board of drainage commissioners shall determine that certain lands, either within or without the boundaries of the district as originally established, should be assessed for the purpose of raising funds for the future maintenance of the drainage system of the district, or that the assessments on land already assessed should be equalized by diminishing or increasing the same so that said lands shall be assessed in proportion to the benefits received, said commissioners shall file a petition in the superior court in the original cause, setting forth the facts, describing the lands not previously assessed and the lands the assessment on which should be equalized, stating the estimated amount of benefits per acre being received by each tract of land respectively, giving the name of the owner or reputed owner of each such tract of land and praying that such original cause be opened for further proceedings for the purpose of subjecting new lands to assessments or equalizing the assessments upon lands already assessed, or both. Upon the filing of such petition, summons shall issue thereon and be served on the owners of all lands affected, in the same manner as summons is issued and served in original proceedings, as near as may be, and if such new lands lie within the boundaries of any other drainage district, said summons shall also be

served upon the commissioners of such other drainage district. In case any of the new lands sought to be assessed in said proceeding lie within the boundaries of any other drainage district, and the drainage commissioners of such other district believe that the maintenance of the drain or drains of such other district is benefiting lands within the district instituting the proceeding, said drainage commissioners of such other districts shall intervene in such proceedings by petition, setting forth the facts, describing the lands in the district instituting the proceeding which they believe are being benefited by the maintenance of the drainage system of their district, and praying that the benefits to such lands may be determined and such lands subjected to assessment for the further maintenance of the drainage system of their district, to the end that all questions of benefits to lands in the respective districts may be settled and determined in one proceeding, and such petitioners in intervention shall cause summons to be issued upon such petition in intervention and served upon the commissioners of the drainage district instituting the proceeding and upon the owners of all lands sought to be affected by such petition in intervention. In case the owner of any such new lands sought to be assessed in said proceedings shall be maintaining a private drain against salt or fresh water for the benefit of said lands, and shall believe that the maintenance of such private drain is benefiting any lands within or without the district instituting the proceedings, or in case any such new lands sought to be assessed are included within the boundaries of some other drainage district and are being assessed for the maintenance of the drains of such other district, and the owner of such lands believes that the maintenance of the drain or drains of such other district is benefiting lands included within the district instituting said proceedings, such owner or owners may by answer and cross-petition set forth the facts and pray that at the hearing upon said petition and cross-petition the benefits accruing from the maintenance of the respective drains may be considered, to the end that a fair and equitable adjustment of the benefits being received by any lands from the maintenance of the various drains benefiting the same, may be determined for the purpose of fixing the assessments for the future maintenance of such drains, and may interplead in said proceeding such other drainage district in which his lands sought to be assessed in said proceeding are being assessed for the maintenance of the drain or drains of such other district. No answer to any petition or petition in intervention shall be required, unless the party served with summons desires to offset benefits or to ask other affirmative relief, and no default judgment shall be taken for failure to answer any petition or petition in intervention, but the petitioners or petitioners in intervention shall be required to

establish the facts alleged by competent evidence. Upon the issues being made up, or upon the lapse of time within which the parties served are required to appear by any summons, the court shall impanel a jury to hear and determine the matters in issue, and the jury shall determine and assess the benefits, if any, which the respective tracts of land are receiving or will receive from the maintenance of the drain or drains to be maintained, taking into consideration any and all matters relating to the benefits, if any, received or to be received from any drain, structure or improvement, and to credit or charge, as the case may be, to each tract so situated as to affect any other tract or tracts, or having improvement or structures thereon or easements granted in connection therewith, affecting any other tract or tracts included in such proceedings, and shall specify in their verdict the respective amount of benefits per acre, if any, assessed to each particular tract of land, by legal subdivisions. Upon the return of the verdict of the jury, the court shall enter its judgment in accordance therewith, as supplemental to the original decree, or in case a petition in intervention be filed by the drainage commissioners of some other district than that instituting the proceeding, such judgment to be supplemental to all such original decrees, and thereafter, all assessments and levies for the cost of construction or future maintenance of any drain or drains described in said judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in said judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal to the supreme court or the court of appeals within thirty days after the entry thereof, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the verdicts of the jury in respect to the parties to the appeal. No bonds shall be required on such appeals. Nothing in this section contained shall be construed as affecting the right of drainage districts to consolidation in any manner provided by law.

Sec. 160. Section 3, chapter 170, Laws of 1935 and RCW 85.06.660 are each amended to read as follows:

Whenever the board of commissioners of any district desire to exercise any of the foregoing powers under this act, it shall pass a resolution declaring its intention to do so, which shall describe in general terms the proposed improvement to be undertaken. The resolution shall set a date upon which the board shall meet to determine whether such work shall be done. Thereafter a copy of such declaratory resolution and a notice of hearing shall be posted by the secretary or member of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing and that plans therefor are

on file with the secretary of the board subject to inspection by any party interested.

Any property owner affected by such proposed improvement, or any property owner within such district, may appear at said hearing and object to said proposed improvement by filing a written protest against the proposed action of the board. The protest shall clearly state the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed project and all protests filed, and on said date or any adjourned date, take final action thereon. If protests be filed before said hearing by owners of more than forty percent of the property in said district, the board shall not have power to make the proposed improvement nor again initiate the same for one year. If the board determines to proceed with such project in its original or modified form, it shall thereupon adopt a resolution so declaring and adopt general plans therefor, which resolution may authorize the acquisition by condemnation, or otherwise, of the necessary rights and properties to complete the same. Any protestant who filed a written protest prior to said hearing may appeal from the order of the board, but to do so must, within ten days from the date of entering of such order, bring direct action in the superior court of the state of Washington in the county wherein such district is situated, against such board of directors in their official capacity, which action shall be prosecuted under the procedure for civil actions, with the right of appeal to the supreme court or the court of appeals, as provided in civil actions. In any action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings and all other matters except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary, or unreasonable action of the board.

Sec. 161. Section 5, chapter 187, Laws of 1921 and RCW 85.06.750 are each amended to read as follows:

Upon the return of the verdict of the jury as provided in the preceding section, if it shall appear to the court that the total benefits found by the jury to have accrued to the lands of the district is equal to or exceeds the actual cost of the improvement including the increased cost of completing the same, the court shall enter its judgment in accordance therewith, as supplemental to and in lieu of the original decree fixing the benefits to the respective tracts of land, and thereafter the assessment and levy for the original cost of the construction of the improvement, including the indebtedness incurred for completing the improvement together with interest at the legal rate on the warrants issued therefor, and all assessments and levies if any, for the future maintenance of the drainage system described in the judgment shall be based upon the

respective benefits determined and assessed against the respective tracts of land as specified in the judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal therefrom to the supreme court or the court of appeals within thirty days after the entry thereof, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the verdict of the jury in respect to the parties to the appeal.

Sec. 162. Section 1, chapter 157, Laws of 1921 and RCW 85.08.440 are each amended to read as follows:

The decision of the board of county commissions upon any objections made within the time and in the manner prescribed in RCW 85.08.400 through 85.08.430, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of such board and with the clerk of the superior court of the county in which such drainage or diking improvement district is situated, or in case of joint drainage or diking improvement districts with the clerk of the court of the county in which the greater length of such drainage or diking improvement system lies, within ten days after the order confirming such assessment roll shall have become effective, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court a transcript consisting of the assessment roll and his objections thereto, together with the order confirming such assessment roll, and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall execute and file with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with good and sufficient surety, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county or the drainage or diking improvement district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require; within three days after such transcript is

filed in the superior court as aforesaid, the appellant shall give written notice to the prosecuting attorney of the county, and to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court of said county shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as in other cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this chapter. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court or the court of appeals, on such appeal, may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 163. Section 14, chapter 184, Laws of 1967 and RCW 85.15.130 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the superior court as in other civil cases: PROVIDED, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals may change, conform, correct, or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county treasurer having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such judgment as and if required.

Sec. 164. Section 14, chapter 26, Laws of 1949 and RCW 85.16.190 are each amended to read as follows:

The decision of the board upon any objections to the

determination of benefits and/or apportionment of costs and /or the levy of the assessments therefor, made within the time and in the manner prescribed in RCW 85.16.130, may be reviewed by appeal to the superior court of the county in which the district is situated and thereafter to the supreme court or the court of appeals within the time and in the manner and upon the conditions, so far as applicable, provided in RCW 85.08.440, with respect to appeals from the board's apportionment of the cost of construction of the district's system of improvements. The provisions of RCW 85.08.450, shall be controlling as to the regularity, validity, and conclusiveness of all the proceedings hereunder.

Sec. 165. Section 16, chapter 26, Laws of 1949 and RCW 85.16.210 are each amended to read as follows:

At such hearing, which may be adjourned from time to time as may be necessary to give all persons interested or affected a reasonable opportunity to be heard, and after consideration of all evidence offered and all factors, situations and conditions bearing upon or determinative of the benefits accruing and to accrue to such pieces or parcels of property, the board shall correct, revise, raise, lower, or otherwise change or confirm the benefits as theretofore determined, in respect of such pieces or parcels of property, as to it shall seem fair, just and equitable under the circumstances, and thereafter such proceedings shall be had with respect to the confirmation or determination of the benefits and making and filing of a roll thereof, as are in RCW 85.16.130, 85.16.150 and 85.16.160 provided. Any property owner affected by any change thus made in the determination of benefits accruing to his property who shall have appeared at the hearing by the board and made written objections thereto as provided in RCW 85.16.130, may appeal from the action of the board to the superior court and thence to the supreme court or the court of appeals, within the time, in the manner and upon the conditions, so far as applicable, provided in RCW 85.08.440, with respect to appeals from the order of the board confirming the apportionment of the original cost of construction.

Sec. 166. Section 15, chapter 45, Laws of 1951 and RCW 85.18.140 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the superior court as in other civil cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals, on such appeal, may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct

such roll in accordance with such decision if required.

Sec. 167. Section 6, chapter 225, Laws of 1909 and RCW 85.24.130 are each amended to read as follows:

Any person interested in any real estate affected by said assessment may, within the time fixed, appear and file objections. As to all parcels, lots or blocks as to which no objections are filed, within the time as aforesaid, the assessment thereon shall be confirmed and shall be final. On the hearing, each person may offer proof, and proof may also be offered on behalf of the assessment, and the board shall affirm, modify, change and determine the assessment, in such sum as to the board appears just and right. The commissioners may increase the assessment during such hearing upon any particular tract by mailing notice to the owner at his last known address, to be and appear within a time not less than ten days after the date of the notice, to show cause why his assessment should not be increased. When the assessment is finally equalized and fixed by the board, the secretary thereof shall certify the same to the county treasurer of each county in which the lands are situated, for collection; or if appeal has been taken from any part thereof, then so much thereof as has not been appealed from shall be certified. In case any owner of property appeals to the superior court in relation to the assessment or other matter when the amount of the assessment is determined by the court finally, either upon determination of the superior court, or appeal to the supreme court or the court of appeals, then the assessment as finally fixed and determined by the court shall be certified by the clerk of the proper court to the county treasurer of the county in which the lands are situated and shall be spread upon and become a part of the assessment roll hereinbefore referred to.

Sec. 168. Section 7, chapter 225, Laws of 1909 and RCW 85.24.140 are each amended to read as follows:

Any person who feels aggrieved by the final assessment made against any lot, block or parcel of land owned by him, may appeal therefrom to the superior court of the county in which the land is situated. Such appeal shall be taken within the time and substantially in the manner prescribed by the laws of this state for appeals from justices' courts. All notice of appeal shall be filed with the said board, and shall be served upon the prosecuting attorney of the county in which the action is brought. The secretary of the board shall, at appellant's expense, certify to the superior court so much of the record as appellant may request, and the cause shall be tried in the superior court de novo.

Any person desiring to appeal from any final order or judgment made by the superior court concerning any assessment authorized by this chapter, may appeal therefrom to the supreme court or the court

of appeals, in accordance with the laws of this state relative to appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment.

Sec. 169. Section 21, chapter 131, Laws of 1961 and RCW 85.32.200 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the superior court as in other civil cases: PROVIDED, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals on such appeal may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such decision, if required.

Sec. 170. Section 8, chapter 194, Laws of 1933 and RCW 87.03.410 are each amended to read as follows:

Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court or the court of appeals of the state in the manner and within the time prescribed for appeals in civil actions generally.

Sec. 171. Section 3, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.760 are each amended to read as follows:

At the conclusion, or final adjournment, of the hearing provided for in RCW 87.03.755, the board of directors of the district shall have the power, by unanimous resolution to adopt the proposed plan, or such modification thereof as may be determined by the board, and reduce the boundaries of the district to such area as, in the judgment of the board, can be furnished with sufficient water for successful irrigation by the irrigation system of the district, and to exclude from the district all lands lying outside of such reduced boundaries, and provide for the repayment to the owners of any such excluded lands, respectively, of any sums paid for assessments levied by the district, and to cancel all unpaid assessments levied by the district against the lands excluded and release such lands from further liability therefor. Any person interested and feeling himself aggrieved by the adoption of such final resolution reducing the boundaries of the district and excluding lands therefrom, shall have a right of appeal from the action of the board to the superior court of the county in which the district is situated, which appeal may be taken in the manner provided by law for appeals from justices' courts, and if upon the hearing of such appeal it shall be determined by the court that the irrigation system of the district will not furnish sufficient water for the successful irrigation of the lands

included within the reduced boundaries of the district, or that any lands have been excluded from the district unnecessarily, arbitrarily, capriciously or fraudulently or without substantial reason for such exclusion, the court shall enter a decree canceling and setting aside the proceedings of the board of directors, otherwise the court shall enter a decree confirming the action of the board. Any party to the proceedings on appeal in the superior court, feeling himself aggrieved by the decree of the superior court confirming the action of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, shall have the right of appeal therefrom to the supreme court or the court of appeals of the state of Washington within thirty days after the entry of the decree of the superior court in the manner provided by law. If, at the expiration of thirty days from the entry of the final resolution of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, no appeal has been taken to the superior court of the county in which the district is situated, or if, after hearing upon appeal the superior court shall confirm the action of the district, and at the expiration of thirty days from the entry of such decree, no appeal has been taken to the supreme court or the court of appeals, the boundaries of the district shall thereafter be in accordance with the resolution of the board reducing the boundaries, and all lands excluded from the district by such resolution shall be relieved from all further liability for any indebtedness of the district or any unpaid assessments theretofore levied against such lands, and the owners of excluded lands, upon which assessments have been paid, shall be entitled to warrants of the district for all sums paid by reason of such assessments, payable from a special fund created for that purpose, for which levies shall be made upon the lands remaining in the district, as the board of directors may provide.

Sec. 172. Section 4, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.765 are each amended to read as follows:

Whenever it shall appear, to the satisfaction of the director of ~~((conservation and development))~~ ecology, that the irrigation system of any irrigation district, to which the department of ~~((conservation and development))~~ ecology of the state of Washington under a contract with the district for the purchase of its bonds, has advanced funds for the purpose of constructing an irrigation system for the district, has been found incapable of furnishing sufficient water for the successful irrigation of all of the lands of such district, and that the board of directors of such district has reduced the boundaries thereof and excluded from the district, as provided in RCW 87.03.750 through 87.03.760, sufficient lands to

render such irrigation system adequate for the successful irrigation of the lands of the district, and that more than thirty days have elapsed since the adoption of the resolution by the board of directors reducing the boundaries of the district and excluding lands therefrom, and no appeal has been taken from the action of the board, or that the action of the board has been confirmed by the superior court of the county in which the district is situated and no appeal has been taken to the supreme court or the court of appeals, or that upon appeal to the supreme court or the court of appeals the action of the board of directors of the district has been confirmed, the director of ~~((conservation and development))~~ ecology shall be and he is hereby authorized to cancel and reduce the obligation of the district to the department of ~~((conservation and development))~~ ecology, for the repayment of moneys advanced for the construction of an irrigation system for the district, to such amount as, in his judgment, the district will be able to pay from revenues derived from assessments upon the remaining lands of the district, and to accept, in payment of the balance of the obligation of the district, the authorized bonds of the district, in numerical order beginning with the lowest number, on the basis of the percentage of the face value thereof fixed in contracts between the district and the department of ~~((conservation and development))~~ ecology, in an amount equal to said balance of the obligation of the district, in full and complete satisfaction of all claims of the department of ~~((conservation and development))~~ ecology against the district.

Sec. 173. Section 11, chapter 120, Laws of 1929 and RCW 87.22.090 are each amended to read as follows:

Appeal may be taken to the supreme court or the court of appeals from the judgment entered in said proceedings in the same manner as in other cases in equity. Notice of appeal need be served only on the persons who have appeared in said proceedings and on the president of the board of directors if the district is respondent, or on their respective attorneys of record in the proceedings.

Sec. 174. Section 29, chapter 124, Laws of 1925 ex. sess. and RCW 87.56.225 are each amended to read as follows:

Any interested person feeling aggrieved at the judgment of the superior court dismissing the proceedings or determining the indebtedness of the district and the status and priority thereof and determining the plan of liquidation, may appeal from such judgment to the supreme court or the court of appeals in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Sec. 175. Section 7, chapter 236, Laws of 1907 and RCW 88.32.090 are each amended to read as follows:

Any person who feels aggrieved by the final assessment made

against any lot, block or parcel of land owned by him may appeal therefrom to the superior court of such county. Such appeal shall be taken within the time, and substantially in the manner prescribed by the laws of this state for appeals from justice's courts. All notices of appeal shall be filed with the board of county commissioners, and served upon the prosecuting attorney of the county. The clerk of the board of county commissioners shall at appellant's expense certify to the superior court so much of the record, as appellant may request, and the cause shall be tried in the superior court de novo.

Any person desiring to appeal from any final order or judgment, made by the superior court concerning any assessment authorized by RCW 88.32.010 through 88.32.220, may appeal therefrom to the supreme court or the court of appeals, in accordance with the laws of this state relative to such appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment.

Sec. 176. Section 23, chapter 117, Laws of 1917 and RCW 90.03.200 are each amended to read as follows:

Upon the filing of the evidence and the report of the supervisor of water resources, any interested party may, on or before five days prior to the date of said hearing, file exceptions to such report in writing and such exception shall set forth the grounds therefor and a copy thereof shall be served personally or by registered mail upon all parties who have appeared in the proceeding. If no exceptions be filed, the court shall enter a decree determining the rights of the parties according to the evidence and the report of the supervisor, whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in case of reference of a suit in equity and the court may in its discretion take further evidence or, if necessary, remand the case for such further evidence to be taken by the supervisor, and may require further report by him. Costs, not including taxable attorneys fees, may be allowed or not; if allowed, may be apportioned among the parties in the discretion of the court. Appeal may be taken to the supreme court or the court of appeals from such decree in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Sec. 177. Section 8, chapter 107, Laws of 1939 and RCW 90.24.070 are each amended to read as follows:

Any person aggrieved by the order of judgment of the superior court may appeal to the supreme court or the court of appeals in the same manner as in other civil actions.

Sec. 178. Section 20, chapter 11, Laws of 1911 and RCW 91.04.325 are each amended to read as follows:

Every person or corporation feeling himself or itself aggrieved by any judgment for damages or compensation or any assessment of benefits provided in this chapter, may appeal to the supreme court or the court of appeals of the state within thirty days after the entry of the judgment, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the amount of compensation or damages or assessment of benefits in respect to the parties to the appeal. Upon such appeal no bonds shall be required and no stay shall be allowed.

Sec. 179. Section 23, chapter 8, Laws of 1909 ex. sess. as amended by section 24, chapter 11, Laws of 1911 and RCW 91.04.360 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs, which shall be taxed as in other civil cases: PROVIDED, That in any case defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement, and as to the compensation to be allowed for property taken, unless appealed from, and no appeal from the same shall delay proceedings, if such district shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such districts, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation or damages which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by such district, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals and final judgment may be rendered in the superior court as in other cases.

Sec. 180. Section 23, chapter 23, Laws of 1911 and RCW 91.08.250 are each amended to read as follows:

Any final judgment rendered by said court upon the findings of the court or a jury, shall be the lawful and sufficient condemnation

of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any defendant recovers no award, no costs shall be taxed. Such judgment shall be final and conclusive as to the damages caused by such improvement, unless appealed from, and no appeal from the same shall delay proceedings under the order of said board if it shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs; but such board after making such payment into court shall be liable to such owner or owners, or parties interested, for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by the board, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property, accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals and final judgment may be rendered in the superior court as in other cases.

Sec. 181. Section 58, chapter 23, Laws of 1911 and RCW 91.08.580 are each amended to read as follows:

Every defendant feeling aggrieved by any condemnation judgment for compensation or damages, or by any judgment confirming an assessment upon land for benefits under this chapter, may appeal to the supreme court or the court of appeals of the state from such judgments within thirty days after the entry thereof. An appeal from a condemnation judgment may bring before the supreme court or the court of appeals either the legality of the proceeding as a taking for a public use, or the justness of the amount of compensation or damages awarded to the appellant; but an appeal from a judgment confirming an assessment of benefits shall bring before the supreme court or the court of appeals only the justness of the assessment against the property of the appellant. Two or more defendants may join in an appeal. The bill of exceptions or statement of facts upon such appeals shall contain only such portions of the evidence in the case as relates to the property of the appellants. Otherwise than as provided in this section such appeals shall be taken as provided by law in appeals ~~((to the supreme court))~~ from final judgments in actions at law.

NEW SECTION. Sec. 182. There is added to chapter 221, Laws of 1969 ex. sess. and to chapter 2.06 RCW a new section to read as follows:

The several judges of the court of appeals, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the court of appeals of the State of Washington to the best of my ability." Which oath or affirmation may be administered by any person authorized to administer oaths, a certificate whereof shall be affixed thereto by the person administering the oath. And the oath or affirmation so certified shall be filed in the office of the secretary of state.

NEW SECTION. Sec. 183. The following acts or parts of acts are each hereby repealed:

- (1) Section 17, page 324, Laws of 1890 and RCW 2.04.060;
- (2) Section 5, page 322, Laws of 1890, section 2, chapter 5, Laws of 1905, section 3, chapter 24, Laws of 1909 and RCW 2.04.120;
- (3) Section 2, page 321, Laws of 1890 and RCW 2.04.130;
- (4) Section 6, chapter 24, Laws of 1909 and RCW 2.04.140;
- (5) Section 2174, Code of 1881, section 13, page 324, Laws of 1890 and RCW 2.32.010;
- (6) Section 2, page 366, Laws of 1854, section 2, page 417, Laws of 1863; section 2175, Code of 1881 and RCW 2.32.020;
- (7) Section 3, page 366, Laws of 1854, section 2176, Code of 1881 and RCW 2.32.030;
- (8) Section 4, chapter 57, Laws of 1891 and RCW 2.32.040;
- (9) Section 1, chapter 192, Laws of 1947 and RCW 2.32.080;
- (10) Section 1, page 320, Laws of 1890 and RCW 2.32.100;
- (11) Section 6, page 320, Laws of 1890, section 1, chapter 58, Laws of 1891, section 1, chapter 30, Laws of 1897, section 1, chapter 148, Laws of 1909 and RCW 2.32.150;

(12) Section 1, page 331, Laws of 1890 and RCW 2.32.340; and

(13) Section 2, page 331, Laws of 1890 and RCW 2.32.350.

NEW SECTION. Sec. 184. 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 Senate February 12, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 82

[Engrossed Substitute Senate Bill No. 157]

STATE HOSPITALS--
PATIENTS' PROPERTY

AN ACT Relating to the mentally ill; amending section 72.23.230, chapter 28, Laws of 1959 as amended by section 1, chapter 60, Laws of 1959 and RCW 72.23.230; and declaring an emergency.

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

Section 1. Section 72.23.230, chapter 28, Laws of 1959 as amended by section 1, chapter 60, Laws of 1959 and RCW 72.23.230 are each amended to read as follows:

The superintendent of a state hospital shall be the custodian without compensation of such personal property of a patient involuntarily hospitalized therein as may come into the superintendent's possession while the patient is under the jurisdiction of the hospital. As such custodian, the superintendent shall have authority to disburse moneys from the patients' funds for the following purposes only and subject to the following limitations:

(1) The superintendent may disburse any of the funds in his possession belonging to a patient for such personal needs of that patient as may be deemed necessary by the superintendent; and

(2) Whenever the funds belonging to any one patient exceed the sum of three hundred dollars, the superintendent may apply the excess to the payment of the state hospitalization and/or outpatient charges of such patient except, reduction of such funds to a lesser amount may be made where necessary to qualify such patient for eligibility in any public or private program for the care, treatment, hospitalization, support, training, or rehabilitation of such patient, and to qualify such patient for the payment from any public or private program providing benefits for the payment of all or a portion of the costs of care, treatment, hospitalization, support,