

NEW SECTION. Sec. 7. Sections 2 through 6 of this act shall constitute a new chapter in Title 43 RCW.

Passed the House March 4, 1980.

Passed the Senate March 12, 1980.

Approved by the Governor April 4, 1980.

Filed in Office of Secretary of State April 4, 1980.

CHAPTER 162

[Substitute House Bill No. 1422]

COURTS OF LIMITED JURISDICTION—RECORD OF PROCEEDINGS, REVIEW, ADMINISTRATION, FEES, JUDGES' SALARIES

AN ACT Relating to courts of limited jurisdiction; amending section 4, chapter 48, Laws of 1891 as amended by section 1, chapter 57, Laws of 1972 ex. sess and RCW 2.36.050; amending section 3, chapter 57, Laws of 1911 as last amended by section 1, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.060; amending section 1, chapter 13, Laws of 1973 2nd ex. sess. and RCW 2.36.063; amending section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 255, Laws of 1979 ex. sess. and RCW 3.58.010; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1969 and RCW 3.62.060; amending section 3, chapter 187, Laws of 1919 as amended by section 2, chapter 123, Laws of 1963 and RCW 12.40.030; amending section 31, chapter 299, Laws of 1961 and RCW 3.42.010; amending section 126, chapter 299, Laws of 1961 and RCW 3.70.040; adding a new chapter to Title 3 RCW; repealing section 72, page 235, Laws of 1854, section 1772, Code of 1881, section 3, page 119, Laws of 1888, section 11, chapter 135, Laws of 1979 ex. sess. and RCW 12.12.050; and providing effective dates.

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

NEW SECTION. Section 1. For purposes of this chapter, a court of limited jurisdiction is any court organized under Titles 3, 35, or 35A RCW.

NEW SECTION. Sec. 2. Review of the proceedings in a court of limited jurisdiction shall be by the superior court, the procedure for which may be established by supreme court rule.

NEW SECTION. Sec. 3. The supreme court may, by court rule, establish a method of making a record of the proceedings of a court of limited jurisdiction for purposes of review.

NEW SECTION. Sec. 4. The administrator for the courts shall supervise the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 3 RCW.

Sec. 6. Section 4, chapter 48, Laws of 1891 as amended by section 1, chapter 57, Laws of 1972 ex. sess and RCW 2.36.050 are each amended to read as follows:

A petit jury is a body of ~~((men))~~ persons twelve or less in number in the superior court and six in number in courts of ~~((justices of the peace))~~ limited jurisdiction; drawn in the superior court and in courts of limited jurisdiction by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact~~((, but in a justice's court the jury is drawn according to the mode specially provided for such court))~~. In courts of limited jurisdiction, juries shall be selected and impaneled in the same manner as in the superior courts, except that a court of limited jurisdiction shall use the jury list developed by the superior court judge or judges to select a jury panel.

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

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

Sec. 8. Section 100, chapter 299, Laws of 1961 as last amended by section 8, chapter 255, Laws of 1979 ex. sess. and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time ~~((justice of the peace))~~ district court judge shall be ~~((thirty-four thousand dollars effective July 1, 1979, and thirty-five thousand dollars effective July 1, 1980))~~ ninety percent of the salary of a judge of a superior court: PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time ((justice of the peace)) district court judge shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday: PROVIDED FURTHER, That a member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.090, 2.06.060, 2.08.090, and 3.58.010, as now or hereafter amended, shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator.

Sec. 9. Section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 25, Laws of 1969 and RCW 3.62.060 are each amended to read as follows:

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

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

The Washington state magistrates' association shall:

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

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

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

Sec. 11. Section 3, chapter 187, Laws of 1919 as amended by section 2, chapter 123, Laws of 1963 and RCW 12.40.030 are each amended to read as follows:

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

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

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 4 of this 1980 act shall take effect on January 1, 1981, and shall apply to civil or criminal actions commenced on or after January 1, 1981. Sections 8 and 9 of this 1980 act shall take effect on May 1, 1980.

NEW SECTION. Sec. 14. Section 72, page 235, Laws of 1854, section 1772, Code of 1881, section 3, page 119, Laws of 1888, section 11, chapter 135, Laws of 1979 ex. sess. and RCW 12.12.050 are each repealed.

Passed the House March 10, 1980.

Passed the Senate February 18, 1980.

Approved by the Governor April 4, 1980.

Filed in Office of Secretary of State April 4, 1980.

CHAPTER 163

[House Bill No. 1427]

PUBLIC TRANSPORTATION SYSTEMS—USE AND SALES TAX RATES— EMERGENT SITUATIONS, APPROPRIATION

AN ACT Relating to public transportation funding; amending section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045; making an appropriation; and declaring an emergency.

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

Section 1. Section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is