

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

Section 1. Section 36.80.010, chapter 4, Laws of 1963 as amended by section 6, chapter 182, Laws of 1969 ex. sess. and RCW 36.80.010 are each amended to read as follows:

The board shall employ a full time county road engineer residing in the county: PROVIDED, That in eighth and ninth class counties it may employ a county engineer on a part-time basis who need not be a resident of such county, or may contract with other counties for the engineering services of a county road engineer from such other counties: PROVIDED FURTHER, That any eighth or ninth class county which is reclassified in class because of an increase in population shall retain the right to employ their existing part-time county engineer or contract with other counties for engineering services.

NEW SECTION. Sec. 2. Section 36.77.050, chapter 4, Laws of 1963 and RCW 36.77.050 are each repealed.

Passed the Senate February 22, 1980.

Passed the House February 15, 1980.

Approved by the Governor March 10, 1980.

Filed in Office of Secretary of State March 10, 1980.

CHAPTER 94

[Engrossed Senate Bill No. 3220]

CIVIL ACTIONS—COSTS

AN ACT Relating to civil procedure; amending section 1, chapter 84, Laws of 1973 and RCW 4.84.250; amending section 4, chapter 84, Laws of 1973 and RCW 4.84.280; amending section 6, chapter 84, Laws of 1973 and RCW 4.84.300; amending section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 46, Laws of 1969 and RCW 4.56.110; adding a new section to chapter 4.56 RCW; adding a new section to chapter 4.84 RCW; providing an effective date; and declaring an emergency.

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

Section 1. Section 1, chapter 84, Laws of 1973 and RCW 4.84.250 are each amended to read as follows:

Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is ~~((one))~~ three thousand dollars or less, there shall be taxed and allowed to the prevailing party as a part of the costs of the action a reasonable amount to be fixed by the court as attorneys' fees. After July 1, 1981, the maximum amount of the pleading under this section shall be five thousand dollars.

Sec. 2. Section 4[3], chapter 84, Laws of 1973 and RCW 4.84.270 are each amended to read as follows:

The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250, if the plaintiff, or party seeking

relief in an action for damages where the amount pleaded, exclusive of costs, is equal to or less than the maximum allowed under RCW 4.84.250, recovers nothing, or if the recovery, exclusive of costs, is the same or less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in RCW 4.84.280.

Sec. 3. Section 4, chapter 84, Laws of 1973 and RCW 4.84.280 are each amended to read as follows:

Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules. Offers of settlement shall not be served until thirty days after the completion of the service and filing of the summons and complaint in an action filed in superior court. Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in RCW 4.84.250.

Sec. 4. Section 6, chapter 84, Laws of 1973 and RCW 4.84.300 are each amended to read as follows:

The provisions of RCW 4.84.250 through 4.84.290 shall apply regardless of whether the action is commenced in justice court or superior court(~~(: PROVIDED, That)~~) except as provided in RCW 4.84.280. This section shall not be construed as conferring jurisdiction on either court.

Sec. 5. Section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 46, Laws of 1969 and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in such contracts, not in any case, however, to exceed ~~((ten))~~ twelve percent per annum: ~~PROVIDED, That~~ said interest rate is set forth in the judgment.

(2) Except as provided under subsection (1) of this section, judgments shall bear interest at the rate of ~~((eight))~~ ten percent per annum from the date of entry thereof: ~~PROVIDED, That~~ in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered (~~(: PROVIDED, HOWEVER, That in any case where notice of appeal or petition for writ of review is filed prior to June 12, 1969, interest shall accrue from the date of entry of judgment and shall not date back to the date the verdict was rendered)~~).

NEW SECTION. Sec. 6. 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 May 1, 1980.

Passed the Senate February 22, 1980.

Passed the House February 19, 1980.

Approved by the Governor March 10, 1980.

Filed in Office of Secretary of State March 10, 1980.

CHAPTER 95

[Substitute Senate Bill No. 3224]

COUNTY NOXIOUS WEED CONTROL BOARD—MEMBERS' TERMS—
ELECTION LOCATION

AN ACT Relating to county noxious weed control board elections; amending section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 6, chapter 26, Laws of 1977 ex. sess. and RCW 17.10.050; and declaring an emergency.

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

Section 1. Section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 6, chapter 26, Laws of 1977 ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the county legislative authority and elected thereafter by the property owners subject to the board. In appointing such voting members, the county legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that (1) the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year; (2) the terms of incumbent board members may be shortened or extended by the board if the board, in order to provide for a more convenient election date, makes a substantial change in the date for elections and if the board obtains the prior approval of the state noxious weed control board for the changes in election dates and in the terms of incumbent board members. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county legislative authority in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.