

any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed ((two)) seven hundred fifty dollars in any calendar month but shall not exceed ((~~thirty-six hundred~~)) nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a certificated or classified employee of the school district.

Passed the House May 11, 1983.

Passed the Senate May 10, 1983.

Approved by the Governor May 20, 1983.

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CHAPTER 45

[Engrossed House Bill No. 428]

COURT PROCEDURES—REVISIONS—WRIT OF EXECUTION— DISSOLUTION—HOMESTEAD EXEMPTION INCREASED—REAL ESTATE CONTRACTS

AN ACT Relating to courts; amending section 5, chapter 25, Laws of 1929 and RCW 6.04-.050; amending section 2, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 23, Laws of 1973 2nd ex. sess. and RCW 26.09.020; amending section 12, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.120; amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12-.050; amending section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190; amending section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010; amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010; amending section 253, page 178, Laws of 1854 as last amended by section

1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020; and repealing section 4, chapter 38, Laws of 1891 and RCW 4.64.050.

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

Sec. 1. Section 5, chapter 25, Laws of 1929 and RCW 6.04.050 are each amended to read as follows:

The sheriff or other officer shall indorse upon the writ of execution the time when he received the same, and the execution shall be returnable within sixty days after its date to the clerk who issued it. No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty percent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall ~~((immediately after the receipt of any money collected on any judgment;))~~ notify the party to whom the same is payable, and pay over the amount to the ~~((said))~~ party ~~((on demand. On failure to so notify and pay over, without any reasonable cause shown for the delay, the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff))~~ as provided for by court order.

Sec. 2. Section 2, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 23, Laws of 1973 2nd ex. sess. and RCW 26.09.020 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

- (a) The last known residence of each party;
- (b) The date and place of the marriage;
- (c) If the parties are separated the date on which the separation occurred;
- (d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;
- (e) Any arrangements as to the custody, visitation and support of the children and the maintenance of a spouse;
- (f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;
- (g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 70.58.200 on the form provided by the department of social and health services.

Sec. 3. Section 12, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.120 are each amended to read as follows:

(1) The court may, upon its own motion or upon motion of either party, order support or maintenance payments to be made to:

(a) The person entitled to receive the payments; or

(b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or

(c) The clerk of court as trustee for remittance to the person entitled to receive the payments.

(2) If payments are made to the clerk of court:

(a) The clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order; and

(b) The parties affected by the order shall inform the clerk of the court of any change of address or of other conditions that may affect the administration of the order(, and

~~(c) The clerk of the court shall, if the party fails to make required payment, send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the clerk of the court within ten days after sending notice, the clerk of the court shall certify the amount due to the prosecuting attorney)).~~

Sec. 4. Section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050 are each amended to read as follows:

Homesteads may consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ~~((twenty))~~ twenty-five thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.

Sec. 5. Section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 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 ten years from the day on which such judgment was rendered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after the effective date of this 1983 act. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 6. Section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010 are each amended to read as follows:

At any time within ten years after entry of a judgment for the sum of twenty-five dollars or over upon application by the judgment creditor, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof. If the judgment debtor or other persons against whom the special proceedings are instituted has been served with these proceedings and fails to answer or appear, the plaintiff shall be entitled to costs of service, notary fees, and reasonable attorney fees.

Sec. 7. Section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for ~~((his))~~ the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

- (1) Filing fees;
- (2) Fees for the service of process;
- (3) Fees for service by publication;
- (4) Notary fees;
- (5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;
- (6) Statutory attorney and witness fees; and
- (7) To the extent that the court finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

Sec. 8. Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed ~~((five hundred))~~ seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed ~~((five hundred))~~ one thousand dollars in value, and all family pictures and keepsakes.

(3) To each person or family~~((;))~~:

(a) The person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed one thousand five hundred dollars in value;

(b) Provisions and fuel for the comfortable maintenance of such person or family for three months; and

(c) Other property not to exceed ~~((four))~~ five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To any person or family, one motor vehicle which is used for personal transportation, not to exceed ~~((seven hundred and fifty))~~ one thousand two hundred dollars in value.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional person, the person's library, office furniture, office equipment and supplies, not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed ~~((one))~~ three thousand ~~((five hundred))~~ dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

NEW SECTION. Sec. 9. Section 4, chapter 38, Laws of 1891 and RCW 4.64.050 are each repealed.

Passed the House May 11, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 20, 1983.

Filed in Office of Secretary of State May 20, 1983.

CHAPTER 46

[Engrossed Substitute House Bill No. 278]

FISHERIES CODE REVISIONS—REORGANIZATION

AN ACT Relating to the reorganization and revision of the fisheries code; amending section 75.08.010, chapter 12, Laws of 1955 and RCW 75.08.010; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.16.050, chapter 12, Laws of 1955 and RCW 75.16.050; amending section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060; amending section 75.16.070, chapter 12, Laws of 1955 and RCW 75.16.070; amending section 75.08.070, chapter 12, Laws of 1955 and RCW 75.08.070; amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080; amending section 75.08.090, chapter 12, Laws of 1955 as amended by section 1, chapter 93, Laws of 1973 and RCW 75.08.090; amending section 75.08.110, chapter 12, Laws of 1955 and RCW 75.08.110; amending section 75.08.120, chapter 12, Laws of 1955 and RCW 75.08.120; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 14, chapter 207, Laws of 1953 as amended by section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; amending section 1, chapter 216, Laws of 1957 and RCW 75.08.024; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130; amending section 2, chapter 251, Laws of 1981 and RCW 75.12.310; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.030, chapter 12, Laws of 1955 and RCW 75.16.030; amending section 75.16.020, chapter 12,