

lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding according to which his or her compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.

Passed the Senate March 13, 1987.

Passed the House April 15, 1987.

Approved by the Governor April 25, 1987.

Filed in Office of Secretary of State April 25, 1987.

## CHAPTER 202

[Senate Bill No. 5017]

### DISTRICT COURTS—TERMINOLOGY REVISED

AN ACT Relating to conforming the statutes involving district courts to reflect modern terminology and practices; amending RCW 2.04.190, 2.08.020, 2.20.020, 2.28.040, 2.36.150, 2.40.010, 2.48.190, 2.56.080, 2.56.110, 3.30.020, 3.34.010, 3.34.020, 3.34.030, 3.62.050, 4.24.180, 4.56.190, 4.56.200, 4.64.110, 4.64.120, 4.80.140, 4.84.030, 4.84.130, 4.84.300, 5.28.010, 5.56.070, 5.56.080, 7.06.020, 7.12.060, 7.12.330, 7.16.040, 7.16.160, 7.16.300, 7.33.040, 7.33.060, 7.44.060, 7.48.250, 7.48.260, 9.12.020, 9.46.230, 9.66.040, 9.72.090, 9.92.060, 9.92.070, 9.92.130, 9.92.140, 9.95.210, 10.01.070, 10.01.090, 10.04.020, 10.04.040, 10.04.050, 10.04.100, 10.04.110, 10.04.120, 10.10.010, 10.13.010, 10.13.075, 10.13.100, 10.13.110, 10.13.120, 10.13.130, 10.16.100, 10.16.160, 10.19.110, 10.19.120, 10.37.015, 10.46.210, 10.82.070, 10.91.040, 11.20.030, 15.17.200, 15.32.720, 15.32.770, 15.36.580, 15.49.470, 16.04.040, 16.12.020, 16.12.030, 16.16.060, 16.28.160, 16.52.060, 17.21.280, 18.64.260, 19.72.030, 19.72.040, 19.86.090, 27.24.090, 28A.27.100, 28A.27.102, 28A.27.104, 28A.27.120, 29.21.070, 29.21.120, 35.20.090, 35.20.120, 35.20.210, 35.20.250, 35.20.910, 36.01.060, 36.24.030, 36.24.050, 36.24.160, 36.27.020, 36.32.120, 36.53.070, 36.53.110, 36.53.110, 36.53.140, 36.82.210, 43.24.120, 46.08.170, 46.52.100, 46.52.190, 47.68.240, 49.40.070, 50.16.010, 58.12.065, 66.32.020, 66.32.050, 66.32.070, 66.32.090, 66.44.010, 66.44.180, 67.14.120, 69.41.060, 69.50.509, 72.40.100, 75.08.230, 78.12.020, 78.12.040, 78.12.050, 78.12.060, 78.40.351, 78.40.606, 78.40.723, 80.04.400, 80.24.040, 80.24.050, 81.04.400, 81.24.080, 81.24.080, 82.24.140, 82.24.190, 82.36.420, 87.84.090, 88.16.150, 88.20.050, 88.20.070, and 90.03.090; reenacting and amending RCW 36.18.020; adding a new section to chapter 10.04 RCW; creating a new section; and repealing RCW 10.04.060, 10.04.080, 10.04.090, 10.10.040, 10.16.050, 10.16.060, 10.16.130, 10.16.135, 16.12.040, 16.12.050, 16.12.060, 26.20.040, 36.49.080, 41.32.640, 45.28.080, 45.28.090, 10.07.010, 10.07.020, 10.07.030, 10.07.040, 10.07.050, 10.07.060, 10.07.070, and 10.07.080.

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

NEW SECTION. Sec. 1. The legislature intends to:

(1) Make the statutes of the state consistent with rules adopted by the supreme court governing district courts; and

(2) Delete or modify archaic, outdated, and superseded language and nomenclature in statutes related to the district courts.

Sec. 101. Section 1, chapter 118, Laws of 1925 ex. sess. and RCW 2.04.190 are each amended to read as follows:

The supreme court shall have the power to prescribe, from time to time, the forms of writs and all other process, the mode and manner of framing and filing proceedings and pleadings; of giving notice and serving writs and process of all kinds; of taking and obtaining evidence; of drawing up, entering and enrolling orders and judgments; and generally to regulate and prescribe by rule the forms for and the kind and character of the entire pleading, practice and procedure to be used in all suits, actions, appeals and proceedings of whatever nature by the supreme court, superior courts, and ~~((justices of the peace))~~ district courts of the state. In prescribing such rules the supreme court shall have regard to the simplification of the system of pleading, practice and procedure in said courts to promote the speedy determination of litigation on the merits.

Sec. 102. Section 6, page 343, Laws of 1890 and RCW 2.08.020 are each amended to read as follows:

The superior courts shall have such appellate jurisdiction in cases arising in ~~((justices and other inferior))~~ courts of limited jurisdiction in their respective counties as may be prescribed by law.

Sec. 103. Section 2, chapter 53, Laws of 1891 as amended by section 9, chapter 81, Laws of 1971 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.

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

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

Sec. 104. Section 4, chapter 54, Laws of 1891 and RCW 2.28.040 are each amended to read as follows:

~~((Any judicial officer may act as an attorney in any action, suit or proceeding to which he is a party or in which he is directly interested. A justice of the peace, otherwise authorized by law))~~ A part-time district judge, if permitted by court rule, may act as an attorney in any court other than the one of which he or she is judge, except in an action, suit or proceeding removed therefrom to another court for review~~((; but no judicial officer shall act as attorney in any court except as in this section allowed))~~.

Sec. 105. Section 1, chapter 56, Laws of 1907 as last amended by section 7, chapter 135, Laws of 1979 ex. sess. and RCW 2.36.150 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, the following compensation:

(1) Grand jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(2) Petit jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(3) Coroner's jurors may receive up to twenty-five dollars but in no case less than ten dollars;

(4) ~~((Justice of the peace))~~ District court jurors may receive up to twenty-five dollars but in no case less than ten dollars:

PROVIDED, That a person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the compensation paid jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

Sec. 106. Section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 54, Laws of 1977 ex. sess. and RCW 2.40.010 are each amended to read as follows:

Witnesses shall receive for each day's attendance in all courts of record of this state the same compensation per day and per mile as jurors in superior court. Witnesses in any other court shall receive for each day's attendance the same compensation per day and per mile as jurors in ~~((justice))~~ district court.

Sec. 107. Section 4, chapter 126, Laws of 1921 and RCW 2.48.190 are each amended to read as follows:

No person shall be permitted to practice as an attorney or counselor at law or to do work of a legal nature for compensation, or to represent himself or herself as an attorney or counselor at law or qualified to do work of a legal nature, unless he or she is a citizen of the United States and a bona fide resident of this state and has been admitted to practice law in this state: PROVIDED, That any person may appear and conduct his or her own case in any action or proceeding brought by or against him or her, or may appear in his or her own behalf in the small claims department of the ~~((justice's))~~ district court: AND PROVIDED FURTHER, That an attorney of another state may appear as counselor in a court of this state without admission, upon satisfying the court that his or her state grants the same right to attorneys of this state.

Sec. 108. Section 8, chapter 259, Laws of 1957 as amended by section 14, chapter 81, Laws of 1971 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 limited jurisdiction of this state, including ~~((justice))~~ district courts.

Sec. 109. Section 31, chapter 165, Laws of 1983 and RCW 2.56.110 are each amended to read as follows:

The administrator for the courts may assign one or more ~~((justices))~~ district judges from other judicial districts to serve as visiting ~~((justices))~~ district judges in a judicial district which the administrator determines is experiencing an increase in case filings as the result of enhanced enforcement of laws related to driving, or being in physical control of, a motor vehicle while intoxicated. The prosecuting, city, or town attorney of the county, city, or town in which a judicial district lies, or the presiding judge of the judicial district, may request the administrator for the courts to designate the district as an enhanced enforcement district and to make assignments under this section. An assignment shall be for a specified period of time not to exceed thirty days. A visiting ~~((justice))~~ district judge has the same powers as a ~~((justice))~~ district judge of the district to which he or she is assigned. A visiting ~~((justice))~~ district judge shall be reimbursed for expenses under RCW 2.56.070.

Sec. 110. Section 2, chapter 299, Laws of 1961 and RCW 3.30.020 are each amended to read as follows:

The provisions of chapters 3.30 through 3.74 RCW shall apply to class AA and class A counties: PROVIDED, That any city having a population of more than five hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of ~~((justices of the peace))~~ district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time ~~((justices of the peace))~~ district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class upon a majority vote of its board of county commissioners.

Sec. 111. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1975 1st ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of (~~justices of the peace~~) district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Sec. 112. Section 11, chapter 299, Laws of 1961 as last amended by section 8, chapter 258, Laws of 1984 and RCW 3.34.020 are each amended to read as follows:

In each district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time (~~justice of the peace~~) district judge; in each district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time (~~justices~~) judges; in each district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time (~~justices~~) judges; and in each district having a population of two hundred thousand or more there shall be elected one additional full time (~~justice~~) judge for each additional one hundred thousand persons or fraction thereof. If a district having one or more full time (~~justices~~) judges should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county legislative authority without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following. Upon any redistricting of the county thereafter the number of (~~justices~~) judges in the county shall be designated under RCW 3.34.010. In a district having a population of one hundred twenty thousand people or more adjoining a metropolitan county of another state which has a population in excess of five hundred thousand, there shall be one full time (~~justice~~) judge in addition to the number otherwise allowed by this section and without regard to RCW 3.34.030 or resolution of the county legislative authority. The county legislative authority may by resolution make a part time position a full time office. The county legislative authority may by resolution provide for the election of one full time (~~justice~~) judge in addition to the number of full time (~~justices~~) judges authorized.

Sec. 113. Section 12, chapter 299, Laws of 1961 as last amended by section 9, chapter 258, Laws of 1984 and RCW 3.34.030 are each amended to read as follows:

Notwithstanding the limitations of RCW 3.34.010 and 3.34.020 in any district having more than one ~~((justice of the peace))~~ district judge, if any city or town elects to select under the provisions of chapter 3.50 RCW a person other than a ~~((justice of the peace))~~ district judge to serve as municipal judge, the county legislative authority may reduce the number of ~~((justices of the peace))~~ district judges required for the county and district by one for each one hundred and fifty thousand persons or fraction thereof residing in all such municipalities, electing to select a municipal judge who is not also a ~~((justice of the peace))~~ district judge: PROVIDED, That in no case shall the number of ~~((justices of the peace))~~ district judges in any county be less than one for each one hundred thousand persons or major fraction thereof in such county, nor shall the number of ~~((justices of the peace))~~ district judges in any district be less than one for each one hundred and fifty thousand persons or major fraction thereof.

Sec. 114. Section 109, chapter 299, Laws of 1961 as last amended by section 308, chapter 258, Laws of 1984 and RCW 3.62.050 are each amended to read as follows:

The total expenditures of the ~~((justice))~~ district courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense, except costs of defense to be paid by a city pursuant to RCW 3.62.070, shall be paid from the county current expense fund.

Sec. 115. Section 600, page 153, Laws of 1869 as last amended by section 9, chapter 199, Laws of 1969 ex. sess. and RCW 4.24.180 are each amended to read as follows:

Fines and forfeitures not specially granted or otherwise appropriated by law, when recovered, shall be paid into the school fund of the proper county: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Whenever, by the provisions of law, any property real or personal shall be forfeited to the state, or to any officer for its use, the action for the recovery of such property may be commenced in any county where the defendant may be found or where such property may be.

Sec. 116. Section 1, chapter 60, Laws of 1929 as last amended by section 5, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as ~~((he))~~ the judgment debtor, 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, or district 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 August 23, 1983. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 117. Section 2, chapter 60, Laws of 1929 as amended by section 17, chapter 81, Laws of 1971 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))~~ district court of this state 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))~~ district court 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))~~ district court of this state 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))~~ district court was originally filed.

Sec. 118. Section 9, chapter 7, Laws of 1957 and RCW 4.64.110 are each amended to read as follows:

A transcript of the (~~docket of a justice of the peace~~) district court docket shall contain an exact copy of the district court judgment from the (~~justice's~~) docket.

Sec. 119. Section 4, chapter 60, Laws of 1929 and RCW 4.64.120 are each amended to read as follows:

It shall be the duty of the county clerk to enter in (~~his~~) the execution docket any duly certified transcript of a judgment of a (~~justice of the peace~~) district court and any duly certified abstract of any judgment of any court mentioned in RCW 4.56.200, filed in (~~his~~) the county clerk's office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he or she is clerk.

Sec. 120. Section 17, chapter 60, Laws of 1893 as amended by section 21, chapter 81, Laws of 1971 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 district courts (~~of justices of the peace~~) or other (~~inferior~~) courts (~~or tribunals~~) of limited jurisdiction from which an appeal does not lie directly to the supreme court or court of appeals.

Sec. 121. Sections 368, 369, page 201, Laws of 1854 as last amended by section 1, page 337, Laws of 1890 and RCW 4.84.030 are each amended to read as follows:

In any action in the superior court of Washington the prevailing party shall be entitled to his or her costs and disbursements; but the plaintiff shall in no case be entitled to costs taxed as attorneys' fees in actions within the jurisdiction of (~~a justice of the peace~~) the district court when commenced in the superior court.

Sec. 122. Section 380, page 203, Laws of 1854 as last amended by section 518, Code of 1881 and RCW 4.84.130 are each amended to read as follows:

In all civil actions tried before (~~a justice of the peace~~) the district court, in which an appeal shall be taken to the superior court, and the party appellant shall not recover a more favorable judgment in the superior court than before the (~~justice of the peace~~) district court, such appellant shall pay all costs.

Sec. 123. Section 6, chapter 84, Laws of 1973 as amended by section 4, chapter 94, Laws of 1980 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)) district court or superior court except as provided in RCW 4.84.280. This section shall not be construed as conferring jurisdiction on either court.

Sec. 124. Section 1, page 378, Laws of 1869 and RCW 5.28.010 are each amended to read as follows:

That every court, judge, clerk of a court, ((justice of the peace)) or notary public, is authorized to take testimony in any action, suit or proceeding, and such other persons in particular cases as authorized by law. Every such court or officer is authorized to administer oaths and affirmations generally, and every such other person in such particular case as authorized.

Sec. 125. Section 302, page 188, Laws of 1854 as last amended by section 400, Code of 1881 and RCW 5.56.070 are each amended to read as follows:

The court, judge, ((justice of the peace)) or other officer, in such case, may issue an attachment to bring such witness before them to answer for contempt, and also testify as witness in the cause in which he or she was subpoenaed.

Sec. 126. Section 3, chapter 19, Laws of 1891 and RCW 5.56.080 are each amended to read as follows:

Such attachment may be directed to the sheriff or any ((constable)) deputy of any county in which the witness may be found, and shall be executed in the same manner as a warrant; and the fees of the officer for issuing and serving the same shall be paid by the person against whom the same was issued, unless he or she shows reasonable cause, to the satisfaction of the ((justice)) judge, for his or her omission to attend; in which case the party requiring such attachment shall pay all such costs.

Sec. 127. Section 2, chapter 103, Laws of 1979 as last amended by section 3, chapter 265, Laws of 1985 and RCW 7.06.020 are each amended to read as follows:

(1) All civil actions, except for appeals from municipal or ((justice)) district courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of ten thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to twenty-five thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the sole relief sought is the establishment, termination or modification of maintenance or child support payments are

subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved.

Sec. 128. Section 6, page 40, Laws of 1886 as last amended by section 1, chapter 51, Laws of 1957 and RCW 7.12.060 are each amended to read as follows:

Before the writ of attachment shall issue the plaintiff, or someone in his or her behalf, shall execute and file with the clerk a surety bond or undertaking in the sum in no case less than three hundred dollars, in the superior court, nor less than fifty dollars in the ~~((justice))~~ district court, and double the amount for which plaintiff demands judgment, conditional that the plaintiff will prosecute his or her action without delay and will pay all costs that may be adjudged to the defendant, and all damages which he or she may sustain by reason of the attachment, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. With said bond or undertaking there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that they are, taken together, worth the sum specified in the bond or undertaking, over and above all debts and liabilities, and property exempt from execution. No person not qualified to become surety as provided by law, shall be qualified to become surety upon a bond or undertaking for an attachment: PROVIDED, That when it is desired to attach real estate only, and such fact is stated in the affidavit for attachment and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself or herself so that the ordinary process of law cannot be served upon him or her, or has absconded or absented himself or herself from his or her usual place of abode, so that the ordinary process of law cannot be served upon him or her, the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff: AND PROVIDED FURTHER, That when the claim, debt or obligation whether in contract or tort, upon which plaintiff's cause of action is based, shall have been assigned to him or her, and his or her immediate or any other assignor thereof retains or has any interest therein, then the plaintiff and every assignor of said claim, debt or obligation who retains or has any interest therein, shall be jointly and severally liable to the defendant for all costs that may be adjudged to him or her and for all damages which he or she may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out.

Sec. 129. Section 37, page 46, Laws of 1886 and RCW 7.12.330 are each amended to read as follows:

The word "sheriff" as used in this chapter is meant to apply to ~~((constables))~~ deputies, when the proceedings are in a ~~((justice's))~~ district court ~~((, and when the proceedings are in a justice's court, the justice is to be regarded as the clerk of the court for all purposes herein contemplated: PROVIDED, That nothing contained in this chapter shall be construed to~~

~~confer upon a justice of the peace power to issue a writ of attachment to be served out of the county in which such justice shall have his office, or to confer upon a sheriff, constable, or other officer, power or authority to serve a writ of attachment issued out of justice's court beyond the limits of the county in which such justice shall have his office, except in cases provided for in RCW 7.12.120: AND PROVIDED FURTHER, That)).~~ Nothing contained in this chapter shall be construed or held to authorize the attachment of real estate, or of any interest therein, under a writ of attachment issued out of any ((justice's)) district court.

Sec. 130. Section 4, chapter 65, Laws of 1895 and RCW 7.16.040 are each amended to read as follows:

A writ of review shall be granted by any court, except a ((police)) municipal or ((justice)) district court, when an inferior tribunal, board or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board or officer, or one acting illegally, or to correct any erroneous or void proceeding, or a proceeding not according to the course of the common law, and there is no appeal, nor in the judgment of the court, any plain, speedy and adequate remedy at law.

Sec. 131. Section 16, chapter 65, Laws of 1895 and RCW 7.16.160 are each amended to read as follows:

It may be issued by any court, except a ((justice's or a police)) district or municipal court, to any inferior tribunal, corporation, board or person, to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station, or to compel the admission of a party to the use and enjoyment of a right or office to which ((he)) the party is entitled, and from which ((he)) the party is unlawfully precluded by such inferior tribunal, corporation, board or person.

Sec. 132. Section 30, chapter 65, Laws of 1895 and RCW 7.16.300 are each amended to read as follows:

It may be issued by any court, except ((police or justices<sup>1</sup>)) district or municipal courts, to an inferior tribunal, or to a corporation, board or person, in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law. It is issued upon affidavit, on the application of the person beneficially interested.

Sec. 133. Section 4, chapter 264, Laws of 1969 ex. sess. as last amended by section 3, chapter 193, Laws of 1981 and RCW 7.33.040 are each amended to read as follows:

Before the issuance of the writ of garnishment the plaintiff or someone in ((his)) the plaintiff's behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, including the amount alleged to be due, and that the plaintiff has reason to believe, and does believe, (a) that the garnishee, stating ((his)) the garnishee's name and residence, is indebted to the defendant in amounts exceeding those exempted

from garnishment by any state or federal law, or (b) that ~~((the))~~ the garnishee has in his or her possession, or under his or her control, personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law, and shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the ~~((justice))~~ district court the fee of two dollars. The party applying for this writ shall state in such affidavit whether or not the party who is to be the garnishee is the employer of the defendant.

Sec. 134. Section 6, chapter 264, Laws of 1969 ex. sess. and RCW 7.33.060 are each amended to read as follows:

The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment in the superior and ~~((justice))~~ district courts as provided in the case of other garnishees.

Sec. 135. Section 424, page 210, Laws of 1854 as last amended by section 4, chapter 42, Laws of 1891 and RCW 7.44.060 are each amended to read as follows:

The proceedings provided for in this chapter may be had before ~~((justices of the peace))~~ district judges in all cases within their jurisdiction.

Sec. 136. Section 14, page 81, Laws of 1875 as last amended by section 1, chapter 45, Laws of 1957 and RCW 7.48.250 are each amended to read as follows:

Whoever is convicted of erecting, causing or contriving a public or common nuisance as described in this chapter, or at common law, when the same has not been modified or repealed by statute, where no other punishment therefor is specially provided, shall be punished by a fine not exceeding one thousand dollars, and the court with or without such fine, may order such nuisance to be abated, and issue a warrant as hereinafter provided: **PROVIDED**, That orders and warrants of abatement shall not be issued by ~~((justices of the peace))~~ district judges.

Sec. 137. Section 15, page 81, Laws of 1875 as last amended by section 2, chapter 45, Laws of 1957 and RCW 7.48.260 are each amended to read as follows:

When, upon indictment or information, complaint or action, any person is adjudged guilty of a nuisance, if it be in superior court the court may in addition to the fine imposed, if any, or to the judgment for damages or costs, for which a separate execution may issue, order that such nuisance be abated, or removed at the expense of the defendant, and after inquiry into and estimating, as nearly as may be, the sum necessary to defray the expenses of such abatement, the court may issue a warrant therefor: **PROVIDED**, That if the conviction was had in a ~~((justice))~~ district court, the ~~((justice of the peace))~~ district judge shall not issue the order and warrant of abatement, but on application therefor, shall transfer the cause to the

superior court which shall proceed to try the issue of abatement in the same manner as if the action had been originally commenced therein.

Sec. 138. Section 119, chapter 249, Laws of 1909 and RCW 9.12.020 are each amended to read as follows:

Every (~~justice of the peace or constable~~) district judge or deputy who shall, directly or indirectly, buy or be interested in buying anything in action for the purpose of commencing a suit thereon before a (~~justice of the peace~~) district judge, or who shall give or promise any valuable consideration to any person as an inducement to bring, or as a consideration for having brought, a suit before a (~~justice of the peace~~) district judge, shall be guilty of a misdemeanor.

Sec. 139. Section 23, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 139, Laws of 1981 and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in RCW 9.46.020(10), as now or hereafter amended, are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district (~~justice~~) court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in RCW 9.46.020(10), as now or hereafter amended, shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment, and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting, or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items which are actually being used by, or being held for use by, a person licensed by the commission or who is otherwise authorized by RCW 9.46.030, as now or hereafter amended, or by commission rule to conduct gambling activities without a license in connection with gambling activities authorized by this section when:

(a) The person is acting in conformance with the provisions of chapter 9.46 RCW, as now or hereafter amended, and the rules and regulations adopted pursuant thereto; and

(b) The items are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this subsection shall not apply to persons licensed by the commission, or who are otherwise authorized by RCW 9.46.030, as now or hereafter amended, or by commission rule, to conduct gambling activities without a license, respecting devices which are to be used, or are being used, solely in that activity for which the license was issued, or for which the person has been otherwise authorized when:

(a) The person is acting in conformance with the provisions of chapter 9.46 RCW, as now or hereafter amended, and the rules and regulations adopted pursuant thereto; and

(b) The devices are a type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts by such persons in furtherance of the activity for which the license was issued, or for which the person is authorized, when such activity is conducted in compliance with the provisions of this chapter, as now or hereafter amended, and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this subsection shall not apply to records relating to and kept for activities enumerated in RCW 9.46.030, as now or hereafter amended, when the records are of the type and kind traditionally and usually employed in connection with the particular activity. Nor shall this subsection apply to any act or acts in furtherance of such activities when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant

thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

Sec. 140. Sections 10, 11, page 80, Laws of 1875 as last amended by section 4, chapter 45, Laws of 1957 and RCW 9.66.040 are each amended to read as follows:

Any court or magistrate before whom there may be pending any proceeding for a violation of RCW 9.66.030, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the sheriff at the cost of the defendant: PROVIDED, That if the conviction was had in a ~~((justice))~~ district court, the ~~((justice-of-the-peace))~~ district judge shall not issue the order and warrant of abatement, but on application therefor, shall transfer the cause to the superior court which shall proceed to try the issue of abatement in the same manner as if the action had been originally commenced therein.

Sec. 141. Section 107, chapter 249, Laws of 1909 and RCW 9.72.090 are each amended to read as follows:

Whenever it shall appear probable to a judge, ~~((justice-of-the-peace;))~~ magistrate, or other officer lawfully authorized to conduct any hearing, proceeding or investigation, that a person who has testified before ~~((him))~~ such judge, magistrate, or officer has committed perjury in any testimony so given, or offered any false evidence, he or she may, by order or process for that purpose, immediately commit such person to jail or take a recognizance for ~~((his))~~ such person's appearance to answer such charge. In such case ~~((he))~~ such judge, magistrate, or officer may detain any book, paper, document, record or other instrument produced before him or her or direct it to be delivered to the prosecuting attorney.

Sec. 142. Section 1, chapter 24, Laws of 1905 as last amended by section 8, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.92.060 are each amended to read as follows:

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: PROVIDED, That as a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035: PROVIDED FURTHER, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with

any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund. In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: PROVIDED, That persons convicted in ~~((justice))~~ district court may be placed under supervision of a probation officer employed for that purpose ~~((by the board of county commissioners of the county wherein the court is located))~~. If restitution to the victim has been ordered under subsection (2) of this section, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

**\*Sec. 143. Section 1, chapter 15, Laws of 1923 and RCW 9.92.070 are each amended to read as follows:**

***Hereafter whenever any judge of any superior court~~((justice of the peace))~~ or a district or ~~((police))~~ municipal judge shall sentence any person to pay any fine and costs, ~~((he))~~ the judge may, in ~~((his))~~ the judge's discretion, provide that such fine and costs may be paid in certain designated installments, or within certain designated period or periods, and if such fine and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.***

**\*Sec. 143 was vetoed, see message at end of chapter.**

**Sec. 144. Section 2075, Code of 1881 and RCW 9.92.130 are each amended to read as follows:**

***When a person has been sentenced by any ~~((justice of the peace in a city))~~ municipal or district judge in this state to a term of imprisonment in ~~((the))~~ a city jail, whether in default of payment of a fine or otherwise, such person may be compelled on each day of such term, except Sundays, to perform eight hours' labor upon the streets, public buildings, and grounds of***



such city (~~and to wear an ordinary ball and chain, while performing such labor~~)).

Sec. 145. Section 1, page 10, Laws of 1858 as last amended by section 2076, Code of 1881 and RCW 9.92.140 are each amended to read as follows:

When a person has been sentenced by a (~~justice of the peace~~;) district judge or a judge of the superior court(;) to a term of imprisonment in the county jail, whether in default of payment of a fine, or costs or otherwise; such person may be compelled to work eight hours, each day of such term, in and about the county buildings, public roads, streets and grounds: PROVIDED, This section and RCW 9.92.130 shall not apply to persons committed in default of bail.

Sec. 146. Section 1, chapter 19, Laws of 1980 as last amended by section 1, chapter 46, Laws of 1984 and RCW 9.95.210 are each amended to read as follows:

In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and (4) to contribute to a county or interlocal drug fund, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow implicitly the instructions of the secretary. If the probationer has been ordered to make restitution, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms

of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of ((his)) probation. For defendants found guilty in ((justice)) district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 147. Section 1, chapter 29, Laws of 1911 and RCW 10.01.070 are each amended to read as follows:

Whenever an indictment or information shall be filed in any superior court against a corporation charging it with the commission of a crime, a summons shall be issued by the clerk of such court, signed by one of the judges thereof, commanding the sheriff forthwith to notify the accused thereof, and commanding it to appear before such court at such time as shall be specified in said summons. Such summons and a copy of the indictment or information shall be at once delivered by such clerk to said sheriff and by ((him)) the sheriff forthwith served and returned in the manner provided for service of summons upon such corporation in a civil action. Whenever a complaint against a corporation, charging it with the commission of a crime, shall be made before any ((justice-of-the-peace)) district or municipal judge, a like summons, signed by such ((justice-of-the-peace-or-municipal)) judge, shall be issued, which, together with a copy of said complaint, shall be delivered to the sheriff at once and by ((him)) the sheriff forthwith served as herein provided.

Sec. 148. Section 3, chapter 29, Laws of 1911 and RCW 10.01.090 are each amended to read as follows:

If the corporation shall be found guilty and a fine imposed, it shall be entered and docketed by the clerk, or ((justice-of-the-peace)) district or municipal ((judge)) court as a judgment against the corporation, and it shall be of the same force and effect and be enforced against such corporation in the same manner as a judgment in a civil action.

Sec. 149. Section 173, page 260, Laws of 1854 as last amended by section 1888, Code of 1881 and RCW 10.04.020 are each amended to read as follows:

When any offense is committed in view of any ((justice-he)) district judge, the judge may, by verbal direction to any ((constable)) deputy, or if no ((constable-be)) deputy is present, to any citizen, cause such ((constable)) deputy or citizen to arrest such offender, and keep ((him)) such offender in custody for the space of one hour, unless such offender shall sooner be taken from such custody by virtue of a warrant issued on complaint on oath. But such person so arrested, shall not be confined in jail, nor put upon any trial, until arrested by virtue of such warrant.

Sec. 150. Section 1, chapter 76, Laws of 1919 and RCW 10.04.040 are each amended to read as follows:

~~((Justices of the peace))~~ District courts or committing magistrates may accept money as bail from persons charged with bailable offenses, and for the appearance of witnesses in all cases provided by law for the recognizance of witnesses. The amount of such bail or recognizance in each case shall be determined by the court in its discretion, and may from time to time be increased or decreased as circumstances may justify. The money to be received and accounted for in the same manner as provided by law for the superior courts.

Sec. 151. Section 174, page 260, Laws of 1854 as last amended by section 1, chapter 11, Laws of 1891 and RCW 10.04.050 are each amended to read as follows:

In all trials for offenses within the jurisdiction of a ~~((justice of the peace))~~ district judge, the defendant or the state may demand a jury, which shall consist of six, or a less number, agreed upon by the state and accused, to be impaneled and sworn as in civil cases; or the trial may be by the ~~((justice))~~ judge. When the complaint is for a crime or misdemeanor in the exclusive jurisdiction of the superior court, the justice hears the case as a committing magistrate, and no jury shall be allowed.

Sec. 152. Section 174, page 260, Laws of 1854 as last amended by section 2, chapter 11, Laws of 1891 and RCW 10.04.100 are each amended to read as follows:

~~((Such justice or jury))~~ The judge, if ~~((they find))~~ the prisoner is found guilty, shall assess ~~((his))~~ the prisoner's punishment; or if, in ~~((their))~~ the judge's opinion, the punishment ~~((they are))~~ the judge is authorized to assess is not adequate to the offense, ~~((they))~~ he or she may so find, and in such case the ~~((justice))~~ judge shall order such defendant to enter recognizance to appear in the superior court of the county, and shall also recognize the witnesses, and proceed as in proceedings by a committing magistrate.

Sec. 153. Section 176, page 261, Laws of 1854 as last amended by section 10, chapter 199, Laws of 1969 ex. sess. and RCW 10.04.110 are each amended to read as follows:

In all cases of conviction, unless otherwise provided in this chapter, the ~~((justice))~~ judge shall enter judgment for the fine and costs against the defendant, and may commit him to jail until the amount of such fine and costs owing are paid, or the payment thereof be secured as provided by RCW 10.04.120. The amount of such fine and costs owing shall be computed as provided for superior court cases in RCW 10.82.030 and 10.82.040. Further proceedings therein shall be had as in like cases in the superior court: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law

shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 154. Section 176, page 261, Laws of 1854 as last amended by section 1897, Code of 1881 and RCW 10.04.120 are each amended to read as follows:

Every defendant may stay the execution for the fine and costs for thirty days, by procuring sufficient sureties, to be approved by the ~~((justice))~~ district judge, to enter into recognizance before ~~((him))~~ the district judge for the payment of the fine and costs; the entry of such recognizance shall be made on the docket of the ~~((justice))~~ district judge, and signed by the sureties, and shall have the same effect as a judgment, and if the same be not paid in thirty days, the ~~((justice))~~ district judge shall proceed as in like cases in the superior court.

**NEW SECTION.** Sec. 155. A new section is added to chapter 10.04 RCW to read as follows:

The magistrates' association may propose to the supreme court suggested forms for criminal actions for inclusion in the justice court criminal rules.

Sec. 156. Section 6, chapter 29, Laws of 1891 and RCW 10.10.010 are each amended to read as follows:

Every person convicted before a ~~((justice of the peace))~~ district judge of any offense may appeal from the judgment ~~((, within ten days thereafter, to the superior court. The appeal shall be taken by orally giving notice thereof at the time the judgment is rendered, or by serving a written notice thereof upon the justice at any time after the judgment, and within the time allowed for taking the appeal, when the notice is given orally, the justice shall enter the same in his docket. The appellant shall be committed to the jail of the county until he shall recognize or give a bond to the state, in such reasonable sum, with such sureties as said justice may require, with condition to appear at the court appealed to, and there prosecute his appeal, and to abide the sentence of the court thereon, if not revised by a higher court))~~ as provided by court rules.

Sec. 157. Section 11, page 104, Laws of 1854 as last amended by section 1903, Code of 1881 and RCW 10.13.010 are each amended to read as follows:

~~((Justices of the peace))~~ District judges shall have power to cause all laws made for the preservation of the public peace to be kept; and in the execution of that power may require persons to give security to keep the peace, or for their good behavior, or both, in the manner herein provided.

Sec. 158. Section 22, page 105, Laws of 1854 as last amended by section 1915, Code of 1881 and RCW 10.13.075 are each amended to read as follows:

Any person committed for not finding sureties or refusing to recognize as required by the magistrate, may be discharged by any judge (~~(or justice of the peace)~~), on giving such security as was required.

Sec. 159. Section 26, page 106, Laws of 1854 as last amended by section 1919, Code of 1881 and RCW 10.13.100 are each amended to read as follows:

Any surety in recognizance to keep the peace, or for good behavior, or both, shall have the same authority and right to take and surrender his or her principal as if he or she had been bail for him or her in a civil cause, and upon such surrender, shall be discharged and exempt from all liability for any act of the principal, subsequent to such surrender, which would be a breach of the condition of the recognizance, and the person so surrendered may recognize anew, with sufficient sureties, before any (~~(justice of the peace)~~) district judge, for the residue of the term, and thereupon shall be discharged.

Sec. 160. Section 17, page 105, Laws of 1854 as last amended by section 1910, Code of 1881 and RCW 10.13.110 are each amended to read as follows:

When no order respecting the costs is made by the magistrate, they shall be allowed and paid in the same manner as costs before (~~(justices)~~) district judges in criminal prosecutions; but in all cases where a person is required to give good security for the peace, or for (~~(his)~~) the person's good behavior, the magistrate may further order that the costs of prosecution, or any part thereof, shall be paid by such person, who shall stand committed until such costs are paid, or (~~(he)~~) the person is otherwise legally discharged.

Sec. 161. Section 9, chapter 29, Laws of 1891 and RCW 10.13.120 are each amended to read as follows:

An appeal may be taken from the order of a magistrate requiring a person to give security to keep the peace or for good behavior. Such appeal shall be taken in the same manner and subject to the same conditions as appeals from (~~(justices')~~) district courts in criminal actions, and the magistrate may require recognizances of the appellant and the witness as in appeals in such criminal actions.

Sec. 162. Section 20, page 105, Laws of 1854 as amended by section 1913, Code of 1881 and RCW 10.13.130 are each amended to read as follows:

The court before which such appeal is prosecuted, may affirm the order of the (~~(justice)~~) district judge or discharge the appellant, or may require the appellant to enter into a new recognizance, with sufficient sureties, in such sum and for such time as the court shall think proper, and may also make such order in relation to the costs of prosecution as may be deemed just and reasonable.

Sec. 163. Section 44, page 109, Laws of 1854 as last amended by section 1937, Code of 1881 and RCW 10.16.100 are each amended to read as follows:

In all cases where any magistrate shall order a defendant to recognize for his or her appearance before a ~~((justice of the peace, or the))~~ district or superior court, ((he)) the magistrate shall forward with the papers in the case, an abstract of the costs that have accrued in the case, and such costs shall be subject to the final determination of the case.

Sec. 164. Section 39, page 108, Laws of 1854 as last amended by section 15, chapter 11, Laws of 1891 and RCW 10.16.160 are each amended to read as follows:

All witnesses required to recognize with or without sureties shall, if they refuse, be committed to the county jail by the magistrate, there to remain until they comply with such orders or be otherwise discharged according to law: PROVIDED, That when the magistrate is satisfied that any witness required to recognize with sureties is unable to comply with such order, ~~((he))~~ the magistrate shall immediately take the deposition of such witness and discharge ~~((him))~~ the witness from custody upon ~~((his))~~ the witness' own recognizance. The testimony of the witness shall be reduced to writing by a ~~((justice))~~ district judge or some competent person under ~~((his))~~ the judge's direction, and ~~((he shall take))~~ only the exact words of the witness shall be taken; the deposition, except the cross-examination, shall be in the narrative form, and upon the cross-examination the questions and answers shall be taken in full. The defendant must be present in person when the deposition is taken, and shall have an opportunity to cross-examine the witnesses; ~~((he))~~ the defendant may make any objections to the admission of any part of the testimony, and all objections shall be noted by the ~~((justice))~~ district judge; but the ~~((justice))~~ district judge shall not decide as to the admissibility of the evidence, but shall take all the testimony offered by the witness. The deposition must be carefully read to the witness, and any corrections ~~((he))~~ the witness may desire to make thereto shall be made in presence of the defendant by adding the same to the deposition as first taken; it must be signed by the witness, certified by the ~~((justice))~~ district judge, and transmitted to the clerk of the superior court, in the same manner as depositions in civil actions. And if the witness is not present when required to testify in the case, either before the grand jury or upon the trial in the superior court, the deposition shall be submitted to the judge of such superior court, upon the objections noted by the ~~((justice))~~ district judge, and such judge shall suppress so much of said deposition as ~~((he))~~ such judge shall find to be inadmissible, and the remainder of the deposition may be read as evidence in the case, either before the grand jury or upon the trial in the court.

Sec. 165. Section 175, page 128, Laws of 1854 as last amended by section 1166, Code of 1881 and RCW 10.19.110 are each amended to read as follows:

All recognizances taken and forfeited before any (~~(justice of the peace)~~) district judge or magistrate, shall be forthwith certified to the clerk of the superior court of the county; and it shall be the duty of the prosecuting attorney to proceed at once by action against all the persons bound in such recognizances, and in all forfeited recognizances whatever, or such of them as (~~he~~) the prosecuting attorney may elect to proceed against.

Sec. 166. Section 176, page 129, Laws of 1854 as last amended by section 88, chapter 28, Laws of 1891 and RCW 10.19.120 are each amended to read as follows:

No action brought on any recognizance (~~(bail or appearance bond)~~), bail, or appearance bond given in any criminal proceeding whatever shall be barred or defeated, nor shall judgment be arrested thereon, by reason of any neglect or omission to note or record the default of any principal or surety at the time when such default shall happen, or by reason of any defect in the form of the recognizance, if it sufficiently appear from the tenor thereof at what court or before what (~~justice~~) district judge the party or witness was bound to appear, and that the court or magistrate before whom it was taken was authorized by law to require and take such recognizance; and a recognizance may be recorded after execution awarded.

Sec. 167. Section 764, Code of 1881 as amended by section 1, chapter 103, Laws of 1927 and RCW 10.37.015 are each amended to read as follows:

No person shall be held to answer in any court for an alleged crime or offense, unless upon an information filed by the prosecuting attorney, or upon an indictment by a grand jury, except in cases of misdemeanor or gross misdemeanor before a (~~justice of the peace~~) district or municipal judge, or before a court martial.

Sec. 168. Section 1, page 418, Laws of 1869 as amended by section 2103, Code of 1881 and RCW 10.46.210 are each amended to read as follows:

When any person shall be brought before a court(~~(justice of the peace)~~) or other committing magistrate of any county, city or town in this state, having jurisdiction of the alleged offense, charged with the commission of a crime or misdemeanor, and such complaint upon examination shall appear to be unfounded, no costs shall be payable by such acquitted party, but the same shall be chargeable to the county, city or town for or in which the said complaint is triable, but if the court(~~(justice of the peace)~~) or other magistrate trying said charge, shall decide the complaint was frivolous or malicious, the judgment or verdict shall also designate who is the complainant, and may adjudge that said complainant pay the costs. In such

cases a judgment shall thereupon be entered for the costs against said complainant, who shall stand committed until such costs be paid or discharged by due process of law.

Sec. 169. Section 3, page 421, Laws of 1873 as last amended by section 7, chapter 389, Laws of 1985 and RCW 10.82.070 are each amended to read as follows:

(1) All sums of money derived from costs except those costs awarded to prevailing parties under RCW 4.84.010, 36.18.040, or other similar statute, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law.

(3) All fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 170. Section 5, chapter 17, Laws of 1971 ex. sess. and RCW 10-.91.040 are each amended to read as follows:

For the purpose of this chapter "judicial officer of this state" and "judicial officer" mean a ((<sup>n</sup>))judge of the superior or district court((<sup>n</sup>, or a <sup>n</sup>justice of the peace of this state<sup>n</sup>)).

Sec. 171. Section 11.20.030, chapter 145, Laws of 1965 and RCW 11-.20.030 are each amended to read as follows:

If any witness be prevented by sickness from attending at the time any will is produced for probate, or reside out of the state or more than thirty miles from the place where the will is to be proven, such court may issue a commission annexed to such will, and directed to any judge, ((justice of the peace;)) notary public, or other person authorized to administer an oath, empowering him or her to take and certify the attestation of such witness.

Sec. 172. Section 20, chapter 122, Laws of 1963 and RCW 15.17.200 are each amended to read as follows:

The director may affix to any such lot or part thereof of horticultural plants or products a tag or notice of warning that such lot of horticultural



plants or products is held and stating the reasons therefor. It shall be unlawful for any person other than the director to detach, alter, deface, or destroy any such tag or notice affixed to any such lot, or part thereof, of horticultural plants or products, or to remove or dispose of such lot, or part thereof, in any manner or under conditions other than as prescribed in such tag or notice, except on the written permission of the director or the court.

The director shall forthwith cause a notice of noncompliance to be served upon the person in possession of such lot of horticultural plants or products. The notice of noncompliance shall include a description of the lot, the place where, and the reason for which, it is held, and it shall give notice that such lot of horticultural plants or products is a public nuisance and subject to disposal as provided in this section unless, within a minimum of seventy-two hours or such greater time as prescribed in the notice by the director, it is reconditioned or the deficiency is otherwise corrected so as to bring it into compliance.

If the person so served is not the sole owner of such lot of horticultural plants or products, or does not have the authority as an agent for the owner to bring it into compliance, it shall be the duty of such person to notify the director forthwith in writing giving the names and addresses of the owner or owners and all other persons known to him or her to claim an interest in such lot of horticultural plants or products. Any person so served shall be liable for any loss sustained by such owner or other person whose name and address he or she has knowingly concealed from the director.

If such lot of horticultural plants or products has not been reconditioned or the deficiency corrected so as to bring it into compliance within the time specified in the notice, the director shall forthwith cause a copy of such notice to be served upon all persons designated in writing by the person in possession of such lot of horticultural plants or products to be the owner or to claim an interest therein. Any notice required by this section may be served personally or by mail addressed to the person to be served at last known address.

The director with the written consent of all such persons so served, is hereby authorized to destroy such lot of horticultural plants or products or otherwise abate the nuisance. If any such person fails or refuses to give such consent, then the director shall proceed in the manner provided for such purposes in this section.

If such lot of horticultural plants or products is perishable or subject to rapid deterioration the director may, through the prosecutor in the county where such horticultural plants or products are held, file a verified petition in the superior court of the said county to destroy such lot of horticultural plants or products or otherwise abate the nuisance. The petition shall state the condition of such lot of horticultural plants or products, that such lot of horticultural plants or products is held, and that notice of noncompliance has been served as provided in this chapter. The court may then order that

such lot of horticultural plants or products be forthwith destroyed or the nuisance otherwise abated as set forth in said order.

If such lot of horticultural plants or products is not perishable or subject to rapid deterioration, the director may, through the prosecutor in the county in which it is located, file a petition within five days of the serving of the notice of noncompliance upon the owners or person in possession of such lot of horticultural plants or products in the superior court or ((justice)) district court of the said county for an order to show cause, returnable in five days, why such lot of horticultural plants or products should not be abated. The owner or person in possession, on his or her own motion within five days from the expiration of the time specified in the notice of noncompliance, may file a petition in such court for an order to show cause, returnable in five days, why such lot of horticultural plants or products should not be released to the petitioner and any warning tags previously affixed removed therefrom.

The court may enter a judgment ordering that such lot of horticultural plants or products be condemned and destroyed in the manner directed by the court or relabeled, or denatured, or otherwise processed, or sold, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. In the event of sale by the owner or the court, the costs of storage, handling, reconditioning, and disposal shall be deducted from the proceeds of the sale and the balance, if any, paid into the court for the owner.

Sec. 173. Section 15.32.720, chapter 11, Laws of 1961 as amended by section 12, chapter 199, Laws of 1969 ex. sess. and RCW 15.32.720 are each amended to read as follows:

One-half of all fines collected from prosecutions under this chapter shall be paid to the state and the remainder to the county in which the conviction is had: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 174. Section 15.32.770, chapter 11, Laws of 1961 and RCW 15.32.770 are each amended to read as follows:

Any superior ((court and any)), municipal ((court)), or ((justice of the peace)) district court shall have jurisdiction of all prosecutions and all proceedings for forfeiture and sale under this chapter.

Sec. 175. Section 15.36.580, chapter 11, Laws of 1961 as amended by section 17, chapter 67, Laws of 1981 and RCW 15.36.580 are each amended to read as follows:

In case of a written protest from any fluid milk producer, fluid milk distributor, or health officer, concerning the enforcement of any provisions of this chapter or of any rules and regulations thereunder, the director, or

an administrative law judge within ten days after receipt of such protest and after five days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the director or an administrative law judge shall make such written findings of fact and order as the circumstances may warrant: PROVIDED, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken (~~((within ten days of their effective date to the superior court of the county in which the hearing is held upon such notice and in such manner as appeals are taken from judgments rendered in justice court))~~) in the manner provided under chapter 34.04 RCW.

Sec. 176. Section 47, chapter 63, Laws of 1969 as last amended by section 2, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.49.470 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid into the seed fund in the state treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of chapter 15.49 RCW and remaining in such seed fund account on July 1, 1975, shall likewise be used only in the enforcement of this chapter: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a (~~(justice)~~) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 177. Section 9, chapter 31, Laws of 1893 and RCW 16.04.040 are each amended to read as follows:

~~((Justices of the peace))~~ District judges shall have exclusive jurisdiction of all actions and proceedings under RCW 16.04.010 through 16.04-.070 when the damages claimed do not exceed one hundred dollars: PROVIDED, HOWEVER, That any party considering himself or herself aggrieved shall have the right of appeal to the superior court as in other cases.

Sec. 178. Section 2, page 454, Laws of 1890 as amended by section 1, chapter 86, Laws of 1927 and RCW 16.12.020 are each amended to read as follows:

If any swine shall be suffered to run at large in any county of this state contrary to the provisions of RCW 16.12.010 through 16.12.080, and shall trespass upon the land of any person, the owner or person having possession of such swine shall be liable for all damages the owner or occupant of such

land may sustain by reason of such trespass; and if the owner or person having possession of such swine shall knowingly or negligently permit the same to run at large contrary to the provisions of RCW 16.12.010 through 16.12.080, for a second or subsequent act of trespass by such swine, such owner or person shall be liable for treble the amount of damages done by the same, and such damages may be recovered in a civil action before any (~~justice of the peace~~) district judge.

Sec. 179. Section 3, page 454, Laws of 1890 as amended by section 1, chapter 39, Laws of 1899 and RCW 16.12.030 are each amended to read as follows:

If any swine shall be found running at large contrary to the provisions of RCW 16.12.010 through 16.12.080, it shall be lawful for any person to restrain the same forthwith, and shall immediately give the owner notice in writing that (~~he~~) the person has restrained said swine, and the amount of damages (~~he~~) the person claims in the premises, and requiring the owner to take said swine away and pay such damages. If said owner fails to comply with the provisions of this section within three days after receiving such notice, such damages may be recovered in a civil action before any (~~justice of the peace~~) district judge, and such person who sustains damages as aforesaid shall have a lien upon said swine for the damages sustained by the said swine, and for keeping same: PROVIDED, That if the owner of such swine is unknown, the notice required in this section shall be published for two weeks in a newspaper published in the county.

Sec. 180. Section 4, page 90, Laws of 1871 as amended by section 2548, Code of 1881 and RCW 16.16.060 are each amended to read as follows:

It shall not be lawful for any person or persons to geld any animal knowing such animal is kept or intended to be kept for covering mares; and any person so offending shall be liable to the owner for all damages, to be recovered in any court having proper jurisdiction thereof; but if any owner or keeper of the covering animal shall wilfully or negligently suffer the said animal to run at large out of the enclosed grounds of said owner or keeper, any person may take the said animal and convey him to his owner or keeper, for which (~~he~~) such person shall receive three dollars per day, recoverable before any (~~justice of the peace~~) district judge of the county. For the second offense six dollars per day, and for the third offense said animal may be taken up and gelded.

Sec. 181. Section 2537, Code of 1881 as amended by section 14, chapter 199, Laws of 1969 ex. sess. and RCW 16.28.160 are each amended to read as follows:

It shall be the duty of any and all persons searching or hunting for stray horses, mules or cattle, to drive the band or herd in which they may

find their stray horses, mules or cattle, into the nearest corral before separating their said stray animals from the balance of the herd or band; that in order to separate their said stray animals from the herd or band, the person or persons owning said stray shall drive them out of and away from the corral in which they may be driven before setting the herd at large. Any person violating this section shall be deemed guilty of a misdemeanor, and on conviction thereof, before a ~~((justice of the peace))~~ district judge, shall be fined in any sum not exceeding one hundred dollars, and half the costs of prosecution; said fine so recovered to be paid into the school fund of the county in which the offense was committed; and in addition thereto shall be imprisoned until the fine and costs are paid: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 182. Section 9, chapter 27, Laws of 1893 and RCW 16.52.060 are each amended to read as follows:

Any judge, ~~((justice of the peace, police judge,))~~ sheriff, ~~((constable))~~ deputy, or police officer may arrest any person found committing any of the ~~((cruelties hereinbefore))~~ acts enumerated in RCW 16.52.065 or 81.56.120, without a warrant for such arrest, and any officer or member of any humane society, or society for the prevention of cruelty to animals, may cause the immediate arrest of any person engaged in, or who shall have committed such cruelties, upon making oral complaint to any sheriff, ~~((constable))~~ deputy, or police officer, or such officer or member of such society may himself or herself arrest any person found perpetrating any of the cruelties herein enumerated: PROVIDED, That said person making such oral complaint or making such arrest shall file with a proper officer a written complaint, stating the act or acts complained of, within twenty-four hours, excluding Sundays and legal holidays, after such arrest shall have been made.

Sec. 183. Section 28, chapter 249, Laws of 1961 as amended by section 15, chapter 199, Laws of 1969 ex. sess. and RCW 17.21.280 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director for use exclusively in the enforcement of this chapter. All moneys held by the director for the enforcement of chapter 17.20 RCW shall be retained by ~~((him))~~ the director for the enforcement of this chapter: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 184. Section 17, chapter 121, Laws of 1899 as last amended by section 17, chapter 199, Laws of 1969 ex. sess. and RCW 18.64.260 are each amended to read as follows:

All suits for the recovery of the several penalties prescribed in this chapter shall be prosecuted in the name of the state of Washington in any court having jurisdiction, and it shall be the duty of the prosecuting attorney of the county wherein such offense is committed to prosecute all persons violating the provisions of this chapter upon the filing of proper complaint. All penalties collected under the provisions of this chapter shall inure to the school fund of the county in which suit was prosecuted and judgment obtained: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a (~~justice~~) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 185. Section 2, chapter 162, Laws of 1927 as amended by section 22, chapter 154, Laws of 1973 1st ex. sess. and RCW 19.72.030 are each amended to read as follows:

Each of such sureties shall have separate property worth the amount specified in the bond or recognizance, over and above all debts and liabilities, and exclusive of property exempt from execution, unless the other spouse joins in the execution of the bond, in which case they must have community property of such required value; but in case such bond or recognizance is given in any action or proceeding commenced or pending in any court the judge(~~, or justice of the peace, as the case may be~~), on justification, may allow more than two sureties to justify, severally, in amounts less than the amount specified, if the whole justification is equivalent to that of two sufficient sureties.

Sec. 186. Section 3, chapter 162, Laws of 1927 and RCW 19.72.040 are each amended to read as follows:

In case such bond or recognizance is given in any action or proceeding commenced or pending in any court, the judge or clerk of any court of record(~~, or justice of the peace, as the case may be~~) or district court, or any party to the action or proceeding for the security or protection of which such bond or recognizance is made may, upon notice, require any of such sureties to attend before the judge(~~, or justice of the peace~~) at a time and place specified and to be examined under oath touching (~~his~~) the surety's qualifications both as to residence and property as such surety, in such manner as the judge, (~~or justice of the peace~~) in (~~his~~) the judge's discretion, may think proper. If the party demanding the examination require it, the examination shall be reduced to writing and subscribed by the surety. If the judge(~~, or justice of the peace~~) find the surety possesses the requisite qualifications and property, (~~he~~) the judge shall endorse (~~his~~) the allowance thereof on the bond or recognizance, and cause it to be filed as provided by law, otherwise it shall be of no effect.

Sec. 187. Section 9, chapter 216, Laws of 1961 as last amended by section 3, chapter 288, Laws of 1983 and RCW 19.86.090 are each amended to read as follows:

Any person who is injured in his or her business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or any person so injured because he or she refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained: PROVIDED, That such increased damage award for violation of RCW 19.86.020 may not exceed ten thousand dollars: PROVIDED FURTHER, That such person may bring a civil action in the ((justice)) district court to recover his or her actual damages, except for damages which exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorney's fees. The ((justice)) district court may, in its discretion, increase the award of damages to an amount not more than three times the actual damages sustained, but such increased damage award shall not exceed the amount specified in RCW 3.66.020. For the purpose of this section "person" shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

Sec. 188. Section 3, chapter 94, Laws of 1925 ex. sess. as last amended by section 2, chapter 37, Laws of 1975 and RCW 27.24.090 are each amended to read as follows:

The collection of the fees directed in RCW 27.24.070 shall be discontinued whenever the board of trustees of a county library or the prosecuting attorney, as the case may be, files with the county clerk and clerks of the ((justice)) district courts a written resolution to the effect that the county library fund in its county is sufficient for all present needs, which resolution shall remain effective until it is later rescinded. Upon its rescission, the county clerk and clerks of the ((justice)) district courts shall resume the collection of such fees.

Sec. 189. Section 28A.27.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 132, Laws of 1986 and RCW 28A.27.100 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation

of RCW 28A.27.010 shall be required to attend school and shall not be fined. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.27.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.27.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.27.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 to a ~~((justice of the peace, justice court judge or to a))~~ judge of the superior or district court.

Sec. 190. Section 14, chapter 15, Laws of 1970 ex. sess. as amended by section 58, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.102 are each amended to read as follows:

Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by RCW 28A.27.010 through 28A.27.130 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a school district employee, such fine shall be paid to the appropriate county treasurer and by ~~((him))~~ the county treasurer placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid to the county treasurer of the county in which the educational service district headquarters is located and by ~~((him))~~ the county treasurer placed to the credit of the general school fund of the educational service district: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 191. Section 28A.27.104, chapter 223, Laws of 1969 ex. sess. as amended by section 54, chapter 199, Laws of 1969 ex. sess. and RCW 28A.27.104 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW 28A.27.010 through 28A.27.130 shall inure and be applied to the support of the public schools in the school district



where such offense was committed: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 192. Section 28A.27.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.120 are each amended to read as follows:

In cases arising under RCW 28A.27.010 through 28A.27.130, all ((~~justices~~ ~~courts~~, ~~justice~~)) district courts, municipal courts or departments, and superior courts in the state of Washington shall have concurrent jurisdiction.

Sec. 193. Section 29.21.070, chapter 9, Laws of 1965 as amended by section 75, chapter 81, Laws of 1971 and RCW 29.21.070 are each amended to read as follows:

The offices of justice of the supreme court, judge of the court of appeals, judge of the superior court, and ((~~justice of the peace~~)) judge of the district court 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~~)) district judges are to be elected in each ((~~precinct~~)) district in ((~~his~~)) the county.

Sec. 194. Section 29.21.120, chapter 9, Laws of 1965 and RCW 29.21.120 are each amended to read as follows:

Judicial positions and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

JUDICIAL ELECTION BALLOT

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

Judges of the  
Supreme Court .....  
to be nominated.

Judges of the  
Superior Court .....  
to be nominated.

No. 1  
Vote for One.

No. 1  
Vote for One.

.....   
.....   
.....

.....   
.....   
.....

No. 2  
Vote for One.

No. 2  
Vote for One.

.....   
.....   
.....

.....   
.....   
.....

No. 3  
Vote for One.

.....   
.....   
.....

(Or, if vacancy  
to be filled)  
No. ....  
2 (or 4) year term.  
Vote for One.

.....   
.....   
.....

(Or, if short term  
to be filled)  
No. ....  
Short term.  
Vote for One.

.....   
.....   
.....

No. 3  
Vote for One.

.....   
.....   
.....

(Or, if vacancy  
to be filled)  
No. ....  
Unexpired term.  
Vote for One.

.....   
.....   
.....

(Or, if short term  
to be filled)  
No. ....  
Short term.  
Vote for One.

.....   
.....   
.....

((Justice(s) of the Peace, ..... Precinct))  
District Judges, ..... District  
Vote for .....

.....   
.....   
.....   
.....   
.....

Sec. 195. Section 6, chapter 148, Laws of 1980 and RCW 35.20.090 are each amended to read as follows:

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in ((justice)) district court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court.

Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972.

Sec. 196. Section 35.20.120, chapter 7, Laws of 1965 and RCW 35-.20.120 are each amended to read as follows:

All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with ~~((justices of the peace))~~ the district court, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this chapter, shall be paid respectively out of the city treasury and county treasury.

Sec. 197. Section 35.20.210, chapter 7, Laws of 1965 as amended by section 4, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.210 are each amended to read as follows:

There shall be a chief clerk of the municipal court appointed by the judges of the municipal court subject to such civil service laws and rules as may be provided in such city. ~~((Upon this 1969 amendatory act becoming effective))~~ After August 11, 1969, those employees connected with the court under civil service status shall be continued in such employment and such classification. Before ~~((he))~~ the chief clerk enters upon the duties of ~~((his))~~ the chief clerk's office, the chief clerk shall take and subscribe an oath the same as required for officers of the city, and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that ~~((he))~~ the chief clerk will faithfully account to and pay over to the treasurer of said city all moneys coming into his or her hands as such clerk, and that he or she will faithfully perform the duties of his or her office to the best of his or her knowledge and ability. Upon the recommendation of the judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court as said legislative body deems necessary, with such compensation as said legislative body may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: PROVIDED, That the judges of the municipal court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the

court has concurrent jurisdiction with (~~justices of the peace~~) the district and (~~the~~) superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

Sec. 198. Section 35.20.250, chapter 7, Laws of 1965 as last amended by section 25, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.250 are each amended to read as follows:

The municipal court shall have concurrent jurisdiction with the superior court and (~~justices of the peace~~) district court in all civil and criminal matters as now provided by law for (~~justices of the peace~~) district judges, and a judge thereof may sit in preliminary hearings as magistrate. Fines, penalties, and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for (~~justices of the peace~~) district court and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of (~~justices of the peace~~) district judges operating under chapter 3.30 RCW.

Sec. 199. Section 35.20.910, chapter 7, Laws of 1965 and RCW 35.20.910 are each amended to read as follows:

All acts or parts of acts (~~not specifically repealed or modified by RCW 35.20.900;~~) which are inconsistent or conflicting with the provisions of this chapter, are hereby repealed or modified accordingly. No provision of this chapter shall be construed as repealing or anyway limiting or affecting the jurisdiction of (~~justices of the peace~~) district judges under the general laws of this state.

Sec. 200. Section 36.01.060, chapter 4, Laws of 1963 and RCW 36.01.060 are each amended to read as follows:

Each county shall be liable to pay the per diem and mileage, or other compensation in lieu thereof, to jurors of the county attending the superior court; the fees of the sheriff for maintaining prisoners charged with crimes, and (~~his~~) the sheriff's costs in conveying them to and from the court, as well as their board while there; the per diem and mileage, or such other compensation as is allowed in lieu thereof, of the sheriff of the county, when in criminal cases (~~he~~) the sheriff is required to attend or travel to the superior court out of the limits of (~~his own~~) the sheriff's county; the costs in criminal cases taken from the (~~justice or inferior~~) courts of limited jurisdiction to the superior court; but no such claims shall be paid by the treasurer unless the particular items are approved by the judge and certified by the clerk under the seal of the court. For the time or travel which may be

paid by the parties or United States, no payment from the county shall be allowed, and no officer, juror, or witness shall receive from the county double pay as a per diem for the same time, or as traveling expenses or mileage for the same travel, in however many different capacities or in however many different causes they may be summoned, notified, or called upon to testify or attend in.

Sec. 201. Section 1, chapter 38, Laws of 1973 as last amended by section 104, chapter 7, Laws of 1985 and by section 1, chapter 24, Laws of 1985 and RCW 36.18.020 are each reenacted and amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy dollars except in proceedings filed under RCW 26.50.030 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party filing the first or initial paper on an appeal from ~~((justice))~~ a court of limited jurisdiction or on any civil appeal, shall pay, when said paper is filed, a fee of seventy dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a ~~((justice))~~ district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in ~~((his))~~ the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in ~~((his))~~ the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (12) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of seventy dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of four dollars.

(15) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(16) Upon conviction or plea of guilty or upon failure to prosecute ~~((his))~~ an appeal from a ~~((lower))~~ court of limited jurisdiction as provided by law, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(17) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

Sec. 202. Section 36.24.030, chapter 4, Laws of 1963 and RCW 36-.24.030 are each amended to read as follows:

Every person summoned as a juror who fails to appear without having a reasonable excuse shall forfeit a sum not exceeding twenty dollars, to be recovered by the coroner, in the name of the state, before any ~~((justice of the peace))~~ district judge of the county. The penalty when collected shall be paid over to the county treasurer for the use of the county.

Sec. 203. Section 36.24.050, chapter 4, Laws of 1963 and RCW 36.24.050 are each amended to read as follows:

The coroner may issue subpoenas for witnesses returnable forthwith or at such time and place as ~~((he))~~ the coroner may appoint, which may be served by any competent person. ~~((He))~~ The coroner must summon and examine as witnesses, on oath ~~((by him))~~ administered by the coroner, every person, who, in his or her opinion or that of any of the jury, has any knowledge of the facts. A witness served with a subpoena may be compelled to attend and testify, or be punished by the coroner for disobedience, in like manner as upon a subpoena issued by a ~~((justice of the peace))~~ district judge.

Sec. 204. Section 36.24.160, chapter 4, Laws of 1963 and RCW 36.24.160 are each amended to read as follows:

If the office of coroner is vacant, or ~~((he))~~ the coroner is absent or unable to attend, the duties of ~~((his))~~ the coroner's office may be performed by any ~~((justice of the peace))~~ district judge in the county with the like authority and subject to the same obligations and penalties as the coroner. For such service a ~~((justice of the peace))~~ district judge shall be entitled to the same fees, payable in the same manner.

Sec. 205. Section 36.27.020, chapter 4, Laws of 1963 as amended by section 1, chapter 19, Laws of 1975 1st ex. sess. and RCW 36.27.020 are each amended to read as follows:

The prosecuting attorney shall:

(1) Be legal adviser of the board of county commissioners, giving them his or her written opinion when required by the board or the ~~((chairman))~~ chairperson thereof touching any subject which the board may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required ~~((he shall))~~ draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or ~~((his))~~ the county or any school district in ~~((his))~~ the county may be a party;

(4) Prosecute all criminal and civil actions in which the state or ~~((his))~~ the county may be a party, defend all suits brought against the state or ~~((his))~~ the county, and prosecute actions upon forfeited recognizances and bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or ~~((his))~~ the county;

(5) Attend and appear before and give advice to the grand jury when cases are presented to it for consideration and draw all indictments when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of felonies when ~~((he))~~ the prosecuting attorney has information that any such offense has been committed and ~~((he))~~ the prosecuting attorney shall for that purpose attend when required by them if ~~((he))~~ the prosecuting attorney is not then in attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care that no useless witness fees are taxed as part of the costs and that the officers authorized to execute process tax no other or greater fees than the fees allowed by law;

(8) Receive all cost bills in criminal cases before ~~((justices of the peace))~~ district judges at the trial of which ~~((he))~~ the prosecuting attorney was not present, before they are lodged with the board of county commissioners for payment, whereupon ~~((he))~~ the prosecuting attorney may retax the same and ~~((he))~~ the prosecuting attorney must do so if the board of county commissioners deems any bill exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to ~~((his))~~ the prosecuting attorney's knowledge to the special consideration of the proper jury;

(10) Examine at least once in each year the public records and books of the auditor, assessor, treasurer, superintendent of schools, and sheriff of his or her county and report to the board of county commissioners every failure, refusal, omission, or neglect of such officers to keep such records and books as required by law;

(11) Examine once in each year the official bonds of all county and precinct officers and report to the board of county commissioners any defect in the bonds of any such officer;

(12) Make an annual report to the governor as of the 31st of December of each year setting forth the amount and nature of business transacted by ~~((him))~~ the prosecuting attorney in that year with such other statements and suggestions as ~~((he))~~ the prosecuting attorney may deem useful;

(13) Send to the state liquor control board at the end of each year a written report of all prosecutions brought under the state liquor laws in the county during the preceding year, showing in each case, the date of trial, name of accused, nature of charges, disposition of case, and the name of the judge presiding;

(14) Seek to reform and improve the administration of criminal justice and stimulate efforts to remedy inadequacies or injustice in substantive or procedural law.

Sec. 206. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 2, chapter 278, Laws of 1986 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:



(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: **PROVIDED**, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: **PROVIDED FURTHER**, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: **PROVIDED**, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: **PROVIDED FURTHER**, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public

hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: **PROVIDED FURTHER**, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as (~~justices of the peace~~) district judges.

Sec. 207. Section 36.53.070, chapter 4, Laws of 1963 and RCW 36.53.070 are each amended to read as follows:

Every person obtaining a ferry license shall give constant and diligent attention to such ferry from daylight in the morning until dark in the evening of each day, and shall, moreover, at any hour in the night, if required, except in cases of imminent danger, give passage to all persons requiring the same on the payment of double rate of ferriage allowed to be taken in the daytime.

If (~~he~~) the licensee at any time neglects or refuses to give passage to any person or (~~his~~) property, (~~he~~) the licensee shall forfeit and pay to the party aggrieved for every such offense the sum of five dollars, to be recovered before any (~~justice of the peace~~) district judge having jurisdiction; (~~he~~) the licensee shall, moreover, be liable in an action at law for any special damage which such person may have sustained in consequence of such neglect or refusal.

No forfeiture or damages shall be recovered for a failure or refusal to convey any person or property across the stream when it is manifestly hazardous to do so, by reason of any storm, flood, or ice; nor shall any keeper of a ferry be compelled to give passage to any person or property until the fare or toll chargeable by law has been fully paid or tendered.

Sec. 208. Section 36.53.080, chapter 4, Laws of 1963 and RCW 36-53.080 are each amended to read as follows:

Whenever the board of county commissioners grants a license to keep a ferry across any lake or stream, it shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard for the breadth and situation of the stream, and the dangers and difficulties incident thereto, and the publicity of the place at which the same is established, and every keeper of a ferry who at any time demands and receives more than the amount so designated for ferrying shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, over and above the amount which has been illegally received, to be recovered before any ~~((justice of the peace))~~ district judge having jurisdiction.

Sec. 209. Section 36.53.110, chapter 4, Laws of 1963 and RCW 36-53.110 are each amended to read as follows:

All persons shall be received into the ferry boats and conveyed across the stream over which a ferry is established according to their arrival thereat, and if the keeper of a ferry acts contrary to this regulation, ~~((he))~~ the keeper shall forfeit and pay to the party aggrieved the sum of ten dollars for every such offense, to be recovered before any ~~((justice of the peace))~~ district judge having jurisdiction: PROVIDED, That public officers on urgent business, post riders, couriers, physicians, surgeons, and midwives shall in all cases be first carried over, when all cannot go at the same time.

Sec. 210. Section 36.53.140, chapter 4, Laws of 1963 and RCW 36-53.140 are each amended to read as follows:

Any person who maintains any ferry and receives ferriage without first obtaining a license therefor shall pay a fine of ten dollars for each offense, to be collected for the use of the county, by suit before any ~~((justice of the peace))~~ district judge having jurisdiction, and any person may bring such suit: PROVIDED, That it shall not be unlawful for any person to transport any other person or ~~((his))~~ property over any stream for hire, when there is no ferry, or the ferry established at such place was not in actual operation at the time, or in sufficient repair to have afforded to such person or ~~((his))~~ property a safe and speedy passage.

Sec. 211. Section 36.82.210, chapter 4, Laws of 1963 as amended by section 21, chapter 199, Laws of 1969 ex. sess. and RCW 36.82.210 are each amended to read as follows:

All fines and forfeitures collected for violation of any of the provisions of chapters 36.75, and 36.77 to 36.87 RCW, inclusive, when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and

parkways; and one-fourth into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of such provisions when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 212. Section 43.24.120, chapter 8, Laws of 1965 as last amended by section 102, chapter 158, Laws of 1979 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 to superior court from the decision of the director of licensing ((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)) in chapter 34.04 RCW.

~~((No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of licensing, 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:))~~ The decision of the superior court may be reviewed by the supreme court or the court of appeals in the same manner as other civil cases.

Sec. 213. Section 46.08.170, chapter 12, Laws of 1961 as last amended by section 40, chapter 136, Laws of 1979 ex. sess. and RCW 46.08.170 are each amended to read as follows:

Any violation of a rule or regulation prescribed under RCW 46.08.150 is a traffic infraction, and the district courts of ((justices of the peace in)) Thurston county shall have jurisdiction over such offenses: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

*\*Sec. 214. Section 12, chapter 2, Laws of 1983 as amended by section 6, chapter 302, Laws of 1985 and RCW 46.52.100 are each amended to read as follows:*

Every (~~justice of the peace, police judge~~) district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to (~~said justice of the peace, police judge, superior~~) the court(;) or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the (~~justice of the peace, police judge~~) district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of (~~this~~) the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at (~~this~~) the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all (~~justice~~) district courts shall be before one of the two nearest (~~justices of the peace~~) district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: **PROVIDED**, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

***It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.***

**\*Sec. 214 was vetoed, see message at end of chapter.**

Sec. 215. Section 4, chapter 178, Laws of 1979 ex. sess. as amended by section 7, chapter 274, Laws of 1983 and RCW 46.52.190 are each amended to read as follows:

(1) When a vehicle or hulk is impounded pursuant to RCW 46.61.565 or 46.52.180, the governmental agency at whose direction the impoundment was effected shall, within twenty-four hours after the impoundment, mail notification of the impoundment to the last registered owner and the legal owner of the vehicle as shown on the records of the department or as otherwise reasonably ascertainable. The notification shall contain a certificate of mailing and shall inform the registered and legal owners of the impoundment, redemption procedures, and opportunity for a hearing to contest the basis for the impoundment. The notice need not be mailed if the vehicle is redeemed prior to the mailing of the notice or if the registered owner and the legal owner are not reasonably ascertainable.

Upon impoundment of a vehicle pursuant to this section, the law enforcement officer shall also provide the registered disposer with the name and address of the last registered owner and legal owner of the vehicle as may be shown by the records of the department or as otherwise reasonably ascertainable.

(2) The notification provided for in this section shall inform the registered and legal owners that any hearing request shall be directed to the district court for the (~~justice court~~) district in which the vehicle was impounded and shall be accompanied by a form to be used for the purpose of requesting a hearing. Any request for a hearing pursuant to this section shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the notification provided for in this section was mailed. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered and legal owners shall be liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3) If the registered or legal owner timely requests a hearing provided for by this section and prevails at the hearing, the unit of government under whose jurisdiction the impoundment was effected shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Removal and storage of a vehicle or hulk under RCW 46.52.170 through 46.52.190 or under RCW 46.61.565 shall be at the registered and legal owners' expense, except as provided in (~~RCW 46.52.104, 46.52.106;~~) chapter 46.55 RCW and subsection (3) of this section.

(5) The department may adopt rules providing that the owner's vehicle license will not be renewed or a new vehicle license issued to the owner unless any outstanding removal and storage charges are paid.

Sec. 216. Section 24, chapter 165, Laws of 1947 as amended by section 145, chapter 3, Laws of 1983 and RCW 47.68.240 are each amended to read as follows:

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both such fine and imprisonment: PROVIDED, That any person violating any of the provisions of RCW 47.68.220 or 47.68.230 shall be guilty of a gross misdemeanor which shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or by both in any proceeding brought in superior court and by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both in any proceedings brought in (~~justice~~) district court. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

Sec. 217. Section 7, chapter 191, Laws of 1919 and RCW 49.40.070 are each amended to read as follows:

Any person (~~feeling himself~~) aggrieved by the finding or award of the director of labor and industries (~~may, as in RCW 49.40.060 provided; have~~) has the right of appeal (~~therefrom to the superior court of the county in which the hearing by the director or his deputy was held, by filing a notice of appeal therefrom in the office of the director within thirty days from the date of the findings and award and, upon the filing of any such notice of appeal, the director shall transmit to the clerk of the superior court to which the appeal is taken the original petition and all exhibits and written evidence filed at the hearing and the original findings and award of the director, and such appeal shall be set down for hearing and shall be heard de novo by the court as appeals from justices of the peace are heard, and the clerk of the court shall notify the parties to the dispute, by mail addressed to their last known place of residence, of the time and place of such trial upon appeal~~) in the manner provided in chapter 34.04 RCW.

Sec. 218. Section 60, chapter 35, Laws of 1945 as last amended by section 6, chapter 5, Laws of 1985 ex. sess. and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) interest earned upon any moneys in the fund,

(3) any property or securities acquired through the use of moneys belonging to the fund,

(4) all earnings of such property or securities,

(5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.



(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in this 1985 act.

Sec. 219. Section 7, chapter 92, Laws of 1903 and RCW 58.12.065 are each amended to read as follows:

Any owners of any portion of the property affected by the actual award or final judgment of such board of county commissioners or city council may appeal to the superior court having jurisdiction of appeals from (~~justice of the peace~~) district judges in the locus in quo.

Sec. 220. Section 4, chapter 39, Laws of 1955 as amended by section 1, chapter 288, Laws of 1955 and RCW 66.32.020 are each amended to read as follows:

If, upon the sworn complaint of any person, it is made to appear to any judge of the superior court (~~(, justice of the peace, or magistrate)~~) or district court, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished, or otherwise disposed of or kept in violation of the provisions of this title, such judge (~~(, justice of the peace, or magistrate)~~) shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the state duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the board, commanding (~~(him)~~) the civil officer or inspector to search the premises, room, house, building, boat, vehicle, structure or place designated and described in the complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture, and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing, or otherwise disposing of the liquor, and to safely keep the same, and to make a return of the warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession they were found, if any, and if no person is found in the possession of the articles, the return shall so state.

Sec. 221. Section 7, chapter 39, Laws of 1955, and RCW 66.32.050 are each amended to read as follows:

Upon the return of the warrant as provided herein, the judge (~~(, justice of the peace, or magistrate)~~) shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of the return, when he or she shall proceed to hear and determine whether or not the articles seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this title.

Sec. 222. Section 9, chapter 39, Laws of 1955 and RCW 66.32.070 are each amended to read as follows:

If, upon the hearing, the evidence warrants, or, if no person appears as claimant, the judge(~~(; justice of the peace, or magistrate)~~) shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: PROVIDED, That if, in the opinion of the judge(~~(; justice of the peace, or magistrate)~~), any of the forfeited articles other than intoxicating liquors are of value and adapted to any lawful use, the judge(~~(; justice of the peace, or magistrate)~~) shall, as a part of the order and judgment, direct that the articles other than intoxicating liquor be sold as upon execution by the officer having them in custody, and the proceeds of the sale after payment of all costs of the proceedings shall be paid into the liquor revolving fund.

Sec. 223. Section 55, chapter 62, Laws of 1933 ex. sess. as amended by section 8, chapter 174, Laws of 1935 and RCW 66.32.090 are each amended to read as follows:

In every case in which liquor is seized by a sheriff or (~~(constable)~~) deputy of any county or by a police officer of any municipality or by a member of the Washington state patrol, or any other authorized peace officer or inspector, it shall be the duty of the sheriff or (~~(constable)~~) deputy of any county, or chief of police of the municipality, or the chief of the Washington state patrol, as the case may be, to forthwith report in writing to the board of particulars of such seizure, and to immediately deliver over such liquor to the board, or its duly authorized representative, at such place as may be designated by it.

Sec. 224. Section 70, chapter 62, Laws of 1933 ex. sess. as last amended by section 28, chapter 199, Laws of 1969 ex. sess. and RCW 66.44.010 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor shall belong to the county, city or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a (~~(justice)~~) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation,

possession, distribution and sale of liquor. The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor.

Sec. 225. Section 93, chapter 62, Laws of 1933 ex. sess. as last amended by section 22, chapter 5, Laws of 1981 1st ex. sess. and RCW 66-.44.180 are each amended to read as follows:

Every person guilty of a violation of this title for which no penalty has been specifically provided shall be liable, on conviction, for a first offense to a penalty of not more than five hundred dollars, or to imprisonment for not more than two months, or both; for a second offense to imprisonment for not more than six months; and for a third or subsequent offense to imprisonment for not more than one year. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than five thousand dollars, and for a second or subsequent offense to a penalty of not more than ten thousand dollars, or to forfeiture of its corporate license, or both.

Every (~~justice of the peace~~) district judge and (~~magistrate~~) municipal judge shall have concurrent jurisdiction with superior court judges of the state of Washington of all violations of the provisions of this title and may impose any punishment provided therefor.

Sec. 226. Section 12, page 440, Laws of 1873 as amended by section 29, chapter 199, Laws of 1969 ex. sess. and RCW 67.14.120 are each amended to read as follows:

All fines and forfeitures collected under this chapter, and all moneys paid into the treasury of any county for licenses as aforesaid, shall be applied to school or county purposes as the local laws of such county may direct: PROVIDED, That this chapter shall not affect or apply to any private or local laws upon the subject of license in any county in this territory except King county, and no license shall be construed to mean more than the house or saloon kept by the same party or parties: PROVIDED, FURTHER, That no part of this chapter shall in any way apply to the county of Island: AND PROVIDED, FURTHER, That all moneys for licenses within the corporate limits of the town of Olympia shall be paid directly into the

town treasury of said town as a municipal fund for the use of said town: AND PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 227. Section 6, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.060 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior ((court or justice of the peace)) or district court that there is probable cause to believe that any legend drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such ((justice of the peace or)) judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding ((him)) the peace officer to search the premises designated and described in such complaint and warrant, and to seize all legend drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such legend drugs and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such legend drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

Sec. 228. Section 69.50.509, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.509 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, ((justice of the peace,)) district court ((judge)), or municipal ((judge)) court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such ((justice of the peace or)) judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture

and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

Sec. 229. Section 72.40.100, chapter 28, Laws of 1959 as last amended by section 25, chapter 378, Laws of 1985 and RCW 72.40.100 are each amended to read as follows:

Any parent, guardian, or educational service district superintendent who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any (~~justice of the peace~~) district or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

Sec. 230. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 332, chapter 258, Laws of 1984 and RCW 75.08.230 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and

(g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a (~~justice~~) district court for a violation of this title or rule of the director shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon and salmon eggs by the department, to the extent these proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal.

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

Sec. 231. Section 2, page 121, Laws of 1890 and RCW 78.12.020 are each amended to read as follows:

Three persons being residents of the county, and knowing or having reason to believe that the provisions of RCW 78.12.010 are being or have been violated within such county, may file a notice with any (~~justice of the peace or police judge~~) district or municipal court therein, which notice shall be in writing, and shall state—First, the location, as near as may be, of the hole, excavation or shaft. Second, that the same is dangerous to persons or animals, and has been left or is being worked contrary to the provisions of this chapter. Third, the name of the person or persons, company or corporation who is or are the owners of the same, if known, or if unknown, the persons who were known to be employed therein. Fourth, if abandoned and no claimant; and Fifth, the estimated cost of fencing or otherwise securing the same against any avoidable accidents.

Sec. 232. Section 4, page 122, Laws of 1890 and RCW 78.12.040 are each amended to read as follows:

The notice thus served shall require the said persons to appear before the (~~justice or~~) judge issuing the same, at a time to be stated therein, not more than ten nor less than three days from the service of said notice, and show to the satisfaction of the court that the provisions of this chapter have been complied with; or if (~~he or they~~) said person or persons fail to appear, judgment will be entered against (~~him or them~~) said person or persons for double the amount stated in the notice on file; and all proceedings had therein shall be as prescribed by law in civil cases; and such persons, in addition to any judgment that may be rendered against them, shall be liable and subject to a fine not exceeding the sum of one hundred dollars for each and every violation of the provisions of this chapter, which judgments and fines shall be adjudged and collected as provided for by law.

Sec. 233. Section 5, page 122, Laws of 1890 as amended by section 34, chapter 199, Laws of 1969 ex. sess. and RCW 78.12.050 are each amended to read as follows:

Suits commenced under the provisions of this chapter shall be in the name of the state of Washington, and all judgments and fines collected shall be paid into the county treasury for county purposes: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 234. Section 6, page 122, Laws of 1890 and RCW 78.12.060 are each amended to read as follows:

If the notice filed with the ~~((justice of the peace, or police judge))~~ district or municipal court, as aforesaid, shall state that the excavation, shaft or hole has been abandoned, and no person claims the ownership thereof, ~~((said justice of the peace, or judge,))~~ the court shall notify the ~~((board of county commissioners of the county, or either of them,))~~ county legislative authority of the location of the same, and they shall, as soon as possible thereafter, cause the same to be so fenced, or otherwise guarded, as to prevent accidents to persons or animals; and all expenses thus incurred shall be paid as other county expenses: PROVIDED, That nothing herein contained shall be so construed as to compel the county commissioners to fill up, fence or otherwise guard any shaft, excavation or hole, unless in their discretion, the same may be considered dangerous to persons or animals.

Sec. 235. Section 88, chapter 36, Laws of 1917 as amended by section 2, chapter 51, Laws of 1939 and RCW 78.40.351 are each amended to read as follows:

Whenever by reason of any explosion or any other accident in or about any coal mine, whereby loss of life or serious injury has occurred, or is thought to have occurred, it shall be the duty of the person having charge of the mine to give notice thereof to the mine inspector by telephone or telegraph, and if any person is killed thereby, to the coroner of the county, who shall give due notice to the mine inspector if an inquest is to be held. In case of any major or fatal accident, the resident district officers of the miners' organization shall be notified by telephone or telegraph at the same time the mine inspector is notified, and shall have the privilege of appearing at all investigations held to determine the cause of such accident, and to recommend safety measures for the prevention of accidents. If the coroner shall determine to hold an inquest, the mine inspector shall be allowed to testify and offer such testimony as he or she shall deem necessary to thoroughly inform the said inquest of the cause of death, and the said inspector shall have authority at any time to appear before such coroner and jury and question or cross-question any witness, and in choosing a jury for the purpose of holding such inquest it shall be the duty of the coroner to impanel a jury, no one of whom shall be directly or indirectly interested. It shall be the

duty of the mine inspector upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the safety of the ~~((men))~~ workers, and if the results of the explosion or accident do not require an investigation by the coroner, ~~((he))~~ the coroner shall proceed to investigate and ascertain the cause of the explosion or accident, and make a record thereof, which ~~((he))~~ the coroner shall file as provided for, and to enable ~~((him))~~ the coroner to make the investigation ~~((he))~~ the coroner shall have the power to compel the attendance of persons to testify, and administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by coroners or ~~((justices of the peace))~~ district judges are paid, and copies of evidence taken at inquests shall be furnished the mine inspector.

Sec. 236. Section 165, chapter 36, Laws of 1917 as last amended by section 114, chapter 154, Laws of 1973 1st ex. sess. and RCW 78.40.606 are each amended to read as follows:

No person under eighteen years of age shall be employed or permitted to be in any mine for the purpose of employment therein. No person under the age of sixteen years shall be employed or permitted to be in or about the surface workings of any mine for the purpose of employment: **PROVIDED**, That this prohibition shall not affect the employment of boys or girls for clerical or messenger duty about the surface workings as permitted under the state and federal laws.

When an employer is in doubt as to the age of any person applying for employment in or about the mine, ~~((he))~~ the employer shall demand and receive proof of the age of such person by certificate from the parents or guardian of such person before such person shall be employed. Said certificate shall consist of an affidavit, sworn and subscribed to before a ~~((justice of the peace))~~ district judge or notary public, that the person making such affidavit, is of the prescribed age for employment.

Any person swearing falsely in regard to the age of a person shall be guilty of perjury and shall be punished as provided in the statutes of the state.

Sec. 237. Section 204, chapter 36, Laws 1917 as amended by section 1, chapter 6, Laws of 1935 and RCW 78.40.723 are each amended to read as follows:

(1) The operator of every coal mine where the miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and each day's record shall be posted where it is open at all hours to the inspection of miners. Sufficient weights shall be furnished by the operator for the purpose of testing the accuracy of said scales: **PROVIDED, HOWEVER**, That where a check ~~((weighman))~~ weigher is employed the operator shall not be required to post each day's record.



(2) The miners employed by or engaged in working at any coal mine in this state shall have the privilege, if they desire, of employing at their expense a check (~~((weighman))~~ weigher, whose compensation shall be deducted by the mine operator before paying the wages due the miner, and who shall have like rights, powers and privileges in the weighing of coal as the regular (~~((weighman))~~ weigher, and be subject to the same oath and penalties as the regular (~~((weighman))~~ weigher. Said oath or affirmation shall be conspicuously posted in the weigh office.

(3) The (~~((weighman))~~ weigher and check (~~((weighman))~~ weigher employed at any mine shall subscribe an oath or affirmation before a (~~((justice of the peace))~~ district judge, or other officer authorized to administer oaths, in form as follows, to wit: (Date) . . . . . I, . . . . . depose and say that I will do justice, as (~~((weighman))~~ weigher, between the employer and employee, and weigh correctly the output of coal from the mine or mines, and keep an accurate record thereof, posting a daily bulletin of such weights for the examination of the employee.

(Sign here) . . . . .

Sworn to and subscribed before me, a . . . . . on the day and dates above written.

(4) Any weigher of coal, check (~~((weighman))~~ weigher, or any person so employed, who shall knowingly violate any of the provisions of this section or (~~((the preceding section))~~ RCW 78.40.720, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, proceedings to be instituted in any court having jurisdiction therein.

Sec. 238. Section 80.04.400, chapter 14, Laws of 1961 as amended by section 35, chapter 199, Laws of 1969 ex. sess. and RCW 80.04.400 are each amended to read as follows:

Actions to recover penalties under this title shall be brought in the name of the state of Washington in the superior court of Thurston county, or in the superior court of any county in or through which such public service company may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this title shall be paid into the treasury of the state and credited to the state general fund or such other fund as provided by law: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a (~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 239. Section 80.24.040, chapter 14, Laws of 1961 as amended by section 36, chapter 199, Laws of 1969 ex. sess. and RCW 80.24.040 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall within thirty days be paid to the state treasurer and by ~~((him))~~ the state treasurer deposited to the public service revolving fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 240. Section 80.24.050, chapter 14, Laws of 1961 as last amended by section 1, chapter 198, Laws of 1979 ex. sess. and RCW 80.24.050 are each amended to read as follows:

Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor. All fines and penalties collected under the provisions of this chapter shall be deposited into the public service revolving fund of the state treasury: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 241. Section 81.04.400, chapter 14, Laws of 1961 as amended by section 38, chapter 199, Laws of 1969 ex. sess. and RCW 81.04.400 are each amended to read as follows:

Actions to recover penalties under this title shall be brought in the name of the state of Washington in the superior court of Thurston county, or in the superior court of any county in or through which such public service company may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this title shall be paid into the treasury of the state and credited to the state general fund or such other fund as provided by law: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 242. Section 81.24.080, chapter 14, Laws of 1961 as amended by section 2, chapter 198, Laws of 1979 ex. sess. and RCW 81.24.080 are each amended to read as follows:

Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor. All fines and penalties collected under the provisions of this chapter shall be deposited into the public service revolving fund of the state treasury: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ~~((justice))~~ district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 243. Section 82.24.140, chapter 15, Laws of 1961 as amended by section 65, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.140 are each amended to read as follows:

In all cases of seizure of any property made subject to forfeiture under the provisions of this chapter, which, in the opinion of the person making the seizure, is of the appraised value of one hundred dollars, or more, the said person shall proceed as follows:

(1) He or she shall cause a list containing a particular description of the property seized to be prepared in duplicate, and an appraisal thereof to be made by three sworn appraisers to be selected by him or her, who shall be respectable and disinterested citizens of this state, residing within the county where the seizure was made. Said list and appraisal shall be properly attested by the said person and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one dollar per day for not exceeding two days, to be paid as other costs;

(2) If the property seized is believed, by the person making the seizure, to be of less value than one hundred dollars, no appraisal shall be made;

(3) The person making the seizure shall proceed to give notice thereof for five days, in writing, at three places in the county where the seizure is made. One of the notices shall be posted at the county court house; another at the place where the goods were seized; and the other at some public place. The notice shall describe the property seized, and the time and place and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized, and shall require any person claiming it to appear and make such claim in writing, within five days from the date of the first posting of such notice. Such person making the seizure shall also deliver to the person from whom the property was seized, and also to the owner, if known, a copy of the said notice;

(4) Any person claiming the said property seized as contraband, within the time specified in the notice, may file with the department of revenue a claim, in writing, stating his or her interest in the property seized, and may execute a bond to the department of revenue in a penal sum equal to double the value of the property so seized, but in no case shall said bond be less than one hundred dollars, with sureties to be approved by the clerk of the superior court in the county in which the property is seized, conditioned that in case of condemnation of the property seized, the obligor shall pay to the department of revenue the full value of the property so seized, and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And, upon delivery of such bond to the department of revenue, it shall transmit the same with the duplicate list or description of the property seized to the prosecuting attorney of the county in which such seizure was made, and said prosecuting attorney shall prosecute the case to secure the forfeiture of said property in the court having jurisdiction. Upon filing the bond aforesaid, the said property shall be delivered

to the claimant pending the outcome of the case: PROVIDED, That he or she shall at once affix the required stamps thereto;

(5) If no claim is interposed and no bond is filed within the time above specified, such property shall be forfeited, without further proceedings, and the same shall be sold as herein provided, and the proceeds of sale when received by the department of revenue shall be paid into the state treasury as are other funds collected: PROVIDED, That in seizures of property of less value than one hundred dollars, the same may be advertised by the department of revenue with other quantities at Olympia or at any other city or town in which a branch office of the department of revenue is located and disposed of as hereinbefore provided;

(6) In proceedings to secure a confiscation of the property hereinbefore mentioned, where the value of the goods seized at one time is one hundred dollars, or less, the (~~justice~~) district court of the place where the property is situated, shall have jurisdiction to try the cause. Where the value of the property seized at one time is more than one hundred dollars, then the superior court of the county where the property is seized shall have jurisdiction to try the cause.

The proceedings against property seized, according to the provisions of this chapter, shall be considered a proceeding in rem unless otherwise herein provided.

Within ten days after filing the bond provided for in subdivision (4) hereof, the claimant shall file a petition in the court having jurisdiction of the cause, and the department of revenue or other party authorized to prosecute the confiscation of said property, shall plead to it as if it were an ordinary action at law, and the same rules of pleading and procedure applicable to actions in the (~~justice court~~) district or superior court shall be observed in this action, and the costs shall be adjudged as in other actions: PROVIDED, HOWEVER, That neither the state, nor the department of revenue, nor any other person representing the state shall be liable for the costs in event the court shall not confiscate the property in controversy.

Sec. 244. Section 82.24.190, chapter 15, Laws of 1961 as amended by section 67, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.24.190 are each amended to read as follows:

When the department of revenue has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter or regulations issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any (~~justice of the peace, mayor of any city, town or village, or~~) judge of any court in this state, and such (~~justice, mayor or~~) judge shall issue a search warrant directed to the sheriff, any (~~constable~~) deputy, police officer, or duly authorized agent of the department of revenue commanding him or her diligently to search any building,

room in a building, place or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control thereof. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this chapter.

Sec. 245. Section 82.36.420, chapter 15, Laws of 1961 as amended by section 40, chapter 199, Laws of 1969 ex. sess. and RCW 82.36.420 are each amended to read as follows:

Fifty percent of all fines and forfeitures imposed in any criminal proceeding by any court of this state for violations of the penal provisions of this chapter shall be paid to the current expense fund of the county wherein collected and the remaining fifty percent shall be paid into the motor vehicle fund of the state: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a (~~justice~~) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees and penalties collected by the director under the penalty provisions of this chapter shall be paid into the motor vehicle fund.

Sec. 246. Section 7, chapter 221, Laws of 1963 and RCW 87.84.090 are each amended to read as follows:

The directors may enact rules and regulations, the violation of which shall be punishable as a misdemeanor, and the (~~justices of the peace~~) district judges in said district shall have exclusive jurisdiction over such offenses. Penalty for violation shall not exceed a five hundred dollar fine or six months in jail: PROVIDED, That where a violation is designated a misdemeanor, the directors shall submit such rules and regulations to the county commissioners of the county or counties in which the district is located who shall review same and approve or disapprove thereof. Rules or regulations disapproved by county commissioners within thirty days of submission shall be of no force or effect.

Sec. 247. Section 10, chapter 18, Laws of 1935 as last amended by section 8, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.150 are each amended to read as follows:

(1) In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship,

boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a ((justice)) district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of five thousand dollars. The board may request the prosecuting attorney of the county in which any violation of this chapter occurs to bring an action for imposing the civil penalties provided for in this subsection.

Moneys collected from civil penalties shall be deposited in the pilotage account.

(3) Any master of a vessel who shall knowingly fail to inform the pilot dispatched to said vessel or any agent, owner, or operator, who shall knowingly fail to inform the pilot dispatcher, or any dispatcher who shall knowingly fail to inform the pilot actually dispatched to said vessel of any special directions mandated by the coast guard captain of the port under authority of the Ports and Waterways Safety Act of 1972, as amended, for the handling of such vessel shall be guilty of a gross misdemeanor.

Sec. 248. Section 5, page 386, Laws of 1854 as amended by section 3246, Code of 1881 and RCW 88.20.050 are each amended to read as follows:

In case the parties cannot agree on the amount to be paid the taker-up, or the ownership, and the sum claimed is less than one hundred dollars, the owner may file a complaint, setting out the facts, and the ((justice)) judge, on hearing, shall decide the same with a jury, or not, and in the same manner as is provided in ordinary civil actions before a ((justice of the peace)) district judge. If the amount claimed by the taker-up is more than one hundred dollars, the owner shall file his or her complaint in the superior court of the county where the property is, and trial shall be had as in other civil actions; but if the taker-up claims more than one hundred dollars, and a less amount is awarded him or her, he or she shall be liable for all the costs in the superior court; and in all cases where the taker-up shall recover a less amount than has been tendered him or her by the owner or claimant, previous to filing his or her complaint, he or she shall pay the costs before the ((justice)) district judge or in the superior court: PROVIDED, That in all cases the owner, after filing his or her complaint before a ((justice of the peace)) district judge, shall be entitled to the possession of such water craft, upon giving bond, with security to the satisfaction of the ((justice)) judge, in double the amount claimed by the taker-up. When the complaint is filed

in the superior court, the clerk thereof shall approve the security of the bond. The bond shall be conditioned to pay such costs as shall be awarded to the finder or taker-up of such scow, boat, skiff, canoe, or other water craft.

Sec. 249. Section 7, page 387, Laws of 1854 as amended by section 3247, Code of 1881 and RCW 88.20.070 are each amended to read as follows:

In case such water craft is of less value than one hundred dollars, and is not claimed within three months, the taker-up may apply to a (~~justice of the peace~~) district judge of the (~~precinct~~) district where the property is, who, upon being satisfied that due notice has been given, and that the owner cannot, with reasonable diligence be found, shall order the scow, boat, skiff, canoe, or other water craft to be sold, and after paying the taker-up such sum as he or she shall be entitled to, and the costs, the balance shall be paid the county treasurer as is provided in the case of the sale of estrays. In case the scow, boat, skiff, canoe, or other water craft, exceeds one hundred dollars, and is not claimed within six months, application shall be made to the superior court of the county, and the same proceeding shall be thereupon had. All sales made under this section shall be conducted as sales of personal property on execution.

Sec. 250. Section 12, chapter 117, Laws of 1917 and RCW 90.03.090 are each amended to read as follows:

The water master shall have the power, within his or her district, to arrest any person in the act of violating any of the provisions of this chapter and to deliver such person promptly into the custody of the sheriff or other competent officer within the county and immediately upon such delivery the water master making the arrest shall, in writing and upon oath, make complaint before the proper (~~justice of the peace~~) district judge against the person so arrested.

NEW SECTION. Sec. 251. The following acts or parts of acts are each repealed:

(1) Section 176, page 261, Laws of 1854, section 193, page 383, Laws of 1873, section 1895, Code of 1881, section 5, chapter 11, Laws of 1891 and RCW 10.04.060;

(2) Section 174, page 260, Laws of 1854, section 191, page 383, Laws of 1873, section 1893, Code of 1881, section 4, chapter 11, Laws of 1891 and RCW 10.04.080;

(3) Sections 174, 175, page 260, Laws of 1854, section 192, page 383, Laws of 1873, section 1894, Code of 1881, section 3, chapter 11, Laws of 1891 and RCW 10.04.090;

(4) Section 8, chapter 29, Laws of 1891 and RCW 10.10.040;

(5) Section 35, page 108, Laws of 1854, section 227, page 395, Laws of 1873, section 1928, Code of 1881 and RCW 10.16.050;

(6) Section 40, page 109, Laws of 1854, section 232, page 396, Laws of 1873, section 1933, Code of 1881 and RCW 10.16.060;

(7) Section 32, page 107, Laws of 1854, section 224, page 395, Laws of 1873, section 1926, Code of 1881, section 12, chapter 11, Laws of 1891 and RCW 10.16.130;

(8) Section 42, page 109, Laws of 1854, section 234, page 397, Laws of 1873, section 1935, Code of 1881 and RCW 10.16.135;

(9) Section 4, page 455, Laws of 1890 and RCW 16.12.040;

(10) Section 5, page 455, Laws of 1890 and RCW 16.12.050;

(11) Section 6, page 455, Laws of 1890 and RCW 15.12.060;

(12) Section 2, chapter 158, Laws of 1943 and RCW 26.20.040;

(13) Section 36.49.080, chapter 4, Laws of 1963 and RCW 36.49.080;

(14) Section 64, chapter 80, Laws of 1947 and RCW 41.32.640;

(15) Section 58, chapter 175, Laws of 1895 and RCW 45.28.080; and

(16) Section 59, chapter 175, Laws of 1895 and RCW 45.28.090.

NEW SECTION. Sec. 252. The following acts or parts of acts are each repealed, effective January 1, 1988:

(1) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.010;

(2) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.020;

(3) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.030;

(4) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.040;

(5) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.050;

(6) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.060;

(7) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.070; and



(8) Section 181, page 262, Laws of 1854, section 181, page 281, Laws of 1860, section 200, page 385, Laws of 1873, section 1902, Code of 1881, section 7, chapter 11, Laws of 1891 and RCW 10.07.080.

Passed the Senate January 21, 1987.

Passed the House April 13, 1987.

Approved by the Governor April 25, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 25, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 143 and 214, Senate Bill No. 5017, entitled:

"AN ACT Relating to conforming the statutes involving district courts to reflect modern terminology and practices."

Sections 143 and 214 are identical to sections 4 and 18 of Senate Bill No. 5015. Since I have signed Senate Bill No. 5015, sections 143 and 214 of this bill are duplicative.

With the exceptions of sections 143 and 214, Senate Bill No. 5017 is approved."

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## CHAPTER 203

[House Bill No. 194]

### METROPOLITAN PARK DISTRICTS—TREASURER

AN ACT Relating to treasurers of metropolitan park districts; and amending RCW 35.61.180.

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

Sec. 1. Section 35.61.180, chapter 7, Laws of 1965 as amended by section 55, chapter 167, Laws of 1983 and RCW 35.61.180 are each amended to read as follows:

The county treasurer of the county within which all, or the major portion, of the district lies shall be the ex officio treasurer of a metropolitan park district, but shall receive no compensation other than his or her regular salary for receiving and disbursing the funds of a metropolitan park district.

A metropolitan park district may designate someone other than the county treasurer who has experience in financial or fiscal affairs to act as the district treasurer if the board has received the approval of the county treasurer to designate this person. If the board designates someone other than the county treasurer to act as the district treasurer, the board shall