

CHAPTER 18

[Senate Bill No. 2098]

JUDGES' RETIREMENT FUND—ADMINISTRATION

AN ACT Relating to the retirement of judges; and amending section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 28, Laws of 1967 and RCW 2.12.050.

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

Section 1. Section 5, chapter 229, Laws of 1937 as last amended by section 1, chapter 28, Laws of 1967 and RCW 2.12.050 are each amended to read as follows:

There is hereby created a fund in the state treasury to be known as "The Judges' Retirement Fund" which shall consist of the moneys appropriated from the general fund in the state treasury, as hereinafter provided; the deductions from salaries of judges, as hereinafter provided, all gifts, donations, bequests and devises made for the benefit of said fund, and the rents, issues and profits thereof, or proceeds of sales of assets thereof. The treasurer shall be custodian of the moneys in said judges' retirement fund. ((He)) The department of retirement systems shall receive all moneys payable into said fund and make disbursements therefrom as provided in this chapter. ((He)) The department shall keep written permanent records showing all receipts and disbursements of said fund and shall make an annual written report showing receipts and disbursements and the status of said fund as of June 30th of each year, and shall, on or before the first day of August of each year, file one copy thereof with the governor, and one copy with the president-judge of the association of the superior court judges of the state of Washington. ((The treasurer's account shall be audited at convenient times by the state auditor. The treasurer shall receive no compensation for his services hereunder other than his salary as state treasurer, but he shall be allowed from said fund his actual expenses in connection with his duties hereunder. The moneys in said fund shall be deposited by the treasurer in the name of said fund in such bank or banks as may be directed by the state finance committee. The treasurer shall require from all banks holding deposits of moneys belonging to said fund, deposits of securities or surety company bonds to indemnify said fund against loss, the same as are required of depositaries of state funds, which deposit of securities or surety company bonds shall at all times be ample and sufficient to cover all deposits from said fund.))

Passed the Senate January 26, 1977.

Passed the House March 3, 1977.

Approved by the Governor March 17, 1977.

Filed in Office of Secretary of State March 17, 1977.

CHAPTER 19

[Substitute Senate Bill No. 2130]

AGENCY RULES—DRAFTING  
STYLE, STATUTORY REFERENCE

AN ACT Relating to state government; and adding new sections to chapter 34.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 34.04 RCW a new section to read as follows:

(1) Rules promulgated by an agency pursuant to RCW 34.04.025 or 34.04.030 which amend existing sections of the administrative code shall have the words which are amendatory to such existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. In the case of a new section, such shall be designated "NEW SECTION" in upper case type and such designation shall be underlined, but the complete text of the section shall not be underlined. No rule shall be forwarded by any agency to the code reviser, nor shall the code reviser accept for filing any rule unless the format of such rule is in compliance with the provisions of this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the bulletin published pursuant to RCW 34.04.050(2), include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section not filed by the agency in the style prescribed by subsection (1) of this section shall in all respects be ineffectual, and shall not be shown in subsequent publications or codifications of that section.

NEW SECTION. Sec. 2. There is added to chapter 34.04 RCW a new section to read as follows:

(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW ..... and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW ..... which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW ....."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests.

Passed the Senate February 9, 1977.  
Passed the House March 2, 1977.  
Approved by the Governor March 17, 1977.  
Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 20

[Engrossed Senate Bill No. 2164]  
PUBLIC LANDS—SHARE CROPS,  
DISPOSITION—ANIMAL TRESPASS

AN ACT Relating to publicly owned land; amending section 5, chapter 203, Laws of 1949 and RCW 79.12.610; repealing section 1, chapter 165, Laws of 1937, section 47, chapter 257, Laws of 1959 and RCW 79.40.050; and repealing section 2, chapter 165, Laws of 1937 and RCW 79.40.060.

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

Section 1. Section 5, chapter 203, Laws of 1949 and RCW 79.12.610 are each amended to read as follows:

The commissioner shall sell the ~~((grain or peas))~~ crops covered by the warehouse receipt ~~((within sixty days after receiving such receipt, or))~~ and may comply with the provisions of any federal act or the regulation of any federal agency with relation to the storage or disposition of said grain or peas.

NEW SECTION. Sec. 2. The following acts and parts of acts are each repealed:

- (1) Section 1, chapter 165, Laws of 1937, section 47, chapter 257, Laws of 1959 and RCW 79.40.050; and
- (2) Section 2, chapter 165, Laws of 1937 and RCW 79.40.060.

Passed the Senate February 10, 1977.  
Passed the House March 2, 1977.  
Approved by the Governor March 17, 1977.  
Filed in Office of Secretary of State March 17, 1977.

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CHAPTER 21

[House Bill No. 45]  
LIEN FOR FURNISHING FERTILIZERS,  
PESTICIDES, WEED KILLERS—CLAIM OF LIEN

AN ACT Relating to liens; and amending section 2, chapter 264, Laws of 1961 and RCW 60.22.020.

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

Section 1. Section 2, chapter 264, Laws of 1961 and RCW 60.22.020 are each amended to read as follows:

Such lien claimant must ~~((within thirty days))~~, after the commencement of delivery of such materials and products but before commencement of the harvest of the crops, file for recording with the auditor of the county in which the crops or part thereof are raised, a claim of lien which shall be in substance in accordance