

under all the circumstances and such restriction shall be endorsed on such restricted vehicle operator's license. A person holding such a restricted vehicle operator's license shall not operate a motor vehicle except as, when and where permitted under such restriction and the director of licenses may at any time with or without further cause cancel or revoke such restricted license: *Provided further*, That this subsection shall not be construed to prevent the director from refusing a vehicle operator's license, either restricted or unrestricted, to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property. Proviso.

Passed the House March 9, 1963.

Passed the Senate March 8, 1963.

Approved by the Governor March 15, 1963.

## CHAPTER 40.

[ H. B. 155. ]

### SUPREME COURT—JUDGES PRO TEMPORE.

AN ACT relating to judges pro tempore of the supreme court; adding new sections to chapter 2.04 RCW; making an appropriation; and declaring an emergency.

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

SECTION 1. There is added to chapter 2.04 RCW a new section to read as follows: New section.

(1) *Declaration of Policy.* Whenever necessary for the prompt and orderly administration of justice, as authorized and empowered by Article IV, Section 2 (a), Amendment 38, of the state Constitution, a majority of the supreme court may appoint any regularly elected and qualified judge of the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the supreme court. Supreme court  
—Judge pro  
tempore.  
Appointment  
—Oath.

(2) Before entering upon his duties as judge pro tempore of the supreme court, the appointee shall take and subscribe an oath of office as provided for in Article IV, Section 28 of the state Constitution.

New section.

SEC. 2. There is added to chapter 2.04 RCW a new section to read as follows:

Supreme court  
—Judge pro  
tempore.  
Expenses—  
Compensation,  
if retired.

(1) A superior court judge serving as a judge pro tempore of the supreme court as provided in section 1 of this act shall receive, in addition to his regular salary, his actual traveling expenses not to exceed one round trip at ten cents per mile from his residence during his term of service as judge pro tempore and twenty dollars per day in lieu of subsistence and lodging.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the supreme court as provided in section 1 of this act shall receive, in addition to any retirement pay he may be receiving, the following compensation and expenses:

(a) His actual traveling expenses not to exceed one round trip at ten cents per mile from his residence during his term of service as judge pro tempore and twenty dollars per day in lieu of subsistence and lodging.

(b) During the period of his service as a judge pro tempore, an amount equal to the salary of a regularly elected judge of the court in which he last served for such period diminished by the amount of retirement pay accrued to him for such period.

(3) Whenever a superior court judge is appointed to serve as judge pro tempore of the supreme court and a visiting judge is assigned to replace him, the full amount of the actual traveling and living expenses incurred by such visiting judge as a result of such assignment shall be paid upon application of such judge from the appropriation of the supreme court.

(4) The provisions of this act shall not be construed as impairing or enlarging any right or privilege acquired in any retirement or pension system by any judge or his dependents.

SEC. 3. For the remainder of the 1961-1963 biennium there is hereby appropriated from the state general fund to the state supreme court, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. Appropriation.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House March 14, 1963.

Passed the Senate March 13, 1963.

Approved by the Governor March 17, 1963.

## CHAPTER 41.

[ H. B. 131. ]

### SCHOOLS—EMINENT DOMAIN.

AN ACT relating to education; amending section 13, page 289, chapter 97, Laws of 1909, as last amended by section 1, chapter 155, Laws of 1957, and RCW 28.58.070.

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

SECTION 1. Section 13, page 289, chapter 97, Laws of 1909, as last amended by section 1, chapter 155, Laws of 1957, and RCW 28.58.070 are each amended to read as follows: RCW 28.58.070 amended.

The board of directors of any school district of this state may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more School districts—Eminent domain.