

CHAPTER 176.

[ S. B. 111. ]

SUPERIOR COURT JUDGES—KING COUNTY.

AN ACT relating to judges in the superior courts in certain counties; amending section 3, chapter 125, Laws of 1951 and RCW 2.08.061; and declaring an emergency.

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

SECTION 1. Section 3, chapter 125, Laws of 1951 and RCW 2.08.061 are each amended to read as follows: Amendment.

There shall be in the county of King eighteen judges of the superior court; in the county of Spokane six judges of the superior court; in the county of Pierce six judges of the superior court. King, Spokane and Pierce counties.

SEC. 2. Of the two additional judges for King county as provided for in section 1 of this act, one judge shall be appointed by the governor immediately to hold office as provided in RCW 2.08.069 and the other judge shall be elected at the next general election. } Vetoed.

SEC. 3. This act is necessary for the 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 Senate February 16, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 15, 1955, with the exception of Section 2, which is vetoed.

Note: Excerpt of Governor's veto message reads as follows:

" \* \* \* This bill creates by section 1, two additional judicial offices in King County. As noted, section 2 postpones until the next general election the filling of one of these offices. This provision, in my opinion, violates article 4, section 5 of our state constitution which provides that the Governor shall fill vacancies in judicial offices by appointment. In addition to this infringement of the constitutional mandate vesting the power of judicial appointment in the executive, there is a conflict between the intent expressed by the emergency clause and the postponement of the filling of one of the two offices

created. If there is a need for two additional judges in King County, they are needed now. On the other hand, if there is a need presently for only one additional judge, it would not seem to be the business of this legislature to predict what the need may be two years hence respecting another judge. This more properly is a matter for the decision of the next legislature.

"I realize that the effect of the veto of section 2 of this bill would advance the time of the judicial vacancy of the second position by almost two years. I entertain some doubt as to whether this may or may not constitute an act of affirmative legislation. Consequently I do not intend to make any appointment to the second position. If this veto has such an affirmative effect and is therefore invalid, the original bill would stand as passed. This would still leave open the question of whether or not the act is invalid as an unconstitutional infringement upon the appointive power of the Chief Executive. This is a judicial question and I make no effort to resolve it. In my opinion, at least to the extent that the legislature intended to create one immediate additional judicial office in King County, the legislative intent is clear. Beyond that I consider both the intent and the legal effect of this act to be somewhat doubtful.

"For these reasons section 2 is vetoed and the remainder of the bill is approved."

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## CHAPTER 177.

[ Sub. S. B. 136. ]

### HIGHWAYS—SPEED OF MOTOR VEHICLES.

AN Act relating to speeds on highways, roads and streets; amending section 8, chapter 28, Laws of 1951 and RCW 46.48.022; amending section 9, chapter 200, Laws of 1947 and RCW 46.48.090; amending section 10, chapter 200, Laws of 1947 and RCW 46.48.100; amending section 10, chapter 28, Laws of 1951 and RCW 46.48.024; adding a new section to RCW 46.48.

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

Amendment. SECTION 1. Section 8, chapter 28, Laws of 1951 and RCW 46.48.022 are each amended to read as follows:

(RCW 46.48.022) The Washington state highway commission, in case of state highways, and the county commissioners, in case of county roads, shall establish maximum speeds outside any incorporated city or town: *Provided*, No maximum speed established shall be less than twenty-five miles per hour:

State highway commission and county commissioners to establish maximum speeds.