

CHAPTER 286.

[H. B. 248.]

RETIREMENT OF JUDGES.

AN ACT relating to the retirement system for supreme and superior court judges; amending section 3, chapter 229, Laws of 1937, as last amended by section 1, chapter 243, Laws of 1957, and RCW 2.12.030; and adding two new sections to chapter 229, Laws of 1937 and to chapter 2.12 RCW.

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

New section.

SECTION 1. There is added to chapter 229, Laws of 1937 and to chapter 2.12 RCW a new section to read as follows:

Retirement of judges. Partial retirement pension—Basis to compute—Date to receive.

Any judge of the supreme or superior court of the state who shall leave judicial service at any time after having served as a judge of either of such courts for an aggregate of twelve years shall be eligible to a partial retirement pension in a percentage of the pension provided in chapter 2.12 RCW as determined by the proportion his years of judicial service bears to eighteen and shall receive the same upon attainment of age seventy, or eighteen years after the commencement of such judicial service, whichever shall occur first.

New section.

SEC. 2. There is added to chapter 229, Laws of 1937 and to chapter 2.12 RCW, a new section to read as follows:

Additional pension benefits—Basis to compute—Maximum total pension.

In the event any judge of the supreme or superior court of the state serves more than eighteen years in the aggregate as computed under RCW 2.12.010, he shall receive in addition to any other pension benefits to which he may be entitled under chapter 2.12 RCW, an additional pension benefit based upon one-eighteenth of his salary for each year of full service after eighteen years, provided his total pension shall not exceed seventy-five percent of the monthly salary he was receiving as a judge at the time of his retirement.

SEC. 3. Section 3, chapter 229, Laws of 1937, as last amended by section 1, chapter 243, Laws of 1957, and RCW 2.12.030 are each amended to read as follows:

RCW 2.12.030
amended.

Every judge of the supreme or superior court of the state who retires from office under the provisions of this chapter other than as provided in section 1 hereof shall be entitled to receive monthly during the period of his natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary he was receiving as a judge at the time of his retirement, or at the end of the term immediately prior to his retirement if his retirement is made after expiration of his term. The widow of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of his death, if she had been married to him for three years, if she had been his wife prior to his retirement, shall be paid an amount equal to one-half of the retirement pay for her husband, as long as she remains unmarried. The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the widow of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of his death had served ten or more years in the aggregate as a judge of the supreme or superior court or both, or had served an aggregate of twelve years in either the supreme or superior court if such pension rights are based upon section 1 of this amendatory act.

Amount
and time of
payment—
Widow's
benefit.

Sec. 4. Payments to any retired judge as provided for in chapter 2.12 RCW shall be reduced by any amount received under social security.

Vetoed.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 4, which is vetoed.

Veto message, excerpt.

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

"Section 1 of House Bill No. 248 makes a supreme court justice, or a judge of the superior court, eligible for retirement on a partial pension after 12 years of service, or after having reached the age of 70 years.

"Section 2 allows judges after 18 years' service, 1/18th additional pension for each year served after 18 years up to a maximum of 75% of the salary received by a judge at the time of retirement.

"Section 3 permits a widow who has been married for 3 years previous to the judge's retirement, to receive 1/2 of the pension of the retired judge. This section also strikes the provision which would have reduced pension benefits payable to a judge's widow by any amount received by the widow pursuant to O.A.S.I. or other state or Federal law. This section also allows the widow to receive one-half of the pension to which a judge, under this new bill, becomes entitled after having served 12 years on the bench, or after having reached the age of 70 years.

"Believing as I do in a strong, independent, and adequately compensated judiciary, I commend the members of the Legislature in having made the improvements outlined in the preceding paragraphs. These improvements will unquestionably result in experienced judges remaining on the bench subsequent to the time when they would be entitled to retire. Thus, the State will benefit by being able to avail itself for a longer period of time, of the experience and wisdom that these judges have acquired after serving on the bench for 18 years. In addition, these provisions will result in economy because it costs less to keep on the bench an experienced judge, than to pay a retirement pension and at the same time replace the retired judge with a new one.

"This bill is approved with the exception of section 4 which is vetoed. Section 4 provides that the pension of a retired judge shall be reduced by any amount received under social security. In the first place, I am convinced that section 4 is unconstitutional because the pension rights involved here are contractual in nature and become vested at the time a judge ascends to the bench. Thus the Legislature, with reference to all judges now serving, cannot constitutionally alter the provisions of the existing contract between the State and the members of the judiciary.

"Secondly, I recognize that the contribution which the State makes to the judge's pension is really in the nature of compensation for services previously rendered for which full and adequate compensation was not received at the time of the rendition of the service. In order to attract in the future, able practitioners of the bar, it is necessary to provide adequate economic inducements. Many capable lawyers have refused to enter the judicial service because of the financial sacrifice involved. To compensate for these sacrifices, a system of liberal pensions is indispensable. The State of Washington permits all state employees to receive in addition to state retirement benefits, O.A.S.I. benefits. It would be discriminatory against the judges not to allow them to receive these benefits.

"Thirdly, the contributions made by the judges to social security are made solely at their own expense. If the judges have elected to avail themselves of O.A.S.I. benefits, and are willing to pay for these benefits out of their own pockets, it would be unfair and discriminatory for you to deprive them of these benefits.

"For the reasons indicated, I veto section 4. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.