

CHAPTER 127.

[Senate Bill No. 47.]

SALARIES OF JUDGES AND ELECTED STATE OFFICIALS.

AN ACT relating to judges' salaries and pensions, and salaries of members of the legislature; amending section 1, chapter 144, Laws of 1953 as amended by section 1, chapter 260, Laws of 1957 and RCW 2.04.090; amending section 2, chapter 144, Laws of 1953 as amended by section 2, chapter 260, Laws of 1957 and RCW 2.08.090; and amending section 1, chapter 48, Laws of 1949, as last amended by section 2, chapter 8, Laws of 1965, as reenacted by section 43.03.010, chapter 8, Laws of 1965, and RCW 43.03.010; and amending section 1, chapter 173, Laws of 1941 as last amended by section 1, chapter 3, Laws of 1965, and RCW 44.04.080.

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

SECTION 1. Section 1, chapter 144, Laws of 1953 as amended by section 1, chapter 260, Laws of 1957 and RCW 2.04.090 are each amended to read as follows:

RCW 2.04.090 amended.

Each judge of the supreme court shall receive an annual salary of twenty-seven thousand five hundred dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state auditor an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Salaries.
Supreme court judges—
Salary—
Affidavit.

SEC. 2. Section 2, chapter 144, Laws of 1953 as amended by section 2, chapter 260, Laws of 1957 and RCW 2.08.090 are each amended to read as follows:

RCW 2.08.090 amended.

Each judge of the superior court shall receive an annual salary of twenty thousand dollars.

Superior court judges—
Salary.

Sec. 3. The judicial salary increases herein provided will not be considered in computing the retirement benefits derived by virtue of section 2,

chapter 286, Laws of 1961 and RCW 2.12.015; section 1, chapter 243, Laws of 1957 and RCW 2.12.030, nor in computing the monthly deduction from judges' salaries and the like state contribution provided by section 2, chapter 243, Laws of 1957 and RCW 2.12.060, but shall be computed on the basis of \$20,000 for supreme court justices and on the basis of \$15,000 for judges of the superior court.

RCW 43.03.010 amended.

SEC. 4. Section 1, chapter 48, Laws of 1949, as last amended by section 2, chapter 8, Laws of 1965 as reenacted by section 43.03.010, chapter 8, Laws of 1965, and RCW 43.03.010 are each amended to read as follows:

Salaries. Elected state officials, salaries of.

The annual salaries of the following named state elected officials shall be: Governor, thirty-two thousand five hundred dollars; lieutenant governor, ten thousand dollars; secretary of state, fifteen thousand dollars; state treasurer, fifteen thousand dollars; state auditor, sixteen thousand five hundred dollars; attorney general, twenty-three thousand dollars; superintendent of public instruction, twenty-two thousand five hundred dollars; commissioner of public lands, twenty thousand dollars; state insurance commissioner, sixteen thousand five hundred dollars; members of the legislature shall receive for their service three thousand six hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

SEC. 5. The salary increases provided for herein shall take effect at the earliest time allowable by the Constitution of the state of Washington, including Article II, section 13, Article II, section 25,

Article IV, section 13, and Article XXVIII: *Provided*, That it is the intent of the legislature that nothing in this act shall render a member of the legislature or of the judiciary ineligible to file for and be elected to the legislature or the judiciary respectively.

SEC. 6. Section 1, chapter 173, Laws of 1941 as last amended by section 1, chapter 3, Laws of 1965, and RCW 44.04.080 are each amended to read as follows:

RCW 44.04.080 amended.

Members of the legislature including the president of the Senate shall be paid not to exceed twenty-five dollars per day in lieu of subsistence and lodging during and while attending any legislative session. The effective date of this section shall be January 1, 1967.

Legislature—Subsistence and lodging of members—Per diem—Effective date.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965, with the exception of Section 3 which was vetoed.

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

Veto message.

"This bill increases the salaries of legislators and judges of the supreme and superior courts effective after the expiration of their respective terms of office. It also reduces the per diem of legislators to be received while in session from \$40 to \$25, effective January 1, 1967.

"Section 3 of this bill provides that the increases in judicial salaries provided in sections 1 and 2 shall not be considered in computing retirement benefits. Under the judges' retirement system, a judge who qualifies for full retirement benefits may retire on a pension of one-half his salary at the time of his retirement. Upon his death, his widow would receive one-half of his pension. It is my opinion that under the decisions of the Washington Supreme Court, including *Bakenhus v. Seattle*, 48 Wn. (2d) 695, 296 P. (2d) 536, the restriction contained in section 3 of this bill cannot lawfully be applied in computing pensions of those judges serving at the effective date of this act.

"Moreover, I believe that it is important that we attract to the judiciary the most qualified persons possible. The pension benefits which accrue to judges upon retirement, and to their widows in the event of their death, are just as important in attracting qualified persons as the salary paid while they are serving on the bench.

"I have vetoed section 3 so that judicial pensions will be based upon the salary levels established in sections 1 and 2 of the bill. The remainder of Senate Bill No. 47 is approved."

DANIEL J. EVANS,
Governor.