

value of the taxable property in such district. The term "value of the taxable property" as used in this paragraph shall have the meaning set forth in section 1 of this 1970 amendatory act.

NEW SECTION. Sec. 41. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1970 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 42. The effective date of this 1970 amendatory act is November 1, 1970.

Passed the Senate February 9, 1970
 Passed the House February 5, 1970
 Approved by the Governor February 23, 1970
 Filed in Office of Secretary of State February 24, 1970

CHAPTER 43
 [Engrossed Senate Bill No. 45]
 PUBLIC OFFICIALS, SALARIES--
 STATE COMMITTEE ON SALARIES

AN ACT Relating to salaries of certain public officials; amending section 43.03.028, chapter 8, Laws of 1965 as amended by section 1, chapter 19, Laws of 1967 and RCW 43.03.028; amending section 43.03.040, chapter 8, Laws of 1965 and RCW 43.03.040; adding new sections to chapter 8, Laws of 1965 and to chapter 43.03 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of this act to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries.

Sec. 2. Section 43.03.028, chapter 8, Laws of 1965 as amended by section 1, chapter 19, Laws of 1967 and RCW 43.03.028 are each amended to read as follows:

There is hereby created a committee to be known as the ~~((governor's-advisory))~~ state committee on salaries, to consist of seven members as follows: The ~~((dean-of-the-College-of-Business-Administration))~~ president of the University of ~~((Washington))~~ Puget Sound or his nominee; the ~~((dean-of-the-School-of-Economics-and-Business))~~ president of Washington State University ~~((;))~~ or his nominee; the chairman of the State Personnel Board; the president of the Association of Washington ~~((Industries))~~ Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and ~~((one--representative--from--organized--labor))~~ the president of the Washington State Labor Council or his nominee. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(1) The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of the legislature.

(2) The committee shall also make a study of the duties and

salaries of all state elective officials, including members of the supreme, appellate, ((and) superior, and district courts and of the members of the legislature, and also a study of the duties and salaries of county elective officials, and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position ~~((by the legislature))~~.

Sec. 3. Section 43.03.040, chapter 8, Laws of 1965 and RCW 43.03.040 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the ~~((advisory))~~ committee on salaries created in RCW 43.03.028, upon the basis of official responsibility.

NEW SECTION. Sec. 4. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

(1) The governor shall include, in the budget next transmitted by him to the legislature after the date of the submission of the report and recommendations of the committee under RCW 43.03.028, his recommendations with respect to the exact annual salaries which he deems advisable for all state elective officials within the purview of RCW 43.03.028. As used in this subsection, the term "budget" means the budget referred to in RCW 43.88.020 (1).

(2) The recommendation of the governor transmitted to the legislature in the budget as to such positions shall be carried forth and included in the appropriation act of the state.

The amount of the salaries for which positions as enacted by

the legislature, in the appropriation bill, shall be the salary that each respective official shall receive.

In the event the governor makes no recommendation, the salary that each such respective official shall receive shall remain the same.

NEW SECTION. Sec. 5. There is added to chapter 8, Laws of 1965 and to chapter 43.03 RCW a new section to read as follows:

(1) The salaries of each official shall become effective at the time the appropriation act shall become law, but only to the extent that:

(a) there has not been enacted into law a statute during the same session which establishes a rate of pay other than that proposed by such recommendation;

(b) the part of the recommendation of the governor as reflected in the appropriation bill for the personnel under RCW 43.03-.028 (1), which are the officials appointed by the governor, may by executive order become operative and effective on a date later than that upon which the appropriation bill otherwise shall take effect.

NEW SECTION. Sec. 6. The salaries of public officials as shown by the appropriation bill shall be printed in the session laws and the Revised Code of Washington under the section caption of "Salaries for Public Officials".

NEW SECTION. Sec. 7. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected.

Passed the Senate February 9, 1970
Passed the House February 6, 1970
Approved by the Governor February 23, 1970, with the exception
of section 5 which is vetoed.
Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...The legislature has created the state committee on salaries, consisting of seven members representing education, business, labor, personnel administration and the professions. The committee is charged with the responsibility of studying the duties and salaries of the directors of

the state departments, judges of the state courts, and public elected officials. Biennially, the committee shall recommend to the governor specific salaries for these officers and employees. Advised of the committee's recommendations, the governor may then recommend appropriate salaries not exceeding the recommendations of the salary committee. The governor's recommendations are to be included in his budget message to the legislature.

The bill expressly requires that the salaries of each public official be published in the session laws and the state code under a special section captioned, "Salaries for State Officials".

I believe that the act will remove salaries of public officials from considerations based solely on politics and is constructive in that it brings to public attention the duties and responsibilities performed by public officials.

The basic responsibility for setting salaries is vested in the legislature under the terms of the state constitution. The bill does not purport to reassign that responsibility.

However, I believe that the bill has one significant defect. Section 5 has been interpreted by some critics of the bill as an authorization to increase salaries of members of the legislature in mid-term. This interpretation would violate the provisions of Article II, section 25 of the state Constitution prohibiting compensation from being changed during the legislator's term. I do not believe this to have been the purpose of the act. Since the remainder of section 5 merely confirms powers already vested by statute in the office of the governor and the inherent power of the legislature, I have vetoed all of the section so that it is clear that the bill does not authorize the legislators to raise their own salaries in mid-term.

Public officers and employees are entitled to salaries commensurate with their duties and responsibilities. The public is entitled to be informed on these salaries and the best interests of all concerned are served if salaries are set in accordance with an orderly procedure and review. This veto does not eliminate any of the advantages to be obtained from the bill. It does remove any possibility of interpreting the statute in an unconstitutional manner.

The remainder of Senate Bill No. 45 is approved."

CHAPTER 44

[Engrossed Substitute Senate Bill No. 55]
FACTORY BUILT HOUSING

AN ACT Relating to factory built housing; providing for promulgation
of rules and regulations governing the structural soundness