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HOUSE BILL 1065

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Heavey, Hargrove, Jones, Ferguson, Basich and Kremen.

Read first time January 17, 1991. Referred to Committee on Appropriations.

1 AN ACT Relating to retirement system service credit for merchant  
2 marine service; and amending RCW 41.04.005, 41.40.170, 41.26.190,  
3 41.32.260, and 43.43.130.

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

5 **Sec. 1.** RCW 41.04.005 and 1984 c 36 s 1 are each amended to read  
6 as follows:

7 As used in RCW 41.04.005, 41.04.010, 41.16.220, and 41.20.050  
8 "veteran" includes every person, who at the time he or she seeks the  
9 benefits of RCW 28B.40.361, 41.04.005, 41.04.010, 41.16.220, 41.20.050,  
10 41.40.170, 73.04.110, or 73.08.080 has received an honorable discharge  
11 or received a discharge for physical reasons with an honorable record  
12 and: (1) Has served in any branch of the armed forces of the United  
13 States between World War I and World War II or during any period of  
14 war; or (2) has served in any branch of the armed forces of the United

1 States and has received the armed forces expeditionary medal, or Marine  
2 Corps and Navy expeditionary medal, for opposed action on foreign soil.  
3 A "period of war" includes World War I, World War II, the Korean  
4 conflict, the Vietnam era, and the period beginning on the date of any  
5 future declaration of war by the congress and ending on the date  
6 prescribed by presidential proclamation or concurrent resolution of the  
7 congress. The "Vietnam era" means the period beginning August 5, 1964,  
8 and ending on May 7, 1975.

9 For a person seeking the benefits of RCW 41.40.170 in accordance  
10 with this section, service in the armed forces of the United States as  
11 described in subsections (1) and (2) of this section shall include  
12 service in the merchant marine of the United States.

13 **Sec. 2.** RCW 41.40.170 and 1981 c 294 s 12 are each amended to read  
14 as follows:

15 (1) A member who has served or shall serve on active federal  
16 service in the military or naval forces of the United States and who  
17 left or shall leave an employer to enter such service shall be deemed  
18 to be on military leave of absence if he or she has resumed or shall  
19 resume employment as an employee within one year from termination  
20 thereof.

21 (2) If he or she has applied or shall apply for reinstatement of  
22 employment, within one year from termination of the military service,  
23 and is refused employment for reasons beyond his or her control, he or  
24 she shall, upon resumption of service within ten years have such  
25 service credited to him or her.

26 (3) In any event, after completing twenty-five years of creditable  
27 service, any member may have his or her service in the armed forces  
28 credited to him or her as a member whether or not he or she left the  
29 employ of an employer to enter such armed service: PROVIDED, That in no

1 instance, described in subsections (1), (2), and (3) of this section,  
2 shall military service in excess of five years be credited: AND  
3 PROVIDED FURTHER, That in each instance the member must restore all  
4 withdrawn accumulated contributions, which restoration must be  
5 completed within five years of membership service following his or her  
6 first resumption of employment or complete twenty-five years of  
7 creditable service: AND PROVIDED FURTHER, That this section will not  
8 apply to any individual, not a veteran within the meaning of RCW  
9 41.04.005, as now or hereafter amended: AND PROVIDED FURTHER, That in  
10 no instance, described in subsections (1), (2), and (3) of this  
11 section, shall military service be credited to any member who is  
12 receiving full military retirement benefits pursuant to Title 10 United  
13 States Code.

14 (4) Under this section, active federal service or service in the  
15 armed forces shall include service in the merchant marine of the United  
16 States.

17 **Sec. 3.** RCW 41.26.190 and 1970 ex.s. c 6 s 13 are each amended to  
18 read as follows:

19 Each person affected by this chapter who at the time of entering  
20 the armed services was a member of this system, and has honorably  
21 served in the armed services of the United States, shall have added to  
22 his or her period of service as computed under this chapter, his or her  
23 period of service in the armed forces: PROVIDED, That such credited  
24 service shall not exceed five years. Under this section, armed service  
25 shall include service in the merchant marine of the United States.

26 **Sec. 4.** RCW 41.32.260 and 1974 ex.s. c 199 s 2 are each amended to  
27 read as follows:

1 Any member whose public school service is interrupted by active  
2 service to the United States as a member of its merchant marine,  
3 military, naval, or air service, or to the state of Washington, as a  
4 member of the legislature, may upon becoming reemployed in the public  
5 schools, receive credit for such service upon presenting satisfactory  
6 proof, and contributing to the annuity fund, either in a lump sum or  
7 installments, such amounts as shall be determined by the board of  
8 trustees: PROVIDED (1), That no such military service credit in excess  
9 of five years shall be established or reestablished after July 1, 1961,  
10 unless the service was actually rendered during time of war: PROVIDED  
11 FURTHER (2), That a member of the retirement system who is a member of  
12 the state legislature or a state official eligible for the combined  
13 pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or  
14 hereafter amended shall have deductions taken from his or her salary in  
15 the amount of seven and one-half percent of earnable compensation and  
16 that service credit shall be established with the retirement system  
17 while such deductions are reported to the retirement system, unless he  
18 or she has by reason of his or her employment become a contributing  
19 member of another public retirement system in the state of Washington:  
20 AND PROVIDED FURTHER (3), That such elected official who has retired or  
21 otherwise terminated his or her public school service may then elect to  
22 terminate his or her membership in the retirement system and receive  
23 retirement benefits while continuing to serve as an elected official:  
24 AND, PROVIDED FURTHER (4), That a member of the retirement system who  
25 had previous service as an elected or appointed official, for which he  
26 or she did not contribute to the retirement system, may receive credit  
27 for such legislative service unless he or she has received credit for  
28 that service in another state retirement system, upon making  
29 contributions in such amounts as shall be determined by the board of  
30 trustees.

1       **Sec. 5.** RCW 43.43.130 and 1987 c 215 s 1 are each amended to read  
2 as follows:

3       (1) A Washington state patrol retirement fund is hereby established  
4 for members of the Washington state patrol which shall include funds  
5 created and placed under the management of a retirement board for the  
6 payment of retirement allowances and other benefits under the  
7 provisions hereof.

8       (2) Any employee of the Washington state patrol, upon date of  
9 commissioning, shall be eligible to participate in the retirement plan  
10 and shall start contributing to the fund immediately. Any employee of  
11 the Washington state patrol employed by the state of Washington or any  
12 of its political subdivisions prior to August 1, 1947, unless such  
13 service has been credited in another public retirement or pension  
14 system operating in the state of Washington shall receive full credit  
15 for such prior service but after that date each new commissioned  
16 employee must automatically participate in the fund. If a member shall  
17 terminate service in the patrol and later reenter, he or she shall be  
18 treated in all respects as a new employee: PROVIDED, That a member who  
19 reenters or has reentered service within ten years from the date of his  
20 or her termination, shall upon completion of six months of continuous  
21 service and upon the restoration of all withdrawn contributions, plus  
22 interest as determined by the director, which restoration must be  
23 completed within five years after resumption of service, be returned to  
24 the status of membership he or she earned at the time of termination.

25       (3) (a) An employee of the Washington state patrol who becomes a  
26 member of the retirement system after June 12, 1980, and who has  
27 service as a cadet in the patrol training program may make an  
28 irrevocable election to transfer the service to the retirement system.  
29 Any member upon making such election shall have transferred all  
30 existing service credited in a prior public retirement system in this

1 state for periods of employment as a cadet. Transfer of credit under  
2 this subsection is contingent on completion of the transfer of funds  
3 specified in subsection (3)(b) of this section.

4 (b) Within sixty days of notification of a member's cadet service  
5 transfer as provided in subsection (3)(a) of this section, the  
6 department of retirement systems shall transfer the employee's  
7 accumulated contributions attributable to the periods of service as a  
8 cadet, including accumulated interest.

9 (4) A member of the retirement system who has served or shall serve  
10 on active federal service in the armed forces of the United States  
11 pursuant to and by reason of orders by competent federal authority, who  
12 left or shall leave the Washington state patrol to enter such service,  
13 and who within one year from termination of such active federal  
14 service, resumes employment as a state employee, shall have his or her  
15 service in such armed forces credited to him or her as a member of the  
16 retirement system: PROVIDED, That no such service in excess of five  
17 years shall be credited unless such service was actually rendered  
18 during time of war or emergency.

19 Under this subsection, active federal service in the armed forces  
20 of the United States shall include service in the merchant marine of  
21 the United States.

22 (5) An active employee of the Washington state patrol who either  
23 became a member of the retirement system prior to June 12, 1980, and  
24 who has prior service as a cadet in the public employees' retirement  
25 system may make an irrevocable election to transfer such service to the  
26 retirement system within a period ending June 30, 1985, or, if not an  
27 active employee on July 1, 1983, within one year of returning to  
28 commissioned service, whichever date is later. Any member upon making  
29 such election shall have transferred all existing service credited in  
30 the public employees' retirement system which constituted service as a

1 cadet together with the employee's contributions plus credited  
2 interest. If the employee has withdrawn the employee's contributions,  
3 the contributions must be restored to the public employees' retirement  
4 system before the transfer of credit can occur and such restoration  
5 must be completed within the time limits specified in this subsection  
6 for making the elective transfer.

7 (6) An active employee of the Washington state patrol may establish  
8 up to six months' retirement service credit in the state patrol  
9 retirement system for any period of employment by the Washington state  
10 patrol as a cadet if service credit for such employment was not  
11 previously established in the public employees' retirement system,  
12 subject to the following:

13 (a) Certification by the patrol that such employment as a cadet was  
14 for the express purpose of receiving on-the-job training required for  
15 attendance at the state patrol academy and for becoming a commissioned  
16 trooper.

17 (b) Payment by the member of employee contributions in the amount  
18 of seven percent of the total salary paid for each month of service to  
19 be established, plus interest at seven percent from the date of the  
20 probationary service to the date of payment. This payment shall be made  
21 by the member no later than July 1, 1988.

22 (c) A written waiver by the member of the member's right to ever  
23 establish the same service in the public employees' retirement system  
24 at any time in the future.

25 (7) The department of retirement systems shall make the requested  
26 transfer subject to the conditions specified in subsection (5) of this  
27 section or establish additional credit as provided in subsection (6) of  
28 this section. Employee contributions and credited interest transferred  
29 shall be credited to the employee's account in the Washington state  
30 patrol retirement system.