
HOUSE BILL 1129

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Zellinsky, Schmidt, R. Johnson, R. Meyers, Jacobsen, Winsley, Inslee, Wood, Morris, Neher, Van Luven, Scott, Rust, Kremen, Brough, Betrozoff, Miller, G. Fisher and Sprenkle.

Read first time January 21, 1991. Referred to Committee on Appropriations.

1 AN ACT Relating to the Washington state patrol retirement system;
2 and amending RCW 43.43.130.

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

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

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

11 (2) Any employee of the Washington state patrol, upon date of
12 commissioning, shall be eligible to participate in the retirement plan
13 and shall start contributing to the fund immediately. Any employee of
14 the Washington state patrol employed by the state of Washington or any

1 of its political subdivisions prior to August 1, 1947, unless such
2 service has been credited in another public retirement or pension
3 system operating in the state of Washington shall receive full credit
4 for such prior service but after that date each new commissioned
5 employee must automatically participate in the fund. If a member shall
6 terminate service in the patrol and later reenter, he shall be treated
7 in all respects as a new employee: PROVIDED, That a member who
8 reenters or has reentered service within ten years from the date of his
9 termination, shall upon completion of six months of continuous service
10 and upon the restoration of all withdrawn contributions, plus interest
11 as determined by the director, which restoration must be completed
12 within five years after resumption of service, be returned to the
13 status of membership he earned at the time of termination.

14 (3)(a) An employee of the Washington state patrol who becomes a
15 member of the retirement system after June 12, 1980, and who has
16 service as a cadet in the patrol training program may make an
17 irrevocable election to transfer the service to the retirement system.
18 Any member upon making such election shall have transferred all
19 existing service credited in a prior public retirement system in this
20 state for periods of employment as a cadet. Transfer of credit under
21 this subsection is contingent on completion of the transfer of funds
22 specified in subsection (3)(b) of this section.

23 (b) Within sixty days of notification of a member's cadet service
24 transfer as provided in subsection (3)(a) of this section, the
25 department of retirement systems shall transfer the employee's
26 accumulated contributions attributable to the periods of service as a
27 cadet, including accumulated interest.

28 (4) A member of the retirement system who has served or shall serve
29 on active federal service in the armed forces of the United States
30 pursuant to and by reason of orders by competent federal authority, who

1 left or shall leave the Washington state patrol to enter such service,
2 and who within one year from termination of such active federal
3 service, resumes employment as a state employee, shall have his service
4 in such armed forces credited to him as a member of the retirement
5 system: PROVIDED, That no such service in excess of five years shall be
6 credited unless such service was actually rendered during time of war
7 or emergency.

8 (5) An active employee of the Washington state patrol who either
9 became a member of the retirement system prior to June 12, 1980, and
10 who has prior service as a cadet in the public employees' retirement
11 system may make an irrevocable election to transfer such service to the
12 retirement system within a period ending June 30, 1985, or, if not an
13 active employee on July 1, 1983, within one year of returning to
14 commissioned service, whichever date is later. Any member upon making
15 such election shall have transferred all existing service credited in
16 the public employees' retirement system which constituted service as a
17 cadet together with the employee's contributions plus credited
18 interest. If the employee has withdrawn the employee's contributions,
19 the contributions must be restored to the public employees' retirement
20 system before the transfer of credit can occur and such restoration
21 must be completed within the time limits specified in this subsection
22 for making the elective transfer.

23 (6) An active employee of the Washington state patrol may establish
24 up to six months' retirement service credit in the state patrol
25 retirement system for any period of employment by the Washington state
26 patrol as a cadet if service credit for such employment was not
27 previously established in the public employees' retirement system,
28 subject to the following:

29 (a) Certification by the patrol that such employment as a cadet was
30 for the express purpose of receiving on-the-job training required for

1 attendance at the state patrol academy and for becoming a commissioned
2 trooper.

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

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

11 (7) An active member of the Washington state patrol may establish
12 up to a maximum of ten years of actuarially reduced retirement service
13 credit in the retirement system for any period of prior employment as
14 either a "law enforcement officer," as defined in RCW 41.26.030(3), or
15 as "an employee ... in law enforcement activity," as defined in 29
16 C.F.R. Sec. 553.211, subject to the following:

17 (a) The election to acquire service credit must be made within one
18 year from the date of becoming an active member.

19 (b) To receive service credit for prior service as a law
20 enforcement officer, a member must pay to the retirement system all, or
21 part, of the contributions withdrawn from the prior retirement system
22 plus the employer and retirement system contributions based on the
23 entry level salary for a member.

24 (c) The Washington state patrol shall provide proof to the director
25 of the department of retirement systems of a member's prior service and
26 withdrawn contributions.

27 (d) Full payment must be made to the retirement system in a lump
28 sum, plus interest at the rate set by the director, within five years
29 from the date of election to acquire service credit.

1 (e) An active member who was commissioned on or after June 12,
2 1980, has one year from the effective date of this act to elect to
3 acquire service credit by payment as required by this section.

4 (f) This section shall have no adverse impact on the retirement
5 system trust funds.

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