

2 **SB 5837** - H COMM AMD **ADOPTED 04/12/99**
3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature that
8 retirement benefits represent a valuable element of the total
9 compensation and benefits employees receive for their service. The
10 value of these benefits is contained in the retirement income and cost-
11 of-living adjustments provided to employees who remain in public
12 service until retirement. For the majority of public employees, this
13 requires membership in the public employees' retirement system.

14 The legislature recognizes, however, that certain occupations
15 display a pattern of interstate mobility which requires retirement
16 benefits which are highly portable. Incumbents in these occupations
17 gain little value from membership in the public employees' retirement
18 system. In order to remove any barrier to employing qualified
19 personnel in positions with high mobility, membership in the retirement
20 system should be optional in those occupations.

21 **Sec. 2.** RCW 41.40.023 and 1997 c 254 s 11 are each amended to read
22 as follows:

23 Membership in the retirement system shall consist of all regularly
24 compensated employees and appointive and elective officials of
25 employers, as defined in this chapter, with the following exceptions:

26 (1) Persons in ineligible positions;

27 (2) Employees of the legislature except the officers thereof
28 elected by the members of the senate and the house and legislative
29 committees, unless membership of such employees be authorized by the
30 said committee;

31 (3)(a) Persons holding elective offices or persons appointed
32 directly by the governor: PROVIDED, That such persons shall have the
33 option of applying for membership during such periods of employment:
34 AND PROVIDED FURTHER, That any persons holding or who have held
35 elective offices or persons appointed by the governor who are members

1 in the retirement system and who have, prior to becoming such members,
2 previously held an elective office, and did not at the start of such
3 initial or successive terms of office exercise their option to become
4 members, may apply for membership to be effective during such term or
5 terms of office, and shall be allowed to establish the service credit
6 applicable to such term or terms of office upon payment of the employee
7 contributions therefor by the employee with interest as determined by
8 the director and employer contributions therefor by the employer or
9 employee with interest as determined by the director: AND PROVIDED
10 FURTHER, That all contributions with interest submitted by the employee
11 under this subsection shall be placed in the employee's individual
12 account in the employee's savings fund and be treated as any other
13 contribution made by the employee, with the exception that any
14 contributions submitted by the employee in payment of the employer's
15 obligation, together with the interest the director may apply to the
16 employer's contribution, shall not be considered part of the member's
17 annuity for any purpose except withdrawal of contributions;

18 (b) A member holding elective office who has elected to apply for
19 membership pursuant to (a) of this subsection and who later wishes to
20 be eligible for a retirement allowance shall have the option of ending
21 his or her membership in the retirement system. A member wishing to
22 end his or her membership under this subsection must file, on a form
23 supplied by the department, a statement indicating that the member
24 agrees to irrevocably abandon any claim for service for future periods
25 served as an elected official. A member who receives more than fifteen
26 thousand dollars per year in compensation for his or her elective
27 service, adjusted annually for inflation by the director, is not
28 eligible for the option provided by this subsection (3)(b);

29 (4) Employees holding membership in, or receiving pension benefits
30 under, any retirement plan operated wholly or in part by an agency of
31 the state or political subdivision thereof, or who are by reason of
32 their current employment contributing to or otherwise establishing the
33 right to receive benefits from any such retirement plan: PROVIDED,
34 HOWEVER, In any case where the retirement system has in existence an
35 agreement with another retirement system in connection with exchange of
36 service credit or an agreement whereby members can retain service
37 credit in more than one system, such an employee shall be allowed
38 membership rights should the agreement so provide: AND PROVIDED
39 FURTHER, That an employee shall be allowed membership if otherwise

1 eligible while receiving survivor's benefits: AND PROVIDED FURTHER,
2 That an employee shall not either before or after June 7, 1984, be
3 excluded from membership or denied service credit pursuant to this
4 subsection solely on account of: (a) Membership in the plan created
5 under chapter 2.14 RCW; or (b) enrollment under the relief and
6 compensation provisions or the pension provisions of the volunteer fire
7 fighters' relief and pension fund under chapter 41.24 RCW;

8 (5) Patient and inmate help in state charitable, penal, and
9 correctional institutions;

10 (6) "Members" of a state veterans' home or state soldiers' home;

11 (7) Persons employed by an institution of higher learning or
12 community college, primarily as an incident to and in furtherance of
13 their education or training, or the education or training of a spouse;

14 (8) Employees of an institution of higher learning or community
15 college during the period of service necessary to establish eligibility
16 for membership in the retirement plans operated by such institutions;

17 (9) Persons rendering professional services to an employer on a
18 fee, retainer, or contract basis or when the income from these services
19 is less than fifty percent of the gross income received from the
20 person's practice of a profession;

21 (10) Persons appointed after April 1, 1963, by the liquor control
22 board as agency vendors;

23 (11) Employees of a labor guild, association, or organization:
24 PROVIDED, That elective officials and employees of a labor guild,
25 association, or organization which qualifies as an employer within this
26 chapter shall have the option of applying for membership;

27 (12) Retirement system retirees: PROVIDED, That following
28 reemployment in an eligible position, a retiree may elect to
29 prospectively become a member of the retirement system if otherwise
30 eligible;

31 (13) Persons employed by or appointed or elected as an official of
32 a first class city that has its own retirement system: PROVIDED, That
33 any member elected or appointed to an elective office on or after April
34 1, 1971, shall have the option of continuing as a member of this system
35 in lieu of becoming a member of the city system. A member who elects
36 to continue as a member of this system shall pay the appropriate member
37 contributions and the city shall pay the employer contributions at the
38 rates prescribed by this chapter. The city shall also transfer to this
39 system all of such member's accumulated contributions together with

1 such further amounts as necessary to equal all employee and employer
2 contributions which would have been paid into this system on account of
3 such service with the city and thereupon the member shall be granted
4 credit for all such service. Any city that becomes an employer as
5 defined in RCW 41.40.010(4) as the result of an individual's election
6 under this subsection shall not be required to have all employees
7 covered for retirement under the provisions of this chapter. Nothing
8 in this subsection shall prohibit a city of the first class with its
9 own retirement system from: (a) Transferring all of its current
10 employees to the retirement system established under this chapter, or
11 (b) allowing newly hired employees the option of continuing coverage
12 under the retirement system established by this chapter.

13 Notwithstanding any other provision of this chapter, persons
14 transferring from employment with a first class city of over four
15 hundred thousand population that has its own retirement system to
16 employment with the state department of agriculture may elect to remain
17 within the retirement system of such city and the state shall pay the
18 employer contributions for such persons at like rates as prescribed for
19 employers of other members of such system;

20 (14) Employees who (a) are not citizens of the United States, (b)
21 do not reside in the United States, and (c) perform duties outside of
22 the United States;

23 (15) Employees who (a) are not citizens of the United States, (b)
24 are not covered by chapter 41.48 RCW, (c) are not excluded from
25 membership under this chapter or chapter 41.04 RCW, (d) are residents
26 of this state, and (e) make an irrevocable election to be excluded from
27 membership, in writing, which is submitted to the director within
28 thirty days after employment in an eligible position;

29 (16) Employees who are citizens of the United States and who reside
30 and perform duties for an employer outside of the United States:
31 PROVIDED, That unless otherwise excluded under this chapter or chapter
32 41.04 RCW, the employee may apply for membership (a) within thirty days
33 after employment in an eligible position and membership service credit
34 shall be granted from the first day of membership service, and (b)
35 after this thirty-day period, but membership service credit shall be
36 granted only if payment is made for the noncredited membership service
37 under RCW 41.50.165(2), otherwise service shall be from the date of
38 application;

1 (17) The city manager or chief administrative officer of a city or
2 town, other than a retiree, who serves at the pleasure of an appointing
3 authority: PROVIDED, That such persons shall have the option of
4 applying for membership within thirty days from date of their
5 appointment to such positions. Persons serving in such positions as of
6 April 4, 1986, shall continue to be members in the retirement system
7 unless they notify the director in writing prior to December 31, 1986,
8 of their desire to withdraw from membership in the retirement system.
9 A member who withdraws from membership in the system under this section
10 shall receive a refund of the member's accumulated contributions.

11 Persons serving in such positions who have not opted for membership
12 within the specified thirty days, may do so by paying the amount
13 required under RCW 41.50.165(2) for the period from the date of their
14 appointment to the date of acceptance into membership;

15 (18) Persons serving as: (a) The chief administrative officer of
16 a public utility district as defined in RCW 54.16.100; (b) the chief
17 administrative officer of a port district formed under chapter 53.04
18 RCW; or (c) the chief administrative officer of a county who serves at
19 the pleasure of an appointing authority: PROVIDED, That such persons
20 shall have the option of applying for membership within thirty days
21 from the date of their appointment to such positions. Persons serving
22 in such positions as of the effective date of this act shall continue
23 to be members in the retirement system unless they notify the director
24 in writing prior to December 31, 1999, of their desire to withdraw from
25 membership in the retirement system. A member who withdraws from
26 membership in the system under this section shall receive a refund of
27 the member's accumulated contributions upon termination of employment
28 or as otherwise consistent with the plan's tax qualification status as
29 defined in internal revenue code section 401.

30 Persons serving in such positions who have not opted for membership
31 within the specified thirty days, may do so at a later date by paying
32 the amount required under RCW 41.50.165(2) for the period from the date
33 of their appointment to the date of acceptance into membership;

34 (19) Persons enrolled in state-approved apprenticeship programs,
35 authorized under chapter 49.04 RCW, and who are employed by local
36 governments to earn hours to complete such apprenticeship programs, if
37 the employee is a member of a union-sponsored retirement plan and is
38 making contributions to such a retirement plan or if the employee is a
39 member of a Taft-Hartley retirement plan."

1 Correct the title.

--- END ---