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HOUSE BILL 1022

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State of Washington

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1999 Regular Session

By Representatives Alexander, Ogden, D. Sommers, H. Sommers, Conway, Carlson, Wolfe, Morris, Campbell, Bush, Keiser, Stensen, McDonald, Kenney, Schoesler, Rockefeller and Lantz; by request of Joint Committee on Pension Policy

Prefiled 12/31/98. Read first time 01/11/1999. Referred to Committee on Appropriations.

1 AN ACT Relating to the Washington state patrol surviving spouse  
2 retirement allowance; amending RCW 43.43.120 and 43.43.274; adding a  
3 new section to chapter 43.43 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 43.43.120 and 1983 c 81 s 1 are each amended to read  
6 as follows:

7 As used in the following sections, unless a different meaning is  
8 plainly required by the context:

9 (1) "Retirement system" means the Washington state patrol  
10 retirement system.

11 (2) "Retirement fund" means the Washington state patrol retirement  
12 fund.

13 (3) "State treasurer" means the treasurer of the state of  
14 Washington.

15 (4) "Member" means any person included in the membership of the  
16 retirement fund.

17 (5) "Employee" means any commissioned employee of the Washington  
18 state patrol.

1 (6)(a) "Cadet," for a person who became a member of the retirement  
2 system after June 12, 1980, is a person who has passed the Washington  
3 state patrol's entry-level oral, written, physical performance, and  
4 background examinations and is, thereby, appointed by the chief as a  
5 candidate to be a commissioned officer of the Washington state patrol.

6 (b) "Cadet," for a person who became a member of the retirement  
7 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
8 employee of like classification, employed for the express purpose of  
9 receiving the on-the-job training required for attendance at the state  
10 patrol academy and for becoming a commissioned trooper. "Like  
11 classification" includes: Radio operators or dispatchers; persons  
12 providing security for the governor or legislature; patrolmen; drivers'  
13 license examiners; weighmasters; vehicle safety inspectors; central  
14 wireless operators; and warehousemen.

15 (7) "Beneficiary" means any person in receipt of retirement  
16 allowance or any other benefit allowed by this chapter.

17 (8) "Regular interest" means interest compounded annually at such  
18 rates as may be determined by the director.

19 (9) "Retirement board" means the board provided for in this  
20 chapter.

21 (10) "Insurance commissioner" means the insurance commissioner of  
22 the state of Washington.

23 (11) "Lieutenant governor" means the lieutenant governor of the  
24 state of Washington.

25 (12) "Service" shall mean services rendered to the state of  
26 Washington or any political subdivisions thereof for which compensation  
27 has been paid. Full time employment for seventy or more hours in any  
28 given calendar month shall constitute one month of service. An  
29 employee who is reinstated in accordance with RCW 43.43.110 shall  
30 suffer no loss of service for the period reinstated subject to the  
31 contribution requirements of this chapter. Only months of service  
32 shall be counted in the computation of any retirement allowance or  
33 other benefit provided for herein. Years of service shall be  
34 determined by dividing the total number of months of service by twelve.  
35 Any fraction of a year of service as so determined shall be taken into  
36 account in the computation of such retirement allowance or benefit.

37 (13) "Prior service" shall mean all services rendered by a member  
38 to the state of Washington, or any of its political subdivisions prior  
39 to August 1, 1947, unless such service has been credited in another

1 public retirement or pension system operating in the state of  
2 Washington.

3 (14) "Current service" shall mean all service as a member rendered  
4 on or after August 1, 1947.

5 (15) "Average final salary" shall mean the average monthly salary  
6 received by a member during the member's last two years of service or  
7 any consecutive two-year period of service, whichever is the greater,  
8 as an employee of the Washington state patrol; or if the member has  
9 less than two years of service, then the average monthly salary  
10 received by the member during the member's total years of service.

11 (16) "Actuarial equivalent" shall mean a benefit of equal value  
12 when computed upon the basis of such mortality table as may be adopted  
13 and such interest rate as may be determined by the director.

14 (17) Unless the context expressly indicates otherwise, words  
15 importing the masculine gender shall be extended to include the  
16 feminine gender and words importing the feminine gender shall be  
17 extended to include the masculine gender.

18 (18) "Director" means the director of the department of retirement  
19 systems.

20 (19) "Department" means the department of retirement systems  
21 created in chapter 41.50 RCW.

22 (20) "State actuary" or "actuary" means the person appointed  
23 pursuant to RCW 44.44.010(2).

24 (21) "Contributions" means the deduction from the compensation of  
25 each member in accordance with the contribution rates established under  
26 RCW 43.43.300.

27 (22) "Annual increase" means initially, seventy-four cents per  
28 month per year of service which amount shall be increased each July 1st  
29 by three percent, rounded to the nearest cent.

30 NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW  
31 to read as follows:

32 (1) Beginning July 1, 1999, and annually thereafter, the surviving  
33 spouse allowance provided in RCW 43.43.270 shall be adjusted by the  
34 annual increase amount. To be eligible, a surviving spouse must have  
35 attained at least age sixty-six by July 1st in the calendar year in  
36 which the annual increase is provided.

37 (2) The legislature reserves the right to amend or repeal this  
38 section in the future and no member or beneficiary has a contractual

1 right to receive this postretirement adjustment not granted prior to  
2 that time.

3       **Sec. 3.** RCW 43.43.274 and 1997 c 72 s 1 are each amended to read  
4 as follows:

5       Effective July 1, 1997, the retirement allowance under RCW  
6 43.43.260 and 43.43.270(2) shall not be less than twenty dollars per  
7 month for each year of service. Effective July 1, 1999, and annually  
8 thereafter, the retirement allowance provided under this section shall  
9 be adjusted by the annual increase amount. If the member has elected  
10 to receive a reduced retirement allowance under RCW 43.43.280(2), the  
11 minimum retirement allowance under this section shall be reduced  
12 accordingly.

13       NEW SECTION. **Sec. 4.** By July 1, 2000, the department shall adopt  
14 rules that allow a member to select an actuarially equivalent  
15 retirement option that pays the member a reduced retirement allowance  
16 and upon death shall be continued throughout the life of a lawful  
17 surviving spouse.

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