
HOUSE BILL 2923

State of Washington

57th Legislature

2002 Regular Session

By Representatives Kessler and Ogden

Read first time 02/07/2002. Referred to Committee on Appropriations.

1 AN ACT Relating to clarifying the authority of a port district to
2 participate in a supplemental pension plan; and amending RCW 53.08.170.

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

4 **Sec. 1.** RCW 53.08.170 and 1991 sp.s. c 30 s 22 are each amended to
5 read as follows:

6 The port commission shall have authority to create and fill
7 positions, to fix wages, salaries and bonds thereof, to pay costs and
8 assessments involved in securing or arranging to secure employees, and
9 to establish such benefits for employees, including holiday pay,
10 vacations or vacation pay, retirement and pension benefits, medical,
11 surgical or hospital care, life, accident, or health disability
12 insurance, and similar benefits, already established by other employers
13 of similar employees, as the port commissioner shall by resolution
14 provide: PROVIDED, That any district providing insurance benefits for
15 its employees in any manner whatsoever may provide health and accident
16 insurance, life insurance with coverage not to exceed that provided
17 district employees, and business related travel, liability, and errors
18 and omissions insurance, for its commissioners, which insurance shall
19 not be considered to be compensation.

1 Subject to chapter 48.62 RCW, the port commission shall have
2 authority to provide or pay such benefits directly, or to provide for
3 such benefits by the purchase of insurance policies or entering into
4 contracts with and compensating any person, firm, agency or
5 organization furnishing such benefits, or by making contributions to
6 vacation plans or funds, or health and welfare plans and funds, or
7 pension plans or funds, or similar plans or funds, already established
8 by other employers of similar employees and in which the port district
9 is permitted to participate for particular classifications of its
10 employees by the trustees or other persons responsible for the
11 administration of such established plans or funds: PROVIDED FURTHER,
12 That no port district employee shall be allowed to apply for admission
13 to or be accepted as a member of the state employees' retirement system
14 after January 1, 1965, if admission to such system would result in
15 coverage under both a private pension system and the state employees'
16 retirement system, it being the purpose of this proviso that port
17 districts shall not at the same time contribute for any employee to
18 both a private pension or retirement plan and to the state employees'
19 retirement system. The port commission shall have authority by
20 resolution to utilize and compensate agents for the purpose of paying,
21 in the name and by the check of such agent or agents or otherwise,
22 wages, salaries and other benefits to employees, or particular
23 classifications thereof, and for the purpose of withholding payroll
24 taxes and paying over tax moneys so withheld to appropriate government
25 agencies, on a combined basis with the wages, salaries, benefits, or
26 taxes of other employers or otherwise; to enter into such contracts and
27 arrangements with and to transfer by warrant such funds from time to
28 time to any such agent or agents so appointed as are necessary to
29 accomplish such salary, wage, benefit, or tax payments as though the
30 port district were a private employer, notwithstanding any other
31 provision of the law to the contrary. The funds of a port district
32 transferred to such an agent or agents for the payment of wages or
33 salaries of its employees in the name or by the check of such agent or
34 agents shall be subject to garnishment with respect to salaries or
35 wages so paid, notwithstanding any provision of the law relating to
36 municipal corporations to the contrary.

37 Notwithstanding any provision in this section, the governing body
38 of a port district may enter into an agreement in writing with one or
39 more of its officers or employees or a group of such officers and

1 employees, authorizing deductions from the officer's or employee's
2 salary or wages of the amount of any premium specified in writing by
3 the officer or employee, for contribution to any private pension plan,
4 without loss of eligibility for membership in the state employees'
5 retirement system, and may agree to remit that amount to the management
6 of such private pension plan. However, no port district funds shall be
7 contributed or paid to such private plan. When such authorized
8 deductions are certified by the port commission to the port district's
9 auditor, the auditor shall draw and issue a proper warrant or warrants,
10 or check or checks if that method of payment is authorized by statute,
11 directly to and in favor of the person, firm, corporation, or
12 organization named in the authorization, for the total amount
13 authorized to be deducted from the payroll, together with a list
14 identifying the officers and employees for whom the payment is made.

15 Nothing in this section may be invoked to invalidate any private
16 pension plan or any public or private contributions or payments
17 thereto, or exclude members of any such private pension plan from
18 membership in the state employees' retirement system, if such private
19 plan was in operation on December 31, 2001.

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