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HOUSE BILL 2273

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By Representatives R. Fisher, R. Meyers, Betrozoff, Zellinsky, Schmidt, Winsley, Franklin, Forner, Paris, Orr and Chandler; by request of Washington State Patrol

Prefiled 1/9/92. Read first time 01/13/92. Referred to Committee on Appropriations.

1 AN ACT Relating to portability in the Washington state patrol  
2 retirement system; amending RCW 43.43.120, 43.43.130, and 43.43.260;  
3 and declaring an emergency.

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.

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

3 (5) "Employee" means any commissioned employee of the Washington  
4 state patrol.

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

11 (b) "Cadet," for a person who became a member of the retirement  
12 system before (~~June 12~~) July 1, 1980, is a trooper cadet, patrol  
13 cadet, or employee of like classification, employed for the express  
14 purpose of receiving the on-the-job training required for attendance at  
15 the state patrol academy and for becoming a commissioned trooper.  
16 "Like classification" includes: Radio operators or dispatchers;  
17 persons providing security for the governor or legislature; patrolmen;  
18 drivers' license examiners; weighmasters; vehicle safety inspectors;  
19 central wireless operators; and warehousemen.

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

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

24 (9) "Retirement board" means the board provided for in this  
25 chapter.

26 (10) "Insurance commissioner" means the insurance commissioner of  
27 the state of Washington.

28 (11) "Lieutenant governor" means the lieutenant governor of the  
29 state of Washington.

1       (12) "Service" shall mean services rendered to the state of  
2 Washington or any political subdivisions thereof for which compensation  
3 has been paid. Full time employment for seventy or more hours in any  
4 given calendar month shall constitute one month of service. An  
5 employee who is reinstated in accordance with RCW 43.43.110 shall  
6 suffer no loss of service for the period reinstated subject to the  
7 contribution requirements of this chapter. Only months of service  
8 shall be counted in the computation of any retirement allowance or  
9 other benefit provided for herein. Years of service shall be  
10 determined by dividing the total number of months of service by twelve.  
11 Any fraction of a year of service as so determined shall be taken into  
12 account in the computation of such retirement allowance or benefit.

13       (13) "Prior service" shall mean all services rendered by a member  
14 to the state of Washington, or any of its political subdivisions prior  
15 to August 1, 1947, unless such service has been credited in another  
16 public retirement or pension system operating in the state of  
17 Washington.

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

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

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

29       (17) Unless the context expressly indicates otherwise, words  
30 importing the masculine gender shall be extended to include the

1 feminine gender and words importing the feminine gender shall be  
2 extended to include the masculine gender.

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

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

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

9 (21) "Contributions" means the deduction from the compensation of  
10 each member in accordance with the contribution rates established under  
11 RCW 43.43.300.

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

14 (1) A Washington state patrol retirement fund is hereby established  
15 for members of the Washington state patrol which shall include funds  
16 created and placed under the management of a retirement board for the  
17 payment of retirement allowances and other benefits under the  
18 provisions hereof.

19 (2) Any employee of the Washington state patrol, upon date of  
20 commissioning, shall be eligible to participate in the retirement plan  
21 and shall start contributing to the fund immediately. Any employee of  
22 the Washington state patrol employed by the state of Washington or any  
23 of its political subdivisions prior to August 1, 1947, unless such  
24 service has been credited in another public retirement or pension  
25 system operating in the state of Washington shall receive full credit  
26 for such prior service but after that date each new commissioned  
27 employee must automatically participate in the fund. If a member shall  
28 terminate service in the patrol and later reenter, he or she shall be  
29 treated in all respects as a new employee: PROVIDED, That a member who

1 reenters (~~((or has reentered))~~) service (~~((within ten years from the date~~  
2 ~~of his termination,))~~) shall upon completion of six months of continuous  
3 service and upon the restoration of all withdrawn contributions, plus  
4 interest as determined by the director, which restoration must be  
5 completed within five years after resumption of service, be returned to  
6 the status of membership he or she earned at the time of termination.

7 (3)(a) An employee of the Washington state patrol who becomes a  
8 member of the retirement system on or after (~~((June 12))~~) July 1, 1980,  
9 and who has service as a cadet in the patrol training program may make  
10 an irrevocable election to transfer the service to the retirement  
11 system. Any member upon making such election shall have transferred  
12 all existing service credited in a prior public retirement system in  
13 this state for periods of employment as a cadet. Transfer of credit  
14 under this subsection is contingent on completion of the transfer of  
15 funds specified in subsection (3)(b) of this section.

16 (b) Within sixty days of notification of a member's cadet service  
17 transfer as provided in subsection (3)(a) of this section, the  
18 department of retirement systems shall transfer the employee's  
19 accumulated contributions attributable to the periods of service as a  
20 cadet, including accumulated interest.

21 (4) A member of the retirement system who has served or shall serve  
22 on active federal service in the armed forces of the United States  
23 pursuant to and by reason of orders by competent federal authority, who  
24 left or shall leave the Washington state patrol to enter such service,  
25 and who within one year from termination of such active federal  
26 service, resumes employment as a state employee, shall have his or her  
27 service in such armed forces credited to him or her as a member of the  
28 retirement system: PROVIDED, That no such service in excess of five  
29 years shall be credited unless such service was actually rendered  
30 during time of war or emergency.

1 (5) An active employee of the Washington state patrol who  
2 (~~either~~) became member of the retirement system prior to (~~June 12~~)  
3 July 1, 1980, and who has prior service as a cadet, in the public  
4 employees' retirement system may make an irrevocable election to  
5 transfer such service to the retirement system within a period ending  
6 June 30, (~~1985~~) 1994, or, if not an active employee on July 1,  
7 (~~1983~~) 1992, within one year of returning to commissioned service,  
8 whichever date is later. Any member upon making such election shall  
9 have transferred all existing service credited in the public employees'  
10 retirement system which constituted service as a cadet together with  
11 the employee's contributions plus credited interest. If the employee  
12 has withdrawn the employee's contributions, the contributions must be  
13 restored to the public employees' retirement system before the transfer  
14 of credit can occur and such restoration must be completed within the  
15 time limits specified in this subsection for making the elective  
16 transfer.

17 (6) An active employee of the Washington state patrol may establish  
18 up to six months' retirement service credit in the state patrol  
19 retirement system for any period of employment by the Washington state  
20 patrol as a cadet if service credit for such employment was not  
21 previously established in the public employees' retirement system,  
22 subject to the following:

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

27 (b) Payment by the member of employee contributions in the amount  
28 of seven percent of the total salary paid for each month of service to  
29 be established, plus interest at seven percent from the date of the

1 probationary service to the date of payment. This payment shall be  
2 made by the member no later than July 1, (~~(1988)~~) 1993.

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

6 (7) 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.

12 **Sec. 3.** RCW 43.43.260 and 1982 1st ex.s. c 52 s 27 are each  
13 amended to read as follows:

14 Upon retirement from service as provided in RCW 43.43.250, a member  
15 shall be granted a retirement allowance which shall consist of:

16 (1) A prior service allowance which shall be equal to two percent  
17 of the member's average final salary multiplied by the number of years  
18 of prior service rendered by the member.

19 (2) A current service allowance which shall be equal to two percent  
20 of the member's average final salary multiplied by the number of years  
21 of service rendered while a member of the retirement system.

22 (3) Any member with twenty-five years service in the Washington  
23 state patrol may have the member's service in the armed forces credited  
24 as a member whether or not the individual left the employ of the  
25 Washington state patrol to enter such armed forces: PROVIDED, That in  
26 no instance shall military service in excess of five years be credited:  
27 AND PROVIDED FURTHER, That in each instance, a member must restore all  
28 withdrawn accumulated contributions, which restoration must be  
29 completed (~~(on)~~) by the date of the member's retirement, (~~(or within~~

1 ~~five years of membership service following the member's first~~  
2 ~~resumption of employment, whichever occurs first)) and within the time~~  
3 ~~limits established by RCW 43.43.130(2):~~ AND PROVIDED FURTHER, That  
4 this section shall not apply to any individual, not a veteran within  
5 the meaning of RCW 41.06.150, as now or hereafter amended: AND  
6 PROVIDED FURTHER, That in no instance shall military service be  
7 credited to any member who is receiving full military retirement  
8 benefits pursuant to Title 10 United States Code, as now or hereafter  
9 amended.

10 (4) In no event shall the total retirement benefits from  
11 subsections (1), (2), and (3) of this section, of any member exceed  
12 seventy-five percent of the member's average final salary.

13 (5) A yearly increase in retirement allowance which shall amount to  
14 two percent of the retirement allowance computed at the time of  
15 retirement. This yearly increase shall be added to the retirement  
16 allowance on July 1st of each calendar year.

17 The provisions of this section shall apply to all members presently  
18 retired and to all members who shall retire in the future.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and shall take  
22 effect immediately.