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HOUSE BILL 1610

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Fisher, Mitchell, Simpson and Wood; by request of Washington State Patrol

Read first time 01/30/2001. Referred to Committee on Appropriations.

1 AN ACT Relating to transferring into the state patrol retirement  
2 system; amending RCW 41.40.092, 41.40.092, and 43.43.130; providing an  
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 41.40.092 and 1983 c 81 s 3 are each amended to read  
6 as follows:

7 (1) Active members of the Washington state patrol retirement system  
8 who have previously established service credit in the public employees'  
9 retirement system while employed by the state patrol as a cadet as  
10 defined in RCW 43.43.120(6)(b) may have such service credit transferred  
11 to the state patrol retirement system subject to the terms and  
12 conditions specified in chapter 43.43 RCW, including reestablishment of  
13 such service for the sole purpose of transfer. Service reestablishment  
14 shall be subject to the interest requirements of RCW 41.40.150(2).

15 (2) Active members of the Washington state patrol retirement system  
16 who have previously established service credit in the public employees'  
17 retirement system while employed by the state patrol as commercial  
18 vehicle enforcement officers or commercial vehicle officers may have  
19 such service credit transferred to the state patrol retirement system.

1 Any such transfer is subject to the terms and conditions specified in  
2 chapter 43.43 RCW including reestablishment of such service for the  
3 sole purpose of transfer. Service reestablishment shall be subject to  
4 the interest requirements of RCW 41.40.150(2).

5 (3) Service credit established for employment other than that  
6 specified in subsection (1) or (2) of this section is not eligible for  
7 transfer.

8 **Sec. 2.** RCW 41.40.092 and 2000 c 247 s 108 are each amended to  
9 read as follows:

10 (1) Active members of the Washington state patrol retirement system  
11 who have previously established service credit in the public employees'  
12 retirement system, plan 1 or plan 2 while employed by the state patrol  
13 as a cadet as defined in RCW 43.43.120(6)(b) may have such service  
14 credit transferred to the state patrol retirement system subject to the  
15 terms and conditions specified in chapter 43.43 RCW, including  
16 reestablishment of such service for the sole purpose of transfer.  
17 Service reestablishment shall be subject to the interest requirements  
18 of RCW 41.40.150(2).

19 (2) Active members of the Washington state patrol retirement system  
20 who have previously established service credit in the public employees'  
21 retirement system plan 1 or plan 2 while employed by the state patrol  
22 as commercial vehicle enforcement officers or commercial vehicle  
23 officers may have such service credit transferred to the state patrol  
24 retirement system. Any such transfer is subject to the terms and  
25 conditions specified in chapter 43.43 RCW including reestablishment of  
26 such service for the sole purpose of transfer. Service reestablishment  
27 shall be subject to the interest requirements of RCW 41.40.150(2).

28 (3) Service credit established for employment other than that  
29 specified in subsection (1) or (2) of this section is not eligible for  
30 transfer.

31 **Sec. 3.** RCW 43.43.130 and 1994 c 197 s 33 are each amended to read  
32 as follows:

33 (1) A Washington state patrol retirement fund is hereby established  
34 for members of the Washington state patrol which shall include funds  
35 created and placed under the management of a retirement board for the  
36 payment of retirement allowances and other benefits under the  
37 provisions hereof.

1 (2) Any employee of the Washington state patrol, upon date of  
2 commissioning, shall be eligible to participate in the retirement plan  
3 and shall start contributing to the fund immediately. Any employee of  
4 the Washington state patrol employed by the state of Washington or any  
5 of its political subdivisions prior to August 1, 1947, unless such  
6 service has been credited in another public retirement or pension  
7 system operating in the state of Washington shall receive full credit  
8 for such prior service but after that date each new commissioned  
9 employee must automatically participate in the fund. If a member shall  
10 terminate service in the patrol and later reenter, he shall be treated  
11 in all respects as a new employee.

12 (3)(a) A member who reenters or has reentered service within ten  
13 years from the date of his termination, shall upon completion of six  
14 months of continuous service and upon the restoration of all withdrawn  
15 contributions, plus interest as determined by the director, which  
16 restoration must be completed within five years after resumption of  
17 service, be returned to the status of membership he earned at the time  
18 of termination.

19 (b) A member who does not meet the time limitations for restoration  
20 under (a) of this subsection, may restore the service credit destroyed  
21 by the withdrawn contributions by paying the amount required under RCW  
22 41.50.165(2) prior to retirement.

23 (4)(a) An employee of the Washington state patrol who becomes a  
24 member of the retirement system after June 12, 1980, and who has  
25 service as a cadet in the patrol training program may make an  
26 irrevocable election to transfer the service to the retirement system.  
27 Any member upon making such election shall have transferred all  
28 existing service credited in a prior public retirement system in this  
29 state for periods of employment as a cadet. Transfer of credit under  
30 this subsection is contingent on completion of the transfer of funds  
31 specified in (b) of this subsection.

32 (b) Within sixty days of notification of a member's cadet service  
33 transfer as provided in (a) of this subsection, the department of  
34 retirement systems shall transfer the employee's accumulated  
35 contributions attributable to the periods of service as a cadet,  
36 including accumulated interest.

37 (5) A member of the retirement system who has served or shall serve  
38 on active federal service in the armed forces of the United States  
39 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  
6 be credited unless such service was actually rendered during time of  
7 war or emergency.

8 (6) 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 (7) An active employee of the Washington state patrol who either  
24 became a member of the retirement system prior to June 12, 1980, or who  
25 has prior service as a cadet in the public employees' retirement system  
26 may make an irrevocable election to transfer such service to the  
27 retirement system if they have not met the time limitations of  
28 subsection (6) of this section by paying the amount required under RCW  
29 41.50.165(2) less the contributions transferred. Any member upon  
30 making such election shall have transferred all existing service  
31 credited in the public employees' retirement system that constituted  
32 service as a cadet together with the employee's contributions plus  
33 credited interest. If the employee has withdrawn the employee's  
34 contributions, the contributions must be restored to the public  
35 employees' retirement system before the transfer of credit can occur  
36 and such restoration must be completed within the time limits specified  
37 in subsection (6) of this section for making the elective transfer.

38 (8) An active employee of the Washington state patrol may establish  
39 up to six months' retirement service credit in the state patrol

1 retirement system for any period of employment by the Washington state  
2 patrol as a cadet if service credit for such employment was not  
3 previously established in the public employees' retirement system,  
4 subject to the following:

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

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

14 (c) If the payment required under (b) of this subsection was not  
15 made by July 1, 1988, the member may establish the probationary service  
16 by paying the amount required under RCW 41.50.165(2).

17 (d) A written waiver by the member of the member's right to ever  
18 establish the same service in the public employees' retirement system  
19 at any time in the future.

20 (9) As authorized by RCW 41.40.092, an active employee of the  
21 Washington state patrol who has prior or current service as a  
22 commercial vehicle enforcement officer or a commercial vehicle officer  
23 in the public employees' retirement system may make an irrevocable  
24 election to transfer such service to the Washington state patrol  
25 retirement system. The election shall be open to the member until one  
26 year from the effective date of this section or, if not an active  
27 employee on the effective date of this section, then within one year of  
28 returning to commissioned service, whichever date is later. If a  
29 qualifying member makes such an election within the time specified:

30 (a) If the employee has withdrawn his or her contributions, the  
31 contributions must be restored to the public employees' retirement  
32 system before the transfer of credit can occur and such restoration  
33 must be completed within the time limits specified in this subsection  
34 for making the elective transfer;

35 (b) The department shall transfer all existing service credited in  
36 the public employees' retirement system which constituted service as a  
37 commercial vehicle enforcement officer or a commercial vehicle officer  
38 from the public employees' retirement system to the state patrol  
39 retirement system; and

1       (c) The department shall transfer all contributions made by the  
2 employee to the public employees' retirement system while employed as  
3 a commercial vehicle enforcement officer or a commercial vehicle  
4 officer, together with credited interest, from the public employees'  
5 retirement system to the state patrol retirement system.

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

12       NEW SECTION. Sec. 4. Section 1 of this act expires March 1, 2002.

13       NEW SECTION. Sec. 5. Section 2 of this act takes effect March 1,  
14 2002.

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