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SENATE BILL 5832

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Brown, Conway, and Schoesler

Read first time 02/20/13. Referred to Committee on Transportation.

1            AN ACT Relating to agreements between the Washington state patrol,  
2 the Washington state department of transportation, and other government  
3 entities for police services for projects involving state highway  
4 routes and public safety services; and amending RCW 43.43.120.

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

6            **Sec. 1.** RCW 43.43.120 and 2011 1st sp.s. c 5 s 6 are each amended  
7 to read as follows:

8            As used in this section and RCW 43.43.130 through 43.43.320, unless  
9 a different meaning is plainly required by the context:

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

13            (2) "Annual increase" means as of July 1, 1999, seventy-seven cents  
14 per month per year of service which amount shall be increased each  
15 subsequent July 1st by three percent, rounded to the nearest cent.

16            (3)(a) "Average final salary," for members commissioned prior to  
17 January 1, 2003, shall mean the average monthly salary received by a  
18 member during the member's last two years of service or any consecutive  
19 two-year period of service, whichever is the greater, as an employee of

1 the Washington state patrol; or if the member has less than two years  
2 of service, then the average monthly salary received by the member  
3 during the member's total years of service.

4 (b) "Average final salary," for members commissioned on or after  
5 January 1, 2003, shall mean the average monthly salary received by a  
6 member for the highest consecutive sixty service credit months; or if  
7 the member has less than sixty months of service, then the average  
8 monthly salary received by the member during the member's total months  
9 of service.

10 (c) In calculating average final salary under (a) or (b) of this  
11 subsection, the department of retirement systems shall include:

12 (i) Any compensation forgone by the member during the 2009-2011  
13 fiscal biennium as a result of reduced work hours, mandatory or  
14 voluntary leave without pay, temporary reduction in pay implemented  
15 prior to December 11, 2010, or temporary layoffs if the reduced  
16 compensation is an integral part of the employer's expenditure  
17 reduction efforts, as certified by the chief; and

18 (ii) Any compensation forgone by a member during the 2011-2013  
19 fiscal biennium as a result of reduced work hours, mandatory leave  
20 without pay, temporary layoffs, or reductions to current pay if the  
21 reduced compensation is an integral part of the employer's expenditure  
22 reduction efforts, as certified by the chief. Reductions to current  
23 pay shall not include elimination of previously agreed upon future  
24 salary reductions.

25 (4) "Beneficiary" means any person in receipt of retirement  
26 allowance or any other benefit allowed by this chapter.

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

32 (b) "Cadet," for a person who became a member of the retirement  
33 system before June 12, 1980, is a trooper cadet, patrol cadet, or  
34 employee of like classification, employed for the express purpose of  
35 receiving the on-the-job training required for attendance at the state  
36 patrol academy and for becoming a commissioned trooper. "Like  
37 classification" includes: Radio operators or dispatchers; persons

1 providing security for the governor or legislature; patrol officers;  
2 drivers' license examiners; weighmasters; vehicle safety inspectors;  
3 central wireless operators; and warehouse workers.

4 (6) "Contributions" means the deduction from the compensation of  
5 each member in accordance with the contribution rates established under  
6 chapter 41.45 RCW.

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

9 (8) "Department" means the department of retirement systems created  
10 in chapter 41.50 RCW.

11 (9) "Director" means the director of the department of retirement  
12 systems.

13 (10) "Domestic partners" means two adults who have registered as  
14 domestic partners under RCW 26.60.040.

15 (11) "Employee" means any commissioned employee of the Washington  
16 state patrol.

17 (12) "Insurance commissioner" means the insurance commissioner of  
18 the state of Washington.

19 (13) "Lieutenant governor" means the lieutenant governor of the  
20 state of Washington.

21 (14) "Member" means any person included in the membership of the  
22 retirement fund.

23 (15) "Plan 2" means the Washington state patrol retirement system  
24 plan 2, providing the benefits and funding provisions covering  
25 commissioned employees who first become members of the system on or  
26 after January 1, 2003.

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

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

34 (18) "Retirement board" means the board provided for in this  
35 chapter.

36 (19) "Retirement fund" means the Washington state patrol retirement  
37 fund.

1 (20) "Retirement system" means the Washington state patrol  
2 retirement system.

3 (21)(a) "Salary," for members commissioned prior to July 1, 2001,  
4 shall exclude any overtime earnings related to RCW 47.46.040, or any  
5 voluntary overtime, earned on or after July 1, 2001. Any overtime  
6 compensation earned on or after July 1, 2013, related to RCW 47.46.040  
7 and any overtime compensation earned related to agreements for state  
8 patrol services is considered "salary" for the purposes of this section  
9 provided the contributions required in this chapter are deducted from  
10 the compensation.

11 (b) "Salary," for members commissioned on or after July 1, 2001,  
12 shall exclude any overtime earnings related to RCW 47.46.040 or any  
13 voluntary overtime, lump sum payments for deferred annual sick leave,  
14 unused accumulated vacation, unused accumulated annual leave, holiday  
15 pay, or any form of severance pay. Any overtime compensation earned on  
16 or after July 1, 2013, related to RCW 47.46.040 and any volunteer  
17 overtime compensation earned related to agreements for state patrol  
18 services is considered "salary" for the purposes of this section  
19 provided the contributions required in this chapter are deducted from  
20 the compensation.

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

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

35 (24) "State treasurer" means the treasurer of the state of  
36 Washington.

37 Unless the context expressly indicates otherwise, words importing

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

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