

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2895**

Chapter 362, Laws of 2002

57th Legislature  
2002 Regular Session

PORT EMPLOYEES--RETIREMENT PLANS

EFFECTIVE DATE: 6/13/02

Passed by the House February 14, 2002  
Yeas 98 Nays 0

FRANK CHOPP  
**Speaker of the House of  
Representatives**

Passed by the Senate March 5, 2002  
Yeas 46 Nays 0

BRAD OWEN  
**President of the Senate**

Approved April 4, 2002

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2895** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

FILED

April 4, 2002 - 3:07 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2895**

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Passed Legislature - 2002 Regular Session

**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Kessler, Chase and Ogden)

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

1 AN ACT Relating to allowing port employees to join more than one  
2 retirement plan subject to a labor agreement; and amending RCW  
3 53.08.170.

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

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

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

1 and omissions insurance, for its commissioners, which insurance shall  
2 not be considered to be compensation.

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

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

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

Passed the House February 14, 2002.

Passed the Senate March 5, 2002.

Approved by the Governor April 4, 2002.

Filed in Office of Secretary of State April 4, 2002.