
SENATE BILL 5161

State of Washington

53rd Legislature

1993 Regular Session

By Senators Owen, Pelz, Sellar and Erwin; by request of Washington State Patrol

Read first time 01/15/93. Referred to Committee on Ways & Means.

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.

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

17 (5) "Employee" means any commissioned employee of the Washington
18 state patrol.

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

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

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

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

20 (9) "Retirement board" means the board provided for in this
21 chapter.

22 (10) "Insurance commissioner" means the insurance commissioner of
23 the state of Washington.

24 (11) "Lieutenant governor" means the lieutenant governor of the
25 state of Washington.

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

38 (13) "Prior service" shall mean all services rendered by a member
39 to the state of Washington, or any of its political subdivisions prior

1 to August 1, 1947, unless such service has been credited in another
2 public retirement or pension system operating in the state of
3 Washington.

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

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

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

15 (17) Unless the context expressly indicates otherwise, words
16 importing the masculine gender shall be extended to include the
17 feminine gender and words importing the feminine gender shall be
18 extended to include the masculine gender.

19 (18) "Director" means the director of the department of retirement
20 systems.

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

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

25 (21) "Contributions" means the deduction from the compensation of
26 each member in accordance with the contribution rates established under
27 RCW 43.43.300.

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

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

35 (2) Any employee of the Washington state patrol, upon date of
36 commissioning, shall be eligible to participate in the retirement plan
37 and shall start contributing to the fund immediately. Any employee of
38 the Washington state patrol employed by the state of Washington or any

1 of its political subdivisions prior to August 1, 1947, unless such
2 service has been credited in another public retirement or pension
3 system operating in the state of Washington shall receive full credit
4 for such prior service but after that date each new commissioned
5 employee must automatically participate in the fund. If a member shall
6 terminate service in the patrol and later reenter, he or she shall be
7 treated in all respects as a new employee: PROVIDED, That a member who
8 reenters (~~((or has reentered))~~) service (~~((within ten years from the date
9 of his termination,))~~) shall upon completion of six months of continuous
10 service and upon the restoration of all withdrawn contributions, plus
11 interest as determined by the director, which restoration must be
12 completed within five years after resumption of service, be returned to
13 the status of membership he or she earned at the time of termination.

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

23 (b) Within sixty days of notification of a member's cadet service
24 transfer as provided in subsection (3)(a) of this section, the
25 department of retirement systems shall transfer the employee's
26 accumulated contributions attributable to the periods of service as a
27 cadet, including accumulated interest.

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

38 (5) An active employee of the Washington state patrol who
39 (~~((either))~~) became member of the retirement system prior to (~~((June 12))~~)

1 July 1, 1980, and who has prior service as a cadet, in the public
2 employees' retirement system may make an irrevocable election to
3 transfer such service to the retirement system within a period ending
4 June 30, (~~1985~~) 1995, or, if not an active employee on July 1,
5 (~~1983~~) 1993, within one year of returning to commissioned service,
6 whichever date is later. Any member upon making such election shall
7 have transferred all existing service credited in the public employees'
8 retirement system which constituted service as a cadet together with
9 the employee's contributions plus credited interest. If the employee
10 has withdrawn the employee's contributions, the contributions must be
11 restored to the public employees' retirement system before the transfer
12 of credit can occur and such restoration must be completed within the
13 time limits specified in this subsection for making the elective
14 transfer.

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

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

25 (b) Payment by the member of employee contributions in the amount
26 of seven percent of the total salary paid for each month of service to
27 be established, plus interest at seven percent from the date of the
28 probationary service to the date of payment. This payment shall be
29 made by the member no later than July 1, (~~1988~~) 1995.

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

33 (7) The department of retirement systems shall make the requested
34 transfer subject to the conditions specified in subsection (5) of this
35 section or establish additional credit as provided in subsection (6) of
36 this section. Employee contributions and credited interest transferred
37 shall be credited to the employee's account in the Washington state
38 patrol retirement system.

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

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

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

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

11 (3) Any member with twenty-five years service in the Washington
12 state patrol may have the member's service in the armed forces credited
13 as a member whether or not the individual left the employ of the
14 Washington state patrol to enter such armed forces: PROVIDED, That in
15 no instance shall military service in excess of five years be credited:
16 AND PROVIDED FURTHER, That in each instance, a member must restore all
17 withdrawn accumulated contributions, which restoration must be
18 completed ((~~on~~)) by the date of the member's retirement, ((~~or within~~
19 five years of membership service following the member's first
20 resumption of employment, whichever occurs first)) and within the time
21 limits established by RCW 43.43.130(2): AND PROVIDED FURTHER, That
22 this section shall not apply to any individual, not a veteran within
23 the meaning of RCW 41.06.150, as now or hereafter amended: AND
24 PROVIDED FURTHER, That in no instance shall military service be
25 credited to any member who is receiving full military retirement
26 benefits pursuant to Title 10 United States Code, as now or hereafter
27 amended.

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

31 (5) A yearly increase in retirement allowance which shall amount to
32 two percent of the retirement allowance computed at the time of
33 retirement. This yearly increase shall be added to the retirement
34 allowance on July 1st of each calendar year.

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

37 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
38 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.

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