
HOUSE BILL 1904

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Hope and Hurst

Read first time 02/15/13. Referred to Committee on Appropriations.

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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