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SENATE BILL 5061

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State of Washington

65th Legislature

2017 Regular Session

By Senators O'Ban, Pedersen, Fortunato, Sheldon, Miloscia, Zeiger, Wilson, Warnick, Becker, Brown, and Rolfes

Read first time 01/11/17. Referred to Committee on Ways & Means.

1 AN ACT Relating to military service credit for members of the  
2 Washington state patrol retirement system; and reenacting and  
3 amending RCW 43.43.260.

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

5 **Sec. 1.** RCW 43.43.260 and 2009 c 522 s 2 and 2009 c 205 s 9 are  
6 each reenacted and amended to read as follows:

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

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

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

16 (3)((+a)) Any member (~~(commissioned prior to January 1, 2003,)~~)  
17 with twenty-five years of service in the Washington state patrol may  
18 have the member's service in the uniformed services credited as a  
19 member whether or not the individual left the employ of the  
20 Washington state patrol to enter such uniformed services: PROVIDED,  
21 That in no instance shall military service in excess of five years be

1 credited: AND PROVIDED FURTHER, That in each instance, a member must  
2 restore all withdrawn accumulated contributions, which restoration  
3 must be completed on the date of the member's retirement, or as  
4 provided under RCW 43.43.130, whichever occurs first: AND PROVIDED  
5 FURTHER, That this section shall not apply to any individual, not a  
6 veteran within the meaning of RCW 41.06.150.

7 ~~((b) A member who leaves the Washington state patrol to enter  
8 the uniformed services of the United States shall be entitled to  
9 retirement system service credit for up to five years of military  
10 service. This subsection shall be administered in a manner consistent  
11 with the requirements of the federal uniformed services employment  
12 and reemployment rights act.~~

13 ~~(i) The member qualifies for service credit under this subsection  
14 if:~~

15 ~~(A) Within ninety days of the member's honorable discharge from  
16 the uniformed services of the United States, the member applies for  
17 reemployment with the employer who employed the member immediately  
18 prior to the member entering the uniformed services; and~~

19 ~~(B) The member makes the employee contributions required under  
20 RCW 41.45.0631 and 41.45.067 within five years of resumption of  
21 service or prior to retirement, whichever comes sooner; or~~

22 ~~(C) Prior to retirement and not within ninety days of the  
23 member's honorable discharge or five years of resumption of service  
24 the member pays the amount required under RCW 41.50.165(2); or~~

25 ~~(D) If the member was commissioned on or after January 1, 2003,  
26 and, prior to retirement, the member provides to the director proof  
27 that the member's interruptive military service was during a period  
28 of war as defined in RCW 41.04.005. Any member who made payments for  
29 service credit for interruptive military service during a period of  
30 war as defined in RCW 41.04.005 may, prior to retirement and on a  
31 form provided by the department, request a refund of the funds  
32 standing to his or her credit for up to five years of such service,  
33 and this amount shall be paid to him or her. Members with one or more  
34 periods of interruptive military service credit during a period of  
35 war may receive no more than five years of free retirement system  
36 service credit under this subsection.~~

37 ~~(ii) Upon receipt of member contributions under (b)(i)(B),  
38 (b)(iv)(C), and (b)(v)(C) of this subsection, or adequate proof under  
39 (b)(i)(D), (b)(iv)(D), or (b)(v)(D) of this subsection, the  
40 department shall establish the member's service credit and shall bill~~

1 ~~the employer for its contribution required under RCW 41.45.060 for~~  
2 ~~the period of military service, plus interest as determined by the~~  
3 ~~department.~~

4 ~~(iii) The contributions required under (b)(i)(B), (b)(iv)(C), and~~  
5 ~~(b)(v)(C) of this subsection shall be based on the compensation the~~  
6 ~~member would have earned if not on leave, or if that cannot be~~  
7 ~~estimated with reasonable certainty, the compensation reported for~~  
8 ~~the member in the year prior to when the member went on military~~  
9 ~~leave.~~

10 ~~(iv) The surviving spouse or lawful domestic partner or eligible~~  
11 ~~child or children of a member who left the employ of an employer to~~  
12 ~~enter the uniformed services of the United States and died while~~  
13 ~~serving in the uniformed services may, on behalf of the deceased~~  
14 ~~member, apply for retirement system service credit under this~~  
15 ~~subsection up to the date of the member's death in the uniformed~~  
16 ~~services. The department shall establish the deceased member's~~  
17 ~~service credit if the surviving spouse or lawful domestic partner or~~  
18 ~~eligible child or children:~~

19 ~~(A) Provides to the director proof of the member's death while~~  
20 ~~serving in the uniformed services;~~

21 ~~(B) Provides to the director proof of the member's honorable~~  
22 ~~service in the uniformed services prior to the date of death; and~~

23 ~~(C) If the member was commissioned on or after January 1, 2003,~~  
24 ~~pays the employee contributions required under chapter 41.45 RCW~~  
25 ~~within five years of the date of death or prior to the distribution~~  
26 ~~of any benefit, whichever comes first; or~~

27 ~~(D) If the member was commissioned on or after January 1, 2003,~~  
28 ~~and, prior to the distribution of any benefit, provides to the~~  
29 ~~director proof that the member's interruptive military service was~~  
30 ~~during a period of war as defined in RCW 41.04.005. If the deceased~~  
31 ~~member made payments for service credit for interruptive military~~  
32 ~~service during a period of war as defined in RCW 41.04.005, the~~  
33 ~~surviving spouse or eligible child or children may, prior to the~~  
34 ~~distribution of any benefit and on a form provided by the department,~~  
35 ~~request a refund of the funds standing to the deceased member's~~  
36 ~~credit for up to five years of such service, and this amount shall be~~  
37 ~~paid to the surviving spouse or children. Members with one or more~~  
38 ~~periods of interruptive military service during a period of war may~~  
39 ~~receive no more than five years of free retirement system service~~  
40 ~~credit under this subsection.~~

1       ~~(v) A member who leaves the employ of an employer to enter the~~  
2 ~~uniformed services of the United States and becomes totally~~  
3 ~~incapacitated for continued employment by an employer while serving~~  
4 ~~in the uniformed services is entitled to retirement system service~~  
5 ~~credit under this subsection up to the date of discharge from the~~  
6 ~~uniformed services if:~~

7       ~~(A) The member obtains a determination from the director that he~~  
8 ~~or she is totally incapacitated for continued employment due to~~  
9 ~~conditions or events that occurred while serving in the uniformed~~  
10 ~~services;~~

11       ~~(B) The member provides to the director proof of honorable~~  
12 ~~discharge from the uniformed services; and~~

13       ~~(C) If the member was commissioned on or after January 1, 2003,~~  
14 ~~the member pays the employee contributions required under chapter~~  
15 ~~41.45 RCW within five years of the director's determination of total~~  
16 ~~disability or prior to the distribution of any benefit, whichever~~  
17 ~~comes first; or~~

18       ~~(D) If the member was commissioned on or after January 1, 2003,~~  
19 ~~and, prior to retirement, the member provides to the director proof~~  
20 ~~that the member's interruptive military service was during a period~~  
21 ~~of war as defined in RCW 41.04.005. Any member who made payments for~~  
22 ~~service credit for interruptive military service during a period of~~  
23 ~~war as defined in RCW 41.04.005 may, prior to retirement and on a~~  
24 ~~form provided by the department, request a refund of the funds~~  
25 ~~standing to his or her credit for up to five years of such service,~~  
26 ~~and this amount shall be paid to him or her. Members with one or more~~  
27 ~~periods of interruptive military service during a period of war may~~  
28 ~~receive no more than five years of free retirement system service~~  
29 ~~credit under this subsection.))~~

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

33       (5) Beginning July 1, 2001, and every year thereafter, the  
34 department shall determine the following information for each retired  
35 member or beneficiary whose retirement allowance has been in effect  
36 for at least one year:

37       (a) The original dollar amount of the retirement allowance;

38       (b) The index for the calendar year prior to the effective date  
39 of the retirement allowance, to be known as "index A";

1 (c) The index for the calendar year prior to the date of  
2 determination, to be known as "index B"; and

3 (d) The ratio obtained when index B is divided by index A.

4 The value of the ratio obtained shall be the annual adjustment to  
5 the original retirement allowance and shall be applied beginning with  
6 the July payment. In no event, however, shall the annual adjustment:

7 (i) Produce a retirement allowance which is lower than the  
8 original retirement allowance;

9 (ii) Exceed three percent in the initial annual adjustment; or

10 (iii) Differ from the previous year's annual adjustment by more  
11 than three percent.

12 For the purposes of this section, "index" means, for any calendar  
13 year, that year's average consumer price index for the Seattle-  
14 Tacoma-Bremerton Washington area for urban wage earners and clerical  
15 workers, all items, compiled by the bureau of labor statistics,  
16 United States department of labor.

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

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