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HOUSE BILL 1510

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Hill, Taylor, Davis, Peterson, Ormsby, Leavitt, Farivar, Macri, Scott, and Ortiz-Self; by request of Administrative Office of the Courts

Read first time 01/22/25. Referred to Committee on Appropriations.

1 AN ACT Relating to participation in the public employees'  
2 retirement system judicial benefit multiplier program by  
3 commissioners of the supreme court and court of appeals; and amending  
4 RCW 41.40.124, 41.40.767, 41.40.870, and 41.40.877.

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

6 **Sec. 1.** RCW 41.40.124 and 2008 c 300 s 1 are each amended to  
7 read as follows:

8 (1) Between January 1, 2007, and December 31, 2007, a member of  
9 plan 1 or plan 2 employed as a supreme court justice, court of  
10 appeals judge, or superior court judge may make a one-time  
11 irrevocable election, filed in writing with the member's employer,  
12 the department, and the administrative office of the courts, to  
13 accrue an additional benefit equal to (~~one and one-half~~) 1.5  
14 percent of average final compensation for each year of future service  
15 credit from the date of the election in lieu of future employee and  
16 employer contributions to the judicial retirement account plan under  
17 chapter 2.14 RCW.

18 (2) A member who made the election under subsection (1) of this  
19 section may apply, at the time of filing a written application for  
20 retirement with the department, to the department to increase the  
21 member's benefit multiplier by an additional (~~one and one-half~~) 1.5

1 percent per year of service for the period in which the member served  
2 as a justice or judge prior to the election. The member may purchase,  
3 beginning with the most recent judicial service, the higher benefit  
4 multiplier for that portion of the member's prior judicial service  
5 for which the higher benefit multiplier was not previously purchased,  
6 and that would ensure that the member has no more than a (~~seventy-~~  
7 ~~five~~) 75 percent of average final compensation benefit. The member  
8 shall pay five percent of the salary earned for each month of service  
9 for which the higher benefit multiplier is being purchased, plus  
10 (~~five and one-half~~) 5.5 percent interest applied from the dates  
11 that the service was earned. The purchase price shall not exceed the  
12 actuarially equivalent value of the increase in the member's benefit  
13 resulting from the increase in the benefit multiplier. This payment  
14 must be made prior to retirement, subject to rules adopted by the  
15 department.

16 (3) From January 1, 2009, through June 30, 2009, the following  
17 members may apply to the department to increase their benefit  
18 multiplier by an additional (~~one and one-half~~) 1.5 percent per year  
19 of service for the period in which they served as a justice or judge:

20 (a) Active members of plan 1 or plan 2 who are not currently  
21 employed as a supreme court justice, court of appeals judge, or  
22 superior court judge, and who have past service as a supreme court  
23 justice, court of appeals judge, or superior court judge; and

24 (b) Inactive vested members of plan 1 or plan 2 who have  
25 separated, have not yet retired, and who have past service as a  
26 supreme court justice, court of appeals judge, or superior court  
27 judge.

28 A member eligible under this subsection may purchase the higher  
29 benefit multiplier for all or part of the member's prior judicial  
30 service beginning with the most recent judicial service. The member  
31 shall pay, for the applicable period of service, the actuarially  
32 equivalent value of the increase in the member's benefit resulting  
33 from the increase in the benefit multiplier as determined by the  
34 director.

35 (4) Subject to rules adopted by the department, a member applying  
36 to increase the member's benefit multiplier under this section may  
37 pay all or part of the cost with a lump sum payment, eligible  
38 rollover, direct rollover, or trustee-to-trustee transfer from an  
39 eligible retirement plan. The department shall adopt rules to ensure  
40 that all lump sum payments, rollovers, and transfers comply with the

1 requirements of the internal revenue code and regulations adopted by  
2 the internal revenue service. The rules adopted by the department may  
3 condition the acceptance of a rollover or transfer from another plan  
4 on the receipt of information necessary to enable the department to  
5 determine the eligibility of any transferred funds for tax-free  
6 rollover treatment or other treatment under federal income tax law.

7 (5) Between January 1, 2026, and April 1, 2026, a member of plan  
8 1 or plan 2 employed as a supreme court commissioner or deputy  
9 commissioner or court of appeals commissioner may make a one-time  
10 irrevocable election, filed in writing with the member's employer,  
11 the department, and the administrative office of the courts, to  
12 accrue an additional benefit equal to 1.5 percent of average final  
13 compensation for each year of future service credit from the date of  
14 the election.

15 (6) A member who made the election under subsection (5) of this  
16 section may apply to the department, at the time of filing a written  
17 application for retirement with the department, to increase the  
18 member's benefit multiplier by an additional 1.5 percent per year of  
19 service for the period in which the member served as a supreme court  
20 commissioner or deputy commissioner, or court of appeals commissioner  
21 prior to the election. The member may purchase, beginning with the  
22 most recent judicial service, the higher benefit multiplier for that  
23 portion of the member's prior judicial service for which the higher  
24 benefit multiplier was not previously purchased, and that would  
25 ensure that the member has no more than a 75 percent of average final  
26 compensation benefit. The member shall pay five percent of the salary  
27 earned for each month of service for which the higher benefit  
28 multiplier is being purchased, plus 5.5 percent interest applied from  
29 the dates that the service was earned. The purchase price shall not  
30 exceed the actuarially equivalent value of the increase in the  
31 member's benefit resulting from the increase in the benefit  
32 multiplier. This payment must be made prior to retirement, subject to  
33 rules adopted by the department.

34 (7) (a) From January 1, 2028, through June 30, 2028, the following  
35 members may apply to the department to increase their benefit  
36 multiplier by an additional 1.5 percent per year of service for the  
37 period in which they served as a supreme court commissioner or deputy  
38 commissioner or court of appeals commissioner:

39 (i) Active members of plan 1 or plan 2 who are not currently  
40 employed as a supreme court commissioner or deputy commissioner or

1 court of appeals commissioner, and who have past service as a supreme  
2 court commissioner or deputy commissioner or court of appeals  
3 commissioner; and

4 (ii) Inactive vested members of plan 1 or plan 2 who have  
5 separated, have not yet retired, and who have past service as a  
6 supreme court commissioner or deputy commissioner or court of appeals  
7 commissioner.

8 (b) A member eligible under this subsection may purchase the  
9 higher benefit multiplier for all or part of the member's prior  
10 judicial service beginning with the most recent judicial service. The  
11 member shall pay, for the applicable period of service, the  
12 actuarially equivalent value of the increase in the member's benefit  
13 resulting from the increase in the benefit multiplier as determined  
14 by the director.

15 (8) Subject to rules adopted by the department, a member applying  
16 to increase the member's benefit multiplier under this section may  
17 pay all or part of the cost with a lump sum payment, eligible  
18 rollover, direct rollover, or trustee-to-trustee transfer from an  
19 eligible retirement plan. The department shall adopt rules to ensure  
20 that all lump sum payments, rollovers, and transfers comply with the  
21 requirements of the internal revenue code and regulations adopted by  
22 the internal revenue service. The rules adopted by the department may  
23 condition the acceptance of a rollover or transfer from another plan  
24 on the receipt of information necessary to enable the department to  
25 determine the eligibility of any transferred funds for tax-free  
26 rollover treatment or other treatment under federal income tax law.

27 **Sec. 2.** RCW 41.40.767 and 2006 c 189 s 13 are each amended to  
28 read as follows:

29 (1) In lieu of the retirement allowance provided under RCW  
30 41.40.620, the retirement allowance payable for service as a supreme  
31 court justice, court of appeals judge, or superior court judge, for  
32 those justices or judges who elected to participate under RCW  
33 41.40.124(1), shall be equal to (~~three and one-half~~) 3.5 percent of  
34 average final compensation for each year of service earned after the  
35 election. The total retirement benefit accrued or purchased under  
36 chapter 189, Laws of 2006 in combination with benefits accrued during  
37 periods served prior to the election shall not exceed (~~seventy-~~  
38 ~~five~~) 75 percent of average final compensation.

1 (2) In lieu of the retirement allowance provided under RCW  
2 41.40.620, the retirement allowance payable for service as a supreme  
3 court justice, court of appeals judge, or superior court judge, for  
4 those justices or judges newly elected or appointed after January 1,  
5 2007, shall be equal to (~~three and one-half~~) 3.5 percent of average  
6 final compensation for each year of service after January 1, 2007.  
7 The total retirement benefits accrued under chapter 189, Laws of 2006  
8 in combination with benefits accrued during periods served prior to  
9 January 1, 2007, shall not exceed (~~seventy-five~~) 75 percent of  
10 average final compensation.

11 (3) The retirement allowance payable for service as a supreme  
12 court commissioner or deputy commissioner, or court of appeals  
13 commissioner appointed after January 1, 2026, shall be equal to 3.5  
14 percent of average final compensation for each year of service after  
15 January 1, 2026. The total retirement benefits accrued under chapter  
16 189, Laws of 2006 in combination with benefits accrued during periods  
17 served prior to January 1, 2026, shall not exceed 75 percent of  
18 average final compensation.

19 **Sec. 3.** RCW 41.40.870 and 2008 c 300 s 3 are each amended to  
20 read as follows:

21 (1) Between January 1, 2007, and December 31, 2007, a member of  
22 plan 3 employed as a supreme court justice, court of appeals judge,  
23 or superior court judge may make a one-time irrevocable election,  
24 filed in writing with the member's employer, the department, and the  
25 administrative office of the courts, to accrue an additional plan 3  
26 defined benefit equal to (~~six-tenths~~) 0.6 percent of average final  
27 compensation for each year of future service credit from the date of  
28 the election in lieu of future employer contributions to the judicial  
29 retirement account plan under chapter 2.14 RCW.

30 (2) A member who made the election under subsection (1) of this  
31 section may apply, at the time of filing a written application for  
32 retirement with the department, to the department to increase the  
33 member's benefit multiplier by (~~six-tenths~~) 0.6 percent per year of  
34 service for the period in which the member served as a justice or  
35 judge prior to the election. The member may purchase, beginning with  
36 the most recent judicial service, the higher benefit multiplier for  
37 that portion of the member's prior judicial service for which the  
38 higher benefit multiplier was not previously purchased, and that  
39 would ensure that the member has no more than a (~~thirty-seven and~~

1 ~~one-half~~) 37.5 percent of average final compensation benefit. The  
2 member shall pay (~~two and one-half~~) 2.5 percent of the salary  
3 earned for each month of service for which the higher benefit  
4 multiplier is being purchased, plus (~~five and one-half~~) 5.5 percent  
5 interest applied from the dates that the service was earned. The  
6 purchase price shall not exceed the actuarially equivalent value of  
7 the increase in the member's benefit resulting from the increase in  
8 the benefit multiplier. This payment must be made prior to  
9 retirement, subject to rules adopted by the department.

10 (3) From January 1, 2009, through June 30, 2009, the following  
11 members may apply to the department to increase their benefit  
12 multiplier by an additional (~~six-tenths~~) 0.6 percent per year of  
13 service for the period in which they served as a justice or judge:

14 (a) Active members of plan 3 who are not currently employed as a  
15 supreme court justice, court of appeals judge, or superior court  
16 judge, and who have past service as a supreme court justice, court of  
17 appeals judge, or superior court judge; and

18 (b) Inactive vested members of plan 3 who have separated, have  
19 not yet retired, and who have past service as a supreme court  
20 justice, court of appeals judge, or superior court judge.

21 A member eligible under this subsection may purchase the higher  
22 benefit multiplier for all or part of the member's prior judicial  
23 service beginning with the most recent judicial service. The member  
24 shall pay, for the applicable period of service, the actuarially  
25 equivalent value of the increase in the member's benefit resulting  
26 from the increase in the benefit multiplier as determined by the  
27 director.

28 (4) Between January 1, 2026, and April 1, 2026, a member of plan  
29 3 employed as a supreme court commissioner or deputy commissioner, or  
30 court of appeals commissioner may make a one-time irrevocable  
31 election, filed in writing with the member's employer, the  
32 department, and the administrative office of the courts, to accrue an  
33 additional plan 3 defined benefit equal to 0.6 percent of average  
34 final compensation for each year of future service credit from the  
35 date of the election.

36 (5) A member who made the election under subsection (4) of this  
37 section may apply, at the time of filing a written application for  
38 retirement with the department, to the department to increase the  
39 member's benefit multiplier by 0.6 percent per year of service for  
40 the period in which the member served as a supreme court commissioner

1 or deputy commissioner, or court of appeals commissioner prior to the  
2 election. The member may purchase, beginning with the most recent  
3 judicial service, the higher benefit multiplier for that portion of  
4 the member's prior judicial service for which the higher benefit  
5 multiplier was not previously purchased, and that would ensure that  
6 the member has no more than a 37.5 percent of average final  
7 compensation benefit. The member shall pay 2.5 percent of the salary  
8 earned for each month of service for which the higher benefit  
9 multiplier is being purchased, plus 5.5 percent interest applied from  
10 the dates that the service was earned. The purchase price shall not  
11 exceed the actuarially equivalent value of the increase in the  
12 member's benefit resulting from the increase in the benefit  
13 multiplier. This payment must be made prior to retirement, subject to  
14 rules adopted by the department.

15 (6) (a) From January 1, 2028, through June 30, 2028, the following  
16 members may apply to the department to increase their benefit  
17 multiplier by an additional 0.6 percent per year of service for the  
18 period in which they served as a commissioner:

19 (i) Active members of plan 3 who are not currently employed as a  
20 supreme court commissioner or deputy commissioner, or court of  
21 appeals commissioner, and who have past service as a supreme court  
22 commissioner or deputy commissioner, or court of appeals  
23 commissioner; and

24 (ii) Inactive vested members of plan 3 who have separated, have  
25 not yet retired, and who have past service as a supreme court  
26 commissioner or deputy commissioner, or court of appeals  
27 commissioner.

28 (b) A member eligible under this subsection may purchase the  
29 higher benefit multiplier for all or part of the member's prior  
30 judicial service beginning with the most recent judicial service. The  
31 member shall pay, for the applicable period of service, the  
32 actuarially equivalent value of the increase in the member's benefit  
33 resulting from the increase in the benefit multiplier as determined  
34 by the director.

35 (7) Subject to rules adopted by the department, a member applying  
36 to increase the member's benefit multiplier under this section may  
37 pay all or part of the cost with a lump sum payment, eligible  
38 rollover, direct rollover, or trustee-to-trustee transfer from an  
39 eligible retirement plan. The department shall adopt rules to ensure  
40 that all lump sum payments, rollovers, and transfers comply with the

1 requirements of the internal revenue code and regulations adopted by  
2 the internal revenue service. The rules adopted by the department may  
3 condition the acceptance of a rollover or transfer from another plan  
4 on the receipt of information necessary to enable the department to  
5 determine the eligibility of any transferred funds for tax-free  
6 rollover treatment or other treatment under federal income tax law.

7 ~~((5))~~ (8) A member who chooses to make the election under  
8 subsection (1) or (4) of this section shall contribute a minimum of  
9 ~~((seven and one-half))~~ 7.5 percent of pay to the member's defined  
10 contribution account.

11 **Sec. 4.** RCW 41.40.877 and 2006 c 189 s 15 are each amended to  
12 read as follows:

13 In lieu of the retirement allowance provided under RCW 41.40.790,  
14 the retirement allowance payable for service as a supreme court  
15 justice, court of appeals judge, or superior court judge, or supreme  
16 court commissioner or deputy commissioner or court of appeals  
17 commissioner, for those justices ~~((or)),~~ judges, or appellate court  
18 commissioners who elected to participate under RCW 41.40.870(1),  
19 shall be equal to ~~((one and six-tenths))~~ 1.6 percent of average final  
20 compensation for each year of service earned after the election. The  
21 total retirement benefit accrued or purchased under chapter 189, Laws  
22 of 2006 in combination with benefits accrued during periods served  
23 prior to the election shall not exceed ~~((thirty-seven and one-half))~~  
24 37.5 percent of average final compensation.

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