
SENATE BILL 5255

State of Washington

62nd Legislature

2011 Regular Session

By Senators Haugen and Delvin

Read first time 01/19/11. Referred to Committee on Transportation.

1 AN ACT Relating to interagency agreements between the Washington
2 state patrol and the Washington state department of transportation and
3 other government entities for police services for projects involving
4 state highway routes and public safety services; and amending RCW
5 43.43.120.

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

7 **Sec. 1.** RCW 43.43.120 and 2010 1st sp.s. c 32 s 9 are each amended
8 to read as follows:

9 As used in this section and RCW 43.43.130 through 43.43.320, unless
10 a different meaning is plainly required by the context:

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

14 (2) "Annual increase" means as of July 1, 1999, seventy-seven cents
15 per month per year of service which amount shall be increased each
16 subsequent July 1st by three percent, rounded to the nearest cent.

17 (3)(a) "Average final salary," for members commissioned prior to
18 January 1, 2003, shall mean the average monthly salary received by a
19 member during the member's last two years of service or any consecutive

1 two-year period of service, whichever is the greater, as an employee of
2 the Washington state patrol; or if the member has less than two years
3 of service, then the average monthly salary received by the member
4 during the member's total years of service.

5 (b) "Average final salary," for members commissioned on or after
6 January 1, 2003, shall mean the average monthly salary received by a
7 member for the highest consecutive sixty service credit months; or if
8 the member has less than sixty months of service, then the average
9 monthly salary received by the member during the member's total months
10 of service.

11 (c) In calculating average final salary under (a) or (b) of this
12 subsection, the department of retirement systems shall include any
13 compensation forgone by the member during the 2009-2011 fiscal biennium
14 as a result of reduced work hours, mandatory or voluntary leave without
15 pay, or temporary layoffs if the reduced compensation is an integral
16 part of the employer's expenditure reduction efforts, as certified by
17 the chief.

18 (4) "Beneficiary" means any person in receipt of retirement
19 allowance or any other benefit allowed by this chapter.

20 (5)(a) "Cadet," for a person who became a member of the retirement
21 system after June 12, 1980, is a person who has passed the Washington
22 state patrol's entry-level oral, written, physical performance, and
23 background examinations and is, thereby, appointed by the chief as a
24 candidate to be a commissioned officer of the Washington state patrol.

25 (b) "Cadet," for a person who became a member of the retirement
26 system before June 12, 1980, is a trooper cadet, patrol cadet, or
27 employee of like classification, employed for the express purpose of
28 receiving the on-the-job training required for attendance at the state
29 patrol academy and for becoming a commissioned trooper. "Like
30 classification" includes: Radio operators or dispatchers; persons
31 providing security for the governor or legislature; patrol officers;
32 drivers' license examiners; weighmasters; vehicle safety inspectors;
33 central wireless operators; and warehouse workers.

34 (6) "Contributions" means the deduction from the compensation of
35 each member in accordance with the contribution rates established under
36 chapter 41.45 RCW.

37 (7) "Current service" shall mean all service as a member rendered
38 on or after August 1, 1947.

- 1 (8) "Department" means the department of retirement systems created
2 in chapter 41.50 RCW.
- 3 (9) "Director" means the director of the department of retirement
4 systems.
- 5 (10) "Domestic partners" means two adults who have registered as
6 domestic partners under RCW 26.60.040.
- 7 (11) "Employee" means any commissioned employee of the Washington
8 state patrol.
- 9 (12) "Insurance commissioner" means the insurance commissioner of
10 the state of Washington.
- 11 (13) "Lieutenant governor" means the lieutenant governor of the
12 state of Washington.
- 13 (14) "Member" means any person included in the membership of the
14 retirement fund.
- 15 (15) "Plan 2" means the Washington state patrol retirement system
16 plan 2, providing the benefits and funding provisions covering
17 commissioned employees who first become members of the system on or
18 after January 1, 2003.
- 19 (16) "Prior service" shall mean all services rendered by a member
20 to the state of Washington, or any of its political subdivisions prior
21 to August 1, 1947, unless such service has been credited in another
22 public retirement or pension system operating in the state of
23 Washington.
- 24 (17) "Regular interest" means interest compounded annually at such
25 rates as may be determined by the director.
- 26 (18) "Retirement board" means the board provided for in this
27 chapter.
- 28 (19) "Retirement fund" means the Washington state patrol retirement
29 fund.
- 30 (20) "Retirement system" means the Washington state patrol
31 retirement system.
- 32 (21)(a) "Salary," for members commissioned prior to July 1, 2001,
33 shall exclude any overtime earnings related to RCW 47.46.040, or any
34 voluntary overtime, earned on or after July 1, 2001. Any overtime
35 compensation earned on or after July 1, 2011, related to RCW 47.46.040
36 and any volunteer overtime compensation earned related to interagency
37 agreements for state patrol services shall be considered "salary" for

1 the purposes of this section provided that the contributions required
2 in this chapter are deducted from the compensation.

3 (b) "Salary," for members commissioned on or after July 1, 2001,
4 shall exclude any overtime earnings related to RCW 47.46.040 or any
5 voluntary overtime, lump sum payments for deferred annual sick leave,
6 unused accumulated vacation, unused accumulated annual leave, holiday
7 pay, or any form of severance pay. Any overtime compensation earned on
8 or after July 1, 2011, related to RCW 47.46.040 and any volunteer
9 overtime compensation earned related to interagency agreements for
10 state patrol services shall be considered "salary" for the purposes of
11 this section provided that the contributions required in this chapter
12 are deducted from the compensation.

13 (22) "Service" shall mean services rendered to the state of
14 Washington or any political subdivisions thereof for which compensation
15 has been paid. Full time employment for seventy or more hours in any
16 given calendar month shall constitute one month of service. An
17 employee who is reinstated in accordance with RCW 43.43.110 shall
18 suffer no loss of service for the period reinstated subject to the
19 contribution requirements of this chapter. Only months of service
20 shall be counted in the computation of any retirement allowance or
21 other benefit provided for herein. Years of service shall be
22 determined by dividing the total number of months of service by twelve.
23 Any fraction of a year of service as so determined shall be taken into
24 account in the computation of such retirement allowance or benefit.

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

27 (24) "State treasurer" means the treasurer of the state of
28 Washington.

29 Unless the context expressly indicates otherwise, words importing
30 the masculine gender shall be extended to include the feminine gender
31 and words importing the feminine gender shall be extended to include
32 the masculine gender.

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