

visions, and to this end the provisions of this act are declared to be severable.

Passed the House March 2, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 140

[H. B. 443.]

STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to the Washington state patrol retirement system; amending sections 43.43.120, 43.43.130, 43.43.220, 43.43.250, 43.43.260, 43.43.270, 43.43.280, 43.43.300 and 43.43.310, R.C.W., and amending chapter 43.43, R.C.W., by adding thereto a new section.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 43.43.120, R.C.W., as derived from section 1, chapter 250, Laws of 1947, is amended to read as follows: Amendment.

As used in the following sections:

(a) "Retirement System" means the Washington state patrol retirement system. "Retirement System."

(b) "Retirement Fund" means the Washington state patrol retirement fund. "Retirement Fund."

(c) "State Treasurer" means the treasurer of the state of Washington. "State Treasurer."

(d) "Member" means any person included in the membership of the retirement fund. "Member."

(e) "Employee" means any commissioned employee of the Washington state patrol. "Employee."

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

(g) "Regular Interest" means interest compounded annually at such rates as may be determined by the retirement board. "Regular Interest."

"Retirement Board."

(h) "Retirement Board" means the board provided for in this chapter.

"Insurance Commissioner."

(i) "Insurance Commissioner" means the insurance commissioner of the state of Washington.

"State Auditor."

(j) "State Auditor" means the auditor of the state of Washington.

"Service."

(k) "Service" shall mean periods of employment (including periods of vacation or sick leave) rendered to the Washington state patrol for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this act. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

"Prior service."

(l) "Prior service" shall mean all service rendered to the Washington state patrol prior to August 1, 1947, as a commissioned employee.

"Current service."

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

"Average final salary."

(n) "Average final salary" shall mean the average monthly salary received by a member during his last ten years of service as an employee of the Washington state patrol, or if he has less than ten years of service, then the average monthly salary received by him during his total years of service.

"Actuarial equivalent."

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

[Am. Rem. Supp. 1947, § 6362-81.]

Amendment.

SEC. 2. Section 43.43.130, R.C.W., as derived from section 2, chapter 250, Laws of 1947, is amended to read as follows:

A. A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

State patrol retirement fund established.

B. Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol commissioned before June 11, 1947, shall have the option to participate in the retirement fund, but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service of the patrol and later re-enter, he shall be treated in all respects as a new employee.

Commissioned employees eligible.

Option; employees commissioned before June 11, 1947.

Mandatory after that date.

Re-employment.

C. A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States in time of war or emergency, declared by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: *Provided, however,* That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

Member serving in armed forces.

Military service credit.

Limitation.

[Am. Rem. Supp. 1947, § 6362-82.]

SEC. 3. Section 43.43.220, R.C.W., as derived from section 11, chapter 250, Laws of 1947, is amended to read as follows:

Amendment.

A. The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operat-

All benefits payable from retirement fund.

Expenses. ing the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

State contributions. B. The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the current service contribution, and a fixed sum to be known as the prior service contribution.

Current service contribution.
Prior service contribution.

Current service contribution rate.

C. After the completion of each actuarial valuation, the retirement board shall determine or re-determine the current service contribution rate. Such current service contribution rate shall become effective in the ensuing biennium. Such contribution rate shall be the uniform and constant percentage of the prospective compensation of all members in the retirement system at the date of such valuation required, together with the prospective value of future contributions from members, and all funds (other than funds allocated to prior service benefits) currently standing to the credit of the retirement fund, to provide for the payment of all future benefits for such members (other than prior service benefits).

Prior service contribution rate.

D. The prior service contribution shall be twenty-five thousand dollars in each calendar year following completion of the first actuarial valuation, and shall continue at such rate until the assets of the retirement fund allocated to prior service benefits are equal to the then outstanding liability for prior service benefits.

Biennial estimate.

E. The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium.

[Am. Rem. Supp. 1947, § 6362-91.]

Amendment.

SEC. 4. Section 43.43.250, R.C.W., as derived from section 14, chapter 250, Laws of 1947, is amended to read as follows:

A. Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: *Provided*, That for the first year after June 11, 1947, members who are sixty years of age may have one additional year within which they may retire.

Retirement at sixty.

Exception.

B. Any member who has attained the age of fifty years or over, and has completed twenty-five years of service, may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired. Any member who shall retire before attaining the age of sixty years, shall receive as a retirement allowance the actuarial equivalent of the retirement allowance based on the total service credited to such member at the date of his retirement, which he would otherwise have received had he remained in service until attaining age sixty.

Age fifty or over with twenty-five years service.

Retirement before sixty; allowance.

[Am. Rem. Supp. 1947, § 6362-94.]

SEC. 5. Section 43.43.260, R.C.W., as derived from section 15, chapter 250, Laws of 1947, is amended to read as follows:

Amendment.

Upon compulsory retirement from service as provided for in paragraph A of section 43.43.250, a member shall be granted a retirement allowance which shall consist of:

Compulsory retirement; allowance.

A. A prior service annuity which shall be equal to one per cent of the member's average final salary multiplied by the number of years of prior service rendered by the member to the Washington state patrol: *Provided*, That a member shall be entitled to prior service benefit only if such member applies for participation in the retirement fund within sixty days after June 11, 1947.

Prior service annuity.

Limitation.

B. A current service annuity which shall be equal to one and seven-tenths per cent of the mem-

Current service annuity.

ber's average final salary multiplied by the number of years of service rendered while a member of the retirement system: *Provided*, That the current service annuity when added to the past service annuity shall not exceed eighteen hundred dollars per annum.

[Am. Rem. Supp. 1947, § 6362-95.]
 [R.C.W. 43.43.250 is section 4, *supra*, this chapter.]

Limitation.

Amendment.

SEC. 6. Section 43.43.270, R.C.W., as derived from section 16, chapter 250, Laws of 1947, is amended to read as follows:

Normal allowance, life annuity.

A. The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

Optional retirement allowance.

B. Prior to the effective date of his retirement, a member may elect to accept the normal retirement allowance heretofore mentioned or he may elect to receive the actuarial equivalent, at the time of his normal retirement, of such normal retirement allowance as an optional retirement allowance payable throughout life in accordance with the provisions of options I and II, as hereinafter set forth.

Same; conditions.

C. No member may elect an optional retirement allowance unless he either:

Written election to be filed.

1. Files such election in writing with the retirement board at least three years before the date of his retirement, or

2. Files such election within three months after the effective date of this act, or

Health examination.

3. Passes a satisfactory health examination at the time of making such election. No election of an optional retirement allowance shall be effective in case the member making such election dies before retirement.

Election ineffective on death before retirement.

Revocation by member.

D. A member may be permitted to revoke such designations any time prior to retirement but after such revocation future designations may be made only with the consent of the retirement board. If a

joint annuitant should die before the member retires, the member shall be entitled to the normal retirement allowance.

Death of joint annuitant.

Option I. Upon his death his optional retirement allowance shall be continued throughout the life of and be paid to such person as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his election of this option; or

Option I.

Option II. Upon his death one-half of his optional retirement allowance shall be continued throughout the life of and be paid to such person, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his election of this option.

Option II.

[Am. Rem. Supp. 1947, § 6362-96.]

SEC. 7. Section 43.43.280, R.C.W., as derived from section 17, chapter 250, Laws of 1947, is amended to read as follows:

Amendment.

A. If a member dies before retirement, all contributions made by him with interest at two and one-half per cent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

Death before retirement; payment to designee or legal representative of members contributions and interest.

B. If after retirement a member dies before he has received an amount equal to his own contributions with interest compounded to the date of his retirement, the excess shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

Death after retirement.

Payment of excess.

C. If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he may request upon a form

Other termination of employment before reaching sixty.

Refund. provided by the retirement board a refund of all or part of his contributions to the retirement fund, with interest at two and one-half per cent compounded annually, and this amount shall be paid to him.

[Am. Rem. Supp. 1947, § 6362-97.]

Amendment. SEC. 8. Section 43.43.310, R.C.W., as derived from section 20, chapter 250, Laws of 1947, is amended to read as follows:

Allowances exempt from taxes and legal processes. The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

[Am. Rem. Supp. 1947, § 6362-100.]

Amendment. SEC. 9. Section 43.43.300, R.C.W., as derived from section 19, chapter 250, Laws of 1947, is amended to read as follows:

Member contributions. Beginning on July 1, 1951, every Washington state patrol employee who is a member of the retirement fund shall contribute five per centum of his monthly salary, which the state auditor shall deduct from the compensation of each member on each and every payroll: *Provided*, That the amount of a member's salary in excess of thirty-six hundred dollars per annum shall not be subject to deduction.

No refund on state's contribution. In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

[Am. Rem. Supp. 1947, § 6362-99.]

New section. SEC. 10. Chapter 43.43, R.C.W., as derived from chapter 250, Laws of 1947, is amended by adding thereto a new section to read as follows:

In any case where the Washington state patrol retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, an employee holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who is by reason of his current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan, shall be allowed membership rights should the agreement so provide.

Agreement
with another
system.

Passed the House February 26, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 15, 1951.

CHAPTER 141.

[H. B. 451.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to state employees' retirement system and to optional retirement and optional allowances thereunder, and amending sections 41.40.270 and 41.40.290, R.C.W.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 41.40.270, R.C.W., as derived from section 19, chapter 240, Laws of 1949, is amended to read as follows:

Amendment.

Should a member die before commencement of his service retirement allowance as provided in 41.40.180, 41.40.190, 41.40.210 and 41.40.240 and while such member is not receiving a non-duty disability retirement allowance as provided in 41.40.200, the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or

Death before
commence-
ment of
retirement
allowance;
accumulated
contribu-
tions, to
whom
payable.