

CHAPTER 35
[Senate Bill No. 132]
WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the Washington state teachers' retirement system; amending section 48, chapter 80, Laws of 1947 as last amended by section 14, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.480; amending section 16, chapter 14, Laws of 1963 ex. sess. as amended by section 15, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.497; amending section 55, chapter 80, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.550; amending section 4, chapter 76, Laws of 1957 as last amended by section 22, chapter 150, Laws of 1969 ex. sess. and RCW 28.81.170; amending section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 150, Laws of 1969 ex. sess. and RCW 28B.10.465; adding a new section to chapter 41.32 RCW; providing an effective date; and providing for the expiration of a section hereof.

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

NEW SECTION. Section 1. There is added to chapter 41.32 RCW a new section to read as follows:

(1) "Index", for purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred) compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Prior pension" shall mean the pension portion of any retirement allowance computed and payable under the pre July 1, 1969 provisions of RCW 41.32.480 or 41.32.497, including all options available under RCW 41.32.530, survivor retirement under RCW 41.32.520, subsection (2), and disability retirement under RCW 41.32.540, to any recipient based upon an effective date which is prior to July 1, 1969;

(3) "Current pension" shall mean the pension portion of any

retirement allowance computed and payable under the provisions of RCW 41.32.497 as now or hereafter amended, including all options available under RCW 41.32.530, survivor retirement pensions under RCW 41.32.520, subsection (2), and disability retirement pensions under RCW 41.32.540, to any recipient based on an effective retirement date which is on or after July 1, 1969;

(4) Effective July 1, 1970, every prior pension which is computed and then being paid under the provisions of RCW 41.32.480, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system as of July 1, 1970, shall be increased to five dollars and fifty cents per month for each year of service credit of record on July 1, 1970, except for actuarial adjustments required under Option 2 and Option 3 retirement plans as provided in RCW 41.32.520 or 41.32.530;

(5) Effective July 1, 1970, every prior pension which is then being paid to a retired member who qualified or who may qualify for a pension of five dollars and fifty cents per month for each year of service credit, as provided under RCW 41.32.4931, shall be adjusted to that dollar amount which exceeds his adjusted pension of July 1, 1967 by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for 1966;

(6) Effective July 1, 1970, every prior pension which is computed and then being paid under RCW 41.32.497 to any recipient, based upon an effective retirement date which is prior to July 1, 1969, shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid: PROVIDED, That no prior pension shall be less than five dollars and fifty cents per month for each year of service credit established with the retirement system except as adjusted actuarially

under Option 2 and Option 3 retirement plans, as provided in RCW 41.32.520 or 41.32.530.

(7) Effective July 1, 1970, every current pension which is then being paid, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system, shall be increased to five dollars and fifty cents per month for each year of service credit, except as actuarial adjustments are required under RCW 41.32.480, 41.32.520, or 41.32.530.

Sec. 2. Section 48, chapter 80, Laws of 1947 as last amended by section 14, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.480 are each amended to read as follows:

(1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension (~~of four dollars per month for each year of creditable service established except~~) as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension

~~((of-four-dollars-per-month-for-each-year-of-creditable-service established-except))~~ as provided in RCW 41.32.497 as now or hereafter amended.

(3) Any member who has attained age fifty-five years and who has completed not less than twenty-five years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance which shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of the earliest date upon which he could otherwise retire under subsections (1) and (2) of this section as now or hereafter amended.

Sec. 3. Section 16, chapter 14, Laws of 1963 ex. sess. as amended by section 15, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any member who qualifies for a retirement allowance which is effective on or after July 1, ~~((1964))~~ 1970 shall receive a retirement allowance consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one ~~((one hundred-twentieth))~~ one-hundredth of his average earnable compensation for his ~~((five))~~ two highest compensated consecutive years of service ~~((within-the-last-ten-years))~~ times the total years of creditable service established with the retirement system: PROVIDED, That no member shall receive a pension of less than ~~((four-dollars))~~ five dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month ~~((--PROVIDED, FURTHER, That-the-benefits-under-this-section-shall-be-available-only-to members-who-terminate-public-school-service-in-this-state-on-or-after July-1,-1964-and-shall-include-such-members-who-terminated-public~~

~~school-service-in-this-state-at-the-close-of-the-1963-64-school-year*
 PROVIDED-FURTHER, That all members who apply and qualify for a re-
 tirement allowance to become effective on or after July 1, 1969 shall
 receive the annuity and pension benefits provided under this section
 regardless of the date on which a member terminated Washington public
 school service)).~~

Sec. 4. Section 55, chapter 80, Laws of 1947 as last amended by section 20, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.550 are each amended to read as follows:

Should the board determine from the report of the medical director that a member in full time service has become permanently disabled for the performance of his duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32-.480, or (3) if he had ((fifteen)) five or more years of ((credit-able)) Washington membership service credit established with the retirement system, a retirement allowance because of disability: PROVIDED, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the service pension to which he would be entitled under RCW 41.32-.497 as now or hereafter amended ((~~---PROVIDED, That in no case shall such pension be less than four dollars per month for each year of creditable service established, nor shall the total allowance for disability be less than seventy-five dollars per month~~)). If the

member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the board of trustees or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

Sec. 5. Section 4, chapter 76, Laws of 1957 as last amended by section 22, chapter 150, Laws of 1969 ex. sess. and RCW 28.81.170 are each amended to read as follows:

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension (~~(of four dollars per month)~~) for each year of creditable service established and retained at the time of said designation (~~(except)~~) as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total

years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment.

Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after the effective date of this amendatory act, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 6. Section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as amended by section 23, chapter 150, Laws of 1969 ex. sess. and RCW 28B.10.465 are each amended to read as follows:

(1) A faculty member designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his

accumulated contributions in the teachers' retirement fund (except as provided in subsection 2), and upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension (~~(of four dollars per month)~~) for each year of creditable service established and retained at the time of said designation (~~(except)~~) as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members who withdraw their

accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

NEW SECTION. Sec. 7. The funds necessary for the payment of benefits under subsections (4), (5), (6) and (7) of section 1 of this 1970 amendatory act shall be provided on a biennial basis as payment of benefits are due and shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement system and shall include such separate transfer of funds as now required for the payment of benefits under RCW 41.32.493, 41.32.4931, 41.32.494, and RCW 28.81.170 (reenacted as RCW 28B.10.465), 41.32.480 and 41.32.561 as amended in chapter 151, Laws of 1967, regular session. Funds required for the payment of benefits under subsections (8) and (9) of section 1 of this 1970 amendatory act, together with funds required for the payment of benefits under all other sections of this 1970 amendatory act, shall be provided in accordance with RCW 41.32.401: PROVIDED, That all funds required for the payment of benefits, under this 1970 amendatory act, for the fiscal year July 1, 1970 through June 30, 1971 shall be paid from general fund transfers to the teachers' retirement system as authorized in chapter 282, Laws of 1969 ex. sess.

NEW SECTION. Sec. 8. The provisions of sections 1 through 5 and 7 of this 1970 amendatory act shall take effect on July 1, 1970; the provisions of section 6 of this 1970 amendatory act shall be effective on the date chapter 223, Laws of 1969 ex. sess. becomes effective, at which time section 5 of this 1970 amendatory act shall be void and of no effect.

NEW SECTION. Sec. 9. If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to

other persons or circumstances is not affected.

Passed the Senate January 29, 1970

Passed the House February 6, 1970

Approved by the Governor February 23, 1970, with the exception of an item in section 7, which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...This bill provides a cost of living increase for retired teachers and makes a number of changes in the formulas for computing retirement benefits for the members of the Teachers' Retirement System.

I commend the Legislature for the action taken to provide the needed adjustments in pensions for retired teachers whose income has been eroded by inflation in recent years. I also believe that it is appropriate to have made the pension formula changes which were designed with a view toward granting to teachers the same benefits given to state employees.

One technical error has been called to my attention by the Teachers' Retirement System. When first introduced, the bill related to matters in addition to those finally adopted by the House and Senate. Subsections 8 and 9 of section 1 in the form introduced in the Senate were deleted by amendment by the Senate Committee on Education during the legislative process. Section 7 of the bill as presented for signature still refers to the deleted subsections. I have therefore vetoed from section 7 the language referring to non-existent subsections of the bill.

The remainder of Senate Bill 132 is approved."

CHAPTER 36
[Engrossed Senate Bill No. 141]
CRIMES RELATING TO CREDIT CARDS
AND
IDENTIFICATION CARDS

AN ACT establishing crimes; and prescribing penalties.

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

NEW SECTION. Section 1. In this act, unless the context or subject matter otherwise requires:

(1) "Credit card" means any instrument or device, whether incomplete, revoked or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee by any issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder,