

section 1 of this 1973 amendatory act, the county clerk shall within the first fifteen days of the calendar month preceding the month on which the jurors are to be called to serve, cause the names of the jurors to be selected from the master list of prospective jurors for the year placed on file in his office.

The name of a person once selected for a jury term shall be excluded from selection of jurors for subsequent terms in that jury year unless otherwise ordered by the judge or judges of superior court: PROVIDED, That at any time or for any period or periods of time, the judge or judges may direct by rule or order that all or any number or proportion of the jurors thereafter to be selected shall be selected to serve for two successive terms, to the end that not all of the jurors serving during a given period shall cease their service at the same time.

It shall be the duty and responsibility of the judge or judges of the superior court to insure that such electronic data processing system or device is employed so as to insure continued random selection of the master jury list and jurors. To that end, the judge or judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in this act shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jurors is achieved.

Passed the Senate September 15, 1973.

Passed the House September 14, 1973.

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#### CHAPTER 14

[Substitute Senate Bill No. 2387]

#### PUBLIC EMPLOYEES' RETIREMENT SYSTEM--WASHINGTON STATE PATROL RETIREMENT--BENEFITS--REPUNDS

AN ACT Relating to public employees; amending section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 11, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.195; amending section 29, chapter 274, Laws of 1947 and RCW 41.40.280; amending section 43.43.270, chapter 8, Laws of 1965 as last amended by section 4, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.270; repealing section 43.43.270, chapter 8, Laws of 1965, section 6, chapter 12, Laws of 1969, section 1, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill

No. 2112); repealing section 2, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112); and declaring an emergency.

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

Section 1. Section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 11, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.195 are each amended to read as follows:

(1) "Index" for the 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) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270 (2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

(6) The cost-of-living increases provided by this section shall be applicable to those individuals receiving benefits calculated pursuant to chapter 41.44 RCW and paid by the public employees' retirement system pursuant to RCW 41.40.407.

Sec. 2. Section 29, chapter 274, Laws of 1947 and RCW 41.40.280 are each amended to read as follows:

The retirement board may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee: PROVIDED, That termination of employment with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of his accumulated contributions. In addition, a member who files an application for a refund of his accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment.

Sec. 3. Section 43.43.270, chapter 8, Laws of 1965 as last amended by section 4, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.270 are each amended to read as follows:

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

(2) If a member should die while in service his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) If a member should lose or has lost his life in the line of duty while employed by the Washington state patrol, his surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of

Washington shall hereafter be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member; PROVIDED, That if a beneficiary under this section shall reach the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of said term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him.

NEW SECTION. Sec. 4. The following acts or parts thereof are hereby repealed:

(1) Section 43.43.270, chapter 8, Laws of 1965, section 6, chapter 12, Laws of 1969, section 1, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112); and

(2) Section 2, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112)

and the same (Engrossed Senate Bill No. 2112) shall be null and void and superseded by the provisions of this act (Substitute Senate Bill No. 2387) upon the effective date of this 1973 amendatory act.

NEW SECTION. Sec. 5. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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CHAPTER 15

[ Engrossed Senate Bill No. 2410 ]

PUBLIC HIGHWAYS--EMERGENCY CLOSURES--  
EXCEPTED VEHICLES

AN ACT Relating to motor vehicles; and amending section 46.44.080, chapter 12, Laws of 1961 and RCW 46.44.080.