

Cities, towns, and counties may enact only those laws and ordinances relating to firearms that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted.

NEW SECTION. Sec. 13. Section 12 of this act shall not apply to any offense committed prior to the effective date of this act.

NEW SECTION. Sec. 14. If any provision of this 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 April 23, 1983.

Passed the House April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

## CHAPTER 233

[Substitute House Bill No. 126]

### RETIREMENT FROM PUBLIC SERVICE—RESUMPTION OF EMPLOYMENT BY EMPLOYEE—DUTIES OF EMPLOYER AND DEPARTMENT

AN ACT Relating to retirement from public service; amending section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32-.500; amending section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150; adding a new section to chapter 41.40 RCW; and declaring an emergency.

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

\*Sec. 1. Section 50, chapter 80, Laws of 1947 as last amended by section 3, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.500 are each amended to read as follows:

(1) Membership in the retirement system is terminated when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

((+)) (a) If he is eligible for retirement;

((+)) (b) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;

((+)) (c) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit

with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved.

**(2) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1983 act through June 30, 1984, to restore the contributions, with interest as determined by the director.**

**(3) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.**

\*Sec. 1 was partially vetoed, see message at end of chapter.

\*Sec. 2. Section 16, chapter 274, Laws of 1947 as last amended by section 20, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

**(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from the effective date of this 1983 act through June 30, 1984, to restore the contributions, with interest as determined by the director.**

**(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.**

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

~~((4))~~ (6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for re-entry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

~~((5))~~ (7) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington,

other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

\*Sec. 2 was partially vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 3. *There is added to chapter 41.40 RCW a new section to read as follows:*

*Those currently employed members who were eligible to recover service earned prior to July 1, 1953, under a retirement system authorized pursuant to RCW 28B.10.400 through 28B.10.430, but who failed to do so, shall have until June 30, 1984, to pay the appropriate employee and employer contributions plus interest, as determined by the director of retirement systems, for such service which was not so recovered.*

\*Sec. 3. was vetoed, see message at end of chapter.

**NEW SECTION.** Sec. 4. If any provision of this 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.

**NEW SECTION.** Sec. 5. This 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.

Passed the House April 24, 1983.

Passed the Senate April 22, 1983.

Approved by the Governor May 17, 1983, with the exception of sections 1(2), 2(3), and 3, which are vetoed.

Filed in Office of Secretary of State May 17, 1983.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1(2), 2(3), and 3, Substitute House Bill No. 126, entitled:

"AN ACT Relating to retirement from public service."

Similar provisions were contained in Substitute House Bill No. 138 of the 1981 Regular Session. At that time I vetoed language relating to the reestablishment of retirement credits. Current law provides more than ample opportunity for members

of the Teachers' Retirement System and the Public Employees' Retirement System to regain credit for previous service. When members reenter service they have a number of years in which to restore their credits. An extension of that period would result in a significant increase in the liabilities of the pension systems, an increase which cannot be justified in light of the state's financial difficulties and the retirement systems' existing liabilities.

I have signed into law, however, provisions of the bill that require the state to notify employees, within 90 days of resuming service, of the date by which they must exercise their option to "buy back" into the retirement system, and the amount of money required to be paid.

With the exceptions of sections 1(2), 2(3), and 3, which I have vetoed, Substitute House Bill No. 126 is approved."

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## CHAPTER 234

[Substitute House Bill No. 646]

### PUBLIC ACCOUNTANCY ACT

AN ACT Relating to public accounting; amending section 7, chapter 226, Laws of 1949 as amended by section 25, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.04.080; amending section 31, chapter 226, Laws of 1949 and RCW 18.04.320; amending section 34, chapter 226, Laws of 1949 as amended by section 7, chapter 114, Laws of 1969 and RCW 18.04.350; amending section 35, chapter 226, Laws of 1949 and RCW 18.04.360; amending section 36, chapter 226, Laws of 1949 and RCW 18.04.370; amending section 37, chapter 226, Laws of 1949 and RCW 18.04.380; amending section 38, chapter 226, Laws of 1949 and RCW 18.04.390; adding new sections to chapter 18.04 RCW; adding a new section to chapter 43.131 RCW; creating new sections; repealing section 1, chapter 226, Laws of 1949 and RCW 18.04.020; repealing section 2, chapter 226, Laws of 1949 and RCW 18.04.030; repealing section 3, chapter 226, Laws of 1949 and RCW 18.04.040; repealing section 4, chapter 226, Laws of 1949 and RCW 18.04.050; repealing section 5, chapter 226, Laws of 1949 and RCW 18.04.060; repealing section 6, chapter 226, Laws of 1949, section 1, chapter 294, Laws of 1961 and RCW 18.04.070; repealing section 8, chapter 226, Laws of 1949 and RCW 18.04.090; repealing section 9, chapter 226, Laws of 1949, section 8, chapter 75, Laws of 1977 and RCW 18.04.100; repealing section 11, chapter 226, Laws of 1949, section 1, chapter 114, Laws of 1969, section 17, chapter 292, Laws of 1971 ex. sess., section 7, chapter 158, Laws of 1979 and RCW 18.04.120; repealing section 12, chapter 226, Laws of 1949 and RCW 18.04.130; repealing section 15, chapter 226, Laws of 1949, section 2, chapter 114, Laws of 1969, section 1, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.160; repealing section 16, chapter 226, Laws of 1949 and RCW 18.04.170; repealing section 18, chapter 226, Laws of 1949 and RCW 18.04.190; repealing section 19, chapter 226, Laws of 1949, section 3, chapter 114, Laws of 1969, section 2, chapter 229, Laws of 1975 1st ex. sess., section 8, chapter 158, Laws of 1979 and RCW 18.04.200; repealing section 21, chapter 226, Laws of 1949, section 4, chapter 114, Laws of 1969, section 3, chapter 229, Laws of 1975 1st ex. sess., section 9, chapter 158, Laws of 1979 and RCW 18.04.220; repealing section 23, chapter 226, Laws of 1949 and RCW 18.04.240; repealing section 24, chapter 226, Laws of 1949 and RCW 18.04.250; repealing section 25, chapter 226, Laws of 1949 and RCW 18.04.260; repealing section 26, chapter 226, Laws of 1949 and RCW 18.04.270; repealing section 27, chapter 226, Laws of 1949, section 5, chapter 114, Laws of 1969, section 4, chapter 229, Laws of 1975 1st ex. sess. and RCW 18.04.280; repealing section 28, chapter 226, Laws of 1949, section 6, chapter 114, Laws of 1969, section 1, chapter 23, Laws of 1973 1st ex. sess., section 5, chapter 229, Laws of 1975 1st ex. sess., section 10, chapter 158, Laws of 1979 and RCW 18.04.290; repealing section 29, chapter 226, Laws of 1949, section 2, chapter 294, Laws of 1961, section 2, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.300; repealing section 30, chapter 226, Laws of 1949 and RCW 18.04.310; repealing section 32, chapter 226, Laws of 1949 and RCW 18.04.330; repealing section 33, chapter 226, Laws of 1949 and RCW 18.04.340; repealing section 39, chapter 226, Laws of 1949 and RCW 18.04.400; repealing section 40, chapter 226, Laws of 1949 and