

designated as section 17, immediately following the new section 16, which shall read as follows:

Reinstatement.

Section 17. Upon reinstatement of a corporation the Secretary of State shall enter upon his records a notation that such corporation is reinstated, and it shall thereupon be reinstated as of the date on which its term of existence expired; and such corporation shall have the right to sue and shall enjoy the same rights and powers as if its term of existence had been continuous or its term of existence had been extended before the expiration of its stated term of existence, and all things done by it in the exercise of its corporate powers before such reinstatement shall be valid acts of the corporation.

Passed the Senate February 27, 1947.

Passed the House March 9, 1947.

Approved by the Governor March 20, 1947.

CHAPTER 250.

[S. B. 248.]

WASHINGTON STATE PATROL RETIREMENT SYSTEM.

AN Act providing for the Washington State Patrol Retirement System; creating a retirement board and prescribing its powers and duties; establishing certain funds in connection therewith; requiring contributions thereto by commissioned members of the Washington State Patrol and the state; making an appropriation therefor; and providing penalties.

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

Definitions.

SECTION 1. The following words or phrases as used in this act, unless a definite meaning is plainly required by the context, shall have the following meanings:

"Retirement System."

(a) "Retirement System" shall mean the Washington State Patrol Retirement System as used in this act.

(b) "Retirement Fund" shall mean the Washington State Patrol Retirement Fund provided for in this act. "Retirement fund."

(c) "State Treasurer" shall mean the Treasurer of the State of Washington. "State Treasurer."

(d) "Member" shall mean any person included in the membership of the Retirement Fund as provided for in this act. "Member."

(e) "Employee" shall mean any commissioned employee of the Washington State Patrol. "Employee."

(f) "Beneficiary" shall mean any person in receipt of retirement allowance or any other benefit allowed by this act. "Beneficiary."

(g) "Regular Interest" shall mean interest compounded annually at such rates as may be deemed by the Retirement Board. "Regular interest."

(h) "Retirement Board" shall mean the board provided for in this act. "Retirement board."

(i) "Commissioner of Insurance" shall mean the Commissioner of Insurance of the State of Washington. "Commissioner of Insurance."

(j) "State Auditor" shall mean the auditor of the State of Washington. "State Auditor."

(k) The words "this act" whenever used in section 1 to 21, both inclusive, shall mean the Washington State Patrol Retirement act. "This act."

SEC. 2. 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 allowance and other benefits under the provisions of this act. Fund established.

B. Any member 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 commissioned employees of the Washington State Patrol Eligibility.

Optional participation.

before the effective date of this act shall have the option to participate in the Retirement Fund, but after the date of said act becomes effective, each new commissioned employee must automatically participate in the fund. If a member should terminate service of the Washington State Patrol and later reenter, he shall be treated in all respects as though he were a new member.

Service in military or naval forces.

C. A member of the Retirement System who has served or shall serve on active Federal service in the military or naval forces of the United States in time of war or emergency, declared by competent Federal authority, who within one year from termination of such active Federal service, shall resume employment as a state employee, shall have his service in such armed forces credited to him as a member of the Retirement System.

Administration vested in board.

SEC. 3. The general administration and management of the Washington State Patrol Retirement Fund and the making effective of the provisions of this act are hereby vested in the Retirement Board who shall have the authority to make all necessary rules and regulations, not inconsistent with the provisions of this act, to carry into effect the provisions thereof.

Membership of board.

The Board of the Washington State Patrol Retirement Fund shall consist of seven members as follows: Chief of the Washington State Patrol, Commissioner of Insurance, State Auditor and four members known as employee members, who shall be elected by ballot by members of the Retirement Fund in a manner to be approved by the Retirement Board. Two of said employee members shall be from and represent eastern Washington and two of said employee members shall be from and represent western Washington.

Chairman.

The Chief of the Washington State Patrol shall act at all times as chairman of the Retirement Board.

A majority of the members of the Retirement Board shall constitute a quorum for the transaction of business and any action taken shall be approved by five or more of its members. The Retirement Board shall hold such meetings as are necessary to transact its business and in any event shall meet not less than once each year and sufficient notice shall be given the members thereof.

Quorum.

Meetings.

The first election of employee members of the Retirement Board shall be conducted by and under the supervision of the Chief of the Washington State Patrol within thirty days after this act becomes effective. At the first election, each person eligible to participate in the Retirement Fund shall have the right to vote for two qualified employee members, said members to vote only upon those members from his geographical division of the state. One employee member from eastern Washington and one employee member from western Washington shall serve for a two year term and the other two employee members shall serve for a one year term. The qualified member receiving the greatest number of votes shall be deemed elected for the two year term and the qualified member receiving the next highest number of votes shall be deemed elected for the one year term. Thereafter each year, each employee member shall serve for a two year term. Any vacancy occurring in the term of any qualified employee member of the Retirement Board shall be filled by a general election. The qualified employee member elected shall fill the unexpired term.

Election of
employee
members of
board.

Vacancies.

SEC. 4. Members of Board. The Retirement Board shall have the power to employ a secretary and to secure the services of such technical and administrative employees as may be necessary for the transaction of business of the Retirement Fund. The compensation of all persons engaged by the Retirement Board shall be fixed by the Retirement Board.

Employees
of board.Compensa-
tion.

ment Board and all other expenses of the Retirement Board necessary for the proper operation of the Retirement Fund shall be paid at such rates and in such amounts as the Retirement Board shall approve. The Retirement Board shall perform such other functions as are required for the proper execution of the provisions of this act and shall have authority to make all rules and regulations necessary therefor.

Rules and regulations.

Oath.

SEC. 5. Board Members. Each member of the Retirement Board created by this act, upon appointment or election, shall take an oath of office that he will support the constitution of the United States, the constitution of the State of Washington, and that he will diligently and honestly administer the affairs of the said Board and that he will not knowingly violate or willfully permit to be violated any of the provisions of law applicable to this act. Such oath shall be subscribed to by the member making it and certified by the officer before whom it is taken and shall immediately be filed in the office of the Secretary of State. The members of the Retirement Board shall serve without compensation but shall suffer no loss because of absence from their regular employment and shall be reimbursed from the expense fund as provided for herein.

Compensation.

Expenses.

Investment of monies in fund.

SEC. 6. All monies in the funds of the Washington State Patrol Retirement Fund shall be invested by the State Treasurer in accordance with the provisions of chapter 91, Laws of 1935, of the State of Washington.

State Treasurer custodian.

SEC. 7. The Treasurer of the State of Washington shall be the custodian of the funds of the Washington State Patrol Retirement Fund.

Deposit of fund.

The State Treasurer is hereby authorized and directed to deposit any portion of the funds of the Retirement Fund not needed for immediate use in the same manner and subject to all the provisions

of law with respect to the deposit of state funds by such Treasurer, and all interest earned by such portions of the said Retirement Funds as may be deposited by the State Treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the Retirement Fund. The custodian shall furnish annually to the Retirement Board a sworn statement of the amount of funds in his custody belonging to the Retirement Fund. The records of the Retirement Fund shall be open to public inspection and any member of the Retirement Fund shall be furnished with a statement of the amount of his credit upon written request of such member, *provided* that the Retirement Board shall not be required to answer more than one such request of a member in any one year.

Interest
on deposit.

Annual
statement to
be furnished.

Records of
fund open
to inspection.

SEC. 8. Except as herein provided, no trustee and no employee of the Retirement Board shall have any interest, direct or indirect, in the gains or profits of any investment made by the Board nor as such directly or indirectly receive any pay or emolument for services and no trustee or employee of said Board, directly or indirectly for himself or as agent or party for others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the Board, nor shall any member or employee of said Board become an endorser or surety or become in any manner an obligor for monies owned or borrowed by the Board.

Certain
activities
of board
members and
employees
prohibited.

SEC. 9. At such times as the Retirement Board may deem it necessary and at least once within the first three years of the operation of this act and once in each five year period thereafter, the Retirement Board shall have prepared by a competent actuary a report showing a complete valuation of the present and prospective assets and liabilities of the various funds created by this act. The actuary shall make

Actuary
report.

an investigation of the mortality and service experience of the members of the system and shall report fully upon the totals of the Retirement Fund together with such recommendations as he shall deem advisable for the information of the Retirement Board in the proper operation of the Retirement Fund.

Chief of Patrol to notify State Auditor of personnel changes.

SEC. 10. The Chief of the Washington State Patrol shall, on the first day of each calendar month, notify the State Auditor of the commissioning of new employees subject to the provisions of this act and shall submit to him the name, title, compensation, duties and date of birth of each new commissioned employee and shall also notify the Auditor at the same time of all removals, withdrawals and changes in salary of any member which shall have occurred during the preceding month.

SEC. 11. The fund hereby created is the Washington State Patrol Retirement Fund.

Pensions and benefits payable from fund.

A. The Washington State Patrol Retirement Fund shall be the fund from which shall be paid all pensions or benefits in lieu thereof which are payable as provided in this act: *Provided*, That the expenses of operation of the Washington State Patrol Retirement System shall be paid from appropriations made for the operation of the Washington State Patrol.

Biennial estimate of amount required.

The Retirement Board shall estimate biennially the amount required to maintain the Retirement Fund for the ensuing biennium.

Certificate to be issued to each member of patrol.

SEC. 12. Subject to such rules and regulations as the Retirement Board shall adopt, said Board shall issue to each member a certificate certifying the aggregate length of all his prior service as a Washington State Patrol employee as defined in this act. In no event shall service be computed prior to date of commission.

SEC. 13. The Attorney General of the State of Washington shall be the legal adviser of the Washington State Patrol Fund and the Retirement Board.

Attorney
General to be
legal adviser.

SEC. 14. Retirement. Any member who has attained the age of sixty years shall be automatically separated from active service and shall be eligible for participation in the Retirement Fund upon application duly made *provided* that for the first year after the effective date of this act members who are sixty years of age may have one additional year within which they may retire. Such compulsory retirement date shall be computed after the first of the month following the attainment of age sixty by said respective member, and if any member neglects or refuses to file his application with the Retirement Board, said Board may consider his application as having been filed on his sixtieth birthday.

Retirement.

Automatic
retirement.

Sixty years
of age.

If any member has had twenty-five years of service and is over the age of fifty years, an early retirement date may be permitted upon application duly made and approved by the Retirement Board, such member to receive a retirement income computed on actuarial basis.

Twenty-five
years service
and over
fifty years
of age.

SEC. 15. Benefits. Upon compulsory retirement a member shall be granted a monthly retirement income based on his average salary allowed during the ten years immediately preceding his retirement date. Such retirement income shall be composed of the sum of two parts, namely: past service benefit and current service benefit but in no event shall exceed one hundred and fifty dollars (\$150) maximum per month.

Benefits.

A. Past service benefit shall be based on a past service annuity of one per cent (1%) of the average salary earned by the member prior to retirement multiplied by the number of years of service rendered by the member to the Washington State Patrol

Past service
benefit.

prior to the effective date of this act. A member shall be entitled to past service benefit only if such member applies for participation in the Retirement Fund within sixty days after the effective date of this act.

Current service benefit.

B. Current service benefit shall be based on a current service annuity of one and seven-tenths per cent (1.7%) of such average salary earned by the member and multiplied by the number of years of service while participating in the fund.

Monthly life annuity.

SEC. 16. The normal form of income at retirement shall be a monthly life annuity which shall continue as long as the member shall live.

Election by member.

A member may elect either to accept the life annuity heretofore mentioned or a joint and survival form of annuity. If said member elects to choose the joint and survival form of annuity, such annuity shall be lesser than the normal form of annuity but will be payable during the member's lifetime and after his death to a designated beneficiary. If a member elects to take the joint and survival annuity, the designation of the joint annuitant must be made either three months after the effective date of this act or within three years immediately preceding the retirement date. A member may be permitted to revoke such designations any time prior to retirement but after such revocation future designations could be made only with the consent of the Retirement Board. If a joint annuitant should die before the member retires, such member would be entitled to the normal form of annuity.

Joint and survival form of annuity.

Revocation of designation.

Death of member before retirement.

SEC. 17. If a member should die before retirement, all contributions made by him with interest at two and one-half per cent (2½%) compounded annually would be paid to his beneficiary.

After retirement.

If after retirement a member should die 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 his beneficiary.

SEC. 18. Should a member become permanently and totally disabled, as a direct and proximate result of injury received in the course of employment, such member would receive benefits under chapter 215, Laws of 1943, and during such period would be a nonactive member. If any nonactive member should return to active duty with the Washington State Patrol, he shall be eligible to become an active member by paying into the Retirement Fund all contributions accumulated during such time of disability.

Permanent total disability.

SEC. 19. A. Beginning on the effective date of this act, every Washington State Patrol employee who is a member of the Washington State Patrol Retirement Fund shall contribute four per centum (4%) of his monthly salary, which the State Auditor shall deduct from the compensation of each member on each and every payroll.

Four per cent contribution by employee members of fund.

B. There is hereby appropriated the sum of one hundred thousand dollars (\$100,000) from the Highway Safety Fund to the Washington State Patrol Retirement Fund for the purpose of carrying out the provisions of this act. There is further appropriated from the Washington State Patrol Retirement Fund for the purpose of paying pensions, benefits and awards under this act the sum of fifty thousand dollars (\$50,000).

Appropriations.

C. 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 Washington State Patrol Retirement Fund.

Retention of state's payments in fund.

SEC. 20. The right of any person to a retirement income under the provisions of this act and all monies and investments and income thereof are hereby exempt from any state, county, municipal

Retirement payments exempt and unassignable.

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 in this act specifically provided.

False statements.

SEC. 21. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the Washington State Patrol Retirement Fund in any attempt to defraud such fund as a result of such act shall be guilty of a gross misdemeanor.

Passed the Senate March 9, 1947.

Passed the House March 7, 1947.

Approved by the Governor March 20, 1947.

CHAPTER 251.

[S. B. 288.]

ADOPTION.

AN ACT relating to adoption; amending sections 2, 3, 8, 9, 11, and 14, chapter 268, Laws of 1943 (sections 1699-3, 1699-4, 1699-9, 1699-10, 1699-12 and 1699-15, Remington's Revised Statutes, 1943 Supplement), as amended by section 1, chapter 191, Laws of 1945 (section 1699-12, Remington's Revised Statutes, 1945 Supplement).

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

SECTION 1. Section 3, chapter 268, Laws of 1943 (section 1699-4, Remington's Revised Statutes, 1943 Supplement), is amended to read as follows:

Consent to be filed.

Section 3. Written consent to such adoption must be filed prior to a hearing on such petition, as follows:

Person to be adopted if over fourteen years of age.

(a) By the person to be adopted, if such person be fourteen (14) years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;