

(1) For a license to practice veterinary medicine, surgery and dentistry issued upon an examination given by the examining board, fifty dollars.

(2) For a license to practice veterinary medicine, surgery and dentistry issued upon the basis of a license issued in another state, one hundred dollars.

(3) For the annual renewal of a license to practice veterinary medicine, surgery, and dentistry, ~~((ten))~~ not more than fifteen dollars such fee to be determined by the director as provided in section 21 of this 1971 amendatory act.

(4) For a temporary permit to practice veterinary medicine, surgery and dentistry, fifteen dollars. The temporary permit fee shall be accompanied by the full amount of the examination fee of fifty dollars.

NEW SECTION. Sec. 21. There is added a new section to chapter 43.24 RCW to read as follows:

It shall be the policy of the state of Washington to determine license fees for businesses and professions on the following basis:

(a) There shall be a minimum fee of five dollars (\$5.00) for any vocation. Those vocations which normally work for others shall be in this classification. Variations in fees by vocation shall be in multiples of five dollars as authorized by the legislature.

(b) There shall be a minimum fee of fifteen dollars (\$15.00) for professions or proprietary vocations. Each vocational group as set up by law shall have fees increased to cover the costs of that group as determined by the director: PROVIDED, That no fee shall exceed \$25.00 except those specifically authorized by the legislature: PROVIDED, FURTHER, That licensees over 65 years of age and retired or residing out-of-state shall pay only fifty percent of the standard fee for their classification.

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CHAPTER 267

[Engrossed Senate Bill No. 59]

WASHINGTON JUDICIAL RETIREMENT SYSTEM ACT

AN ACT Establishing a retirement system for judges of courts of record; and creating new sections.

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

NEW SECTION. Section 1. This act shall be known and cited as

the Washington Judicial Retirement System Act.

NEW SECTION. Sec. 2. The purpose of this 1971 act is to effect a system of retirement from active service.

NEW SECTION. Sec. 3. (1) "Retirement system" means the "Washington judicial retirement system" provided herein.

(2) "Judge" means a person elected or appointed to serve as judge of a court of record as provided in chapters 2.04, 2.06, and 2.08 RCW. Said word shall not include a person serving as a judge pro tempore.

(3) "Retirement board" means the "Washington judicial retirement board" established herein.

(4) "Surviving spouse" means the surviving widow or widower of a judge. The word shall not include the divorced spouse of a judge.

(5) "Retirement fund" means the "Washington judicial retirement fund" established herein.

(6) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance or any other benefit described herein.

(7) "Monthly salary" means the monthly salary of the position held by the judge.

(8) "Service" means all periods of time served as a judge, as herein defined. Any calendar month at the beginning or end of a term in which ten or more days are served shall be counted as a full month of service: PROVIDED, That no more than one month's service may be granted for any one calendar month. Only months of service will be counted in the computation of any retirement allowance or other benefit provided for in this 1971 act. Years of service shall be determined by dividing the total 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.

(9) "Final average salary" means (a) for a judge in service in the same court for a minimum of twelve consecutive months preceding the date of retirement, the salary attached to the position held by the judge immediately prior to retirement; (b) for any other judge, the average monthly salary paid over the highest twenty-four month period in the last ten years of service.

(10) "Retirement allowance" for the purpose of applying cost of living increases or decreases shall include retirement allowances, disability allowances and survivorship benefit.

(11) "Index" 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.

NEW SECTION. Sec. 4. The Washington judicial retirement system is hereby created for judges appointed or elected under the

provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after the effective date of this 1971 act shall be members of this system. Any person serving as a judge on the effective date of this 1971 act and who is covered under the provisions of chapter 2.12 RCW shall have the option of transferring to this system. Said transfer shall be in writing and received by the Washington judicial retirement board not later than one calendar year after the effective date of this 1971 act.

NEW SECTION. Sec. 5. The Washington judicial retirement board is hereby established. This board shall be responsible for making effective the provisions of this 1971 act, and the authority to make all rules and regulations necessary therefor are hereby vested in the retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The administration of the retirement system is hereby vested in the director and staff of the Washington public employees' retirement system established pursuant to chapter 41.40 RCW.

NEW SECTION. Sec. 6. The retirement board shall consist of seven members.

(1) Three members shall be elected by the judges of the respective courts. One member shall be elected by and serve as a representative of the supreme court, one from the court of appeals and one from the superior court. The elected board members shall serve a three-year term except that the first member from the supreme court shall serve a one-year term and the first member from the court of appeals shall serve a two-year term.

(2) The governor shall appoint four members, only one of whom may be a member of the Washington state bar association. These members shall serve a four-year term with one member appointed each July 1. Original terms of office of the appointees shall be one, two, three and four years as designated by the governor.

(3) The terms of all members shall commence on the first of July following their election or appointment. Any vacancy occurring by reason of resignation, death, disability or retirement ninety days or more before the expiration of the term of office of any elected board member shall be filled by election as provided in (1) above. If it is less than ninety days before the end of the term of office, the office shall remain vacant until the election for the next term is final. The newly elected member shall then take office immediately and fill out the remainder of the unexpired term in addition to the term to which he was elected.

If a vacancy occurs in the office of an appointed member for any reason, the governor shall appoint a replacement for the

remainder of the term.

(4) The retirement board shall annually at its July meeting or the first meeting after July if there is no July meeting, elect a chairman and a vice chairman, one of whom must be a judge and one an appointed board member.

NEW SECTION. Sec. 7. The retirement board shall perform the following duties:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of July 1 of every even-numbered year have an actuarial evaluation made as to the mortality and service experience of the beneficiaries under this 1971 act and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of its proceedings, which shall be open to inspection by the public;

(5) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(6) From time to time adopt such rules and regulations not inconsistent with this 1971 act for the administration of this 1971 act and for the transaction of the business of the board.

No member of the board shall be liable for the negligence, default or failure of any employee or of any member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system, but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for safeguarding of the funds and assets of the system.

NEW SECTION. Sec. 8. (1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system 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 portion of the retirement system's 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.

(3) The public employees' retirement board established by chapter 41.40 RCW shall have full power to invest or reinvest the

funds of this system in those classes of investments authorized by RCW 41.40.071 as now or hereafter amended.

(4) For the purpose of providing amounts to be used to defray the cost of administration and investment, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

NEW SECTION. Sec. 9. The total liability, as determined by the actuary, of this system shall be funded as follows:

(1) Every judge shall have deducted from his monthly salary an amount equal to seven and one-half percent of said salary.

(2) The state as employer shall contribute an equal amount on a quarterly basis.

(3) The state shall in addition guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judicial retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judicial retirement fund shall become insufficient to meet the retirement payments.

NEW SECTION. Sec. 10. Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on the effective date of this 1971 act or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon his written request.

(2) Any member who has completed fifteen or more years of service and has attained the age of sixty years may be retired upon his written request.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which he attains such age.

(4) Any judge who involuntarily leaves service at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to section 11 of this 1971 act and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of his judicial service.

NEW SECTION. Sec. 11. A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed years of service, as follows: Ten years, but less than

fifteen years, three percent of his final average salary for each year of service; fifteen years and over, three and one-half percent of his final average salary for each year of service: PROVIDED, That in no case shall any retired member receive more than seventy-five percent of his final salary except as increased as a result of the cost of living increases as provided by this 1971 act.

NEW SECTION. Sec. 12. Any judge who has served as a judge for a period of ten or more years, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the retirement board an application in writing, asking for retirement. Upon receipt of such application the retirement board shall appoint one or more physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the board, to be paid out of the fund herein created, examine said judge and report in writing to the board their findings in the matter. If the physicians appointed by the board find the judge to be so disabled and the retirement board concurs in this finding the judge shall be retired.

NEW SECTION. Sec. 13. Upon a judge being retired for disability as provided in section 12 of this 1971 act, he shall receive from the fund an amount equal to one-half of his final average salary.

NEW SECTION. Sec. 14. A surviving spouse of any judge holding such office, or if he dies after having retired and who, at the time of his death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he been retired on the date of his death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of three years at time of death: AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this 1971 act shall cease.

NEW SECTION. Sec. 15. Every judge retired either for service or disability under the provisions of this 1971 act shall file a statement of income with the retirement board. Any retired judge who is receiving income from employment of any kind shall have his retirement allowance reduced by the amount that his combined retirement allowance and employment income exceed the current monthly salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement.

Failure to file or the filing of a false statement shall be

grounds for cancellation of all benefits payable under this 1971 act.

NEW SECTION. Sec. 16. Any surviving spouse who is receiving a monthly benefit under the provisions of this 1971 act and who is employed in any capacity shall file with the retirement board a statement of earnings. If said earnings are in excess of fifty percent of the monthly allowance being received the board shall reduce the allowance payable by the amount of said excess.

Failure to file or the filing of a false statement shall be grounds for cancellation of all benefits payable under this 1971 act.

NEW SECTION. Sec. 17. Effective July 1, 1972, and of each succeeding year, every retirement allowance which has been in effect for one year or more shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the date the retirement allowance became payable: PROVIDED, That the amount of increase or decrease in any one year shall not exceed three percent of the then payable retirement allowance: AND PROVIDED FURTHER, That this cost of living adjustment shall not reduce any pension below that amount which was payable at time of retirement.

NEW SECTION. Sec. 18. The right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this 1971 act, and the moneys in the fund created under this 1971 act, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever.

NEW SECTION. Sec. 19. Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those records of the retirement system.

NEW SECTION. Sec. 20. A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearings shall be de novo

and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

NEW SECTION. Sec. 21. No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

NEW SECTION. Sec. 22. (1) Any member of the Washington public employees' retirement system who is eligible to participate in the judicial retirement system may, by written request filed with the retirement boards of the two systems respectively, transfer such membership to the judicial retirement system. Upon the receipt of such request, the board of the Washington public employees' retirement system shall transfer to the board of the Washington judicial retirement system (1) all employee's contributions and interest thereon belonging to such member in the employees' savings fund and all employer's contributions credited or attributed to such member in the benefit account fund and (2) a record of service credited to such member. One-half of such service shall be computed and not more than nine years shall be credited to such member as though such service was performed as a member of the judicial retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judicial retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of this 1971 act, he shall upon request therefor be repaid from the judicial retirement fund an amount equal to the amount of his employee's contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys.

(2) Any member of the judicial retirement system who was formerly a member of the Washington public employees' retirement system but who has terminated his membership therein under the provisions of chapter 41.40 RCW, may reinstate his membership in the Washington public employees' retirement system, for the sole purpose of qualifying for a transfer of membership in the judicial retirement system in accordance with subsection (1) above by making full restoration of all withdrawn funds to the employees' savings fund prior to January 1, 1972. Upon reinstatement in accordance with this subsection, the provisions of subsection (1) and the provisions of RCW 41.40.120 (3) shall then be applicable to the reinstated member in the same manner and to the same extent as they are to the present

members of the Washington public employees' retirement system who are eligible to participate in the judicial retirement system.

(3) Any member of the judicial retirement system who has served as a judge for one or more years and who has rendered service for the state of Washington, or any political subdivision thereof, prior to October 1, 1947, or the time of the admission of the employer into the Washington public employees' retirement system, may - upon his payment into the judicial retirement fund of a sum equal to 5% of his compensation earned for such prior public service - request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of the judicial retirement system, provided that any such prior service so credited shall not be claimed for any pension system other than a judicial retirement system.

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CHAPTER 268

[Reengrossed Senate Bill No. 98]

COMMON SCHOOLS--

PUPIL CONDUCT, DISCIPLINE, AND RIGHTS

AN ACT Relating to pupil conduct, discipline, and rights in the common schools; amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.101; and adding a new section to Title 28A RCW.

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

Section 1. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.101 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees ((~~and~~)).

(2) ((Suspend or expel pupils from school or discipline such pupils upon their refusal to obey the reasonable rules or regulations of such school or as promulgated by the superintendent of public instruction and the state board of education.)) Adopt and make available to each pupil and parent in the district reasonable written