

the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

- (1) Section 7, chapter 112, Laws of 1983 and RCW 18.73.077;
- (2) Section 8, chapter 208, Laws of 1973 1st ex. sess., section 6, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.080;
- (3) Section 9, chapter 208, Laws of 1973 1st ex. sess., section 9, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.090;
- (4) Section 10, chapter 208, Laws of 1973 1st ex. sess., section 10, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.100;
- (5) Section 11, chapter 208, Laws of 1973 1st ex. sess., section 11, chapter 261, Laws of 1979 ex. sess., section 1, chapter 53, Laws of 1982 and RCW 18.73.110;
- (6) Section 16, chapter 208, Laws of 1973 1st ex. sess., section 16, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.160; and
- (7) Section 6, chapter 112, Laws of 1983 and RCW 18.73.205.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

CHAPTER 215

[Senate Bill No. 5513]

STATE PATROL RETIREMENT CONTRIBUTIONS—REVISIONS REGARDING WITHDRAWAL, RESTORATION, AND INTEREST

AN ACT Relating to withdrawal, restoration, and interest on state patrol retirement contributions; amending RCW 43.43.130 and 43.43.280; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 43.43.130, chapter 8, Laws of 1965 as last amended by section 1, chapter 154, Laws of 1986 and RCW 43.43.130 are each amended to read as follows:

(1) 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 allowances and other benefits under the provisions hereof.

(2) Any employee 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 employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been

credited in another public retirement or pension system operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later re-enter, he shall be treated in all respects as a new employee: PROVIDED, That a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus ((earned)) interest as determined by the director, which restoration must be completed within ((four)) five years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) (a) An employee of the Washington state patrol who becomes a member of the retirement system after June 12, 1980, and who has service as a cadet in the patrol training program may make an irrevocable election to transfer the service to the retirement system. Any member upon making such election shall have transferred all existing service credited in a prior public retirement system in this state for periods of employment as a cadet. Transfer of credit under this subsection is contingent on completion of the transfer of funds specified in subsection (3)(b) of this section.

(b) Within sixty days of notification of a member's cadet service transfer as provided in subsection (3)(a) of this section, the department of retirement systems shall transfer the employee's accumulated contributions attributable to the periods of service as a cadet, including accumulated interest.

(4) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: PROVIDED, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

(5) An active employee of the Washington state patrol who either became a member of the retirement system prior to June 12, 1980, and who has prior service as a cadet in the public employees' retirement system may make an irrevocable election to transfer such service to the retirement system within a period ending June 30, 1985, or, if not an active employee on July 1, 1983, within one year of returning to commissioned service, whichever date is later. Any member upon making such election shall have transferred all existing service credited in the public employees' retirement system which constituted service as a cadet together with the employee's

contributions plus credited interest. If the employee has withdrawn the employee's contributions, the contributions must be restored to the public employees' retirement system before the transfer of credit can occur and such restoration must be completed within the time limits specified in this subsection for making the elective transfer.

(6) An active employee of the Washington state patrol may establish up to six months' retirement service credit in the state patrol retirement system for any period of employment by the Washington state patrol as a cadet if service credit for such employment was not previously established in the public employees' retirement system, subject to the following:

(a) Certification by the patrol that such employment as a cadet was for the express purpose of receiving on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper.

(b) Payment by the member of employee contributions in the amount of seven percent of the total salary paid for each month of service to be established, plus interest at seven percent from the date of the probationary service to the date of payment. This payment shall be made by the member no later than July 1, 1988.

(c) A written waiver by the member of the member's right to ever establish the same service in the public employees' retirement system at any time in the future.

(7) The department of retirement systems shall make the requested transfer subject to the conditions specified in subsection (5) of this section or establish additional credit as provided in subsection (6) of this section. Employee contributions and credited interest transferred shall be credited to the employee's account in the Washington state patrol retirement system.

Sec. 2. Section 43.43.280, chapter 8, Laws of 1965 as last amended by section 29, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.280 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by the member with interest (~~((at two and one-half percent compounded annually))~~) as determined by the director shall be paid to such person or persons as the member shall have nominated by written designation duly executed and filed with the department, or if there be no such designated person or persons, then to the member's legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than the member's death, or retirement, the individual shall thereupon cease to be a member except as provided under RCW 43.43.130 (2) and (3) and, the individual may withdraw the member's contributions to the retirement fund, with interest (~~((at two and one-half percent compounded annually))~~) as determined by the director, by making application therefor to the department, except that: A member who ceases to be an employee after having completed at least five years of service shall

remain a member during the period of the member's absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon written notice to the department elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: **PROVIDED**, That if such member should withdraw all or part of the member's accumulated contributions, the individual shall thereupon cease to be a member and this subsection shall not apply.

NEW SECTION. Sec. 3. 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 July 1, 1987.

Passed the Senate February 25, 1987.

Passed the House April 17, 1987.

Approved by the Governor April 29, 1987.

Filed in Office of Secretary of State April 29, 1987.

CHAPTER 216

[Substitute House Bill No. 750]

FARM LABOR CONTRACTORS' SECURITY BONDS—WAGE CLAIMS

AN ACT Relating to surety bond security; and amending RCW 19.30.040, 19.30.045, 19.30.081, 19.30.160, and 19.30.170.

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

Sec. 1. Section 4, chapter 392, Laws of 1955 as last amended by section 15, chapter 197, Laws of 1986 and RCW 19.30.040 are each amended to read as follows:

(1) The director shall require the deposit of a surety bond by any person acting as a farm labor contractor under this chapter to insure compliance with the provisions of this chapter. Such bond shall be in an amount specified by the director in accordance with such criteria as the director adopts by rule but shall not be less than five thousand dollars. The bond shall be payable to the state of Washington and ~~((shall))~~ be conditioned on payment ~~((in full))~~ of ~~((all))~~ sums legally ~~((due on wage claims of employees under this chapter and RCW 49.52.050 et seq))~~ owing under contract to an agricultural employee. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

(2) The amount of the bond may be raised or additional security required by the director, upon his or her own motion or upon petition to the director by any person, when it is shown that the security or bond is insufficient to satisfy the contractor's potential liability for the licensed period.