

Hearings on applications shall be heard in the county or adjoining county ~~((of the residence of the applicant))~~ for which authority to operate is being applied. If more than one county is involved, the commission may hold the hearings at a location that will afford the greatest opportunity for testimony by witnesses representing the area for which authority to operate is being applied.

Passed the House February 15, 1988.

Passed the Senate March 6, 1988.

Approved by the Governor March 15, 1988.

Filed in Office of Secretary of State March 15, 1988.

## CHAPTER 59

[House Bill No. 1560]

### RETIREMENT SYSTEM MEMBERS OVER THE AGE OF SEVENTY AND ONE-- HALF AND STILL EMPLOYED—FEDERAL TAX REFORM RELIEF

AN ACT Relating to retirement benefits for persons who have attained age seventy and one-half and are still employed; adding a new section to chapter 41.04 RCW; creating a new section; and providing an effective date.

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

**NEW SECTION.** Sec. 1. The sole purpose of section 2 of this act is to provide members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, and 43.43 RCW with temporary relief from the provisions of the 1986 federal tax reform act which impose a substantial penalty on persons who do not begin receiving their retirement benefits following the year in which they reach age seventy and one-half.

No member shall have any contractual rights to the benefits provided by section 2 of this act, and the legislature at its discretion may modify or eliminate such benefits in the future. Should the congress repeal the penalty provision, retirement payments under section 2 of this act will cease and any such payments made will be actuarially considered in determining the retirement benefit when the member separates and requests retirement.

**NEW SECTION.** Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

(1) For the purposes of this section, "system" means any of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, and 43.43 RCW. The provisions of this section shall be given effect notwithstanding any provisions to the contrary contained in any such system.

(2) Upon attainment of age seventy and one-half, an employed member of a system may, subject to the provisions of this section, apply for the retirement benefit the member is eligible to receive. The benefit shall be calculated in accordance with the rules of the system to which the member belongs, except that the member may continue to be employed. While employed, the member shall continue to make contributions to the system and

receive service credit according to the rules of the system as though the member were not retired and receiving benefits.

(3) When a member who retires pursuant to this section separates from service or dies while still employed, the department shall recalculate the retirement benefit for the sole purpose of taking into consideration the additional service credit and compensation history. No change in the survivor option and related beneficiary designation originally selected by the member shall be allowed except as otherwise authorized by the member's system.

(4) This section applies only to persons who attain age seventy and one-half years on or after January 1, 1988.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1989.

Passed the House February 15, 1988.

Passed the Senate March 4, 1988.

Approved by the Governor March 15, 1988.

Filed in Office of Secretary of State March 15, 1988.

## CHAPTER 60

[Engrossed Senate Bill No. 6093]

### PRESENTENCE REPORTS OF SEXUAL OFFENDERS

AN ACT Relating to presentence reports; amending RCW 9.94A.110; and declaring an emergency.

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

Sec. 1. Section 11, chapter 137. Laws of 1981 as last amended by section 34, chapter 257, Laws of 1986 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports