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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Introduced By: Senators Tassoni, McBurney, Doyle, and Connors

Date Introduced: January 13, 2010

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-28-22 of the General Laws in Chapter 42-28 entitled "State
2 Police" is hereby amended to read as follows:

3 **42-28-22. Retirement of members.** -- (a) Whenever any member of the state police
4 hired prior to July 1, 2007 has served for twenty (20) years, he or she may retire therefrom or he
5 or she may be retired by the superintendent with the approval of the governor, and in either event
6 a sum equal to one-half (1/2) of the whole salary for the position from which he or she retired
7 determined on the date he or she receives his or her first retirement payment shall be paid him or
8 her during life.

9 (b) For purposes of this section, the term "whole salary" means:

10 (1) For each member who retired prior to July 1, 1966, "whole salary" means the base
11 salary for the position from which he or she retired as the base salary for that position was
12 determined on July 31, 1972;

13 (2) For each member who retired between July 1, 1966 and June 30, 1973, "whole
14 salary" means the base salary for the position from which he or she retired as the base salary,
15 implemented by the longevity increment, for that position was determined on July 31, 1972 or on
16 the date of his or her retirement, whichever is greater;

17 (3) For each member who retired or who retires after July 1, 1973 "whole salary" means
18 the base salary, implemented by the longevity increment, holiday pay, and clothing allowance, for
19 the position from which he or she retired or retires.

1 (c) (1) Any member who retired prior to July 1, 1977 shall receive a benefits payment
2 adjustment equal to three percent (3%) of his or her original retirement, as determined in
3 subsection (b) of this section, in addition to his or her original retirement allowance. In each
4 succeeding year thereafter during the month of January, the retirement allowance shall be
5 increased an additional three percent (3%) of the original retirement allowance, not compounded,
6 to be continued until January 1, 1991. For the purposes of the computation, credit shall be given
7 for a full calendar year regardless of the effective date of the service retirement allowance. For
8 purposes of this subsection, the benefits payment adjustment shall be computed from January 1,
9 1971 or the date of retirement, whichever is later in time.

10 (2) Any member of the state police who retires pursuant to the provisions of this chapter
11 on or after January 1, 1977, shall on the first day of January, next following the third anniversary
12 date of the retirement receive a benefits payment adjustment, in addition to his or her retirement
13 allowance, in an amount equal to three percent (3%) of the original retirement allowance. In each
14 succeeding year thereafter during the month of January, the retirement allowance shall be
15 increased an additional three percent (3%) of the original retirement allowance, not compounded,
16 to be continued until January 1, 1991. For the purposes of the computation, credit shall be given
17 for a full calendar year regardless of the effective date of the service retirement allowance.

18 (3) Any retired member of the state police who is receiving a benefit payment
19 adjustment pursuant to subdivisions (1) and (2) of this section shall beginning January 1, 1991,
20 receive a benefits payment adjustment equal to fifteen hundred dollars (\$1,500). In each
21 succeeding year thereafter during the month of January, the retirement allowance shall be
22 increased by fifteen hundred dollars (\$1,500) to be continued during the lifetime of the member.

23 (d) The benefits payment adjustment as provided in this section shall apply to and be in
24 addition to the retirement benefits under the provisions of section 42-28-5, to the injury and death
25 benefits under the provisions of section 42-28-21, and to the death and disability payments as
26 provided in section 42-28-36.

27 (e) (1) Any member who retires after July 1, 1972 and who has served beyond twenty
28 (20) years shall be allowed an additional amount equal to three percent (3%) for each completed
29 year served after twenty (20) years, but in no event shall the original retirement allowance exceed
30 sixty-five percent (65%) of his or her whole salary as defined in subsection (b) hereof or sixty-
31 five percent (65%) of his or her salary as defined in subsection (b) hereof in his or her twenty-
32 fifth (25th) year whichever is less.

33 (2) Each member who retired prior to July 1, 1975, shall be entitled to all retirement
34 benefits as set forth above or shall be paid benefits as set forth in subdivision (b)(1) with "whole

1 salary" meaning the base salary for the position from which he or she retired as the base salary for
2 the position was determined on July 1, 1975, whichever is greater.

3 (f) (1) Any member who retires, has served as a member for twenty (20) years or more,
4 and who served for a period of six (6) months or more of active duty in the armed service of the
5 United States or in the merchant marine service of the United States as defined in section 2 of
6 chapter 1721 of the Public Laws, 1946, may purchase credit for such service up to a maximum of
7 ~~two (2)~~ four (4) years; provided that any member who has served at least six (6) months or more
8 in any one year shall be allowed to purchase one year for such service and any member who has
9 served a fraction of less than six (6) months in his or her total service shall be allowed to purchase
10 six (6) months' credit for such service.

11 (2) The cost to purchase these credits shall be ten percent (10%) of the member's first
12 year salary as a state policeman multiplied by the number of years and/or fraction thereof of such
13 armed service up to a maximum of ~~two (2)~~ four (4) years. The purchase price shall be paid into
14 the general fund.

15 (3) There will be no interest charge provided the member makes such purchase during
16 his or her twentieth (20th) year or within five (5) years from May 18, 1981, whichever is later,
17 but will be charged regular rate of interest as defined in section 36-8-1 as amended to date of
18 purchase from the date of his or her twentieth (20th) year of state service or five (5) years from
19 May 18, 1981, whichever is later.

20 (4) In no event shall the original retirement allowance exceed sixty-five percent (65%) of
21 his or her whole salary as defined in subsection (b) hereof or sixty-five percent (65%) of his or
22 her salary as defined in subsection (b) hereof in his or her twenty-fifth (25th) year, whichever is
23 less.

24 (g) The provisions of this section shall not apply to civilian employees in the Rhode
25 Island state police; and, further, from and after April 28, 1937, chapters 8 -- 10, inclusive, of title
26 36 shall not be construed to apply to the members of the Rhode Island state police, except as
27 provided by sections 36-8-3, 36-10-1.1, 42-28-22.1, and 42-28-22.2.

28 (h) Any other provision of this section notwithstanding, any member of the state police
29 other than the superintendent of state police, who is hired prior to July 1, 2007 and who has
30 served for twenty-five (25) years or who has attained the age of sixty-two (62) years, whichever
31 shall first occur, shall retire therefrom.

32 (i) (1) Any other provision of this section notwithstanding, any member of the state
33 police, other than the superintendent, who is hired on or after July 1, 2007 and who has served for
34 twenty-five (25) years, may retire therefrom or he or she may be retired by the superintendent

1 with the approval of the governor, and shall be entitled to a retirement allowance of fifty percent
2 (50%) of his or her "whole salary" as defined in subsection (b) hereof.

3 (2) Any member of the state police who is hired on or after July 1, 2007 may serve up to
4 a maximum of thirty (30) years, and shall be allowed an additional amount equal to three percent
5 (3.0%) for each completed year served after twenty-five (25) years, but in no event shall the
6 original retirement allowance exceed sixty-five percent (65%) of his or her "whole salary" as
7 defined in subsection (b) hereof.

8 (j) In calculating the retirement benefit for any member, the term base salary as used in
9 subdivision (b)(3) shall not be affected by a deferral of salary plan or a reduced salary plan
10 implemented to avoid shutdowns or layoffs or to effect cost savings. Basic salary shall remain for
11 retirement calculation that which it would have been but for the salary deferral or salary reduction
12 due to a plan implemented to avoid shutdowns or layoffs or to effect cost savings.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

1 This act would increase from two (2) to four (4) years the amount of time that state police
2 members can purchase for their time on active duty in the armed services for purposes of
3 retirement.

4 This act would take effect upon passage.

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