
HOUSE BILL 1665

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Hunt, Pollet, Appleton, Sells, Moscoso, Reykdal, Cody, Van De Wege, Green, Ryu, and Freeman

Read first time 02/05/13. Referred to Committee on Appropriations.

1 AN ACT Relating to providing retirement benefits at earlier ages in
2 the plans 2 and 3 of the public employees' retirement system, the
3 teachers' retirement system, and the school employees' retirement
4 system; amending RCW 41.40.630, 41.40.820, 41.32.765, 41.32.875,
5 41.35.420, and 41.35.680; providing an effective date; and declaring an
6 emergency.

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

8 **Sec. 1.** RCW 41.40.630 and 2012 1st sp.s. c 7 s 5 are each amended
9 to read as follows:

10 (1) NORMAL RETIREMENT. Any member with at least five service
11 credit years who has attained at least age sixty-five shall be eligible
12 to retire and to receive a retirement allowance computed according to
13 the provisions of RCW 41.40.620.

14 (2) UNREDUCED RETIREMENT. Any member who is at least age fifty-
15 five and has completed at least five service credit years and for whom
16 the sum of the number of years of the member's age and the number of
17 years of the member's service credit equals eighty-five or more shall
18 be eligible to retire and receive a retirement allowance computed
19 according to the provisions of RCW 41.40.620.

1 (3) EARLY RETIREMENT. Any member who has completed at least twenty
2 service credit years and has attained age fifty-five shall be eligible
3 to retire and to receive a retirement allowance computed according to
4 the provisions of RCW 41.40.620, except that a member retiring pursuant
5 to this subsection shall have the retirement allowance actuarially
6 reduced to reflect the difference in the number of years between age at
7 retirement and the attainment of age sixty-five.

8 (~~(3)~~) (4) ALTERNATE EARLY RETIREMENT.

9 (a) Any member who has completed at least thirty service credit
10 years and has attained age fifty-five shall be eligible to retire and
11 to receive a retirement allowance computed according to the provisions
12 of RCW 41.40.620, except that a member retiring pursuant to this
13 subsection shall have the retirement allowance reduced by three percent
14 per year to reflect the difference in the number of years between age
15 at retirement and the attainment of age sixty-five.

16 (b) On or after July 1, 2008, any member who has completed at least
17 thirty service credit years and has attained age fifty-five shall be
18 eligible to retire and to receive a retirement allowance computed
19 according to the provisions of RCW 41.40.620, except that a member
20 retiring pursuant to this subsection shall have the retirement
21 allowance reduced as follows:

Retirement	Percent
Age	Reduction
55	20%
56	17%
57	14%
58	11%
59	8%
60	5%
61	2%
62	0%
63	0%
64	0%

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34 Any member who retires under the provisions of this subsection is
35 ineligible for the postretirement employment provisions of RCW

1 41.40.037(2)(d) until the retired member has reached sixty-five years
2 of age. For purposes of this subsection, employment with an employer
3 also includes any personal service contract, service by an employer as
4 a temporary or project employee, or any other similar compensated
5 relationship with any employer included under the provisions of RCW
6 41.40.690(1).

7 The subsidized reductions for alternate early retirement in this
8 subsection as set forth in section 9, chapter 491, Laws of 2007 were
9 intended by the legislature as replacement benefits for gain-sharing.
10 Until there is legal certainty with respect to the repeal of chapter
11 41.31A RCW, the right to retire under this subsection is
12 noncontractual, and the legislature reserves the right to amend or
13 repeal this subsection. Legal certainty includes, but is not limited
14 to, the expiration of any: Applicable limitations on actions; and
15 periods of time for seeking appellate review, up to and including
16 reconsideration by the Washington supreme court and the supreme court
17 of the United States. Until that time, eligible members may still
18 retire under this subsection, and upon receipt of the first installment
19 of a retirement allowance computed under this subsection, the resulting
20 benefit becomes contractual for the recipient. If the repeal of
21 chapter 41.31A RCW is held to be invalid in a final determination of a
22 court of law, and the court orders reinstatement of gain-sharing or
23 other alternate benefits as a remedy, then retirement benefits for any
24 member who has completed at least thirty service credit years and has
25 attained age fifty-five but has not yet received the first installment
26 of a retirement allowance under this subsection shall be computed using
27 the reductions in (a) of this subsection.

28 (c) Members who first become employed by an employer in an eligible
29 position on or after May 1, 2013, are not eligible for the alternate
30 early retirement provisions of (a) or (b) of this subsection. Any
31 member who first becomes employed by an employer in an eligible
32 position on or after May 1, 2013, and has completed at least thirty
33 service credit years and has attained age fifty-five shall be eligible
34 to retire and to receive a retirement allowance computed according to
35 the provisions of RCW 41.40.620, except that a member retiring pursuant
36 to this subsection shall have the retirement allowance reduced by five
37 percent per year to reflect the difference in the number of years
38 between age at retirement and the attainment of age sixty-five.

1 **Sec. 2.** RCW 41.40.820 and 2012 1st sp.s. c 7 s 6 are each amended
2 to read as follows:

3 (1) NORMAL RETIREMENT. Any member who is at least age sixty-five
4 and who has:

5 (a) Completed ten service credit years; or

6 (b) Completed five service credit years, including twelve service
7 credit months after attaining age forty-four; or

8 (c) Completed five service credit years by the transfer payment
9 date specified in RCW 41.40.795, under the public employees' retirement
10 system plan 2 and who transferred to plan 3 under RCW 41.40.795;

11 shall be eligible to retire and to receive a retirement allowance
12 computed according to the provisions of RCW 41.40.790.

13 (2) UNREDUCED RETIREMENT. Any member who is at least age fifty-
14 five and has completed the number of service credit years required in
15 subsection (1) of this section and for whom the sum of the number of
16 years of the member's age and the number of years of the member's
17 service credit equals eighty-five or more shall be eligible to retire
18 and receive a retirement allowance computed according to the provisions
19 of RCW 41.40.790.

20 (3) EARLY RETIREMENT. Any member who has attained at least age
21 fifty-five and has completed at least ten years of service shall be
22 eligible to retire and to receive a retirement allowance computed
23 according to the provisions of RCW 41.40.790, except that a member
24 retiring pursuant to this subsection shall have the retirement
25 allowance actuarially reduced to reflect the difference in the number
26 of years between age at retirement and the attainment of age sixty-
27 five.

28 (~~(3)~~) (4) ALTERNATE EARLY RETIREMENT.

29 (a) Any member who has completed at least thirty service credit
30 years and has attained age fifty-five shall be eligible to retire and
31 to receive a retirement allowance computed according to the provisions
32 of RCW 41.40.790, except that a member retiring pursuant to this
33 subsection shall have the retirement allowance reduced by three percent
34 per year to reflect the difference in the number of years between age
35 at retirement and the attainment of age sixty-five.

36 (b) On or after July 1, 2008, any member who has completed at least
37 thirty service credit years and has attained age fifty-five shall be
38 eligible to retire and to receive a retirement allowance computed

1 according to the provisions of RCW 41.40.790, except that a member
2 retiring pursuant to this subsection shall have the retirement
3 allowance reduced as follows:

4	Retirement	Percent
5	Age	Reduction
6	55	20%
7	56	17%
8	57	14%
9	58	11%
10	59	8%
11	60	5%
12	61	2%
13	62	0%
14	63	0%
15	64	0%

16 Any member who retires under the provisions of this subsection is
17 ineligible for the postretirement employment provisions of RCW
18 41.40.037(2)(d) until the retired member has reached sixty-five years
19 of age. For purposes of this subsection, employment with an employer
20 also includes any personal service contract, service by an employer as
21 a temporary or project employee, or any other similar compensated
22 relationship with any employer included under the provisions of RCW
23 41.40.850(1).

24 The subsidized reductions for alternate early retirement in this
25 subsection as set forth in section 10, chapter 491, Laws of 2007 were
26 intended by the legislature as replacement benefits for gain-sharing.
27 Until there is legal certainty with respect to the repeal of chapter
28 41.31A RCW, the right to retire under this subsection is
29 noncontractual, and the legislature reserves the right to amend or
30 repeal this subsection. Legal certainty includes, but is not limited
31 to, the expiration of any: Applicable limitations on actions; and
32 periods of time for seeking appellate review, up to and including
33 reconsideration by the Washington supreme court and the supreme court
34 of the United States. Until that time, eligible members may still
35 retire under this subsection, and upon receipt of the first installment

1 of a retirement allowance computed under this subsection, the resulting
2 benefit becomes contractual for the recipient. If the repeal of
3 chapter 41.31A RCW is held to be invalid in a final determination of a
4 court of law, and the court orders reinstatement of gain-sharing or
5 other alternate benefits as a remedy, then retirement benefits for any
6 member who has completed at least thirty service credit years and has
7 attained age fifty-five but has not yet received the first installment
8 of a retirement allowance under this subsection shall be computed using
9 the reductions in (a) of this subsection.

10 (c) Members who first become employed by an employer in an eligible
11 position on or after May 1, 2013, are not eligible for the alternate
12 early retirement provisions of (a) or (b) of this subsection. Any
13 member who first becomes employed by an employer in an eligible
14 position on or after May 1, 2013, and has completed at least thirty
15 service credit years and has attained age fifty-five shall be eligible
16 to retire and to receive a retirement allowance computed according to
17 the provisions of RCW 41.40.790, except that a member retiring pursuant
18 to this subsection shall have the retirement allowance reduced by five
19 percent per year to reflect the difference in the number of years
20 between age at retirement and the attainment of age sixty-five.

21 **Sec. 3.** RCW 41.32.765 and 2012 1st sp.s. c 7 s 1 are each amended
22 to read as follows:

23 (1) NORMAL RETIREMENT. Any member with at least five service
24 credit years of service who has attained at least age sixty-five shall
25 be eligible to retire and to receive a retirement allowance computed
26 according to the provisions of RCW 41.32.760.

27 (2) UNREDUCED RETIREMENT. Any member who is at least age fifty-
28 five and has completed at least five service credit years and for whom
29 the sum of the number of years of the member's age and the number of
30 years of the member's service credit equals eighty-five or more shall
31 be eligible to retire and receive a retirement allowance computed
32 according to the provisions of RCW 41.32.760.

33 (3) EARLY RETIREMENT. Any member who has completed at least twenty
34 service credit years of service who has attained at least age fifty-
35 five shall be eligible to retire and to receive a retirement allowance
36 computed according to the provisions of RCW 41.32.760, except that a
37 member retiring pursuant to this subsection shall have the retirement

1 allowance actuarially reduced to reflect the difference in the number
2 of years between age at retirement and the attainment of age sixty-
3 five.

4 ~~((3))~~ (4) ALTERNATE EARLY RETIREMENT.

5 (a) Any member who has completed at least thirty service credit
6 years and has attained age fifty-five shall be eligible to retire and
7 to receive a retirement allowance computed according to the provisions
8 of RCW 41.32.760, except that a member retiring pursuant to this
9 subsection shall have the retirement allowance reduced by three percent
10 per year to reflect the difference in the number of years between age
11 at retirement and the attainment of age sixty-five.

12 (b) On or after September 1, 2008, any member who has completed at
13 least thirty service credit years and has attained age fifty-five shall
14 be eligible to retire and to receive a retirement allowance computed
15 according to the provisions of RCW 41.32.760, except that a member
16 retiring pursuant to this subsection shall have the retirement
17 allowance reduced as follows:

18	Retirement	Percent
19	Age	Reduction
20	55	20%
21	56	17%
22	57	14%
23	58	11%
24	59	8%
25	60	5%
26	61	2%
27	62	0%
28	63	0%
29	64	0%

30 Any member who retires under the provisions of this subsection is
31 ineligible for the postretirement employment provisions of RCW
32 41.32.802(2) until the retired member has reached sixty-five years of
33 age. For purposes of this subsection, employment with an employer also
34 includes any personal service contract, service by an employer as a

1 temporary or project employee, or any other similar compensated
2 relationship with any employer included under the provisions of RCW
3 41.32.800(1).

4 The subsidized reductions for alternate early retirement in this
5 subsection as set forth in section 2, chapter 491, Laws of 2007 were
6 intended by the legislature as replacement benefits for gain-sharing.
7 Until there is legal certainty with respect to the repeal of chapter
8 41.31A RCW, the right to retire under this subsection is
9 noncontractual, and the legislature reserves the right to amend or
10 repeal this subsection. Legal certainty includes, but is not limited
11 to, the expiration of any: Applicable limitations on actions; and
12 periods of time for seeking appellate review, up to and including
13 reconsideration by the Washington supreme court and the supreme court
14 of the United States. Until that time, eligible members may still
15 retire under this subsection, and upon receipt of the first installment
16 of a retirement allowance computed under this subsection, the resulting
17 benefit becomes contractual for the recipient. If the repeal of
18 chapter 41.31A RCW is held to be invalid in a final determination of a
19 court of law, and the court orders reinstatement of gain-sharing or
20 other alternate benefits as a remedy, then retirement benefits for any
21 member who has completed at least thirty service credit years and has
22 attained age fifty-five but has not yet received the first installment
23 of a retirement allowance under this subsection shall be computed using
24 the reductions in (a) of this subsection.

25 (c) Members who first become employed by an employer in an eligible
26 position on or after May 1, 2013, are not eligible for the alternate
27 early retirement provisions of (a) or (b) of this subsection. Any
28 member who first becomes employed by an employer in an eligible
29 position on or after May 1, 2013, and has completed at least thirty
30 service credit years and has attained age fifty-five shall be eligible
31 to retire and to receive a retirement allowance computed according to
32 the provisions of RCW 41.32.760, except that a member retiring pursuant
33 to this subsection shall have the retirement allowance reduced by five
34 percent per year to reflect the difference in the number of years
35 between age at retirement and the attainment of age sixty-five.

36 **Sec. 4.** RCW 41.32.875 and 2012 1st sp.s. c 7 s 2 are each amended
37 to read as follows:

1 (1) NORMAL RETIREMENT. Any member who is at least age sixty-five
2 and who has:

3 (a) Completed ten service credit years; or

4 (b) Completed five service credit years, including twelve service
5 credit months after attaining age forty-four; or

6 (c) Completed five service credit years by July 1, 1996, under plan
7 2 and who transferred to plan 3 under RCW 41.32.817;

8 shall be eligible to retire and to receive a retirement allowance
9 computed according to the provisions of RCW 41.32.840.

10 (2) UNREDUCED RETIREMENT. Any member who is at least age fifty-
11 five and has completed the number of service credit years required in
12 subsection (1) of this section and for whom the sum of the number of
13 years of the member's age and the number of years of the member's
14 service credit equals eighty-five or more shall be eligible to retire
15 and receive a retirement allowance computed according to the provisions
16 of RCW 41.32.840.

17 (3) EARLY RETIREMENT. Any member who has attained at least age
18 fifty-five and has completed at least ten years of service shall be
19 eligible to retire and to receive a retirement allowance computed
20 according to the provisions of RCW 41.32.840, except that a member
21 retiring pursuant to this subsection shall have the retirement
22 allowance actuarially reduced to reflect the difference in the number
23 of years between age at retirement and the attainment of age sixty-
24 five.

25 ((+3)) (4) ALTERNATE EARLY RETIREMENT.

26 (a) Any member who has completed at least thirty service credit
27 years and has attained age fifty-five shall be eligible to retire and
28 to receive a retirement allowance computed according to the provisions
29 of RCW 41.32.840, except that a member retiring pursuant to this
30 subsection shall have the retirement allowance reduced by three percent
31 per year to reflect the difference in the number of years between age
32 at retirement and the attainment of age sixty-five.

33 (b) On or after September 1, 2008, any member who has completed at
34 least thirty service credit years and has attained age fifty-five shall
35 be eligible to retire and to receive a retirement allowance computed
36 according to the provisions of RCW 41.32.840, except that a member
37 retiring pursuant to this subsection shall have the retirement
38 allowance reduced as follows:

	Retirement	Percent
2	Age	Reduction
3	55	20%
4	56	17%
5	57	14%
6	58	11%
7	59	8%
8	60	5%
9	61	2%
10	62	0%
11	63	0%
12	64	0%

13 Any member who retires under the provisions of this subsection is
14 ineligible for the postretirement employment provisions of RCW
15 41.32.862(2) until the retired member has reached sixty-five years of
16 age. For purposes of this subsection, employment with an employer also
17 includes any personal service contract, service by an employer as a
18 temporary or project employee, or any other similar compensated
19 relationship with any employer included under the provisions of RCW
20 41.32.860(1).

21 The subsidized reductions for alternate early retirement in this
22 subsection as set forth in section 4, chapter 491, Laws of 2007 were
23 intended by the legislature as replacement benefits for gain-sharing.
24 Until there is legal certainty with respect to the repeal of chapter
25 41.31A RCW, the right to retire under this subsection is
26 noncontractual, and the legislature reserves the right to amend or
27 repeal this subsection. Legal certainty includes, but is not limited
28 to, the expiration of any: Applicable limitations on actions; and
29 periods of time for seeking appellate review, up to and including
30 reconsideration by the Washington supreme court and the supreme court
31 of the United States. Until that time, eligible members may still
32 retire under this subsection, and upon receipt of the first installment
33 of a retirement allowance computed under this subsection, the resulting
34 benefit becomes contractual for the recipient. If the repeal of
35 chapter 41.31A RCW is held to be invalid in a final determination of a

1 court of law, and the court orders reinstatement of gain-sharing or
2 other alternate benefits as a remedy, then retirement benefits for any
3 member who has completed at least thirty service credit years and has
4 attained age fifty-five but has not yet received the first installment
5 of a retirement allowance under this subsection shall be computed using
6 the reductions in (a) of this subsection.

7 (c) Members who first become employed by an employer in an eligible
8 position on or after May 1, 2013, are not eligible for the alternate
9 early retirement provisions of (a) or (b) of this subsection. Any
10 member who first becomes employed by an employer in an eligible
11 position on or after May 1, 2013, and has completed at least thirty
12 service credit years and has attained age fifty-five shall be eligible
13 to retire and to receive a retirement allowance computed according to
14 the provisions of RCW 41.32.840, except that a member retiring pursuant
15 to this subsection shall have the retirement allowance reduced by five
16 percent per year to reflect the difference in the number of years
17 between age at retirement and the attainment of age sixty-five.

18 **Sec. 5.** RCW 41.35.420 and 2012 1st sp.s. c 7 s 3 are each amended
19 to read as follows:

20 (1) NORMAL RETIREMENT. Any member with at least five service
21 credit years who has attained at least age sixty-five shall be eligible
22 to retire and to receive a retirement allowance computed according to
23 the provisions of RCW 41.35.400.

24 (2) UNREDUCED RETIREMENT. Any member who is at least age fifty-
25 five and has completed at least five service credit years and for whom
26 the sum of the number of years of the member's age and the number of
27 years of the member's service credit equals eighty-five or more shall
28 be eligible to retire and receive a retirement allowance computed
29 according to the provisions of RCW 41.35.400.

30 (3) EARLY RETIREMENT. Any member who has completed at least twenty
31 service credit years and has attained age fifty-five shall be eligible
32 to retire and to receive a retirement allowance computed according to
33 the provisions of RCW 41.35.400, except that a member retiring pursuant
34 to this subsection shall have the retirement allowance actuarially
35 reduced to reflect the difference in the number of years between age at
36 retirement and the attainment of age sixty-five.

37 ((+3)) (4) ALTERNATE EARLY RETIREMENT.

1 (a) Any member who has completed at least thirty service credit
2 years and has attained age fifty-five shall be eligible to retire and
3 to receive a retirement allowance computed according to the provisions
4 of RCW 41.35.400, except that a member retiring pursuant to this
5 subsection shall have the retirement allowance reduced by three percent
6 per year to reflect the difference in the number of years between age
7 at retirement and the attainment of age sixty-five.

8 (b) On or after September 1, 2008, any member who has completed at
9 least thirty service credit years and has attained age fifty-five shall
10 be eligible to retire and to receive a retirement allowance computed
11 according to the provisions of RCW 41.35.400, except that a member
12 retiring pursuant to this subsection shall have the retirement
13 allowance reduced as follows:

14	Retirement	Percent
15	Age	Reduction
16	55	20%
17	56	17%
18	57	14%
19	58	11%
20	59	8%
21	60	5%
22	61	2%
23	62	0%
24	63	0%
25	64	0%

26 Any member who retires under the provisions of this subsection is
27 ineligible for the postretirement employment provisions of RCW
28 41.35.060(2) until the retired member has reached sixty-five years of
29 age. For purposes of this subsection, employment with an employer also
30 includes any personal service contract, service by an employer as a
31 temporary or project employee, or any other similar compensated
32 relationship with any employer included under the provisions of RCW
33 41.35.230(1).

34 The subsidized reductions for alternate early retirement in this
35 subsection as set forth in section 6, chapter 491, Laws of 2007 were

1 intended by the legislature as replacement benefits for gain-sharing.
2 Until there is legal certainty with respect to the repeal of chapter
3 41.31A RCW, the right to retire under this subsection is
4 noncontractual, and the legislature reserves the right to amend or
5 repeal this subsection. Legal certainty includes, but is not limited
6 to, the expiration of any: Applicable limitations on actions; and
7 periods of time for seeking appellate review, up to and including
8 reconsideration by the Washington supreme court and the supreme court
9 of the United States. Until that time, eligible members may still
10 retire under this subsection, and upon receipt of the first installment
11 of a retirement allowance computed under this subsection, the resulting
12 benefit becomes contractual for the recipient. If the repeal of
13 chapter 41.31A RCW is held to be invalid in a final determination of a
14 court of law, and the court orders reinstatement of gain-sharing or
15 other alternate benefits as a remedy, then retirement benefits for any
16 member who has completed at least thirty service credit years and has
17 attained age fifty-five but has not yet received the first installment
18 of a retirement allowance under this subsection shall be computed using
19 the reductions in (a) of this subsection.

20 (c) Members who first become employed by an employer in an eligible
21 position on or after May 1, 2013, are not eligible for the alternate
22 early retirement provisions of (a) or (b) of this subsection. Any
23 member who first becomes employed by an employer in an eligible
24 position on or after May 1, 2013, and has completed at least thirty
25 service credit years and has attained age fifty-five shall be eligible
26 to retire and to receive a retirement allowance computed according to
27 the provisions of RCW 41.35.400, except that a member retiring pursuant
28 to this subsection shall have the retirement allowance reduced by five
29 percent per year to reflect the difference in the number of years
30 between age at retirement and the attainment of age sixty-five.

31 **Sec. 6.** RCW 41.35.680 and 2012 1st sp.s. c 7 s 4 are each amended
32 to read as follows:

33 (1) NORMAL RETIREMENT. Any member who is at least age sixty-five
34 and who has:

35 (a) Completed ten service credit years; or

36 (b) Completed five service credit years, including twelve service
37 credit months after attaining age forty-four; or

1 (c) Completed five service credit years by September 1, 2000, under
2 the public employees' retirement system plan 2 and who transferred to
3 plan 3 under RCW 41.35.510;
4 shall be eligible to retire and to receive a retirement allowance
5 computed according to the provisions of RCW 41.35.620.

6 (2) UNREDUCED RETIREMENT. Any member who is at least age fifty-
7 five and has completed the number of service credit years required in
8 subsection (1) of this section and for whom the sum of the number of
9 years of the member's age and the number of years of the member's
10 service credit equals eighty-five or more shall be eligible to retire
11 and receive a retirement allowance computed according to the provisions
12 of RCW 41.35.620.

13 (3) EARLY RETIREMENT. Any member who has attained at least age
14 fifty-five and has completed at least ten years of service shall be
15 eligible to retire and to receive a retirement allowance computed
16 according to the provisions of RCW 41.35.620, except that a member
17 retiring pursuant to this subsection shall have the retirement
18 allowance actuarially reduced to reflect the difference in the number
19 of years between age at retirement and the attainment of age sixty-
20 five.

21 (~~(3)~~) (4) ALTERNATE EARLY RETIREMENT.

22 (a) Any member who has completed at least thirty service credit
23 years and has attained age fifty-five shall be eligible to retire and
24 to receive a retirement allowance computed according to the provisions
25 of RCW 41.35.620, except that a member retiring pursuant to this
26 subsection shall have the retirement allowance reduced by three percent
27 per year to reflect the difference in the number of years between age
28 at retirement and the attainment of age sixty-five.

29 (b) On or after September 1, 2008, any member who has completed at
30 least thirty service credit years and has attained age fifty-five shall
31 be eligible to retire and to receive a retirement allowance computed
32 according to the provisions of RCW 41.35.620, except that a member
33 retiring pursuant to this subsection shall have the retirement
34 allowance reduced as follows:

Retirement	Percent
Age	Reduction

1	55	20%
2	56	17%
3	57	14%
4	58	11%
5	59	8%
6	60	5%
7	61	2%
8	62	0%
9	63	0%
10	64	0%

11 Any member who retires under the provisions of this subsection is
12 ineligible for the postretirement employment provisions of RCW
13 41.35.060(2) until the retired member has reached sixty-five years of
14 age. For purposes of this subsection, employment with an employer also
15 includes any personal service contract, service by an employer as a
16 temporary or project employee, or any other similar compensated
17 relationship with any employer included under the provisions of RCW
18 41.35.230(1).

19 The subsidized reductions for alternate early retirement in this
20 subsection as set forth in section 8, chapter 491, Laws of 2007 were
21 intended by the legislature as replacement benefits for gain-sharing.
22 Until there is legal certainty with respect to the repeal of chapter
23 41.31A RCW, the right to retire under this subsection is
24 noncontractual, and the legislature reserves the right to amend or
25 repeal this subsection. Legal certainty includes, but is not limited
26 to, the expiration of any: Applicable limitations on actions; and
27 periods of time for seeking appellate review, up to and including
28 reconsideration by the Washington supreme court and the supreme court
29 of the United States. Until that time, eligible members may still
30 retire under this subsection, and upon receipt of the first installment
31 of a retirement allowance computed under this subsection, the resulting
32 benefit becomes contractual for the recipient. If the repeal of
33 chapter 41.31A RCW is held to be invalid in a final determination of a
34 court of law, and the court orders reinstatement of gain-sharing or
35 other alternate benefits as a remedy, then retirement benefits for any
36 member who has completed at least thirty service credit years and has

1 attained age fifty-five but has not yet received the first installment
2 of a retirement allowance under this subsection shall be computed using
3 the reductions in (a) of this subsection.

4 (c) Members who first become employed by an employer in an eligible
5 position on or after May 1, 2013, are not eligible for the alternate
6 early retirement provisions of (a) or (b) of this subsection. Any
7 member who first becomes employed by an employer in an eligible
8 position on or after May 1, 2013, and has completed at least thirty
9 service credit years and has attained age fifty-five shall be eligible
10 to retire and to receive a retirement allowance computed according to
11 the provisions of RCW 41.35.620, except that a member retiring pursuant
12 to this subsection shall have the retirement allowance reduced by five
13 percent per year to reflect the difference in the number of years
14 between age at retirement and the attainment of age sixty-five.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 July 1, 2013.

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