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**HOUSE BILL 1388**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Doglio, Volz, Dolan, Caldier, and Fitzgibbon

1 AN ACT Relating to allowing retirees who retired under alternate  
2 early retirement factors enacted in chapter 491, Laws of 2007, to use  
3 postretirement options prior to reaching age sixty-five; amending RCW  
4 41.40.630, 41.40.820, 41.32.765, 41.32.875, 41.35.420, 41.35.680, and  
5 28A.300.615; and repealing RCW 41.32.068.

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

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

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

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

8 (b) On or after July 1, 2008, any member who has completed at  
9 least thirty service credit years and has attained age fifty-five  
10 shall be eligible to retire and to receive a retirement allowance  
11 computed according to the provisions of RCW 41.40.620, except that a  
12 member retiring pursuant to this subsection shall have the retirement  
13 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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26 Except as provided in (c) of this subsection, any member who  
27 retires under the provisions of this subsection is ineligible for the  
28 postretirement employment provisions of RCW 41.40.037(2) ((-d-)) until  
29 the retired member has reached sixty-five years of age. For purposes  
30 of this subsection, employment with an employer also includes any  
31 personal service contract, service by an employer as a temporary or  
32 project employee, or any other similar compensated relationship with  
33 any employer included under the provisions of RCW 41.40.690(1).

34 ~~((The subsidized reductions for alternate early retirement in~~  
35 ~~this subsection as set forth in section 9, chapter 491, Laws of 2007~~  
36 ~~were intended by the legislature as replacement benefits for gain-~~

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

20 (c) From the effective date of this section and until August 1,  
21 2022, members who retire under (b) of this subsection are eligible  
22 for the postretirement provisions of RCW 41.40.037(2) before reaching  
23 age sixty-five.

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

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

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

1 (a) Completed ten service credit years; or  
 2 (b) Completed five service credit years, including twelve service  
 3 credit months after attaining age forty-four; or  
 4 (c) Completed five service credit years by the transfer payment  
 5 date specified in RCW 41.40.795, under the public employees'  
 6 retirement system plan 2 and who transferred to plan 3 under RCW  
 7 41.40.795;  
 8 shall be eligible to retire and to receive a retirement allowance  
 9 computed according to the provisions of RCW 41.40.790.

10 (2) EARLY RETIREMENT. Any member who has attained at least age  
 11 fifty-five and has completed at least ten years of service shall be  
 12 eligible to retire and to receive a retirement allowance computed  
 13 according to the provisions of RCW 41.40.790, except that a member  
 14 retiring pursuant to this subsection shall have the retirement  
 15 allowance actuarially reduced to reflect the difference in the number  
 16 of years between age at retirement and the attainment of age sixty-  
 17 five.

18 (3) ALTERNATE EARLY RETIREMENT.

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

26 (b) On or after July 1, 2008, any member who has completed at  
 27 least thirty service credit years and has attained age fifty-five  
 28 shall be eligible to retire and to receive a retirement allowance  
 29 computed according to the provisions of RCW 41.40.790, except that a  
 30 member retiring pursuant to this subsection shall have the retirement  
 31 allowance reduced as follows:

Retirement Age	Percent Reduction
55	20%
56	17%
57	14%
58	11%
59	8%

1	60	5%
2	61	2%
3	62	0%
4	63	0%
5	64	0%

6 Except as provided in (c) of this subsection, any member who  
7 retires under the provisions of this subsection is ineligible for the  
8 postretirement employment provisions of RCW 41.40.037(2) ~~((d))~~ until  
9 the retired member has reached sixty-five years of age. For purposes  
10 of this subsection, employment with an employer also includes any  
11 personal service contract, service by an employer as a temporary or  
12 project employee, or any other similar compensated relationship with  
13 any employer included under the provisions of RCW 41.40.850(1).

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

36 (c) From the effective date of this section and until August 1,  
37 2022, members who retire under (b) of this subsection are eligible

1 for the postretirement provisions of RCW 41.40.037(2) before reaching  
2 age sixty-five.

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

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

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

21 (2) EARLY RETIREMENT. Any member who has completed at least  
22 twenty service credit years of service who has attained at least age  
23 fifty-five shall be eligible to retire and to receive a retirement  
24 allowance computed according to the provisions of RCW 41.32.760,  
25 except that a member retiring pursuant to this subsection shall have  
26 the retirement allowance actuarially reduced to reflect the  
27 difference in the number of years between age at retirement and the  
28 attainment of age sixty-five.

29 (3) ALTERNATE EARLY RETIREMENT.

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

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

1 computed according to the provisions of RCW 41.32.760, except that a  
2 member 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 Except as provided in (c) of this subsection, any member who  
17 retires under the provisions of this subsection is ineligible for the  
18 postretirement employment provisions of RCW 41.32.802(2) until the  
19 retired member has reached sixty-five years of age. For purposes of  
20 this subsection, employment with an employer also includes any  
21 personal service contract, service by an employer as a temporary or  
22 project employee, or any other similar compensated relationship with  
23 any employer included under the provisions of RCW 41.32.800(1).

24 ~~((The subsidized reductions for alternate early retirement in~~  
25 ~~this subsection as set forth in section 2, chapter 491, Laws of 2007~~  
26 ~~were intended by the legislature as replacement benefits for gain-~~  
27 ~~sharing. Until there is legal certainty with respect to the repeal of~~  
28 ~~chapter 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~~  
36 ~~installment of a retirement allowance computed under this subsection,~~

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

10 (c) From the effective date of this section and until August 1,  
11 2022, members who retire under (b) of this subsection are eligible  
12 for the postretirement provisions of RCW 41.32.802 before reaching  
13 age sixty-five.

14 (d) Members who first become employed by an employer in an  
15 eligible position on or after May 1, 2013, are not eligible for the  
16 alternate early retirement provisions of (a) or (b) of this  
17 subsection. Any member who first becomes employed by an employer in  
18 an eligible position on or after May 1, 2013, and has completed at  
19 least thirty service credit years and has attained age fifty-five  
20 shall be eligible to retire and to receive a retirement allowance  
21 computed according to the provisions of RCW 41.32.760, except that a  
22 member retiring pursuant to this subsection shall have the retirement  
23 allowance reduced by five percent per year to reflect the difference  
24 in the number of years between age at retirement and the attainment  
25 of age sixty-five.

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

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

30 (a) Completed ten service credit years; or

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

33 (c) Completed five service credit years by July 1, 1996, under  
34 plan 2 and who transferred to plan 3 under RCW 41.32.817;  
35 shall be eligible to retire and to receive a retirement allowance  
36 computed according to the provisions of RCW 41.32.840.

37 (2) EARLY RETIREMENT. Any member who has attained at least age  
38 fifty-five and has completed at least ten years of service shall be  
39 eligible to retire and to receive a retirement allowance computed



1 according to the provisions of RCW 41.32.840, except that a member  
2 retiring pursuant to this subsection shall have the retirement  
3 allowance actuarially reduced to reflect the difference in the number  
4 of years between age at retirement and the attainment of age sixty-  
5 five.

6 (3) ALTERNATE EARLY RETIREMENT.

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

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

20	Retirement	Percent
21	Age	Reduction
22	55	20%
23	56	17%
24	57	14%
25	58	11%
26	59	8%
27	60	5%
28	61	2%
29	62	0%
30	63	0%
31	64	0%

32 Except as provided in (c) of this subsection, any member who  
33 retires under the provisions of this subsection is ineligible for the  
34 postretirement employment provisions of RCW 41.32.862(2) until the  
35 retired member has reached sixty-five years of age. For purposes of  
36 this subsection, employment with an employer also includes any

1 personal service contract, service by an employer as a temporary or  
2 project employee, or any other similar compensated relationship with  
3 any employer included under the provisions of RCW 41.32.860(1).

4 ~~((The subsidized reductions for alternate early retirement in  
5 this subsection as set forth in section 4, chapter 491, Laws of 2007  
6 were intended by the legislature as replacement benefits for gain-  
7 sharing. Until there is legal certainty with respect to the repeal of  
8 chapter 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  
16 installment of a retirement allowance computed under this subsection,  
17 the resulting benefit becomes contractual for the recipient. If the  
18 repeal of chapter 41.31A RCW is held to be invalid in a final  
19 determination of a court of law, and the court orders reinstatement  
20 of gain-sharing or other alternate benefits as a remedy, then  
21 retirement benefits for any member who has completed at least thirty  
22 service credit years and has attained age fifty-five but has not yet  
23 received the first installment of a retirement allowance under this  
24 subsection shall be computed using the reductions in (a) of this  
25 subsection.))~~

26 (c) From the effective date of this section and until August 1,  
27 2022, members who retire under (b) of this subsection are eligible  
28 for the postretirement provisions of RCW 41.32.862 before reaching  
29 age sixty-five.

30 (d) Members who first become employed by an employer in an  
31 eligible position on or after May 1, 2013, are not eligible for the  
32 alternate early retirement provisions of (a) or (b) of this  
33 subsection. Any member who first becomes employed by an employer in  
34 an eligible position on or after May 1, 2013, and has completed at  
35 least thirty service credit years and has attained age fifty-five  
36 shall be eligible to retire and to receive a retirement allowance  
37 computed according to the provisions of RCW 41.32.840, except that a  
38 member retiring pursuant to this subsection shall have the retirement  
39 allowance reduced by five percent per year to reflect the difference

1 in the number of years between age at retirement and the attainment  
2 of age sixty-five.

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

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

9 (2) EARLY RETIREMENT. Any member who has completed at least  
10 twenty service credit years and has attained age fifty-five shall be  
11 eligible to retire and to receive a retirement allowance computed  
12 according to the provisions of RCW 41.35.400, except that a member  
13 retiring pursuant to this subsection shall have the retirement  
14 allowance actuarially reduced to reflect the difference in the number  
15 of years between age at retirement and the attainment of age sixty-  
16 five.

17 (3) ALTERNATE EARLY RETIREMENT.

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

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

31	Retirement	Percent
32	Age	Reduction
33	55	20%
34	56	17%
35	57	14%
36	58	11%
37	59	8%

1	60	5%
2	61	2%
3	62	0%
4	63	0%
5	64	0%

6 Except as provided in (c) of this subsection, any member who  
7 retires under the provisions of this subsection is ineligible for the  
8 postretirement employment provisions of RCW 41.35.060(2) until the  
9 retired member has reached sixty-five years of age. For purposes of  
10 this subsection, employment with an employer also includes any  
11 personal service contract, service by an employer as a temporary or  
12 project employee, or any other similar compensated relationship with  
13 any employer included under the provisions of RCW 41.35.230(1).

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

36 (c) From the effective date of this section and until August 1,  
37 2022, members who retire under (b) of this subsection are eligible

1 for the postretirement provisions of RCW 41.35.060 before reaching  
2 age sixty-five.

3 (d) Members who first become employed by an employer in an  
4 eligible position on or after May 1, 2013, are not eligible for the  
5 alternate early retirement provisions of (a) or (b) of this  
6 subsection. Any member who first becomes employed by an employer in  
7 an eligible position on or after May 1, 2013, and has completed at  
8 least thirty service credit years and has attained age fifty-five  
9 shall be eligible to retire and to receive a retirement allowance  
10 computed according to the provisions of RCW 41.35.400, except that a  
11 member retiring pursuant to this subsection shall have the retirement  
12 allowance reduced by five percent per year to reflect the difference  
13 in the number of years between age at retirement and the attainment  
14 of age sixty-five.

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

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

19 (a) Completed ten service credit years; or

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

22 (c) Completed five service credit years by September 1, 2000,  
23 under the public employees' retirement system plan 2 and who  
24 transferred to plan 3 under RCW 41.35.510;

25 shall be eligible to retire and to receive a retirement allowance  
26 computed according to the provisions of RCW 41.35.620.

27 (2) EARLY RETIREMENT. Any member who has attained at least age  
28 fifty-five and has completed at least ten years of service shall be  
29 eligible to retire and to receive a retirement allowance computed  
30 according to the provisions of RCW 41.35.620, except that a member  
31 retiring pursuant to this subsection shall have the retirement  
32 allowance actuarially reduced to reflect the difference in the number  
33 of years between age at retirement and the attainment of age sixty-  
34 five.

35 (3) ALTERNATE EARLY RETIREMENT.

36 (a) Any member who has completed at least thirty service credit  
37 years and has attained age fifty-five shall be eligible to retire and  
38 to receive a retirement allowance computed according to the  
39 provisions of RCW 41.35.620, except that a member retiring pursuant

1 to this subsection shall have the retirement allowance reduced by  
2 three percent per year to reflect the difference in the number of  
3 years between age at retirement and the attainment of age sixty-five.

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

10	Retirement	Percent
11	Age	Reduction
12	55	20%
13	56	17%
14	57	14%
15	58	11%
16	59	8%
17	60	5%
18	61	2%
19	62	0%
20	63	0%
21	64	0%

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

30 ~~((The subsidized reductions for alternate early retirement in~~  
31 ~~this subsection as set forth in section 8, chapter 491, Laws of 2007~~  
32 ~~were intended by the legislature as replacement benefits for gain-~~  
33 ~~sharing. Until there is legal certainty with respect to the repeal of~~  
34 ~~chapter 41.31A RCW, the right to retire under this subsection is~~  
35 ~~noncontractual, and the legislature reserves the right to amend or~~  
36 ~~repeal this subsection. Legal certainty includes, but is not limited~~

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

16 (c) From the effective date of this section and until August 1,  
17 2022, members who retire under (b) of this subsection are eligible  
18 for the postretirement provisions of RCW 41.35.060 before reaching  
19 age sixty-five.

20 (d) Members who first become employed by an employer in an  
21 eligible position on or after May 1, 2013, are not eligible for the  
22 alternate early retirement provisions of (a) or (b) of this  
23 subsection. Any member who first becomes employed by an employer in  
24 an eligible position on or after May 1, 2013, and has completed at  
25 least thirty service credit years and has attained age fifty-five  
26 shall be eligible to retire and to receive a retirement allowance  
27 computed according to the provisions of RCW 41.35.620, except that a  
28 member retiring pursuant to this subsection shall have the retirement  
29 allowance reduced by five percent per year to reflect the difference  
30 in the number of years between age at retirement and the attainment  
31 of age sixty-five.

32 **Sec. 7.** RCW 28A.300.615 and 2016 c 233 s 8 are each amended to  
33 read as follows:

34 (1) By October 1st of each year, a school district must report to  
35 the office of the superintendent of public instruction:

36 (a) The number of substitute teachers hired per school year;

37 (b) The number of substitute teachers hired under RCW  
38 ((28A.410.252)) 41.32.765(3)(c) and 41.32.875(3)(c) per school year;

39 (c) The full daily compensation rate per substitute teacher; and

1 (d) The reason for hiring the substitute teacher.

2 (2) By January 1st of each year, the office of the superintendent  
3 of public instruction must post on its web site the information  
4 identified in subsection (1) of this section.

5 NEW SECTION. **Sec. 8.** RCW 41.32.068 (Postretirement employment  
6 options) and 2016 c 233 s 7 are each repealed.

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