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

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

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

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

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

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

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

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Except as provided in (c) of this subsection, any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of RCW 41.40.037(2)((d)) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.690(1).

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

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

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

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

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

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

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

(3) ALTERNATE EARLY RETIREMENT.
(a) Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.
(b) On or after July 1, 2008, any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced as follows:

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

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

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

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

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

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

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

(3) ALTERNATE EARLY RETIREMENT.

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

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

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

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

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

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

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

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

(a) Completed ten service credit years; or

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

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

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

(3) ALTERNATE EARLY RETIREMENT.

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

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

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

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

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

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

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

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

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

(3) ALTERNATE EARLY RETIREMENT.

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

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

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

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

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

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

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

1. NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:
   a. Completed ten service credit years; or
   b. Completed five service credit years, including twelve service credit months after attaining age forty-four; or
   c. Completed five service credit years by September 1, 2000, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.35.510; shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.35.620.

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

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

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

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

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

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

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

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

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

(a) The number of substitute teachers hired per school year;
(b) The number of substitute teachers hired under RCW
((28A.410.252)) 41.32.765(3)(c) and 41.32.875(3)(c) per school year;
(c) The full daily compensation rate per substitute teacher; and

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(d) The reason for hiring the substitute teacher.

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

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

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