

2 **SB 5352 - H COMM AMD ADOPTED AS AMENDED 4-17-93**

3 By Committee on Appropriations

4

5 On page 2, after line 6, insert the following:

6 "NEW SECTION. **Sec. 2.** A new section is added to chapter 41.50 RCW  
7 to read as follows:

8 Members of the teachers' retirement system who retired prior to  
9 January 1, 1993, from service with a community college district whose  
10 reported earnable compensation included payments made pursuant to an  
11 agreement to terminate or retire, or to provide notice of intent to  
12 retire, and whose retirement allowance has been reduced under RCW  
13 41.50.150 or is reduced after the effective date of this act under  
14 section (1) of this act, shall have an opportunity to change the  
15 retirement allowance payment option selected by the member under RCW  
16 41.32.530. Any request for a change shall be made in writing to the  
17 department no later than October 31, 1993 and shall apply prospectively  
18 only."

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22 On page 2, after line 6, insert the following:

23 "NEW SECTION. **Sec. 2.** A new section is added to chapter 41.50 RCW  
24 to read as follows:

25 (1) Retirees whose reported earnable compensation included  
26 payments made pursuant to an agreement to terminate or retire, or to  
27 provide notice of intent to retire, shall not be required to repay to  
28 the trust funds any overpayments resulting from the employer  
29 misreporting, subject to the conditions provided in subsection (2) of  
30 this section. The retirees' allowances shall be prospectively adjusted  
31 to reflect the benefits to which the retirees are correctly entitled.

1           (2) Subsection (1) of this section shall apply only to members of  
2 the teachers' retirement system who retired prior to January 1, 1993,  
3 from service with a community college district.

4           (3) Any retirees under subsection (2) of this section who, since  
5 January 1, 1990, have had their retirement allowances reduced under RCW  
6 41.50.130(1)(b) because of the inclusion of retirement agreement  
7 payments in calculating their allowances, shall have their allowances  
8 adjusted to reflect the benefits to which the retirees are correctly  
9 entitled, but without a reduction to recoup prior overpayments. The  
10 retirees shall be reimbursed by the retirement system for the  
11 cumulative amount of the reduction in the retirement allowance that has  
12 occurred since January 1, 1990, to recoup prior overpayments.

13           (4) Any retirees covered by subsection (2) of this section who,  
14 after January 1, 1990, repaid a previous overpayment in a lump sum  
15 under RCW 41.50.130(1)(b) because of the inclusion of retirement  
16 agreement payments in calculating their allowances, shall be reimbursed  
17 by the retirement system for the amount of the lump sum repayment."

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