

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1973**

53rd Legislature  
1993 Regular Session

Passed by the House March 11, 1993  
Yeas 98 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 7, 1993  
Yeas 47 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1973** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1973**

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Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Quall, Linville, Locke, Sheldon, L. Johnson, Cothorn, Basich, Kessler, Holm and J. Kohl)

Read first time 03/03/93.

1            AN ACT Relating to retirement eligibility for plan I members of the  
2 teachers' and public employees' retirement systems who submitted late  
3 applications for early retirement; amending RCW 43.01.170 and  
4 28A.400.212; amending 1992 c 234 s 6 (uncodified); amending 1992 c 234  
5 s 8 (uncodified); creating new sections; and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.**    (1) Any member of the teachers' retirement  
8 system plan I who meets the criteria in subsection (2) of this section  
9 may retire by submitting a written application by July 1, 1993, to the  
10 director of the department of retirement systems on the form required  
11 by the department.

12            (2) This section applies only to members who:

13            (a) Were otherwise eligible to retire under the terms and  
14 conditions of section 3, chapter 234, Laws of 1992; and

15            (b) Submitted a written application to retire on the form required  
16 by the department not later than August 31, 1992; but

17            (c) Were denied retirement eligibility because the department of  
18 retirement systems received the application after the June 15, 1992,  
19 deadline.

1 (3) A retirement under this section shall take effect:

2 (a) September 1, 1992, for members who separated from service on or  
3 before that date and who did not subsequently render membership service  
4 to an employer; or

5 (b) The first day of the month following the member's separation  
6 from service, but no later than September 1, 1993, for members who  
7 separate from service after September 1, 1992. However, if a full year  
8 of membership service was established for the 1992-93 school year, the  
9 effective date of a retirement under this subsection (3)(b) shall be  
10 July 1, 1993.

11 NEW SECTION. **Sec. 2.** Section 1 of this act is added to chapter  
12 41.32 RCW, but because of its temporary nature, shall not be codified.

13 NEW SECTION. **Sec. 3.** (1) Any member of the public employees'  
14 retirement system plan I who meets the criteria in subsection (2) of  
15 this section may retire by submitting a written application by July 1,  
16 1993, to the director of the department of retirement systems on the  
17 form required by the department.

18 (2) This section applies only to members who:

19 (a) Were otherwise eligible to retire under the terms and  
20 conditions of section 1, chapter 234, Laws of 1992; and

21 (b) Submitted a written application to retire on the form required  
22 by the department not later than August 31, 1992; but

23 (c) Were denied retirement eligibility because the department of  
24 retirement systems received the application after the June 15, 1992,  
25 deadline.

26 (3) A retirement under this section shall take effect:

27 (a) September 1, 1992, for members who separated from service on or  
28 before that date and who were not subsequently employed in an eligible  
29 position; or

30 (b) The first day of the month following the member's separation  
31 from service, but no later than September 1, 1993, for members who  
32 separate from service after September 1, 1992.

33 NEW SECTION. **Sec. 4.** Section 3 of this act is added to chapter  
34 41.40 RCW, but because of its temporary nature, shall not be codified.

35 **Sec. 5.** 1992 c 234 s 6 (uncodified) is amended to read as follows:

1 In order to ensure that the state derives the expected benefits  
2 from the early retirement provisions of chapter 234, Laws of 1992 and  
3 chapter . . . , Laws of 1993 (this act), no state agency may engage  
4 through personal service contracts persons who retire from state  
5 service under the provisions of chapter 234, Laws of 1992 and chapter  
6 . . . , Laws of 1993 (this act). Exceptions to this section may be  
7 granted by written approval from the director of the office of  
8 financial management if the director finds that the proposed contract  
9 is necessary to protect the public safety, protect against the loss of  
10 federal certification or loss of critical federal funds, or carry out  
11 functions so essential to the agency that even temporary suspension or  
12 delay of services would have a significant negative impact on the  
13 public. At the end of each three-month period in which exceptions are  
14 approved, the director shall forward a copy of any approvals, together  
15 with justification for the exceptions, to the fiscal committees of the  
16 legislature. Each forwarded approval shall include the name of the  
17 proposed contractor, the agency and division or department requesting  
18 the contract, duration and cost of the proposed contract, and specific  
19 functions and duties to be carried out under the contract. This  
20 section shall expire June 30, 1995.

21 **Sec. 6.** 1992 c 234 s 8 (uncodified) is amended to read as follows:

22 In order to ensure that the state derives the expected benefits  
23 from the early retirement provisions of chapter 234, Laws of 1992 and  
24 chapter . . . , Laws of 1993 (this act), no board of directors of a  
25 school district or educational service district may engage through  
26 personal service contracts persons who retire from ((state)) service  
27 under the provisions of chapter 234, Laws of 1992 and chapter . . . ,  
28 Laws of 1993 (this act). Exceptions to this section may be granted by  
29 written approval from the superintendent of public instruction if the  
30 superintendent finds that the proposed contract is necessary to protect  
31 student safety, protect against the loss of school district  
32 certification or loss of federal funds, or carry out functions so  
33 essential to the district that even temporary suspension or delay of  
34 services would have a significant negative impact on students. At the  
35 end of each three-month period in which exceptions are approved, the  
36 superintendent shall forward a copy of any approvals, together with  
37 justification for the exceptions, to the office of financial management  
38 and the fiscal committees of the legislature. Each forwarded approval

1 shall include the name of the proposed contractor, the district  
2 requesting the contract, duration and cost of the proposed contract,  
3 and specific functions and duties to be carried out under the contract.  
4 This section shall expire August 31, 1995.

5 **Sec. 7.** RCW 43.01.170 and 1992 c 234 s 11 are each amended to read  
6 as follows:

7 In order to ensure that the state derives the expected benefits  
8 from the early retirement provisions of chapter 234, Laws of 1992, and  
9 chapter . . . , Laws of 1993 (this act), no state agency may hire  
10 persons who retire from state service under the provisions of chapter  
11 234, Laws of 1992, and chapter . . . , Laws of 1993 (this act), as  
12 temporary or project employees, as defined by the state personnel board  
13 for employees covered under chapter 41.06 RCW (~~and~~), by the higher  
14 education personnel board for employees covered under chapter 28B.16  
15 RCW, and by the employer for persons not covered under chapter 28B.16  
16 RCW who are employed by institutions of higher education or community  
17 or technical colleges. Exceptions to this section may be granted by  
18 written approval from the director of the office of financial  
19 management if the director finds that the temporary or project  
20 employment of a retiree is necessary to protect the public safety,  
21 protect against the loss of federal certification or loss of critical  
22 federal funds, or carry out functions so essential to the agency that  
23 even temporary suspension or delay of services would have a significant  
24 negative impact on the public. At the end of each three-month period  
25 in which exceptions are approved, the director shall forward a copy of  
26 any approvals, together with justification for the exceptions, to the  
27 fiscal committees of the legislature. Each forwarded approval shall  
28 include the name of the temporary or project employee, the agency and  
29 division or department requesting the employment, duration and cost of  
30 the proposed employment, and specific functions and duties to be  
31 carried out during the employment. This section shall expire June 30,  
32 1995.

33 **Sec. 8.** RCW 28A.400.212 and 1992 c 234 s 13 are each amended to  
34 read as follows:

35 An employee of a school district that has established an attendance  
36 incentive program under RCW 28A.400.210 who retires under section 1 or  
37 3, chapter 234, Laws of 1992, or section 1 or 3, chapter . . . , Laws of

1 1993 (this act), shall receive, at the time of his or her separation  
2 from school district employment, not less than one-half of the  
3 remuneration for accrued leave for illness or injury payable to him or  
4 her under the district's incentive program. The school district board  
5 of directors may, at its discretion, pay the remainder of such an  
6 employee's remuneration for accrued leave for illness or injury after  
7 the time of the employee's separation from school district employment,  
8 but the employee or the employee's estate is entitled to receive the  
9 remainder of the remuneration no later than the date the employee would  
10 have been eligible to retire under the provisions of RCW 41.40.180 or  
11 41.32.480 had the employee continued to work for the district until  
12 eligible to retire, or three years following the date of the employee's  
13 separation from school district employment, whichever occurs first. A  
14 district exercising its discretion under this section to pay the  
15 remainder of the remuneration after the time of the employee's  
16 separation from school district employment shall establish a policy and  
17 procedure for paying the remaining remuneration that applies to all  
18 affected employees equally and without discrimination. Any  
19 remuneration paid shall be based on the number of days of leave the  
20 employee had accrued and the compensation the employee received at the  
21 time he or she retired under section 1 or 3, chapter 234, Laws of 1992,  
22 or section 1 or 3, chapter . . . , Laws of 1993 (this act).

23 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and shall take  
26 effect immediately.

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