
HOUSE BILL 1396

State of Washington 52nd Legislature 1991 Regular Session

By Representative D. Sommers.

Read first time January 28, 1991. Referred to Committee on Appropriations.

1 AN ACT Relating to military service credit; and amending RCW
2 41.40.170.

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

4 **Sec. 1.** RCW 41.40.170 and 1981 c 294 s 12 are each amended to read
5 as follows:

6 (1) A member who has served or shall serve on active federal
7 service in the military or naval forces of the United States and who
8 left or shall leave an employer to enter such service shall be deemed
9 to be on military leave of absence if ((he)) the member has resumed or
10 shall resume employment as an employee within one year from termination
11 thereof.

12 (2) If ((he)) a member has applied or shall apply for reinstatement
13 of employment, within one year from termination of the military
14 service, and is refused employment for reasons beyond his or her

1 control, ((he)) the member shall, upon resumption of service within ten
2 years have such service credited to him or her.

3 (3) In any event, after completing twenty-five years of creditable
4 service, any member may have his or her service in the armed forces
5 credited to him or her as a member whether or not ((he)) the member
6 left the employ of an employer to enter such armed service(~~(:~~
7 ~~PROVIDED, That))~~). In no instance, described in subsections (1), (2),
8 and (3) of this section, shall military service in excess of five years
9 be credited(~~(:~~ ~~AND PROVIDED FURTHER, That))~~. In each instance the
10 member must restore all withdrawn accumulated contributions, which
11 restoration must be completed within five years of membership service
12 following his or her first resumption of employment or complete twenty-
13 five years of creditable service(~~(:~~ ~~AND PROVIDED FURTHER, That))~~.
14 This section will not apply to any individual, not a veteran within the
15 meaning of ((RCW 41.04.005, as now or hereafter amended: ~~AND PROVIDED~~
16 FURTHER, That)) subsection (4) of this section. In no instance,
17 described in subsections (1), (2), and (3) of this section, shall
18 military service be credited to any member who is receiving full
19 military retirement benefits pursuant to Title 10 United States Code.

20 (4) For the purposes of this section, "veteran" means any person
21 who has one or more years of active military service in any branch of
22 the armed forces of the United States or who has less than one year's
23 service and is discharged with a disability incurred in the line of
24 duty or is discharged at the convenience of the government and who,
25 upon termination of such service, has received an honorable discharge,
26 a discharge for physical reasons with an honorable record, or a release
27 from active military service with evidence of service other than that
28 for which an undesirable, bad conduct, or dishonorable discharge shall
29 be given.