
ENGROSSED HOUSE BILL 2603

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Brough and Sommers

Read first time 01/19/94. Referred to Committee on Appropriations.

1 AN ACT Relating to allowance on retirement for disability; amending
2 RCW 41.26.130; and creating a new section.

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

4 **Sec. 1.** RCW 41.26.130 and 1991 c 35 s 20 are each amended to read
5 as follows:

6 (1) Upon retirement for disability a member shall be entitled to
7 receive a monthly retirement allowance computed as follows: (a) A
8 basic amount of fifty percent of final average salary at time of
9 disability retirement, and (b) an additional five percent of final
10 average salary for each child as defined in RCW 41.26.030(7), ~~((e))~~
11 except to be eligible for additional benefits attributable to children
12 as defined in RCW 41.26.030(7)(b) the member must provide annual
13 documentation to the department of retirement systems that the member
14 provided cash support to the child equal to or greater than seventy-
15 five percent of the extra annual benefit each school year. Evidence of
16 payment shall be provided in accordance with requirements established
17 by the department. The combined total of (a) and (b) of this
18 subsection shall not exceed a maximum of sixty percent of final average
19 salary.

1 (2) A disabled member shall begin receiving the disability
2 retirement allowance as of the expiration of his or her six month
3 period of disability leave or, if his or her application was filed
4 after the sixth month of discontinuance of service but prior to the one
5 year time limit, the member's disability retirement allowance shall be
6 retroactive to the end of the sixth month.

7 (3) Benefits under this section will be payable until the member
8 recovers from the disability or dies. If at the time that the
9 disability ceases the member is over the age of fifty, he or she shall
10 then receive either disability retirement allowance or retirement for
11 service allowance, whichever is greater.

12 (4) Benefits under this section for a disability that is incurred
13 while in other employment will be reduced by any amount the member
14 receives or is entitled to receive from workers' compensation, social
15 security, group insurance, other pension plan, or any other similar
16 source provided by another employer on account of the same disability.

17 (5) A member retired for disability shall be subject to periodic
18 examinations by a physician approved by the disability board prior to
19 attainment of age fifty, pursuant to rules adopted by the director
20 under RCW 41.26.115. Examinations of members who retired for
21 disability prior to July 26, 1981, shall not exceed two medical
22 examinations per year.

23 NEW SECTION. **Sec. 2.** The amendment to RCW 41.26.130(1)(b) in
24 section 1(1) chapter . . . , Laws of 1994 (this act), shall apply on a
25 retroactive basis to members who retired before July 1, 1994, for
26 benefits mailed to a retiree, by the department, after September 15,
27 1994.

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