
SENATE BILL 5315

State of Washington

61st Legislature

2009 Regular Session

By Senators Schoesler, Hobbs, Holmquist, Honeyford, and Fraser; by request of Select Committee on Pension Policy

Read first time 01/20/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to extending the survivor annuity option for
2 preretirement death in plan 1 of the public employees' retirement
3 system to members who die after leaving active service; and amending
4 RCW 41.40.270.

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

6 **Sec. 1.** RCW 41.40.270 and 2003 c 155 s 6 are each amended to read
7 as follows:

8 (1) Except as specified in subsection (4) of this section, should
9 a member die before the date of retirement the amount of the
10 accumulated contributions standing to the member's credit in the
11 employees' savings fund, less any amount identified as owing to an
12 obligee upon withdrawal of accumulated contributions pursuant to a
13 court order filed under RCW 41.50.670, at the time of death:

14 (a) Shall be paid to the member's estate, or such person or
15 persons, trust, or organization as the member shall have nominated by
16 written designation duly executed and filed with the department; or

17 (b) If there be no such designated person or persons still living
18 at the time of the member's death, or if a member fails to file a new
19 beneficiary designation subsequent to marriage, remarriage, dissolution

1 of marriage, divorce, or reestablishment of membership following
2 termination by withdrawal or retirement, such accumulated
3 contributions, less any amount identified as owing to an obligee upon
4 withdrawal of accumulated contributions pursuant to a court order filed
5 under RCW 41.50.670, shall be paid to the surviving spouse as if in
6 fact such spouse had been nominated by written designation as
7 aforesaid, or if there be no such surviving spouse, then to the
8 member's legal representatives.

9 (2) Upon the death (~~(in service, or while on authorized leave of~~
10 ~~absence for a period not to exceed one hundred and twenty days from the~~
11 ~~date of payroll separation,~~)) of any member who is qualified but has
12 not applied for a service retirement allowance or has completed ten
13 years of service at the time of death, the designated beneficiary, or
14 the surviving spouse as provided in subsection (1) of this section, may
15 elect to waive the payment provided by subsection (1) of this section.
16 Upon such an election, a joint and one hundred percent survivor option
17 under RCW 41.40.188, calculated under the retirement allowance
18 described in RCW 41.40.185 or 41.40.190, whichever is greater,
19 actuarially reduced, except under subsection (5) of this section, by
20 the amount of any lump sum benefit identified as owing to an obligee
21 upon withdrawal of accumulated contributions pursuant to a court order
22 filed under RCW 41.50.670 shall automatically be given effect as if
23 selected for the benefit of the designated beneficiary. If the member
24 is not then qualified for a service retirement allowance, such benefit
25 shall be based upon the actuarial equivalent of the sum necessary to
26 pay the accrued regular retirement allowance commencing when the
27 deceased member would have first qualified for a service retirement
28 allowance.

29 (3) Subsection (1) of this section, unless elected, shall not apply
30 to any member who has applied for service retirement in RCW 41.40.180,
31 as now or hereafter amended, and thereafter dies between the date of
32 separation from service and the member's effective retirement date,
33 where the member has selected a survivorship option under RCW
34 41.40.188. In those cases the beneficiary named in the member's final
35 application for service retirement may elect to receive either a cash
36 refund, less any amount identified as owing to an obligee upon
37 withdrawal of accumulated contributions pursuant to a court order filed

1 under RCW 41.50.670, or monthly payments according to the option
2 selected by the member.

3 (4) If a member dies within sixty days following application for
4 disability retirement under RCW 41.40.230, the beneficiary named in the
5 application may elect to receive the benefit provided by:

6 (a) This section; or

7 (b) RCW 41.40.235, according to the option chosen under RCW
8 41.40.188 in the disability application.

9 (5) The retirement allowance of a member who is killed in the
10 course of employment, as determined by the director of the department
11 of labor and industries, is not subject to an actuarial reduction. The
12 member's retirement allowance is computed under RCW 41.40.185.

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