

WSR 21-07-143
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 24, 2021, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-01-182.

Title of Rule and Other Identifying Information: New WAC 415-02-260 What happens to my monthly retirement benefit when I die?; and repealing WAC 415-112-715 Who gets the balance of my monthly retirement allowance if I die partway through a month?

Hearing Location(s): On April 27, 2021, at 3:30 p.m. The hearing will be conducted by telephone conference only 360-407-3830 or 855-682-0796 (toll free), Conference ID 72278684.

Date of Intended Adoption: April 28, 2021.

Submit Written Comments to: Jilene Siegel, Department of Retirement Systems (DRS), P.O. Box 48380, Olympia, WA 98504-8380, email drs.rules@drs.wa.gov, by April 26, 2021.

Assistance for Persons with Disabilities: Contact Jilene Siegel, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by April 21, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To clarify how any remaining contributions and prorated monthly benefit will be distributed following a member's death, if there is no ongoing survivor benefit.

Reasons Supporting Proposal: This new rule will cover all retirement systems, replacing a rule that applied only to the teachers' retirement system.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: Chapters 2.10, 2.12, 41.26, 41.32, 41.35, 41.37, 41.40, and 43.43 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7304.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule and is not voluntarily made applicable by the agency.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

March 24, 2021
Jilene Siegel
Rules Coordinator

OTS-2688.1

NEW SECTION

WAC 415-02-260 What happens to my monthly retirement benefit when I die? If a survivor benefit will not be paid on your account, a prorated portion of your defined benefit for the month of your death will be paid to your estate. Any contributions that have not been paid in retirement benefits will be paid to your beneficiary. If your named beneficiaries have all predeceased you, remaining contributions will be paid to your estate. Amounts you owe the department, if any, will be subtracted from your account prior to payments being made to your beneficiary or estate.

[]

OTS-2689.1REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 415-112-715 Who gets the balance of my monthly retirement allowance if I die partway through a month?