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SENATE BILL 5120

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators Long, Newhouse, Bauer, Winsley, Loveland, Fraser and Haugen

Read first time 01/11/95. Referred to Committee on Ways & Means.

1            AN ACT Relating to death benefits under the law enforcement  
2 officers' and fire fighters' retirement system; amending RCW 41.26.510  
3 and 41.26.540; and declaring an emergency.

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

5            **Sec. 1.** RCW 41.26.510 and 1993 c 236 s 3 are each amended to read  
6 as follows:

7            (1) Except as provided in RCW 11.07.010, if a member or a vested  
8 member who has not completed at least ten years of service dies, the  
9 amount of the accumulated contributions standing to such member's  
10 credit in the retirement system at the time of such member's death,  
11 less any amount identified as owing to an obligee upon withdrawal of  
12 accumulated contributions pursuant to a court order filed under RCW  
13 41.50.670, shall be paid to such person or persons having an insurable  
14 interest in such member's life as the member shall have nominated by  
15 written designation duly executed and filed with the department. If  
16 there be no such designated person or persons still living at the time  
17 of the member's death, such member's accumulated contributions standing  
18 to such member's credit in the retirement system, less any amount  
19 identified as owing to an obligee upon withdrawal of accumulated

1 contributions pursuant to a court order filed under RCW 41.50.670,  
2 shall be paid to the member's surviving spouse as if in fact such  
3 spouse had been nominated by written designation, or if there be no  
4 such surviving spouse, then to such member's legal representatives.

5 (2) If a member who is eligible for retirement or a member who has  
6 completed at least ten years of service dies, the surviving spouse or  
7 eligible child or children shall elect to receive either:

8 (a) A retirement allowance computed as provided for in RCW  
9 41.26.430(1), actuarially reduced by the amount of any lump sum benefit  
10 identified as owing to an obligee upon withdrawal of accumulated  
11 contributions pursuant to a court order filed under RCW 41.50.670 and  
12 actuarially adjusted to reflect a joint and one hundred percent  
13 survivor option under RCW 41.26.460 and if the member was not eligible  
14 for normal retirement at the date of death a further reduction as  
15 described in RCW 41.26.430(2); if a surviving spouse who is receiving  
16 a retirement allowance dies leaving a child or children of the member  
17 under the age of majority, then such child or children shall continue  
18 to receive an allowance in an amount equal to that which was being  
19 received by the surviving spouse, share and share alike, until such  
20 child or children reach the age of majority; if there is no surviving  
21 spouse eligible to receive an allowance at the time of the member's  
22 death, such member's child or children under the age of majority shall  
23 receive an allowance share and share alike calculated as herein  
24 provided making the assumption that the ages of the spouse and member  
25 were equal at the time of the member's death; or

26 (b)(i) The member's accumulated contributions, less any amount  
27 identified as owing to an obligee upon withdrawal of accumulated  
28 contributions pursuant to a court order filed under RCW 41.50.670; or

29 (ii) If the member dies on or after July 25, 1993, one hundred  
30 fifty percent of the member's accumulated contributions, less any  
31 amount identified as owing to an obligee upon withdrawal of accumulated  
32 contributions pursuant to a court order filed under RCW 41.50.670. Any  
33 accumulated contributions attributable to restorations made under RCW  
34 41.26.550(2) shall be refunded at one hundred percent.

35 (3) If a member who is eligible for retirement or a member who has  
36 completed at least ten years of service dies after October 1, 1977, and  
37 is not survived by a spouse or an eligible child, then the accumulated  
38 contributions standing to the member's credit, less any amount  
39 identified as owing to an obligee upon withdrawal of accumulated

1 contributions pursuant to a court order filed under RCW 41.50.670,  
2 shall be paid:

3 (a) To a person or persons, having an insurable interest in the  
4 member's life, as the member shall have nominated by written  
5 designation duly executed and filed with the department; or

6 (b) If there is no such designated person or persons still living  
7 at the time of the member's death, then to the member's legal  
8 representatives.

9 **Sec. 2.** RCW 41.26.540 and 1993 c 517 s 6 are each amended to read  
10 as follows:

11 (1)(a) A member who has completed less than ten years of service,  
12 who ceases to be an employee of an employer except by service or  
13 disability retirement, may request a refund of the member's accumulated  
14 contributions.

15 (b) A member who has completed ten or more years of service, who  
16 ceases to be an employee of an employer except by service or disability  
17 retirement, may request a refund of one hundred fifty percent of the  
18 member's accumulated contributions. Any accumulated contributions  
19 attributable to restorations made under RCW 41.26.550(2) shall be  
20 refunded at one hundred percent.

21 (2) The refund shall be made within ninety days following the  
22 receipt of the request and notification of termination through the  
23 contribution reporting system by the employer; except that in the case  
24 of death, an initial payment shall be made within thirty days of  
25 receipt of request for such payment and notification of termination  
26 through the contribution reporting system by the employer. A member  
27 who files a request for refund and subsequently enters into employment  
28 with another employer prior to the refund being made shall not be  
29 eligible for a refund. The refund of accumulated contributions shall  
30 terminate all rights to benefits under RCW 41.26.410 through 41.26.550.

31 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of the  
33 state government and its existing public institutions, and shall take  
34 effect immediately.

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