

SHB 1266 - S AMD
559

By Senators Clements, Prentice, Holmquist and Honeyford

ADOPTED 4/20/2007

1 On page 5, after line 14, insert the following:

2 "Sec. 8. RCW 41.40.700 and 2003 c 155 s 7 are each amended to read
3 as follows:

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

21 (2) If a member who is eligible for retirement or a member who has
22 completed at least ten years of service dies, the surviving spouse or
23 eligible child or children shall elect to receive (~~(either)~~) one of the
24 following:

25 (a) A retirement allowance computed as provided for in RCW
26 41.40.630, actuarially reduced by the amount of any lump sum benefit
27 identified as owing to an obligee upon withdrawal of accumulated
28 contributions pursuant to a court order filed under RCW 41.50.670 and
29 actuarially adjusted to reflect a joint and one hundred percent
30 survivor option under RCW 41.40.660 and, except under subsection (4) of
31 this section, if the member was not eligible for normal retirement at

1 the date of death a further reduction as described in RCW 41.40.630; if
2 a surviving spouse who is receiving a retirement allowance dies leaving
3 a child or children of the member under the age of majority, then such
4 child or children shall continue to receive an allowance in an amount
5 equal to that which was being received by the surviving spouse, share
6 and share alike, until such child or children reach the age of
7 majority; if there is no surviving spouse eligible to receive an
8 allowance at the time of the member's death, such member's child or
9 children under the age of majority shall receive an allowance share and
10 share alike calculated as herein provided making the assumption that
11 the ages of the spouse and member were equal at the time of the
12 member's death; ((or))

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

16 (c) For a member who leaves the employ of an employer to enter the
17 uniformed services of the United States and who dies after January 1,
18 2007, while honorably serving in the uniformed services of the United
19 States in Operation Enduring Freedom or Persian Gulf, Operation Iraqi
20 Freedom, an amount equal to two hundred percent of the member's
21 accumulated contributions, less any amount identified as owing to an
22 obligee upon withdrawal of accumulated contributions pursuant to a
23 court order filed under RCW 41.50.670.

24 (3) If a member who is eligible for retirement or a member who has
25 completed at least ten years of service dies after October 1, 1977, and
26 is not survived by a spouse or an eligible child, then the accumulated
27 contributions standing to the member's credit, less any amount
28 identified as owing to an obligee upon withdrawal of accumulated
29 contributions pursuant to a court order filed under RCW 41.50.670,
30 shall be paid:

31 (a) To a person or persons, estate, trust, or organization as the
32 member shall have nominated by written designation duly executed and
33 filed with the department; or

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

37 (4) A member who is killed in the course of employment, as
38 determined by the director of the department of labor and industries,

1 is not subject to an actuarial reduction under RCW 41.40.630. The
2 member's retirement allowance is computed under RCW 41.40.620."

3 Renumber the sections consecutively and correct any internal
4 references accordingly.

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8 On page 1, line 3 of the title, after "41.40.0932,", insert
9 "41.40.700,"

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EFFECT: Adds a section increasing the refund of contributions that a PERS Plan 2 member's survivor may receive if the member leaves eligible employment to serve in the military and is subsequently killed while participating in Operation Enduring Freedom or Persian Gulf, Operation Iraqi Freedom. The current refund amount is 100% of the member's accumulated contributions. The new amount under this amendment, for eligible survivors, is 200% of the member's accumulated contributions.