

2 **SSB 5818** - H COMM AMD **ADOPTED 2-29-96**  
3 By Committee on Appropriations

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5 On page 1, after line 16, insert the following:

6 "Sec. 2. RCW 41.40.270 and 1995 c 144 s 5 are each amended to read  
7 as follows:

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

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

16 (b) If there be no such designated person or persons still living  
17 at the time of the member's death, or if a member fails to file a new  
18 beneficiary designation subsequent to marriage, remarriage, dissolution  
19 of marriage, divorce, or reestablishment of membership following  
20 termination by withdrawal or retirement, such accumulated  
21 contributions, less any amount identified as owing to an obligee upon  
22 withdrawal of accumulated contributions pursuant to a court order filed  
23 under RCW 41.50.670, shall be paid to the surviving spouse as if in  
24 fact such spouse had been nominated by written designation as  
25 aforesaid, or if there be no such surviving spouse, then to the  
26 member's legal representatives.

27 (2) Upon the death in service, or while on authorized leave of  
28 absence for a period not to exceed one hundred and twenty days from the  
29 date of payroll separation, of any member who is qualified but has not  
30 applied for a service retirement allowance or has completed ten years  
31 of service at the time of death, the designated beneficiary, or the  
32 surviving spouse as provided in subsection (1) of this section, may  
33 elect to waive the payment provided by subsection (1) of this section.  
34 Upon such an election, a joint and one hundred percent survivor option  
35 under RCW 41.40.188, calculated under the retirement allowance  
36 described in RCW 41.40.185 or 41.40.190, whichever is greater,  
37 actuarially reduced by the amount of any lump sum benefit identified as

1 owing to an obligee upon withdrawal of accumulated contributions  
2 pursuant to a court order filed under RCW 41.50.670 shall automatically  
3 be given effect as if selected for the benefit of the designated  
4 beneficiary. If the member is not then qualified for a service  
5 retirement allowance, such benefit shall be based upon the actuarial  
6 equivalent of the sum necessary to pay the accrued regular retirement  
7 allowance commencing when the deceased member would have first  
8 qualified for a service retirement allowance.

9 (3) Subsection (1) of this section, unless elected, shall not apply  
10 to any member who has applied for service retirement in RCW 41.40.180,  
11 as now or hereafter amended, and thereafter dies between the date of  
12 separation from service and the member's effective retirement date,  
13 where the member has selected a survivorship option under RCW  
14 41.40.188. In those cases the beneficiary named in the member's final  
15 application for service retirement may elect to receive either a cash  
16 refund, less any amount identified as owing to an obligee upon  
17 withdrawal of accumulated contributions pursuant to a court order filed  
18 under RCW 41.50.670, or monthly payments according to the option  
19 selected by the member.

20 (4) For deaths occurring between July 1, 1995, and June 30, 1997,  
21 if a member who: (a) Has applied for nonduty disability under RCW  
22 41.40.230; (b) has submitted adequate evidence to support a disability  
23 determination; and (c) has selected a retirement under RCW 41.40.188,  
24 dies before receiving the first retirement payment, the beneficiary  
25 named in the member's final application for disability retirement may  
26 elect to receive either a cash refund, less any amount identified as  
27 owing to an obligee upon withdrawal of accumulated contributions  
28 pursuant to a court order filed under RCW 41.50.670, or monthly  
29 payments according to the option selected by the member."

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33 In line 2 of the title, after "retirement;" insert "amending RCW  
34 41.40.270;"

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