
HOUSE BILL 3173

State of Washington 58th Legislature 2004 Regular Session

By Representatives Cooper, Delvin, Simpson, G., Conway and Chase

Read first time 02/03/2004. Referred to Committee on Appropriations.

1 AN ACT Relating to choosing a reduced retirement allowance under
2 the law enforcement officers' and fire fighters' retirement system,
3 plan 1; and amending RCW 41.26.164.

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

5 **Sec. 1.** RCW 41.26.164 and 2002 c 158 s 4 are each amended to read
6 as follows:

7 (1) No later than July 1, (~~2003~~) 2004, the department shall adopt
8 rules to allow a member who meets the criteria set forth in subsection
9 (2) of this section to choose an actuarially equivalent benefit that
10 pays the member a reduced retirement allowance and upon death, such
11 portion of the member's reduced retirement allowance as the department
12 by rule designates shall be continued throughout the life of a spouse
13 ineligible for survivor benefits under RCW 41.26.160 or 41.26.161.

14 (2) To choose an actuarially equivalent benefit according to
15 subsection (1) of this section, a member shall:

16 (a) Have a portion of the retirement allowance payable to the
17 retiree that is not subject to periodic payments pursuant to a property
18 division obligation as provided for in RCW 41.50.670;

19 (b) Have no qualified ex spouse under RCW 41.26.162(1); and

1 (c) Choose an actuarially reduced benefit during a one-year period
2 beginning one year after the date of marriage to the survivor benefit-
3 ineligible spouse.

4 (3) A member who married a spouse ineligible for survivor benefits
5 under RCW 41.26.160 or 41.26.161 prior to the effective date of the
6 rules adopted under this section and satisfies the conditions of
7 subsection (2)(a) and (b) of this section has one year to designate
8 their spouse as a survivor beneficiary following the adoption of the
9 rules.

10 (4) No benefit provided to a child survivor beneficiary under RCW
11 41.26.160 or 41.26.161 is affected or reduced by the member's selection
12 of the actuarially reduced spousal survivor benefit provided by this
13 section.

14 (5)(a) Any member who chose to receive a reduced retirement
15 allowance under subsection (1) of this section is entitled to receive
16 a retirement allowance adjusted in accordance with (b) of this
17 subsection if:

18 (i) The retiree's survivor spouse designated in subsection (1) of
19 this section predeceases the retiree; and

20 (ii) The retiree provides to the department proper proof of the
21 designated beneficiary's death.

22 (b) The retirement allowance payable to the retiree from the
23 beginning of the month following the date of the (~~beneficiaries~~
24 ~~{beneficiary's}~~) beneficiary's death shall be increased by the
25 following:

26 (i) One hundred percent multiplied by the result of (b)(ii) of this
27 subsection converted to a percent;

28 (ii) Subtract one from the reciprocal of the appropriate joint and
29 survivor option factor.

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