
ENGROSSED SENATE BILL 5873

State of Washington 64th Legislature 2015 Regular Session

By Senators Conway, Bailey, Schoesler, and Kohl-Welles

Read first time 02/06/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to permitting persons retired from the law
2 enforcement officers' and firefighters' retirement system plan 1 to
3 select a survivor benefit option; 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 2005 c 67 s 1 are each amended to read
6 as follows:

7 (1) No later than July 1, 2005, the department shall adopt rules
8 to allow a member who meets the criteria set forth in subsection (2)
9 of this section to choose an actuarially equivalent benefit that pays
10 the member a reduced retirement allowance and upon death, such
11 portion of the member's reduced retirement allowance as the
12 department by rule designates shall be continued throughout the life
13 of a spouse ineligible for survivor benefits under RCW 41.26.160 or
14 41.26.161.

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

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

20 (b) Choose an actuarially reduced benefit equivalent to that
21 portion not subject to periodic payments under (a) of this subsection

1 during a one-year period beginning one year after the date of
2 marriage to the survivor benefit-ineligible spouse.

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

8 (b) A member who married a spouse ineligible for survivor
9 benefits under RCW 41.26.160 or 41.26.161, has been married to that
10 spouse for at least two years prior to September 1, 2015, and
11 satisfies subsection (2)(a) of this section has one year from
12 September 1, 2015, to designate their spouse as a survivor
13 beneficiary. The office of the state actuary must provide the
14 department with administrative factors to ensure that the benefits
15 provided under this section are actuarially equivalent.

16 (c) A deceased member's spouse who was eligible to be provided a
17 survivor benefit under RCW 41.26.164(1) but the member did not select
18 a survivor benefit, and who prior to March 1, 2015, exhausted all
19 administrative remedies with the department for establishing
20 eligibility for a benefit under RCW 41.26.164, is eligible beginning
21 August 1, 2015, for a retirement allowance equal to two-thirds of the
22 gross monthly retirement allowance the retired member received at the
23 time of death.

24 (4) No benefit provided to a child survivor beneficiary under RCW
25 41.26.160 or 41.26.161 is affected or reduced by the member's
26 selection of the actuarially reduced spousal survivor benefit
27 provided by this section.

28 (5)(a) Any member who chose to receive a reduced retirement
29 allowance under subsection (1) of this section is entitled to receive
30 a retirement allowance adjusted in accordance with (b) of this
31 subsection if:

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

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

36 (b) The retirement allowance payable to the retiree from the
37 beginning of the month following the date of the beneficiary's death
38 shall be increased by the following:

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

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

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