
SENATE BILL 5818

State of Washington

54th Legislature

1995 Regular Session

By Senators Winsley, A. Anderson, C. Anderson and McAuliffe

Read first time 02/07/95. Referred to Committee on Ways & Means.

1 AN ACT Relating to payment of benefits when a member dies before
2 retirement; and amending RCW 41.32.520.

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

4 **Sec. 1.** RCW 41.32.520 and 1993 c 16 s 1 are each amended to read
5 as follows:

6 (1) Except as specified in subsection (3) of this section, upon
7 receipt of proper proofs of death of any member before retirement or
8 before the first installment of his or her retirement allowance shall
9 become due his or her accumulated contributions, less any amount
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 or other benefits payable upon his or her death shall be paid to his or
13 her estate or to such persons as he or she shall have nominated by
14 written designation duly executed and filed with the department. If a
15 member fails to file a new beneficiary designation subsequent to
16 marriage, divorce, or reestablishment of membership following
17 termination by withdrawal, lapsation, or retirement, payment of his or
18 her accumulated contributions, less any amount identified as owing to
19 an obligee upon withdrawal of accumulated contributions pursuant to a

1 court order filed under RCW 41.50.670, and/or other benefits upon death
2 before retirement shall be made to the surviving spouse, if any;
3 otherwise, to his or her estate. If a member had established ten or
4 more years of Washington membership service credit or was eligible for
5 retirement, the beneficiary or the surviving spouse if otherwise
6 eligible may elect, in lieu of a cash refund of the member's
7 accumulated contributions, the following survivor benefit plan
8 actuarially reduced by the amount of any lump sum benefit identified as
9 owing to an obligee upon withdrawal of accumulated contributions
10 pursuant to a court order filed under RCW 41.50.670:

11 (a) A widow or widower, without a child or children under eighteen
12 years of age, may elect a monthly payment of fifty dollars to become
13 effective at age fifty, provided the member had fifteen or more years
14 of Washington membership service credit. A benefit paid under this
15 subsection (1)(a) shall terminate at the marriage of the beneficiary.

16 (b) The beneficiary, if a surviving spouse or a dependent (as that
17 term is used in computing the dependent exemption for federal internal
18 revenue purposes) may elect to receive a joint and one hundred percent
19 retirement allowance under RCW 41.32.530.

20 (i) In the case of a dependent child the allowance shall continue
21 until attainment of majority or so long as the department judges that
22 the circumstances which created his or her dependent status continue to
23 exist. In any case, if at the time dependent status ceases, an amount
24 equal to the amount of accumulated contributions of the deceased member
25 has not been paid to the beneficiary, the remainder shall then be paid
26 in a lump sum to the beneficiary.

27 (ii) If at the time of death, the member was not then qualified for
28 a service retirement allowance, the benefit shall be based upon the
29 actuarial equivalent of the sum necessary to pay the accrued regular
30 retirement allowance commencing when the deceased member would have
31 first qualified for a service retirement allowance.

32 (2) If no qualified beneficiary survives a member, at his or her
33 death his or her accumulated contributions, less any amount identified
34 as owing to an obligee upon withdrawal of accumulated contributions
35 pursuant to a court order filed under RCW 41.50.670, shall be paid to
36 his or her estate, or his or her dependents may qualify for survivor
37 benefits under benefit plan (1)(b) in lieu of a cash refund of the
38 members accumulated contributions in the following order: Widow or

1 widower, guardian of a dependent child or children under age eighteen,
2 or dependent parent or parents.

3 (3) If a member who has received a determination of disability as
4 specified in RCW 41.32.550 and selected a retirement option under RCW
5 41.32.530(1)(b) dies before the first retirement allowance installment
6 becomes due, he or she shall receive the benefit provided under the
7 selected retirement option, or if a member is on disability leave and
8 that member's disability would have qualified him or her under RCW
9 41.32.550 for permanent disability but the member did not apply for
10 permanent disability before death, he or she shall receive the benefit
11 selected under RCW 41.32.530(1)(b).

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