
HOUSE BILL 1666

State of Washington

53rd Legislature

1993 Regular Session

By Representative Heavey

Read first time 02/05/93. Referred to Committee on Appropriations.

1 AN ACT Relating to public employment; and amending RCW 41.40.220
2 and 41.40.670.

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

4 **Sec. 1.** RCW 41.40.220 and 1991 c 35 s 81 are each amended to read
5 as follows:

6 Upon retirement for disability, as provided in RCW 41.40.200, a
7 member who has not attained age sixty shall receive the following
8 benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

9 (1) A disability retirement pension of two-thirds of his or her
10 average final compensation to his or her attainment of age sixty,
11 subject to the provisions of RCW 41.40.310(~~(.——The disability~~
12 ~~retirement pension provided by the employer shall not exceed forty-two~~
13 ~~hundred dollars per annum)), and~~

14 (2) Upon attainment of age sixty, the disabled member shall receive
15 a service retirement allowance as provided in RCW 41.40.210. The
16 department shall grant the disabled member membership service for the
17 period of time prior to age sixty he or she was out of such service due
18 to disability.

1 (3) During the period a disabled member is receiving a disability
2 pension, as provided for in subsection (1) of this section, his or her
3 contributions to the employees' savings fund shall be suspended and his
4 or her balance in the employees' savings fund, standing to his or her
5 credit as of the date his or her disability pension is to begin, shall
6 remain in the employees' savings fund. If the disabled member should
7 die before attaining age sixty, while a disability beneficiary, upon
8 receipt by the department of proper proof of death, the member's
9 accumulated contributions standing to his or her credit in the
10 employees' savings fund, shall be paid to such person or persons,
11 having an insurable interest in his or her life, as he or she shall
12 have nominated by written designation duly executed and filed with the
13 department. If there is no designated person or persons still living
14 at the time of the member's death, the accumulated contributions
15 standing to the member's credit in the employees' savings fund shall be
16 paid to his or her surviving spouse, or if there is no surviving
17 spouse, then to the member's legal representative.

18 **Sec. 2.** RCW 41.40.670 and 1991 c 35 s 99 are each amended to read
19 as follows:

20 (1) A member of the retirement system who becomes totally
21 incapacitated for continued employment by an employer as determined by
22 the department upon recommendation of the department shall be eligible
23 to receive an allowance under the provisions of RCW 41.40.610 through
24 41.40.740. The member shall receive a monthly disability allowance
25 (~~computed as provided for in RCW 41.40.620 and shall have this~~
26 ~~allowance actuarially reduced to reflect the difference in the number~~
27 ~~of years between age at disability and the attainment of age sixty-~~
28 ~~five)) of two-thirds of his or her average final compensation.~~

29 Any member who receives an allowance under the provisions of this
30 section shall be subject to comprehensive medical examinations as
31 required by the department. If these medical examinations reveal that
32 a member has recovered from the incapacitating disability and the
33 member is offered reemployment by an employer at a comparable
34 compensation, the member shall cease to be eligible for the allowance.

35 (2) The retirement for disability of a judge, who is a member of
36 the retirement system, by the supreme court under Article IV, section
37 31 of the Constitution of the state of Washington (Amendment 71), with

1 the concurrence of the department, shall be considered a retirement
2 under subsection (1) of this section.

3 (3)(a) If the recipient of a monthly retirement allowance under
4 this section dies before the total of the retirement allowance paid to
5 the recipient equals the amount of the accumulated contributions at the
6 date of retirement, then the balance shall be paid to the person or
7 persons having an insurable interest in his or her life as the
8 recipient has nominated by written designation duly executed and filed
9 with the director, or, if there is no designated person or persons
10 still living at the time of the recipient's death, then to the
11 surviving spouse, or, if there is no designated person or persons still
12 living at the time of his or her death nor a surviving spouse, then to
13 his or her legal representative.

14 (b) If a recipient of a monthly retirement allowance under this
15 section died before April 27, 1989, and before the total of the
16 retirement allowance paid to the recipient equaled the amount of his or
17 her accumulated contributions at the date of retirement, then the
18 department shall pay the balance of the accumulated contributions to
19 the member's surviving spouse or, if there is no surviving spouse, then
20 in equal shares to the member's children. If there is no surviving
21 spouse or children, the department shall retain the contributions.

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