
HOUSE BILL 2215

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Appelwick and Padden

Read first time 01/11/94. Referred to Committee on Judiciary.

1 AN ACT Relating to public employment; and amending RCW 41.40.660.

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

3 **Sec. 1.** RCW 41.40.660 and 1990 c 249 s 10 are each amended to read
4 as follows:

5 (1) Upon retirement for service as prescribed in RCW 41.40.630 or
6 retirement for disability under RCW 41.40.670, a member shall elect to
7 have the retirement allowance paid pursuant to one of the following
8 options, calculated so as to be actuarially equivalent to each other.

9 (a) Standard allowance. A member electing this option shall
10 receive a retirement allowance payable throughout such member's life.
11 However, if the retiree dies before the total of the retirement
12 allowance paid to such retiree equals the amount of such retiree's
13 accumulated contributions at the time of retirement, then the balance
14 shall be paid to such person or persons having an insurable interest in
15 the retiree's life as the retiree shall have nominated by written
16 designation duly executed and filed with the department; or if there be
17 no such designated person or persons still living at the time of the
18 retiree's death, then to the surviving spouse; or if there be neither

1 such designated person or persons still living at the time of death nor
2 a surviving spouse, then to the retiree's legal representative.

3 (b) The department shall adopt rules that allow a member to select
4 a retirement option that pays the member a reduced retirement allowance
5 and upon death, such portion of the member's reduced retirement
6 allowance as the department by rule designates shall be continued
7 throughout the life of and paid to a person who has an insurable
8 interest in the member's life. Such person shall be nominated by the
9 member by written designation duly executed and filed with the
10 department at the time of retirement. The options adopted by the
11 department shall include, but are not limited to, a joint and one
12 hundred percent survivor option and a joint and fifty percent survivor
13 option.

14 (2)(a) A member, if married, must provide the written consent of
15 his or her spouse to the option selected under this section, except as
16 provided in (b) of this subsection. If a member is married and both
17 the member and the member's spouse do not (~~given~~ ~~give~~) give written
18 consent to an option under this section, the department shall pay a
19 joint and fifty percent survivor benefit calculated to be actuarially
20 equivalent to the benefit options available under subsection (1) of
21 this section unless spousal consent is not required as provided in (b)
22 of this subsection.

23 (b) If a copy of a dissolution order, as defined in RCW 41.50.500,
24 has been filed with the department prior to a member's retirement and
25 the dissolution order requires the member to select his or her spouse
26 or ex-spouse as a survivor beneficiary, the department shall honor the
27 designation as if made by the member under subsection (1) of this
28 section. The spousal consent provisions of (a) of this subsection do
29 not apply where a dissolution order requires the member to select his
30 or her spouse or ex-spouse as survivor beneficiary. Good faith
31 reliance by the department on the lack of an applicable dissolution
32 order when neither party has filed such a dissolution order with the
33 department shall not subject the department to liability.

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