

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1625

62nd Legislature
2011 Regular Session

Passed by the House March 7, 2011
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 5, 2011
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1625** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1625

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hunter, Bailey, Seaquist, Hinkle, Moeller, and Carlyle

Read first time 01/27/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to changing the default investment option for new
2 members of the defined contribution portion of the plan 3 retirement
3 systems; and amending RCW 41.34.130, 41.34.060, and 41.34.140.

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

5 **Sec. 1.** RCW 41.34.130 and 2010 1st sp.s. c 7 s 34 are each amended
6 to read as follows:

7 (1) The state investment board has the full authority to invest all
8 self-directed investment moneys in accordance with RCW 43.84.150 and
9 43.33A.140, the default investment options set forth in RCW
10 41.34.060(1), and cumulative investment directions received pursuant to
11 RCW 41.34.060 and this section. In carrying out this authority the
12 state investment board, after consultation with the department
13 regarding any recommendations made pursuant to RCW 41.50.088(1)(b),
14 shall provide a set of options for members to choose from for self-
15 directed investment.

16 (2) All investment and operating costs of the state investment
17 board associated with making self-directed investments or the default
18 investment options set forth in RCW 41.34.060(1) shall be paid by
19 members and recovered under procedures agreed to by the department and

1 the state investment board pursuant to the principles set forth in RCW
2 43.33A.160 and 43.84.160. All other expenses caused by self-directed
3 investment shall be paid by the member in accordance with rules
4 established by the department under RCW 41.50.088. With the exception
5 of these expenses, all earnings from self-directed investments shall
6 accrue to the member's account.

7 (3)(a)(i) The department shall keep or cause to be kept full and
8 adequate accounts and records of each individual member's account. The
9 department shall account for and report on the investment of defined
10 contribution assets or may enter into an agreement with the state
11 investment board for such accounting and reporting under this chapter.

12 (ii) The department's duties related to individual participant
13 accounts include conducting the activities of trade instruction,
14 settlement activities, and direction of cash movement and related wire
15 transfers with the custodian bank and outside investment firms.

16 (iii) The department has sole responsibility for contracting with
17 any recordkeepers for individual participant accounts and shall manage
18 the performance of recordkeepers under those contracts.

19 (b)(i) The department's duties under (a)(ii) of this subsection do
20 not limit the authority of the state investment board to conduct its
21 responsibilities for asset management and balancing of the deferred
22 compensation funds.

23 (ii) The state investment board has sole responsibility for
24 contracting with outside investment firms to provide investment
25 management for the deferred compensation funds and shall manage the
26 performance of investment managers under those contracts.

27 (c) The state treasurer shall designate and define the terms of
28 engagement for the custodial banks.

29 **Sec. 2.** RCW 41.34.060 and 2001 c 180 s 2 are each amended to read
30 as follows:

31 (1) (~~Except as provided in subsection (3) of this section, the~~
32 ~~member's account shall be~~) Members may select investments as provided
33 in subsections (2) and (4) of this section. If a member of the public
34 employees' retirement system entering plan 3 under RCW 41.40.785, a
35 member of the teachers' retirement system entering plan 3 under RCW
36 41.32.835, or a member of the school employees' retirement system
37 entering plan 3 under RCW 41.35.610 does not select investments, the

1 member's account shall be invested in the default investment option of
2 the retirement strategy fund that is closest to the retirement target
3 date of the member. Retirement strategy fund means one of several
4 diversified asset allocation portfolios managed by investment advisors
5 under contract to the state investment board. The asset mix of the
6 portfolios adjusts over time depending on a target retirement date.

7 (2) Members may elect to have their account invested by the state
8 investment board. In order to reduce transaction costs and address
9 liquidity issues, based upon recommendations of the state investment
10 board, the department may require members to provide up to ninety days'
11 notice prior to moving funds from the state investment board portfolio
12 to self-directed investment options provided under subsection ~~((+3))~~
13 (4) of this section.

14 (a) For members of the retirement system as provided for in chapter
15 41.32 RCW of plan 3, investment shall be in the same portfolio as that
16 of the teachers' retirement system combined plan 2 and 3 fund under RCW
17 41.50.075(2).

18 (b) For members of the retirement system as provided for in chapter
19 41.35 RCW of plan 3, investment shall be in the same portfolio as that
20 of the school employees' retirement system combined plan 2 and 3 fund
21 under RCW 41.50.075(4).

22 (c) For members of the retirement system as provided for in chapter
23 41.40 RCW of plan 3, investment shall be in the same portfolio as that
24 of the public employees' retirement system combined plan 2 and 3 fund
25 under RCW 41.50.075(3).

26 ~~((+2))~~ (3) The state investment board shall declare monthly unit
27 values for the portfolios or funds, or portions thereof, utilized under
28 subsection ~~((+1))~~ (2)(a), (b), and (c) of this section. The declared
29 values shall be an approximation of portfolio or fund values, based on
30 internal procedures of the state investment board. Such declared unit
31 values and internal procedures shall be in the sole discretion of the
32 state investment board. The state investment board may delegate any of
33 the powers and duties under this subsection, including discretion,
34 pursuant to RCW 43.33A.030. Member accounts shall be credited by the
35 department with a rate of return based on changes to such unit values.

36 ~~((+3))~~ (4) Members may elect to self-direct their investments as
37 set forth in RCW 41.34.130 and 43.33A.190.

1 **Sec. 3.** RCW 41.34.140 and 2010 1st sp.s. c 7 s 35 are each amended
2 to read as follows:

3 (1) A state board or commission, agency, or any officer, employee,
4 or member thereof is not liable for any loss or deficiency resulting
5 from member defined contribution investments selected, made, or
6 required pursuant to RCW 41.34.060 (1), (2), or (~~(3)~~) (4).

7 (2) Neither the department, nor director or any employee, nor the
8 state investment board, nor any officer, employee, or member thereof is
9 liable for any loss or deficiency resulting from a member investment in
10 the default option pursuant to RCW 41.34.060(1) or reasonable efforts
11 to implement investment directions pursuant to RCW 41.34.060 (1), (2),
12 or (~~(3)~~) (4).

13 (3) The state investment board, or any officer, employee, or member
14 thereof is not liable with respect to any declared monthly unit
15 valuations or crediting of rates of return, or any other exercise of
16 powers or duties, including discretion, under RCW 41.34.060(~~(2)~~) (3).

17 (4) The department, or any officer or employee thereof, is not
18 liable for crediting rates of return which are consistent with the
19 state investment board's declaration of monthly unit valuations
20 pursuant to RCW 41.34.060(~~(2)~~) (3).

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