

CERTIFICATION OF ENROLLMENT

SENATE BILL 6417

66th Legislature
2020 Regular Session

Passed by the Senate March 10, 2020
Yeas 48 Nays 0

President of the Senate

Passed by the House March 5, 2020
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6417** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6417

AS AMENDED BY THE HOUSE

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senators Holy and Van De Wege; by request of LEOFF Plan 2 Retirement Board

Read first time 01/16/20. Referred to Committee on Ways & Means.

1 AN ACT Relating to allowing retirees to change their survivor
2 option election after retirement; and amending RCW 41.26.460,
3 41.32.785, 41.32.851, 41.35.220, 41.37.170, 41.40.660, 41.40.845, and
4 43.43.271.

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

6 **Sec. 1.** RCW 41.26.460 and 2019 c 102 s 1 are each amended to
7 read as follows:

8 (1) Upon retirement for service as prescribed in RCW 41.26.430 or
9 disability retirement under RCW 41.26.470, a member shall elect to
10 have the retirement allowance paid pursuant to the following options,
11 calculated so as to be actuarially equivalent to each other.

12 (a) Standard allowance. A member electing this option shall
13 receive a retirement allowance payable throughout such member's life.
14 However, if the retiree dies before the total of the retirement
15 allowance paid to such retiree equals the amount of such retiree's
16 accumulated contributions at the time of retirement, then the balance
17 shall be paid to the member's estate, or such person or persons,
18 trust, or organization as the retiree shall have nominated by written
19 designation duly executed and filed with the department; or if there
20 be no such designated person or persons still living at the time of
21 the retiree's death, then to the surviving spouse or domestic

1 partner; or if there be neither such designated person or persons
2 still living at the time of death nor a surviving spouse or domestic
3 partner, then to the retiree's legal representative.

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

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

26 (b) Written consent from a spouse or domestic partner is not
27 required if a member who is married or a domestic partner selects a
28 joint and survivor option under subsection (1)(b) of this section and
29 names the member's spouse or domestic partner as the survivor
30 beneficiary.

31 (c) If a copy of a dissolution order designating a survivor
32 beneficiary under RCW 41.50.790 has been filed with the department at
33 least thirty days prior to a member's retirement:

34 (i) The department shall honor the designation as if made by the
35 member under subsection (1) of this section; and

36 (ii) The spousal or domestic partner consent provisions of (a) of
37 this subsection do not apply.

38 (3)(a) Any member who retired before January 1, 1996, and who
39 elected to receive a reduced retirement allowance under subsection
40 (1)(b) or (2) of this section is entitled to receive a retirement

1 allowance adjusted in accordance with (b) of this subsection, if they
2 meet the following conditions:

3 (i) The retiree's designated beneficiary predeceases or has
4 predeceased the retiree; and

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

7 (b) The retirement allowance payable to the retiree, as of July
8 1, 1998, or the date of the designated beneficiary's death, whichever
9 comes last, shall be increased by the percentage derived in (c) of
10 this subsection.

11 (c) The percentage increase shall be derived by the following:

12 (i) One hundred percent multiplied by the result of (c)(ii) of
13 this subsection converted to a percent;

14 (ii) Subtract one from the reciprocal of the appropriate joint
15 and survivor option factor;

16 (iii) The joint and survivor option factor shall be from the
17 table in effect as of July 1, 1998.

18 (d) The adjustment under (b) of this subsection shall accrue from
19 the beginning of the month following the date of the designated
20 beneficiary's death or from July 1, 1998, whichever comes last.

21 (4) No later than July 1, 2001, the department shall adopt rules
22 that allow a member additional actuarially equivalent survivor
23 benefit options, and shall include, but are not limited to:

24 (a)(i) A retired member who retired without designating a
25 survivor beneficiary shall have the opportunity to designate their
26 spouse or domestic partner from a postretirement marriage or domestic
27 partnership as a survivor during a one-year period beginning one year
28 after the date of the postretirement marriage or domestic partnership
29 provided the retirement allowance payable to the retiree is not
30 subject to periodic payments pursuant to a property division
31 obligation as provided for in RCW 41.50.670.

32 (ii) A member who entered into a postretirement marriage or
33 domestic partnership prior to the effective date of the rules adopted
34 pursuant to this subsection and satisfies the conditions of (a)(i) of
35 this subsection shall have one year to designate their spouse or
36 domestic partner as a survivor beneficiary following the adoption of
37 the rules.

38 (b) A retired member who elected to receive a reduced retirement
39 allowance under this section and designated a nonspouse or a person
40 not their domestic partner as survivor beneficiary shall have the

1 opportunity to remove the survivor designation and have their future
2 benefit adjusted.

3 (c) The department may make an additional charge, if necessary,
4 to ensure that the benefits provided under this subsection remain
5 actuarially equivalent.

6 (5) No later than July 1, 2003, the department shall adopt rules
7 to permit:

8 (a) A court-approved property settlement incident to a court
9 decree of dissolution made before retirement to provide that benefits
10 payable to a member who meets the length of service requirements of
11 RCW 41.26.530(1) and the member's divorcing spouse or domestic
12 partner be divided into two separate benefits payable over the life
13 of each spouse or domestic partner.

14 The member shall have available the benefit options of subsection
15 (1) of this section upon retirement, and if remarried or in a
16 domestic partnership at the time of retirement remains subject to the
17 spousal or domestic partner consent requirements of subsection (2) of
18 this section. Any reductions of the member's benefit subsequent to
19 the division into two separate benefits shall be made solely to the
20 separate benefit of the member.

21 The nonmember ex spouse or former domestic partner shall be
22 eligible to commence receiving their separate benefit upon reaching
23 the ages provided in RCW 41.26.430(1) and after filing a written
24 application with the department.

25 (b) A court-approved property settlement incident to a court
26 decree of dissolution made after retirement may only divide the
27 benefit into two separate benefits payable over the life of each
28 spouse or domestic partner if the nonmember ex spouse or former
29 domestic partner was selected as a survivor beneficiary at
30 retirement.

31 The retired member may later choose the survivor benefit options
32 available in subsection (4) of this section. Any actuarial reductions
33 subsequent to the division into two separate benefits shall be made
34 solely to the separate benefit of the member.

35 Both the retired member and the nonmember divorced spouse or
36 domestic partner shall be eligible to commence receiving their
37 separate benefits upon filing a copy of the dissolution order with
38 the department in accordance with RCW 41.50.670.

39 (c) The department may make an additional charge or adjustment if
40 necessary to ensure that the separate benefits provided under this

1 subsection are actuarially equivalent to the benefits payable prior
2 to the decree of dissolution.

3 (6) Beginning on the date that the state receives a determination
4 from the federal internal revenue service that this subsection (6)
5 conforms with federal law, retirees have up to ninety calendar days
6 after the receipt of their first retirement allowance to change their
7 survivor election under subsections (1) and (2) of this section. If a
8 member changes the member's survivor election under this subsection
9 the change is effective the first of the following month and is
10 prospective only.

11 **Sec. 2.** RCW 41.32.785 and 2019 c 102 s 3 are each amended to
12 read as follows:

13 (1) Upon retirement for service as prescribed in RCW 41.32.765 or
14 retirement for disability under RCW 41.32.790, a member shall elect
15 to have the retirement allowance paid pursuant to the following
16 options, calculated so as to be actuarially equivalent to each other.

17 (a) Standard allowance. A member electing this option shall
18 receive a retirement allowance payable throughout such member's life.
19 However, if the retiree dies before the total of the retirement
20 allowance paid to such retiree equals the amount of such retiree's
21 accumulated contributions at the time of retirement, then the balance
22 shall be paid to the member's estate, or such person or persons,
23 trust, or organization as the retiree shall have nominated by written
24 designation duly executed and filed with the department; or if there
25 be no such designated person or persons still living at the time of
26 the retiree's death, then to the surviving spouse; or if there be
27 neither such designated person or persons still living at the time of
28 death nor a surviving spouse, then to the retiree's legal
29 representative.

30 (b) The department shall adopt rules that allow a member to
31 select a retirement option that pays the member a reduced retirement
32 allowance and upon death, such portion of the member's reduced
33 retirement allowance as the department by rule designates shall be
34 continued throughout the life of and paid to a designated person.
35 Such person shall be nominated by the member by written designation
36 duly executed and filed with the department at the time of
37 retirement. The options adopted by the department shall include, but
38 are not limited to, a joint and one hundred percent survivor option
39 and a joint and fifty percent survivor option.

1 (2) (a) A member, if married, must provide the written consent of
2 his or her spouse to the option selected under this section, except
3 as provided in (b) and (c) of this subsection. If a member is married
4 and both the member and member's spouse do not give written consent
5 to an option under this section, the department will pay the member a
6 joint and fifty percent survivor benefit and record the member's
7 spouse as the beneficiary. Such benefit shall be calculated to be
8 actuarially equivalent to the benefit options available under
9 subsection (1) of this section unless spousal consent is not required
10 as provided in (b) and (c) of this subsection.

11 (b) Written consent from a spouse or domestic partner is not
12 required if a member who is married or a domestic partner selects a
13 joint and survivor option under subsection (1)(b) of this section and
14 names the member's spouse or domestic partner as the survivor
15 beneficiary.

16 (c) If a copy of a dissolution order designating a survivor
17 beneficiary under RCW 41.50.790 has been filed with the department at
18 least thirty days prior to a member's retirement:

19 (i) The department shall honor the designation as if made by the
20 member under subsection (1) of this section; and

21 (ii) The spousal consent provisions of (a) of this subsection do
22 not apply.

23 (3) (a) Any member who retired before January 1, 1996, and who
24 elected to receive a reduced retirement allowance under subsection
25 (1)(b) or (2) of this section is entitled to receive a retirement
26 allowance adjusted in accordance with (b) of this subsection, if they
27 meet the following conditions:

28 (i) The retiree's designated beneficiary predeceases or has
29 predeceased the retiree; and

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

32 (b) The retirement allowance payable to the retiree, as of July
33 1, 1998, or the date of the designated beneficiary's death, whichever
34 comes last, shall be increased by the percentage derived in (c) of
35 this subsection.

36 (c) The percentage increase shall be derived by the following:

37 (i) One hundred percent multiplied by the result of (c)(ii) of
38 this subsection converted to a percent;

39 (ii) Subtract one from the reciprocal of the appropriate joint
40 and survivor option factor;

1 (iii) The joint and survivor option factor shall be from the
2 table in effect as of July 1, 1998.

3 (d) The adjustment under (b) of this subsection shall accrue from
4 the beginning of the month following the date of the designated
5 beneficiary's death or from July 1, 1998, whichever comes last.

6 (4) No later than July 1, 2001, the department shall adopt rules
7 that allow a member additional actuarially equivalent survivor
8 benefit options, and shall include, but are not limited to:

9 (a)(i) A retired member who retired without designating a
10 survivor beneficiary shall have the opportunity to designate their
11 spouse from a postretirement marriage as a survivor during a one-year
12 period beginning one year after the date of the postretirement
13 marriage provided the retirement allowance payable to the retiree is
14 not subject to periodic payments pursuant to a property division
15 obligation as provided for in RCW 41.50.670.

16 (ii) A member who entered into a postretirement marriage prior to
17 the effective date of the rules adopted pursuant to this subsection
18 and satisfies the conditions of (a)(i) of this subsection shall have
19 one year to designate their spouse as a survivor beneficiary
20 following the adoption of the rules.

21 (b) A retired member who elected to receive a reduced retirement
22 allowance under this section and designated a nonspouse as survivor
23 beneficiary shall have the opportunity to remove the survivor
24 designation and have their future benefit adjusted.

25 (c) The department may make an additional charge, if necessary,
26 to ensure that the benefits provided under this subsection remain
27 actuarially equivalent.

28 (5) No later than July 1, 2003, the department shall adopt rules
29 to permit:

30 (a) A court-approved property settlement incident to a court
31 decree of dissolution made before retirement to provide that benefits
32 payable to a member who meets the length of service requirements of
33 RCW 41.32.815 and the member's divorcing spouse be divided into two
34 separate benefits payable over the life of each spouse.

35 The member shall have available the benefit options of subsection
36 (1) of this section upon retirement, and if remarried at the time of
37 retirement remains subject to the spousal consent requirements of
38 subsection (2) of this section. Any reductions of the member's
39 benefit subsequent to the division into two separate benefits shall
40 be made solely to the separate benefit of the member.

1 The nonmember ex spouse shall be eligible to commence receiving
2 their separate benefit upon reaching the age provided in RCW
3 41.32.765(1) and after filing a written application with the
4 department.

5 (b) A court-approved property settlement incident to a court
6 decree of dissolution made after retirement may only divide the
7 benefit into two separate benefits payable over the life of each
8 spouse if the nonmember ex spouse was selected as a survivor
9 beneficiary at retirement.

10 The retired member may later choose the survivor benefit options
11 available in subsection (4) of this section. Any actuarial reductions
12 subsequent to the division into two separate benefits shall be made
13 solely to the separate benefit of the member.

14 Both the retired member and the nonmember divorced spouse shall
15 be eligible to commence receiving their separate benefits upon filing
16 a copy of the dissolution order with the department in accordance
17 with RCW 41.50.670.

18 (c) The department may make an additional charge or adjustment if
19 necessary to ensure that the separate benefits provided under this
20 subsection are actuarially equivalent to the benefits payable prior
21 to the decree of dissolution.

22 (6) Beginning on the date that the state receives a determination
23 from the federal internal revenue service that this subsection (6)
24 conforms with federal law, retirees have up to ninety calendar days
25 after the receipt of their first retirement allowance to change their
26 survivor election under subsections (1) and (2) of this section. If a
27 member changes the member's survivor election under this subsection
28 the change is effective the first of the following month and is
29 prospective only.

30 **Sec. 3.** RCW 41.32.851 and 2019 c 102 s 4 are each amended to
31 read as follows:

32 (1) Upon retirement for service as prescribed in RCW 41.32.875 or
33 retirement for disability under RCW 41.32.880, a member shall elect
34 to have the retirement allowance paid pursuant to one of the
35 following options, calculated so as to be actuarially equivalent to
36 each other.

37 (a) Standard allowance. A member electing this option shall
38 receive a retirement allowance payable throughout such member's life.
39 Upon the death of the retired member, all benefits shall cease.

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

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

20 (b) Written consent from a spouse or domestic partner is not
21 required if a member who is married or a domestic partner selects a
22 joint and survivor option under subsection (1)(b) of this section and
23 names the member's spouse or domestic partner as the survivor
24 beneficiary.

25 (c) If a copy of a dissolution order designating a survivor
26 beneficiary under RCW 41.50.790 has been filed with the department at
27 least thirty days prior to a member's retirement:

28 (i) The department shall honor the designation as if made by the
29 member under subsection (1) of this section; and

30 (ii) The spousal consent provisions of (a) of this subsection do
31 not apply.

32 (3) No later than July 1, 2001, the department shall adopt rules
33 that allow a member additional actuarially equivalent survivor
34 benefit options, and shall include, but are not limited to:

35 (a)(i) A retired member who retired without designating a
36 survivor beneficiary shall have the opportunity to designate their
37 spouse from a postretirement marriage as a survivor during a one-year
38 period beginning one year after the date of the postretirement
39 marriage provided the retirement allowance payable to the retiree is

1 not subject to periodic payments pursuant to a property division
2 obligation as provided for in RCW 41.50.670.

3 (ii) A member who entered into a postretirement marriage prior to
4 the effective date of the rules adopted pursuant to this subsection
5 and satisfies the conditions of (a)(i) of this subsection shall have
6 one year to designate their spouse as a survivor beneficiary
7 following the adoption of the rules.

8 (b) A retired member who elected to receive a reduced retirement
9 allowance under this section and designated a nonspouse as survivor
10 beneficiary shall have the opportunity to remove the survivor
11 designation and have their future benefit adjusted.

12 (c) The department may make an additional charge, if necessary,
13 to ensure that the benefits provided under this subsection remain
14 actuarially equivalent.

15 (4) No later than July 1, 2003, the department shall adopt rules
16 to permit:

17 (a) A court-approved property settlement incident to a court
18 decree of dissolution made before retirement to provide that benefits
19 payable to a member who meets the length of service requirements of
20 RCW 41.32.875(1) and the member's divorcing spouse be divided into
21 two separate benefits payable over the life of each spouse.

22 The member shall have available the benefit options of subsection
23 (1) of this section upon retirement, and if remarried at the time of
24 retirement remains subject to the spousal consent requirements of
25 subsection (2) of this section. Any reductions of the member's
26 benefit subsequent to the division into two separate benefits shall
27 be made solely to the separate benefit of the member.

28 The nonmember ex spouse shall be eligible to commence receiving
29 their separate benefit upon reaching the age provided in RCW
30 41.32.875(1) and after filing a written application with the
31 department.

32 (b) A court-approved property settlement incident to a court
33 decree of dissolution made after retirement may only divide the
34 benefit into two separate benefits payable over the life of each
35 spouse if the nonmember ex spouse was selected as a survivor
36 beneficiary at retirement.

37 The retired member may later choose the survivor benefit options
38 available in subsection (3) of this section. Any actuarial reductions
39 subsequent to the division into two separate benefits shall be made
40 solely to the separate benefit of the member.

1 Both the retired member and the nonmember divorced spouse shall
2 be eligible to commence receiving their separate benefits upon filing
3 a copy of the dissolution order with the department in accordance
4 with RCW 41.50.670.

5 (c) The department may make an additional charge or adjustment if
6 necessary to ensure that the separate benefits provided under this
7 subsection are actuarially equivalent to the benefits payable prior
8 to the decree of dissolution.

9 (5) Beginning on the date that the state receives a determination
10 from the federal internal revenue service that this subsection (5)
11 conforms with federal law, retirees have up to ninety calendar days
12 after the receipt of their first retirement allowance to change their
13 survivor election under subsections (1) and (2) of this section. If a
14 member changes the member's survivor election under this subsection
15 the change is effective the first of the following month and is
16 prospective only.

17 **Sec. 4.** RCW 41.35.220 and 2019 c 102 s 5 are each amended to
18 read as follows:

19 (1) Upon retirement for service as prescribed in RCW 41.35.420 or
20 41.35.680 or retirement for disability under RCW 41.35.440 or
21 41.35.690, a member shall elect to have the retirement allowance paid
22 pursuant to one of the following options, calculated so as to be
23 actuarially equivalent to each other.

24 (a) Standard allowance. A member electing this option shall
25 receive a retirement allowance payable throughout such member's life.

26 (i) For members of plan 2, if the retiree dies before the total
27 of the retirement allowance paid to such retiree equals the amount of
28 such retiree's accumulated contributions at the time of retirement,
29 then the balance shall be paid to the member's estate, or such person
30 or persons, trust, or organization as the retiree shall have
31 nominated by written designation duly executed and filed with the
32 department; or if there be no such designated person or persons still
33 living at the time of the retiree's death, then to the surviving
34 spouse; or if there be neither such designated person or persons
35 still living at the time of death nor a surviving spouse, then to the
36 retiree's legal representative.

37 (ii) For members of plan 3, upon the death of the retired member,
38 the member's benefits shall cease.

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

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

20 (b) Written consent from a spouse or domestic partner is not
21 required if a member who is married or a domestic partner selects a
22 joint and survivor option under subsection (1)(b) of this section and
23 names the member's spouse or domestic partner as the survivor
24 beneficiary.

25 (c) If a copy of a dissolution order designating a survivor
26 beneficiary under RCW 41.50.790 has been filed with the department at
27 least thirty days prior to a member's retirement:

28 (i) The department shall honor the designation as if made by the
29 member under subsection (1) of this section; and

30 (ii) The spousal consent provisions of (a) of this subsection do
31 not apply.

32 (3) No later than July 1, 2001, the department shall adopt rules
33 that allow a member additional actuarially equivalent survivor
34 benefit options, and shall include, but are not limited to:

35 (a)(i) A retired member who retired without designating a
36 survivor beneficiary shall have the opportunity to designate their
37 spouse from a postretirement marriage as a survivor during a one-year
38 period beginning one year after the date of the postretirement
39 marriage provided the retirement allowance payable to the retiree is

1 not subject to periodic payments pursuant to a property division
2 obligation as provided for in RCW 41.50.670.

3 (ii) A member who entered into a postretirement marriage prior to
4 the effective date of the rules adopted pursuant to this subsection
5 and satisfies the conditions of (a)(i) of this subsection shall have
6 one year to designate their spouse as a survivor beneficiary
7 following the adoption of the rules.

8 (b) A retired member who elected to receive a reduced retirement
9 allowance under this section and designated a nonspouse as survivor
10 beneficiary shall have the opportunity to remove the survivor
11 designation and have their future benefit adjusted.

12 (c) The department may make an additional charge, if necessary,
13 to ensure that the benefits provided under this subsection remain
14 actuarially equivalent.

15 (4) No later than July 1, 2003, the department shall adopt rules
16 to permit:

17 (a) A court-approved property settlement incident to a court
18 decree of dissolution made before retirement to provide that benefits
19 payable to a member of plan 2 who meets the length of service
20 requirements of RCW 41.35.420, or a member of plan 3 who meets the
21 length of service requirements of RCW 41.35.680(1), and the member's
22 divorcing spouse be divided into two separate benefits payable over
23 the life of each spouse.

24 The member shall have available the benefit options of subsection
25 (1) of this section upon retirement, and if remarried at the time of
26 retirement remains subject to the spousal consent requirements of
27 subsection (2) of this section. Any reductions of the member's
28 benefit subsequent to the division into two separate benefits shall
29 be made solely to the separate benefit of the member.

30 The nonmember ex spouse shall be eligible to commence receiving
31 their separate benefit upon reaching the ages provided in RCW
32 41.35.420(1) for members of plan 2, or RCW 41.35.680(1) for members
33 of plan 3, and after filing a written application with the
34 department.

35 (b) A court-approved property settlement incident to a court
36 decree of dissolution made after retirement may only divide the
37 benefit into two separate benefits payable over the life of each
38 spouse if the nonmember ex spouse was selected as a survivor
39 beneficiary at retirement.

1 The retired member may later choose the survivor benefit options
2 available in subsection (3) of this section. Any actuarial reductions
3 subsequent to the division into two separate benefits shall be made
4 solely to the separate benefit of the member.

5 Both the retired member and the nonmember divorced spouse shall
6 be eligible to commence receiving their separate benefits upon filing
7 a copy of the dissolution order with the department in accordance
8 with RCW 41.50.670.

9 (c) The department may make an additional charge or adjustment if
10 necessary to ensure that the separate benefits provided under this
11 subsection are actuarially equivalent to the benefits payable prior
12 to the decree of dissolution.

13 (5) Beginning on the date that the state receives a determination
14 from the federal internal revenue service that this subsection (5)
15 conforms with federal law, retirees have up to ninety calendar days
16 after the receipt of their first retirement allowance to change their
17 survivor election under subsections (1) and (2) of this section. If a
18 member changes the member's survivor election under this subsection
19 the change is effective the first of the following month and is
20 prospective only.

21 **Sec. 5.** RCW 41.37.170 and 2019 c 102 s 6 are each amended to
22 read as follows:

23 (1) Upon retirement for service as prescribed in RCW 41.37.210 or
24 retirement for disability under RCW 41.37.230, a member shall elect
25 to have the retirement allowance paid pursuant to one of the
26 following options, calculated so as to be actuarially equivalent to
27 each other.

28 (a) Standard allowance. A member electing this option shall
29 receive a retirement allowance payable throughout the member's life.
30 If the retiree dies before the total of the retirement allowance paid
31 to the retiree equals the amount of the retiree's accumulated
32 contributions at the time of retirement, then the balance shall be
33 paid to the member's estate, or the person or persons, trust, or
34 organization the retiree nominated by written designation duly
35 executed and filed with the department; or if there is no designated
36 person or persons still living at the time of the retiree's death,
37 then to the surviving spouse; or if there is neither a designated
38 person or persons still living at the time of death nor a surviving
39 spouse, then to the retiree's legal representative.

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

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

20 (b) Written consent from a spouse or domestic partner is not
21 required if a member who is married or a domestic partner selects a
22 joint and survivor option under subsection (1)(b) of this section and
23 names the member's spouse or domestic partner as the survivor
24 beneficiary.

25 (c) If a copy of a dissolution order designating a survivor
26 beneficiary under RCW 41.50.790 has been filed with the department at
27 least thirty days prior to a member's retirement:

28 (i) The department shall honor the designation as if made by the
29 member under subsection (1) of this section; and

30 (ii) The spousal consent provisions of (a) of this subsection do
31 not apply.

32 (3) The department shall adopt rules that allow a member
33 additional actuarially equivalent survivor benefit options, and shall
34 include, but are not limited to:

35 (a)(i) A retired member who retired without designating a
36 survivor beneficiary shall have the opportunity to designate their
37 spouse from a postretirement marriage as a survivor during a one-year
38 period beginning one year after the date of the postretirement
39 marriage provided the retirement allowance payable to the retiree is

1 not subject to periodic payments pursuant to a property division
2 obligation as provided for in RCW 41.50.670.

3 (ii) A member who entered into a postretirement marriage prior to
4 the effective date of the rules adopted pursuant to this subsection
5 and satisfies the conditions of (a)(i) of this subsection shall have
6 one year to designate their spouse as a survivor beneficiary
7 following the adoption of the rules.

8 (b) A retired member who elected to receive a reduced retirement
9 allowance under this section and designated a nonspouse as survivor
10 beneficiary shall have the opportunity to remove the survivor
11 designation and have their future benefit adjusted.

12 (c) The department may make an additional charge, if necessary,
13 to ensure that the benefits provided under this subsection remain
14 actuarially equivalent.

15 (4) The department shall adopt rules to permit:

16 (a) A court-approved property settlement incident to a court
17 decree of dissolution made before retirement to provide that benefits
18 payable to a member who meets the length of service requirements of
19 RCW 41.37.210 and the member's divorcing spouse be divided into two
20 separate benefits payable over the life of each spouse.

21 The member shall have available the benefit options of subsection
22 (1) of this section upon retirement, and if remarried at the time of
23 retirement remains subject to the spousal consent requirements of
24 subsection (2) of this section. Any reductions of the member's
25 benefit subsequent to the division into two separate benefits shall
26 be made solely to the separate benefit of the member.

27 The nonmember ex spouse shall be eligible to commence receiving
28 their separate benefit upon reaching the age provided in RCW
29 41.37.210(1) and after filing a written application with the
30 department.

31 (b) A court-approved property settlement incident to a court
32 decree of dissolution made after retirement may only divide the
33 benefit into two separate benefits payable over the life of each
34 spouse if the nonmember ex spouse was selected as a survivor
35 beneficiary at retirement.

36 The retired member may later choose the survivor benefit options
37 available in subsection (3) of this section. Any actuarial reductions
38 subsequent to the division into two separate benefits shall be made
39 solely to the separate benefit of the member.

1 Both the retired member and the nonmember divorced spouse shall
2 be eligible to commence receiving their separate benefits upon filing
3 a copy of the dissolution order with the department in accordance
4 with RCW 41.50.670.

5 (c) The department may make an additional charge or adjustment if
6 necessary to ensure that the separate benefits provided under this
7 subsection are actuarially equivalent to the benefits payable prior
8 to the decree of dissolution.

9 (5) Beginning on the date that the state receives a determination
10 from the federal internal revenue service that this subsection (5)
11 conforms with federal law, retirees have up to ninety calendar days
12 after the receipt of their first retirement allowance to change their
13 survivor election under subsections (1) and (2) of this section. If a
14 member changes the member's survivor election under this subsection
15 the change is effective the first of the following month and is
16 prospective only.

17 **Sec. 6.** RCW 41.40.660 and 2019 c 102 s 8 are each amended to
18 read as follows:

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

24 (a) Standard allowance. A member electing this option shall
25 receive a retirement allowance payable throughout such member's life.
26 However, if the retiree dies before the total of the retirement
27 allowance paid to such retiree equals the amount of such retiree's
28 accumulated contributions at the time of retirement, then the balance
29 shall be paid to the member's estate, or such person or persons,
30 trust, or organization as the retiree shall have nominated by written
31 designation duly executed and filed with the department; or if there
32 be no such designated person or persons still living at the time of
33 the retiree's death, then to the surviving spouse; or if there be
34 neither such designated person or persons still living at the time of
35 death nor a surviving spouse, then to the retiree's legal
36 representative.

37 (b) The department shall adopt rules that allow a member to
38 select a retirement option that pays the member a reduced retirement
39 allowance and upon death, such portion of the member's reduced

1 retirement allowance as the department by rule designates shall be
2 continued throughout the life of and paid to a person nominated by
3 the member by written designation duly executed and filed with the
4 department at the time of retirement. The options adopted by the
5 department shall include, but are not limited to, a joint and one
6 hundred percent survivor option and a joint and fifty percent
7 survivor option.

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

17 (b) Written consent from a spouse or domestic partner is not
18 required if a member who is married or a domestic partner selects a
19 joint and survivor option under subsection (1)(b) of this section and
20 names the member's spouse or domestic partner as the survivor
21 beneficiary.

22 (c) If a copy of a dissolution order designating a survivor
23 beneficiary under RCW 41.50.790 has been filed with the department at
24 least thirty days prior to a member's retirement:

25 (i) The department shall honor the designation as if made by the
26 member under subsection (1) of this section; and

27 (ii) The spousal consent provisions of (a) of this subsection do
28 not apply.

29 (3)(a) Any member who retired before January 1, 1996, and who
30 elected to receive a reduced retirement allowance under subsection
31 (1)(b) or (2) of this section is entitled to receive a retirement
32 allowance adjusted in accordance with (b) of this subsection, if they
33 meet the following conditions:

34 (i) The retiree's designated beneficiary predeceases or has
35 predeceased the retiree; and

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

38 (b) The retirement allowance payable to the retiree, as of July
39 1, 1998, or the date of the designated beneficiary's death, whichever

1 comes last, shall be increased by the percentage derived in (c) of
2 this subsection.

3 (c) The percentage increase shall be derived by the following:

4 (i) One hundred percent multiplied by the result of (c)(ii) of
5 this subsection converted to a percent;

6 (ii) Subtract one from the reciprocal of the appropriate joint
7 and survivor option factor;

8 (iii) The joint and survivor option factor shall be from the
9 table in effect as of July 1, 1998.

10 (d) The adjustment under (b) of this subsection shall accrue from
11 the beginning of the month following the date of the designated
12 beneficiary's death or from July 1, 1998, whichever comes last.

13 (4) No later than July 1, 2001, the department shall adopt rules
14 that allow a member additional actuarially equivalent survivor
15 benefit options, and shall include, but are not limited to:

16 (a)(i) A retired member who retired without designating a
17 survivor beneficiary shall have the opportunity to designate their
18 spouse from a postretirement marriage as a survivor during a one-year
19 period beginning one year after the date of the postretirement
20 marriage provided the retirement allowance payable to the retiree is
21 not subject to periodic payments pursuant to a property division
22 obligation as provided for in RCW 41.50.670.

23 (ii) A member who entered into a postretirement marriage prior to
24 the effective date of the rules adopted pursuant to this subsection
25 and satisfies the conditions of (a)(i) of this subsection shall have
26 one year to designate their spouse as a survivor beneficiary
27 following the adoption of the rules.

28 (b) A retired member who elected to receive a reduced retirement
29 allowance under this section and designated a nonspouse as survivor
30 beneficiary shall have the opportunity to remove the survivor
31 designation and have their future benefit adjusted.

32 (c) The department may make an additional charge, if necessary,
33 to ensure that the benefits provided under this subsection remain
34 actuarially equivalent.

35 (5) No later than July 1, 2003, the department shall adopt rules
36 to permit:

37 (a) A court-approved property settlement incident to a court
38 decree of dissolution made before retirement to provide that benefits
39 payable to a member who meets the length of service requirements of

1 RCW 41.40.720 and the member's divorcing spouse be divided into two
2 separate benefits payable over the life of each spouse.

3 The member shall have available the benefit options of subsection
4 (1) of this section upon retirement, and if remarried at the time of
5 retirement remains subject to the spousal consent requirements of
6 subsection (2) of this section. Any reductions of the member's
7 benefit subsequent to the division into two separate benefits shall
8 be made solely to the separate benefit of the member.

9 The nonmember ex spouse shall be eligible to commence receiving
10 their separate benefit upon reaching the age provided in RCW
11 41.40.630(1) and after filing a written application with the
12 department.

13 (b) A court-approved property settlement incident to a court
14 decree of dissolution made after retirement may only divide the
15 benefit into two separate benefits payable over the life of each
16 spouse if the nonmember ex spouse was selected as a survivor
17 beneficiary at retirement.

18 The retired member may later choose the survivor benefit options
19 available in subsection (4) of this section. Any actuarial reductions
20 subsequent to the division into two separate benefits shall be made
21 solely to the separate benefit of the member.

22 Both the retired member and the nonmember divorced spouse shall
23 be eligible to commence receiving their separate benefits upon filing
24 a copy of the dissolution order with the department in accordance
25 with RCW 41.50.670.

26 (c) The department may make an additional charge or adjustment if
27 necessary to ensure that the separate benefits provided under this
28 subsection are actuarially equivalent to the benefits payable prior
29 to the decree of dissolution.

30 (6) Beginning on the date that the state receives a determination
31 from the federal internal revenue service that this subsection (6)
32 conforms with federal law, retirees have up to ninety calendar days
33 after the receipt of their first retirement allowance to change their
34 survivor election under subsections (1) and (2) of this section. If a
35 member changes the member's survivor election under this subsection
36 the change is effective the first of the following month and is
37 prospective only.

38 **Sec. 7.** RCW 41.40.845 and 2019 c 102 s 9 are each amended to
39 read as follows:

1 (1) Upon retirement for service as prescribed in RCW 41.40.820 or
2 retirement for disability under RCW 41.40.825, a member shall elect
3 to have the retirement allowance paid pursuant to one of the
4 following options, calculated so as to be actuarially equivalent to
5 each other.

6 (a) Standard allowance. A member electing this option shall
7 receive a retirement allowance payable throughout such member's life.
8 Upon the death of the member, the member's benefits shall cease.

9 (b) The department shall adopt rules that allow a member to
10 select a retirement option that pays the member a reduced retirement
11 allowance and upon death, such portion of the member's reduced
12 retirement allowance as the department by rule designates shall be
13 continued throughout the life of and paid to a person nominated by
14 the member by written designation duly executed and filed with the
15 department at the time of retirement. The options adopted by the
16 department shall include, but are not limited to, a joint and one
17 hundred percent survivor option and a joint and fifty percent
18 survivor option.

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

28 (b) Written consent from a spouse or domestic partner is not
29 required if a member who is married or a domestic partner selects a
30 joint and survivor option under subsection (1)(b) of this section and
31 names the member's spouse or domestic partner as the survivor
32 beneficiary.

33 (c) If a copy of a dissolution order designating a survivor
34 beneficiary under RCW 41.50.790 has been filed with the department at
35 least thirty days prior to a member's retirement:

36 (i) The department shall honor the designation as if made by the
37 member under subsection (1) of this section; and

38 (ii) The spousal consent provisions of (a) of this subsection do
39 not apply.

1 (3) No later than July 1, 2002, the department shall adopt rules
2 that allow a member additional actuarially equivalent survivor
3 benefit options, and shall include, but are not limited to:

4 (a)(i) A retired member who retired without designating a
5 survivor beneficiary shall have the opportunity to designate their
6 spouse from a postretirement marriage as a survivor during a one-year
7 period beginning one year after the date of the postretirement
8 marriage provided the retirement allowance payable to the retiree is
9 not subject to periodic payments pursuant to a property division
10 obligation as provided for in RCW 41.50.670.

11 (ii) A member who entered into a postretirement marriage prior to
12 the effective date of the rules adopted under this section and
13 satisfies the conditions of (a)(i) of this subsection shall have one
14 year to designate their spouse as a survivor beneficiary following
15 the adoption of the rules.

16 (b) A retired member who elected to receive a reduced retirement
17 allowance under this section and designated a nonspouse as survivor
18 beneficiary shall have the opportunity to remove the survivor
19 designation and have their future benefit adjusted.

20 (c) The department may make an additional charge, if necessary,
21 to ensure that the benefits provided under this subsection remain
22 actuarially equivalent.

23 (4) No later than July 1, 2003, the department shall adopt rules
24 to permit:

25 (a) A court-approved property settlement incident to a court
26 decree of dissolution made before retirement to provide that benefits
27 payable to a member who meets the length of service requirements of
28 RCW 41.40.820(1) and the member's divorcing spouse be divided into
29 two separate benefits payable over the life of each spouse.

30 The member shall have available the benefit options of subsection
31 (1) of this section upon retirement, and if remarried at the time of
32 retirement remains subject to the spousal consent requirements of
33 subsection (2) of this section. Any reductions of the member's
34 benefit subsequent to the division into two separate benefits shall
35 be made solely to the separate benefit of the member.

36 The nonmember ex spouse shall be eligible to commence receiving
37 their separate benefit upon reaching the age provided in RCW
38 41.40.820(1) and after filing a written application with the
39 department.

1 (b) A court-approved property settlement incident to a court
2 decree of dissolution made after retirement may only divide the
3 benefit into two separate benefits payable over the life of each
4 spouse if the nonmember ex spouse was selected as a survivor
5 beneficiary at retirement.

6 The retired member may later choose the survivor benefit options
7 available in subsection (3) of this section. Any actuarial reductions
8 subsequent to the division into two separate benefits shall be made
9 solely to the separate benefit of the member.

10 Both the retired member and the nonmember divorced spouse shall
11 be eligible to commence receiving their separate benefits upon filing
12 a copy of the dissolution order with the department in accordance
13 with RCW 41.50.670.

14 (c) The department may make an additional charge or adjustment if
15 necessary to ensure that the separate benefits provided under this
16 subsection are actuarially equivalent to the benefits payable prior
17 to the decree of dissolution.

18 (5) Beginning on the date that the state receives a determination
19 from the federal internal revenue service that this subsection (5)
20 conforms with federal law, retirees have up to ninety calendar days
21 after the receipt of their first retirement allowance to change their
22 survivor election under subsections (1) and (2) of this section. If a
23 member changes the member's survivor election under this subsection
24 the change is effective the first of the following month and is
25 prospective only.

26 **Sec. 8.** RCW 43.43.271 and 2019 c 102 s 10 are each amended to
27 read as follows:

28 (1) A member commissioned on or after January 1, 2003, upon
29 retirement for service as prescribed in RCW 43.43.250 shall elect to
30 have the retirement allowance paid pursuant to the following options,
31 calculated so as to be actuarially equivalent to each other.

32 (a) Standard allowance. A member electing this option shall
33 receive a retirement allowance payable throughout the member's life.
34 However, if the retiree dies before the total of the retirement
35 allowance paid to the retiree equals the amount of the retiree's
36 accumulated contributions at the time of retirement, then the balance
37 shall be paid to the member's estate, or such person or persons,
38 trust, or organization as the retiree shall have nominated by written
39 designation duly executed and filed with the department; or if there

1 be no such designated person or persons still living at the time of
2 the retiree's death, then to the surviving spouse or domestic
3 partner; or if there be neither such designated person or persons
4 still living at the time of death nor a surviving spouse or domestic
5 partner, then to the retiree's legal representative.

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

16 (2)(a) A member, if married or in a domestic partnership, must
17 provide the written consent of his or her spouse or domestic partner
18 to the option selected under this section, except as provided in (b)
19 and (c) of this subsection. If a member is married or in a domestic
20 partnership and both the member and member's spouse or domestic
21 partner do not give written consent to an option under this section,
22 the department will pay the member a joint and fifty percent survivor
23 benefit and record the member's spouse or domestic partner as the
24 beneficiary. This benefit shall be calculated to be actuarially
25 equivalent to the benefit options available under subsection (1) of
26 this section unless consent by the spouse or domestic partner is not
27 required as provided in (b) and (c) of this subsection.

28 (b) Written consent from a spouse or domestic partner is not
29 required if a member who is married or a domestic partner selects a
30 joint and survivor option under subsection (1)(b) of this section and
31 names the member's spouse or domestic partner as the survivor
32 beneficiary.

33 (c) If a copy of a dissolution order designating a survivor
34 beneficiary under RCW 41.50.790 has been filed with the department at
35 least thirty days prior to a member's retirement:

36 (i) The department shall honor the designation as if made by the
37 member under subsection (1) of this section; and

38 (ii) The spouse or domestic partner consent provisions of (a) of
39 this subsection do not apply.

1 (3) No later than January 1, 2003, the department shall adopt
2 rules that allow a member additional actuarially equivalent survivor
3 benefit options, and shall include, but are not limited to:

4 (a)(i) A retired member who retired without designating a
5 survivor beneficiary shall have the opportunity to designate their
6 spouse or domestic partner from a postretirement marriage or domestic
7 partnership as a survivor during a one-year period beginning one year
8 after the date of the postretirement marriage or domestic partnership
9 provided the retirement allowance payable to the retiree is not
10 subject to periodic payments pursuant to a property division
11 obligation as provided for in RCW 41.50.670.

12 (ii) A member who entered into a postretirement marriage or
13 domestic partnership prior to the effective date of the rules adopted
14 pursuant to this subsection and satisfies the conditions of (a)(i) of
15 this subsection shall have one year to designate their spouse or
16 domestic partner as a survivor beneficiary following the adoption of
17 the rules.

18 (b) A retired member who elected to receive a reduced retirement
19 allowance under this section and designated a nonspouse or a
20 nondomestic partner as survivor beneficiary shall have the
21 opportunity to remove the survivor designation and have their future
22 benefit adjusted.

23 (c) The department may make an additional charge, if necessary,
24 to ensure that the benefits provided under this subsection remain
25 actuarially equivalent.

26 (4) No later than July 1, 2003, the department shall adopt rules
27 to permit:

28 (a) A court-approved property settlement incident to a court
29 decree of dissolution made before retirement to provide that benefits
30 payable to a member who has completed at least five years of service
31 and the member's divorcing spouse or former domestic partner be
32 divided into two separate benefits payable over the life of each
33 spouse or domestic partner.

34 The member shall have available the benefit options of subsection
35 (1) of this section upon retirement, and if remarried or in a
36 domestic partnership at the time of retirement remains subject to the
37 spouse or domestic partner consent requirements of subsection (2) of
38 this section. Any reductions of the member's benefit subsequent to
39 the division into two separate benefits shall be made solely to the
40 separate benefit of the member.

1 The nonmember ex spouse or former domestic partner shall be
2 eligible to commence receiving their separate benefit upon reaching
3 the ages provided in RCW 43.43.250(2) and after filing a written
4 application with the department.

5 (b) A court-approved property settlement incident to a court
6 decree of dissolution made after retirement may only divide the
7 benefit into two separate benefits payable over the life of each
8 spouse or domestic partner if the nonmember ex spouse or former
9 domestic partner was selected as a survivor beneficiary at
10 retirement.

11 The retired member may later choose the survivor benefit options
12 available in subsection (3) of this section. Any actuarial reductions
13 subsequent to the division into two separate benefits shall be made
14 solely to the separate benefit of the member.

15 Both the retired member and the nonmember divorced spouse or
16 former domestic partner shall be eligible to commence receiving their
17 separate benefits upon filing a copy of the dissolution order with
18 the department in accordance with RCW 41.50.670.

19 (c) The department may make an additional charge or adjustment if
20 necessary to ensure that the separate benefits provided under this
21 subsection are actuarially equivalent to the benefits payable prior
22 to the decree of dissolution.

23 (5) Beginning on the date that the state receives a determination
24 from the federal internal revenue service that this subsection (5)
25 conforms with federal law, retirees have up to ninety calendar days
26 after the receipt of their first retirement allowance to change their
27 survivor election under subsections (1) and (2) of this section. If a
28 member changes the member's survivor election under this subsection
29 the change is effective the first of the following month and is
30 prospective only.

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