

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6380

Chapter 158, Laws of 2002

57th Legislature
2002 Regular Session

RETIREMENT SYSTEMS--BENEFIT OPTIONS

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002
YEAS 44 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 8, 2002
YEAS 90 NAYS 6

FRANK CHOPP
**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6380** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

Approved March 27, 2002

FILED

March 27, 2002 - 8:38 a.m.

GARY LOCKE
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6380

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Senators Winsley, Fraser, Carlson, Spanel, Jacobsen, Regala, Rasmussen, McAuliffe and Kohl-Welles; by request of Joint Committee on Pension Policy

Read first time 01/16/2002. Referred to Committee on Ways & Means.

1 AN ACT Relating to creating new survivor benefit division options
2 for divorced members of the law enforcement officers' and fire
3 fighters' retirement system, the teachers' retirement system, the
4 school employees' retirement system, the public employees' retirement
5 system, and the Washington state patrol retirement system; amending RCW
6 41.26.160, 41.26.161, 41.26.162, 41.50.670, 41.50.700, 41.26.460,
7 41.32.530, 41.32.785, 41.32.851, 41.35.220, 41.40.188, 41.40.660,
8 41.40.845, 43.43.270, and 43.43.271; and adding a new section to
9 chapter 41.26 RCW.

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

11 **Sec. 1.** RCW 41.26.160 and 1999 c 134 s 2 are each amended to read
12 as follows:

13 (1) In the event of the duty connected death of any member who is
14 in active service, or who has vested under the provisions of RCW
15 41.26.090 with twenty or more service credit years of service, or who
16 is on duty connected disability leave or retired for duty connected
17 disability, the surviving spouse shall become entitled, subject to RCW
18 41.26.162(2), to receive a monthly allowance equal to fifty percent of
19 the final average salary at the date of death if active, or the amount

1 of retirement allowance the vested member would have received at age
2 fifty, or the amount of the retirement allowance such retired member
3 was receiving at the time of death if retired for duty connected
4 disability. The amount of this allowance will be increased five
5 percent of final average salary for each child as defined in RCW
6 41.26.030(7), subject to a maximum combined allowance of sixty percent
7 of final average salary: PROVIDED, That if the child or children is or
8 are in the care of a legal guardian, payment of the increase
9 attributable to each child will be made to the child's legal guardian
10 or, in the absence of a legal guardian and if the member has created a
11 trust for the benefit of the child or children, payment of the increase
12 attributable to each child will be made to the trust.

13 (2) If at the time of the duty connected death of a vested member
14 with twenty or more service credit years of service as provided in
15 subsection (1) of this section or a member retired for duty connected
16 disability, the surviving spouse has not been lawfully married to such
17 member for one year prior to retirement or separation from service if
18 a vested member, the surviving spouse shall not be eligible to receive
19 the benefits under this section: PROVIDED, That if a member dies as a
20 result of a disability incurred in the line of duty, then if he or she
21 was married at the time he or she was disabled, the surviving spouse
22 shall be eligible to receive the benefits under this section.

23 (3) If there be no surviving spouse eligible to receive benefits at
24 the time of such member's duty connected death, then the child or
25 children of such member shall receive a monthly allowance equal to
26 thirty percent of final average salary for one child and an additional
27 ten percent for each additional child subject to a maximum combined
28 payment, under this subsection, of sixty percent of final average
29 salary. When there cease to be any eligible children as defined in RCW
30 41.26.030(7), there shall be paid to the legal heirs of the member the
31 excess, if any, of accumulated contributions of the member at the time
32 of death over all payments made to survivors on his or her behalf under
33 this chapter: PROVIDED, That payments under this subsection to
34 children shall be prorated equally among the children, if more than
35 one. If the member has created a trust for the benefit of the child or
36 children, the payment shall be made to the trust.

37 (4) In the event that there is no surviving spouse eligible to
38 receive benefits under this section, and that there be no child or

1 children eligible to receive benefits under this section, then the
2 accumulated contributions shall be paid to the estate of the member.

3 (5) If a surviving spouse receiving benefits under this section
4 remarries after the effective date of this act, the surviving spouse
5 shall continue to receive the benefits under this section.

6 (6) If a surviving spouse receiving benefits under the provisions
7 of this section thereafter dies and there are children as defined in
8 RCW 41.26.030(7), payment to the spouse shall cease and the child or
9 children shall receive the benefits as provided in subsection (3) of
10 this section.

11 ((+6+)) (7) The payment provided by this section shall become due
12 the day following the date of death and payments shall be retroactive
13 to that date.

14 **Sec. 2.** RCW 41.26.161 and 1999 c 134 s 3 are each amended to read
15 as follows:

16 (1) In the event of the nonduty connected death of any member who
17 is in active service, or who has vested under the provisions of RCW
18 41.26.090 with twenty or more service credit years of service, or who
19 is on disability leave or retired, whether for nonduty connected
20 disability or service, the surviving spouse shall become entitled,
21 subject to RCW 41.26.162(2), to receive a monthly allowance equal to
22 fifty percent of the final average salary at the date of death if
23 active, or the amount of retirement allowance the vested member would
24 have received at age fifty, or the amount of the retirement allowance
25 such retired member was receiving at the time of death if retired for
26 service or nonduty connected disability. The amount of this allowance
27 will be increased five percent of final average salary for each child
28 as defined in RCW 41.26.030(7), subject to a maximum combined allowance
29 of sixty percent of final average salary: PROVIDED, That if the child
30 or children is or are in the care of a legal guardian, payment of the
31 increase attributable to each child will be made to the child's legal
32 guardian or, in the absence of a legal guardian and if the member has
33 created a trust for the benefit of the child or children, payment of
34 the increase attributable to each child will be made to the trust.

35 (2) If at the time of the death of a vested member with twenty or
36 more service credit years of service as provided in subsection (1) of
37 this section or a member retired for service or disability, the
38 surviving spouse has not been lawfully married to such member for one

1 year prior to retirement or separation from service if a vested member,
2 the surviving spouse shall not be eligible to receive the benefits
3 under this section.

4 (3) If there be no surviving spouse eligible to receive benefits at
5 the time of such member's death, then the child or children of such
6 member shall receive a monthly allowance equal to thirty percent of
7 final average salary for one child and an additional ten percent for
8 each additional child subject to a maximum combined payment, under this
9 subsection, of sixty percent of final average salary. When there cease
10 to be any eligible children as defined in RCW 41.26.030(7), there shall
11 be paid to the legal heirs of the member the excess, if any, of
12 accumulated contributions of the member at the time of death over all
13 payments made to survivors on his or her behalf under this chapter:
14 PROVIDED, That payments under this subsection to children shall be
15 prorated equally among the children, if more than one. If the member
16 has created a trust for the benefit of the child or children, the
17 payment shall be made to the trust.

18 (4) In the event that there is no surviving spouse eligible to
19 receive benefits under this section, and that there be no child or
20 children eligible to receive benefits under this section, then the
21 accumulated contributions shall be paid to the estate of said member.

22 (5) If a surviving spouse receiving benefits under this section
23 remarries after the effective date of this act, the surviving spouse
24 shall continue to receive the benefits under this section.

25 (6) If a surviving spouse receiving benefits under the provisions
26 of this section thereafter dies and there are children as defined in
27 RCW 41.26.030(7), payment to the spouse shall cease and the child or
28 children shall receive the benefits as provided in subsection (3) of
29 this section.

30 ((+6+)) (7) The payment provided by this section shall become due
31 the day following the date of death and payments shall be retroactive
32 to that date.

33 **Sec. 3.** RCW 41.26.162 and 1991 sp.s. c 12 s 2 are each amended to
34 read as follows:

35 (1)(a) An ex spouse of a law enforcement officers' and fire
36 fighters' retirement system retiree shall qualify as surviving spouse
37 under RCW 41.26.160 if the ex spouse:

1 (~~((a))~~) (i) Has been provided benefits under any currently
2 effective court decree of dissolution or legal separation or in any
3 court order or court-approved property settlement agreement incident to
4 any court decree of dissolution or legal separation entered after the
5 member's retirement and prior to December 31, 1979; and

6 (~~((b))~~) (ii) Was married to the retiree for at least thirty years,
7 including at least twenty years prior to the member's retirement or
8 separation from service if a vested member.

9 (~~((2))~~) (b) If two or more persons are eligible for a surviving
10 spouse benefit under this subsection, benefits shall be divided between
11 the surviving spouses based on the percentage of total service credit
12 the member accrued during each marriage.

13 (~~((3))~~) (c) This (~~(section)~~) subsection shall apply retroactively.

14 (2)(a) An ex spouse of a law enforcement officers' and fire
15 fighters' retirement system plan 1 retiree who:

16 (i) Divorces the member before separation from service; and

17 (ii) Entered into the court order or court-approved property
18 settlement agreement incident to the divorce of the member and ex
19 spouse after July 1, 2003;

20 may be awarded a portion of the member's benefit and a portion of any
21 spousal survivor's benefit pursuant to RCW 41.26.160 or 41.26.161 after
22 the member's death if specified in the court order or court-approved
23 property settlement.

24 (b) This subsection shall not apply retroactively.

25 (3)(a) An ex spouse of a law enforcement officers' and fire
26 fighters' retirement system plan 1 member with at least thirty years of
27 service who:

28 (i) Divorced the member after being married to the member for at
29 least twenty-five years; and

30 (ii) Entered into a court order or court-approved property
31 settlement agreement incident to the divorce that awarded a portion of
32 the member's benefits to the ex spouse after the effective date of this
33 act;

34 shall continue to receive that portion of the member's benefit after
35 the member's death as if the member was still alive.

36 (b) This subsection shall apply only to a divorce entered into
37 after January 1, 1997. However, no payments shall be made to an ex
38 spouse of a deceased member qualifying under this subsection for any
39 period prior to the effective date of this section.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.26 RCW
2 under subchapter heading "plan 1" to read as follows:

3 (1) No later than July 1, 2003, the department shall adopt rules to
4 allow a member who meets the criteria set forth in subsection (2) of
5 this section to choose an actuarially equivalent benefit that pays the
6 member a reduced retirement allowance and upon death, such portion of
7 the member's reduced retirement allowance as the department by rule
8 designates shall be continued throughout the life of a spouse
9 ineligible for survivor benefits under RCW 41.26.160 or 41.26.161.

10 (2) To choose an actuarially equivalent benefit according to
11 subsection (1) of this section, a member shall:

12 (a) Have the retirement allowance payable to the retiree not
13 subject to periodic payments pursuant to a property division obligation
14 as provided for in RCW 41.50.670;

15 (b) Have no qualified ex spouse under RCW 41.26.162(1); and

16 (c) Choose an actuarially reduced benefit during a one-year period
17 beginning one year after the date of marriage to the survivor benefit-
18 ineligible spouse.

19 (3) A member who married a spouse ineligible for survivor benefits
20 under RCW 41.26.160 or 41.26.161 prior to the effective date of the
21 rules adopted under this section and satisfies the conditions of
22 subsection (2)(a) and (b) of this section has one year to designate
23 their spouse as a survivor beneficiary following the adoption of the
24 rules.

25 (4) No benefit provided to a child survivor beneficiary under RCW
26 41.26.160 or 41.26.161 is affected or reduced by the member's selection
27 of the actuarially reduced spousal survivor benefit provided by this
28 section.

29 (5)(a) Any member who chose to receive a reduced retirement
30 allowance under subsection (1) of this section is entitled to receive
31 a retirement allowance adjusted in accordance with (b) of this
32 subsection if:

33 (i) The retiree's survivor spouse designated in subsection (1) of
34 this section predeceases the retiree; and

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

37 (b) The retirement allowance payable to the retiree from the
38 beginning of the month following the date of the beneficiaries death
39 shall be increased by the following:

- 1 (i) One hundred percent multiplied by the result of (b)(ii) of this
2 subsection converted to a percent;
3 (ii) Subtract one from the reciprocal of the appropriate joint and
4 survivor option factor.

5 **Sec. 5.** RCW 41.50.670 and 1998 c 341 s 513 are each amended to
6 read as follows:

7 (1) Nothing in this chapter regarding mandatory assignment of
8 benefits to enforce a spousal maintenance obligation shall abridge the
9 right of an obligee to direct payments of retirement benefits to
10 satisfy a property division obligation ordered pursuant to a court
11 decree of dissolution or legal separation or any court order or court-
12 approved property settlement agreement incident to any court decree of
13 dissolution or legal separation as provided in RCW 2.10.180, 2.12.090,
14 41.04.310, 41.04.320, 41.04.330, 41.26.053, 41.26.162, 41.32.052,
15 41.35.100, 41.34.070(~~((+3+))~~) (4), 41.40.052, 43.43.310, or 26.09.138, as
16 those statutes existed before July 1, 1987, and as those statutes exist
17 on and after July 28, 1991. The department shall pay benefits under
18 this chapter in a lump sum or as a portion of periodic retirement
19 payments as expressly provided by the dissolution order. A dissolution
20 order may not order the department to pay a periodic retirement payment
21 or lump sum unless that payment is specifically authorized under the
22 provisions of chapter 2.10, 2.12, 41.26, 41.32, 41.35, 41.34, 41.40, or
23 43.43 RCW, as applicable.

24 (2) The department shall pay directly to an obligee the amount of
25 periodic retirement payments or lump sum payment, as appropriate,
26 specified in the dissolution order if the dissolution order filed with
27 the department pursuant to subsection (1) of this section includes a
28 provision that states in the following form:

29 If (the obligor) receives periodic retirement payments
30 as defined in RCW 41.50.500, the department of retirement systems shall
31 pay to (the obligee) dollars from such payments
32 or . . . percent of such payments. If the obligor's debt is expressed
33 as a percentage of his or her periodic retirement payment and the
34 obligee does not have a survivorship interest in the obligor's benefit,
35 the amount received by the obligee shall be the percentage of the
36 periodic retirement payment that the obligor would have received had he
37 or she selected a standard allowance.

1 If (the obligor) requests or has requested a withdrawal
2 of accumulated contributions as defined in RCW 41.50.500, or becomes
3 eligible for a lump sum death benefit, the department of retirement
4 systems shall pay to (the obligee) dollars plus
5 interest at the rate paid by the department of retirement systems on
6 member contributions. Such interest to accrue from the date of this
7 order's entry with the court of record.

8 (3) This section does not require a member to select a standard
9 allowance upon retirement nor does it require the department to
10 recalculate the amount of a retiree's periodic retirement payment based
11 on a change in survivor option.

12 (4) A court order under this section may not order the department
13 to pay more than seventy-five percent of an obligor's periodic
14 retirement payment to an obligee.

15 (5) Persons whose court decrees were entered between July 1, 1987,
16 and July 28, 1991, shall also be entitled to receive direct payments of
17 retirement benefits to satisfy court-ordered property divisions if the
18 dissolution orders comply or are modified to comply with this section
19 and RCW 41.50.680 through 41.50.720 and, as applicable, RCW 2.10.180,
20 2.12.090, 41.26.053, 41.32.052, 41.35.100, 41.34.070, 41.40.052,
21 43.43.310, and 26.09.138.

22 (6) The obligee must file a copy of the dissolution order with the
23 department within ninety days of that order's entry with the court of
24 record.

25 (7) A division of benefits pursuant to a dissolution order under
26 this section shall be based upon the obligor's gross benefit prior to
27 any deductions. If the department is required to withhold a portion of
28 the member's benefit pursuant to 26 U.S.C. Sec. 3402 and the sum of
29 that amount plus the amount owed to the obligee exceeds the total
30 benefit, the department shall satisfy the withholding requirements
31 under 26 U.S.C. Sec. 3402 and then pay the remainder to the obligee.
32 The provisions of this subsection do not apply to amounts withheld
33 pursuant to 26 U.S.C. Sec. 3402(i).

34 **Sec. 6.** RCW 41.50.700 and 1991 c 365 s 16 are each amended to read
35 as follows:

36 (1) Except under subsection (3) of this section, the department's
37 obligation to provide direct payment of a property division obligation
38 to an obligee under RCW 41.50.670 shall cease upon the death of the

1 obligee or upon the death of the obligor, whichever comes first.
2 However, if an obligor dies and is eligible for a lump sum death
3 benefit, the department shall be obligated to provide direct payment to
4 the obligee of all or a portion of the withdrawal of accumulated
5 contributions pursuant to a court order that complies with RCW
6 41.50.670.

7 (2) The direct payment of a property division obligation to an
8 obligee under RCW 41.50.670 shall be paid as a deduction from the
9 member's periodic retirement payment. An obligee may not direct the
10 department to withhold any funds from such payment.

11 (3) The department's obligation to provide direct payment to a
12 nonmember ex spouse from a preretirement divorce meeting the criteria
13 of RCW 41.26.162(2) or 43.43.270(2) may continue for the life of the
14 member's surviving spouse qualifying for benefits under RCW 41.26.160,
15 41.26.161, or 43.43.270(2). Upon the death of the member's surviving
16 spouse qualifying for benefits under RCW 41.26.160, 41.26.161, or
17 43.43.270(2), the department's obligation under this subsection shall
18 cease. The department's obligation to provide direct payment to a
19 nonmember ex spouse qualifying for a continued split benefit payment
20 under RCW 41.26.162(3) shall continue for the life of that nonmember ex
21 spouse.

22 **Sec. 7.** RCW 41.26.460 and 2000 c 186 s 1 are each amended to read
23 as follows:

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

28 (a) Standard allowance. A member electing this option shall
29 receive a retirement allowance payable throughout such member's life.
30 However, if the retiree dies before the total of the retirement
31 allowance paid to such retiree equals the amount of such retiree's
32 accumulated contributions at the time of retirement, then the balance
33 shall be paid to the member's estate, or such person or persons, trust,
34 or organization as the retiree shall have nominated by written
35 designation duly executed and filed with the department; or if there be
36 no such designated person or persons still living at the time of the
37 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 designated person. Such person
8 shall be nominated by the member by written designation duly executed
9 and filed with the department at the time of retirement. The options
10 adopted by the department shall include, but are not limited to, a
11 joint and one hundred percent survivor option and a joint and fifty
12 percent survivor option.

13 (2)(a) A member, if married, must provide the written consent of
14 his or her spouse to the option selected under this section, except as
15 provided in (b) of this subsection. If a member is married and both
16 the member and member's spouse do not give written consent to an option
17 under this section, the department will pay the member a joint and
18 fifty percent survivor benefit and record the member's spouse as the
19 beneficiary. Such benefit shall be 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 designating a survivor
24 beneficiary under RCW 41.50.790 has been filed with the department at
25 least thirty days prior to a member's retirement:

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

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

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

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

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

1 (b) The retirement allowance payable to the retiree, as of July 1,
2 1998, or the date of the designated beneficiary's death, whichever
3 comes last, shall be increased by the percentage derived in (c) of this
4 subsection.

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

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

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

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

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

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

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

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

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

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

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

1 (a) A court-approved property settlement incident to a court decree
2 of dissolution made before retirement to provide that benefits payable
3 to a member who meets the length of service requirements of RCW
4 41.26.530(1) and the member's divorcing spouse be divided into two
5 separate benefits payable over the life of each spouse.

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

12 The nonmember ex spouse shall be eligible to commence receiving
13 their separate benefit upon reaching the ages provided in RCW 41.26.430
14 and after filing a written application with the department.

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

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

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

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

32 **Sec. 8.** RCW 41.32.530 and 2000 c 186 s 2 are each amended to read
33 as follows:

34 (1) Upon an application for retirement for service under RCW
35 41.32.480 or retirement for disability under RCW 41.32.550, approved by
36 the department, every member shall receive the maximum retirement
37 allowance available to him or her throughout life unless prior to the
38 time the first installment thereof becomes due he or she has elected,

1 by executing the proper application therefor, to receive the actuarial
2 equivalent of his or her retirement allowance in reduced payments
3 throughout his or her life with the following options:

4 (a) Standard allowance. If he or she dies before he or she has
5 received the present value of his or her accumulated contributions at
6 the time of his or her retirement in annuity payments, the unpaid
7 balance shall be paid to his or her estate or to such person, trust, or
8 organization as he or she shall have nominated by written designation
9 executed and filed with the department.

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

21 (c) Such other benefits shall be paid to a member receiving a
22 retirement allowance under RCW 41.32.497 as the member may designate
23 for himself, herself, or others equal to the actuarial value of his or
24 her retirement annuity at the time of his retirement: PROVIDED, That
25 the board of trustees shall limit withdrawals of accumulated
26 contributions to such sums as will not reduce the member's retirement
27 allowance below one hundred and twenty dollars per month.

28 (d) A member whose retirement allowance is calculated under RCW
29 41.32.498 may also elect to receive a retirement allowance based on
30 options available under this subsection that includes the benefit
31 provided under RCW 41.32.770. This retirement allowance option shall
32 also be calculated so as to be actuarially equivalent to the maximum
33 retirement allowance and to the options available under this
34 subsection.

35 (2)(a) A member, if married, must provide the written consent of
36 his or her spouse to the option selected under this section, except as
37 provided in (b) of this subsection. If a member is married and both
38 the member and the member's spouse do not give written consent to an
39 option under this section, the department will pay the member a joint

1 and fifty percent survivor benefit and record the member's spouse as
2 the beneficiary. Such benefit shall be calculated to be actuarially
3 equivalent to the benefit options available under subsection (1) of
4 this section unless spousal consent is not required as provided in (b)
5 of this subsection.

6 (b) If a copy of a dissolution order designating a survivor
7 beneficiary under RCW 41.50.790 has been filed with the department at
8 least thirty days prior to a member's retirement:

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

11 (ii) The spousal consent provisions of (a) of this subsection do
12 not apply.

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

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

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

22 (b) The retirement allowance payable to the retiree, as of July 1,
23 1998, or the date of the designated beneficiary's death, whichever
24 comes last, shall be increased by the percentage derived in (c) of this
25 subsection.

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

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

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

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

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

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

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

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

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

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

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

22 (a) A court-approved property settlement incident to a court decree
23 of dissolution made before retirement to provide that benefits payable
24 to a member who meets the length of service requirements of RCW
25 41.32.470 and the member's divorcing spouse be divided into two
26 separate benefits payable over the life of each spouse.

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

33 The nonmember ex spouse shall be eligible to commence receiving
34 their separate benefit upon reaching the age provided in RCW
35 41.32.480(2) and after filing a written application with the
36 department.

37 (b) A court-approved property settlement incident to a court decree
38 of dissolution made after retirement may only divide the benefit into
39 two separate benefits payable over the life of each spouse if the

1 nonmember ex spouse was selected as a survivor beneficiary at
2 retirement.

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

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

11 (c) The separate single life benefits of the member and the
12 nonmember ex spouse are not (i) subject to the minimum benefit
13 provisions of RCW 41.32.4851, or (ii) the minimum benefit annual
14 increase amount eligibility provisions of RCW 41.32.489 (2)(b) and
15 (3)(a).

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

20 **Sec. 9.** RCW 41.32.785 and 2000 c 186 s 4 are each amended to read
21 as follows:

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

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

1 (b) The department shall adopt rules that allow a member to select
2 a retirement option that pays the member a reduced retirement allowance
3 and upon death, such portion of the member's reduced retirement
4 allowance as the department by rule designates shall be continued
5 throughout the life of and paid to a designated person. Such person
6 shall be nominated by the member by written designation duly executed
7 and filed with the department at the time of retirement. The options
8 adopted by the department shall include, but are not limited to, a
9 joint and one hundred percent survivor option and a joint and fifty
10 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 as
13 provided in (b) of this subsection. If a member is married and both
14 the member and member's spouse do not give written consent to an option
15 under this section, the department will pay the member a joint and
16 fifty percent survivor benefit and record the member's spouse as the
17 beneficiary. Such benefit shall be calculated to be actuarially
18 equivalent to the benefit options available under subsection (1) of
19 this section unless spousal consent is not required as provided in (b)
20 of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 41.32.815 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 benefit
7 subsequent to the division into two separate benefits shall be made
8 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 41.32.765(1) and after filing a written application with the
12 department.

13 (b) A court-approved property settlement incident to a court decree
14 of dissolution made after retirement may only divide the benefit into
15 two separate benefits payable over the life of each spouse if the
16 nonmember ex spouse was selected as a survivor beneficiary at
17 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 be
23 eligible to commence receiving their separate benefits upon filing a
24 copy of the dissolution order with the department in accordance with
25 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 to
29 the decree of dissolution.

30 **Sec. 10.** RCW 41.32.851 and 2000 c 186 s 5 are each amended to read
31 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 to
34 have the retirement allowance paid pursuant to one of the following
35 options, calculated so as to be actuarially equivalent to each other.

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

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

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

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

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

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

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

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage

1 provided the retirement allowance payable to the retiree is not subject
2 to periodic payments pursuant to a property division obligation as
3 provided for in RCW 41.50.670.

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

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

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

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

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

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

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

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

38 The retired member may later choose the survivor benefit options
39 available in subsection (3) of this section. Any actuarial reductions

1 subsequent to the division into two separate benefits shall be made
2 solely to the separate benefit of the member.

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

7 (c) Any benefit distributed pursuant to chapter 41.31A RCW after
8 the date of the dissolution order creating separate benefits for a
9 member and nonmember ex spouse shall be paid solely to the member.

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

14 **Sec. 11.** RCW 41.35.220 and 2000 c 186 s 6 are each amended to read
15 as follows:

16 (1) Upon retirement for service as prescribed in RCW 41.35.420 or
17 41.35.680 or retirement for disability under RCW 41.35.440 or
18 41.35.690, a member shall elect to have the retirement allowance paid
19 pursuant to one of the following options, calculated so as to be
20 actuarially equivalent to each other.

21 (a) Standard allowance. A member electing this option shall
22 receive a retirement allowance payable throughout such member's life.
23 (~~((However,~~))

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

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

37 (b) The department shall adopt rules that allow a member to select
38 a retirement option that pays the member a reduced retirement allowance

1 and upon death, such portion of the member's reduced retirement
2 allowance as the department by rule designates shall be continued
3 throughout the life of and paid to a person nominated by the member by
4 written designation duly executed and filed with the department at the
5 time of retirement. The options adopted by the department shall
6 include, but are not limited to, a joint and one hundred percent
7 survivor option and a joint and fifty percent 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 as
10 provided in (b) of this subsection. If a member is married and both
11 the member and the member's spouse do not give written consent to an
12 option under this section, the department shall pay a joint and fifty
13 percent survivor benefit calculated to be actuarially equivalent to the
14 benefit options available under subsection (1) of this section unless
15 spousal consent is not required as provided in (b) of this subsection.

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

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

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

38 (b) A retired member who elected to receive a reduced retirement
39 allowance under this section and designated a nonspouse as survivor

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

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

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

8 (a) A court-approved property settlement incident to a court decree
9 of dissolution made before retirement to provide that benefits payable
10 to a member of plan 2 who meets the length of service requirements of
11 RCW 41.35.420, or a member of plan 3 who meets the length of service
12 requirements of RCW 41.35.680(1), and the member's divorcing spouse be
13 divided into two separate benefits payable over the life of each
14 spouse.

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

21 The nonmember ex spouse shall be eligible to commence receiving
22 their separate benefit upon reaching the ages provided in RCW
23 41.35.420(1) for members of plan 2, or RCW 41.35.680(1) for members of
24 plan 3, and after filing a written application with the department.

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

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

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

1 (c) Any benefit distributed pursuant to chapter 41.31A RCW after
2 the date of the dissolution order creating separate benefits for a
3 member and nonmember ex spouse shall be paid solely to the member.

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

8 **Sec. 12.** RCW 41.40.188 and 2000 c 186 s 7 are each amended to read
9 as follows:

10 (1) Upon retirement for service as prescribed in RCW 41.40.180 or
11 retirement for disability under RCW 41.40.210 or 41.40.230, a member
12 shall elect to have the retirement allowance paid pursuant to one of
13 the following options calculated so as to be actuarially equivalent to
14 each other.

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

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

36 (c) A member may elect to include the benefit provided under RCW
37 41.40.640 along with the retirement options available under this

1 section. This retirement allowance option shall be calculated so as to
2 be actuarially equivalent to the options offered under this subsection.

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

11 (b) If a copy of a dissolution order designating a survivor
12 beneficiary under RCW 41.50.790 has been filed with the department at
13 least thirty days prior to a member's retirement:

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

16 (ii) The spousal consent provisions of (a) of this subsection do
17 not apply.

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

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

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

27 (b) The retirement allowance payable to the retiree, as of July 1,
28 1998, or the date of the designated beneficiary's death, whichever
29 comes last, shall be increased by the percentage derived in (c) of this
30 subsection.

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

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

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

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

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

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

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

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

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

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

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

28 (a) A court-approved property settlement incident to a court decree
29 of dissolution made before retirement to provide that benefits payable
30 to a member who meets the length of service requirements of RCW
31 41.40.180(1) and the member's divorcing spouse be divided into two
32 separate benefits payable over the life of each spouse.

33 The member shall have available the benefit options of subsection
34 (1) of this section upon retirement, and if remarried at the time of
35 retirement remains subject to the spousal consent requirements of
36 subsection (2) of this section. Any reductions of the member's benefit
37 subsequent to the division into two separate benefits shall be made
38 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 41.40.180(1) and after filing a written application with the
4 department.

5 (b) A court-approved property settlement incident to a court decree
6 of dissolution made after retirement may only divide the benefit into
7 two separate benefits payable over the life of each spouse if the
8 nonmember ex spouse was selected as a survivor beneficiary at
9 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 be
15 eligible to commence receiving their separate benefits upon filing a
16 copy of the dissolution order with the department in accordance with
17 RCW 41.50.670.

18 (c) The separate single life benefits of the member and the
19 nonmember ex spouse are not (i) subject to the minimum benefit
20 provisions of RCW 41.40.1984, or (ii) the minimum benefit annual
21 increase amount eligibility provisions of RCW 41.40.197 (2)(b) and
22 (3)(a).

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

27 **Sec. 13.** RCW 41.40.660 and 2000 c 186 s 8 are each amended to read
28 as follows:

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

33 (a) Standard allowance. A member electing this option shall
34 receive a retirement allowance payable throughout such member's life.
35 However, if the retiree dies before the total of the retirement
36 allowance paid to such retiree equals the amount of such retiree's
37 accumulated contributions at the time of retirement, then the balance
38 shall be paid to the member's estate, or such person or persons, trust,

1 or organization as the retiree shall have nominated by written
2 designation duly executed and filed with the department; or if there be
3 no such designated person or persons still living at the time of the
4 retiree's death, then to the surviving spouse; or if there be neither
5 such designated person or persons still living at the time of death nor
6 a surviving spouse, then to the retiree's legal representative.

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

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

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

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

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

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

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

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

1 (b) The retirement allowance payable to the retiree, as of July 1,
2 1998, or the date of the designated beneficiary's death, whichever
3 comes last, shall be increased by the percentage derived in (c) of this
4 subsection.

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

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

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

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

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

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

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

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

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

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

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

1 (a) A court-approved property settlement incident to a court decree
2 of dissolution made before retirement to provide that benefits payable
3 to a member who meets the length of service requirements of RCW
4 41.40.720 and the member's divorcing spouse be divided into two
5 separate benefits payable over the life of each spouse.

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

12 The nonmember ex spouse shall be eligible to commence receiving
13 their separate benefit upon reaching the age provided in RCW
14 41.40.630(1) and after filing a written application with the
15 department.

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

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

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

29 (c) Any benefit distributed pursuant to chapter 41.31A RCW after
30 the date of the dissolution order creating separate benefits for a
31 member and nonmember ex spouse shall be paid solely to the member.

32 (d) The department may make an additional charge or adjustment if
33 necessary to ensure that the separate benefits provided under this
34 subsection are actuarially equivalent to the benefits payable prior to
35 the decree of dissolution.

36 **Sec. 14.** RCW 41.40.845 and 2000 c 247 s 314 are each amended to
37 read as follows:

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

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

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

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

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

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

1 (ii) The spousal consent provisions of (a) of this subsection do
2 not apply.

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

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

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

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

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

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

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

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

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

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

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

10 (a) A court-approved property settlement incident to a court decree
11 of dissolution made before retirement to provide that benefits payable
12 to a member who meets the length of service requirements of RCW
13 41.40.820(1) and the member's divorcing spouse be divided into two
14 separate benefits payable over the life of each spouse.

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

21 The nonmember ex spouse shall be eligible to commence receiving
22 their separate benefit upon reaching the age provided in RCW
23 41.40.820(1) and after filing a written application with the
24 department.

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

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

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

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

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

3 **Sec. 15.** RCW 43.43.270 and 2001 c 329 s 6 are each amended to read
4 as follows:

5 For members commissioned prior to January 1, 2003:

6 (1) The normal form of retirement allowance shall be an allowance
7 which shall continue as long as the member lives.

8 (2) If a member should die while in service the member's lawful
9 spouse shall be paid an allowance which shall be equal to fifty percent
10 of the average final salary of the member. If the member should die
11 after retirement the member's lawful spouse shall be paid an allowance
12 which shall be equal to the retirement allowance then payable to the
13 member or fifty percent of the final average salary used in computing
14 the member's retirement allowance, whichever is less. The allowance
15 paid to the lawful spouse shall continue as long as the spouse lives:
16 PROVIDED, That if a surviving spouse who is receiving benefits under
17 this subsection marries another member of this retirement system who
18 subsequently predeceases such spouse, the spouse shall then be entitled
19 to receive the higher of the two survivors' allowances for which
20 eligibility requirements were met, but a surviving spouse shall not
21 receive more than one survivor's allowance from this system at the same
22 time under this subsection. To be eligible for an allowance the lawful
23 surviving spouse of a retired member shall have been married to the
24 member prior to the member's retirement and continuously thereafter
25 until the date of the member's death or shall have been married to the
26 retired member at least two years prior to the member's death. The
27 allowance paid to the lawful spouse may be divided with an ex spouse of
28 the member by a dissolution order as defined in RCW 41.50.500(3)
29 incident to a divorce occurring after July 1, 2002. The dissolution
30 order must specifically divide both the member's benefit and any
31 spousal survivor benefit, and must fully comply with RCW 41.50.670 and
32 41.50.700.

33 (3) If a member should die, either while in service or after
34 retirement, the member's surviving unmarried children under the age of
35 eighteen years shall be provided for in the following manner:

36 (a) If there is a surviving spouse, each child shall be entitled to
37 a benefit equal to five percent of the final average salary of the
38 member or retired member. The combined benefits to the surviving

1 spouse and all children shall not exceed sixty percent of the final
2 average salary of the member or retired member; and

3 (b) If there is no surviving spouse or the spouse should die, the
4 child or children shall be entitled to a benefit equal to thirty
5 percent of the final average salary of the member or retired member for
6 one child and an additional ten percent for each additional child. The
7 combined benefits to the children under this subsection shall not
8 exceed sixty percent of the final average salary of the member or
9 retired member. Payments under this subsection shall be prorated
10 equally among the children, if more than one.

11 (4) If a member should die in the line of duty while employed by
12 the Washington state patrol, the member's surviving children under the
13 age of twenty years and eleven months if attending any high school,
14 college, university, or vocational or other educational institution
15 accredited or approved by the state of Washington shall be provided for
16 in the following manner:

17 (a) If there is a surviving spouse, each child shall be entitled to
18 a benefit equal to five percent of the final average salary of the
19 member. The combined benefits to the surviving spouse and all children
20 shall not exceed sixty percent of the final average salary of the
21 member;

22 (b) If there is no surviving spouse or the spouse should die, the
23 unmarried child or children shall be entitled to receive a benefit
24 equal to thirty percent of the final average salary of the member or
25 retired member for one child and an additional ten percent for each
26 additional child. The combined benefits to the children under this
27 subsection shall not exceed sixty percent of the final average salary.
28 Payments under this subsection shall be prorated equally among the
29 children, if more than one; and

30 (c) If a beneficiary under this subsection reaches the age of
31 twenty-one years during the middle of a term of enrollment the benefit
32 shall continue until the end of that term.

33 (5) The provisions of this section shall apply to members who have
34 been retired on disability as provided in RCW 43.43.040 if the officer
35 was a member of the Washington state patrol retirement system at the
36 time of such disability retirement.

37 **Sec. 16.** RCW 43.43.271 and 2001 c 329 s 5 are each amended to read
38 as follows:

1 (1) A member commissioned on or after January 1, 2003, upon
2 retirement for service as prescribed in RCW 43.43.250 or disability
3 retirement under RCW 43.43.040, shall elect to have the retirement
4 allowance paid pursuant to the following options, calculated so as to
5 be actuarially equivalent to each other.

6 (a) Standard allowance. A member electing this option shall
7 receive a retirement allowance payable throughout the member's life.
8 However, if the retiree dies before the total of the retirement
9 allowance paid to the retiree equals the amount of the retiree's
10 accumulated contributions at the time of retirement, then the balance
11 shall be paid to the member's estate, or such person or persons, trust,
12 or organization as the retiree shall have nominated by written
13 designation duly executed and filed with the department; or if there be
14 no such designated person or persons still living at the time of the
15 retiree's death, then to the surviving spouse; or if there be neither
16 such designated person or persons still living at the time of death nor
17 a surviving spouse, then to the retiree's legal representative.

18 (b) The department shall adopt rules that allow a member to select
19 a retirement option that pays the member a reduced retirement allowance
20 and upon death, such portion of the member's reduced retirement
21 allowance as the department by rule designates shall be continued
22 throughout the life of and paid to a designated person. Such person
23 shall be nominated by the member by written designation duly executed
24 and filed with the department at the time of retirement. The options
25 adopted by the department shall include, but are not limited to, a
26 joint and one hundred percent survivor option and a joint and fifty
27 percent survivor option.

28 (2)(a) A member, if married, must provide the written consent of
29 his or her spouse to the option selected under this section, except as
30 provided in (b) of this subsection. If a member is married and both
31 the member and member's spouse do not give written consent to an option
32 under this section, the department will pay the member a joint and
33 fifty percent survivor benefit and record the member's spouse as the
34 beneficiary. This benefit shall be calculated to be actuarially
35 equivalent to the benefit options available under subsection (1) of
36 this section unless spousal consent is not required as provided in (b)
37 of this subsection.

1 (b) If a copy of a dissolution order designating a survivor
2 beneficiary under RCW 41.50.790 has been filed with the department at
3 least thirty days prior to a member's retirement:

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

6 (ii) The spousal consent provisions of (a) of this subsection do
7 not apply.

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

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

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

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

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

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

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

37 The member shall have available the benefit options of subsection
38 (1) of this section upon retirement, and if remarried at the time of
39 retirement remains subject to the spousal consent requirements of

1 subsection (2) of this section. Any reductions of the member's benefit
2 subsequent to the division into two separate benefits shall be made
3 solely to the separate benefit of the member.

4 The nonmember ex spouse shall be eligible to commence receiving
5 their separate benefit upon reaching the ages provided in RCW
6 43.43.250(2) and after filing a written application with the
7 department.

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

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

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

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

Passed the Senate March 11, 2002.

Passed the House March 8, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.