



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: January 09, 2023
TIME: 11:15 AM

WSR 23-03-035

Agency: Department of Retirement Systems

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 22-21-126 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR** _____; **or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Disclaiming beneficiary benefits – creating WAC 415-02-261

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|---------|-----------|---|--|
| 2/22/23 | 9:00 a.m. | The hearing will be conducted by Zoom. See https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings for details. | Zoom link: https://us02web.zoom.us/j/84525091902 Meeting ID: 845 2509 1902 Dial-In: 1-253-205-0468 |

Date of intended adoption: 2/23/23 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Bianca Stoner
 Address: Department of Retirement Systems
 P.O. Box 48380, Olympia, WA 98504-8380
 Email: drs.rules@drs.wa.gov
 Fax:
 Other:
 By (date) 2/22/23

Assistance for persons with disabilities:

Contact Bianca Stoner
 Phone: (360) 664-7291
 Fax:
 TTY: 711
 Email: drs.rules@drs.wa.gov
 Other:
 By (date) 2/15/23

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Occasionally a beneficiary decides that they do not want to receive a benefit when a retirement member passes away. This rule will clarify how any disclaimed benefit will pass to other beneficiaries and/or the estate of the deceased.

Reasons supporting proposal: To add additional clarity to the disclaiming process and ensure a defined process is shared with beneficiaries in advance of any decision to disclaim their benefits.

Statutory authority for adoption: RCW 41.50.050

Statute being implemented: RCW 41.40.700, 41.40.835, 41.35.460, 41.35.710, 41.32.522, 41.32.805, 41.32.895, 41.26.510, 41.37.250

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Department of Retirement Systems

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|-------------------------------|--|---------------|
| Drafting: | | |
| Implementation: Candice Myrum | Department of Retirement Systems P.O. Box 48380, Olympia, WA 98504-8380 | 360) 664-7124 |

Enforcement:

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 - Name:
 - Address:
 - Phone:
 - Fax:
 - TTY:
 - Email:
 - Other:
- No: Please explain: RCW 34.05.328(5)(a)(i) does not apply to this proposed rule and is not voluntarily made applicable by the agency.

Regulatory Fairness Act and Small Business Economic Impact Statement
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:
- This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

| | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: DRS' rules only impact members and beneficiaries of the state retirement systems and participating public employers, and do not affect small business.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: January 9, 2023

Name: Bianca Stoner

Title: Rules Coordinator

Signature:

