AMENDMENT NO. 9
TO THE
RESTATED PLAN DOCUMENT
OF THE
EIGHTH DISTRICT ELECTRICAL PENSION FUND ANNUITY PLAN

WHEREAS, the Restated Plan Document of the Eighth District Electrical Pension Fund Annuity Plan, revised and restated April 1, 2014, provides that the Plan may be amended by the Board of Trustees from time to time;

WHEREAS, it is the desire of the Trustees to amend the Plan Document;

NOW, THEREFORE, BE IT RESOLVED THAT the following amendments are made to the Plan Document, effective September 21, 2017:

1. Section 1.07 shall be amended to read as follows:

Beneficiary. “Beneficiary” means a person or entity that is or may become entitled to receive a Participant’s Accumulated Share after a Participant’s death pursuant to the terms of the Plan.

2. Section 5.03 of the Plan Document shall be deleted in its entirety.

3. Article 7 shall be amended to add the following Section 7.02.

7.02 No Beneficiary Designation on Death or No Living Designated Beneficiary. If there is no valid designation of a Participant’s Beneficiary or no designated Beneficiary alive on the date of the Participant’s death, then payment shall be made to the following parties in the following order of priority:

(i) to the deceased Participant’s surviving lawful Spouse;
(ii) to the deceased Participant’s surviving child or children in equal shares;
(iii) to the deceased Participant’s surviving parent or parents in equal shares;
(iv) to the deceased Participant’s surviving sibling or siblings in equal shares; or
(v) to the deceased Participant’s executor or administrator.

If the Plan Administrator cannot make payment to any of the individuals or entities listed above in this Section 7.02, payment shall be made in any manner chosen by the Plan Administrator, subject to all applicable law. Under no circumstances will any money escheat to the State of Colorado, Utah, Montana, Wyoming, Idaho, or any other state
4. Article 7 shall be amended to add the following Section 7.03

7.03 **Survivor Designation of Beneficiary.** As soon as reasonably practical after a Participant’s death, the Plan Administrator shall provide the Participant’s surviving Spouse or other Beneficiary with a designation of Beneficiary form. If a deceased Participant’s surviving Spouse or other Beneficiary dies after entitlement to payment but before receiving payment of the Participant’s Accumulated Share, the Participant’s Accumulated Share shall be paid to the designated Beneficiary of the Participant’s surviving Spouse or other Beneficiary, as applicable. If the Participant’s Spouse or other Beneficiary is entitled to payment but does not designate a Beneficiary, and dies before receiving payment of the Participant’s Accumulated Share, then the Participant’s Accumulated Share shall be paid to the following parties in the following order of priority:

(i) to the deceased Spouse or Beneficiary’s surviving lawful Spouse;
(ii) to the deceased Spouse or Beneficiary’s surviving child or children in equal shares;
(iii) to the deceased Spouse or Beneficiary’s surviving parent or parents in equal shares;
(iv) to the deceased Spouse or Beneficiary’s surviving sibling or siblings in equal shares; or
(v) to the deceased Spouse or Beneficiary’s executor or administrator.

If the Plan Administrator cannot make payment to any of the individuals or entities listed in this Section 7.03, payment shall be made in any manner chosen by the Plan Administrator, subject to all applicable law. Under no circumstances will any money escheat to the State of Colorado, Utah, Montana, Wyoming, Idaho, or any other state.

4. Article 7 shall be amended to add the following Section 7.04

7.04 **Unavailability of Beneficiary.** If no Beneficiary has made a claim for benefits by December 31 of the calendar year containing the fifth (5th) anniversary of the Participant’s death, and the Plan administrator has been unable, with due diligence, to identify or locate any non-Spouse beneficiary, the Participant’s Individual Account will be forfeited and placed in the Plan’s administrative account. If this occurs, the portion of the Participant’s Accumulated Share that is attributable to Employer Contributions shall be permanently forfeited, even if the Beneficiary subsequently contacts the Fund to claim his or her benefits. The portion of the Participant’s Accumulated Share that is attributable to Elective Deferrals or Rollover Contributions is subject to re-instatement without earnings or losses thereon if a Beneficiary subsequently contacts the Fund to claim his or her benefits.

This rule does not apply to a surviving Spouse who is eligible for a Pre-Retirement death benefit under section 7.01.
5. Article 7 shall be amended to add the following Section 7.05:

7.05 **Disqualification of Beneficiary.** Notwithstanding any other provision of this Plan, if the individual who would otherwise be the Beneficiary of the Employee or Participant intentionally caused the death of the Employee or Participant, such individual shall be treated as having predeceased the Employee or Participant and shall not be entitled to receive any benefits from this Plan. This provision shall not apply in the event its application would violate any Surviving Spouse rights under Internal Revenue Code Section 401(a)(11) that cannot legally be divested by a plan provision.

6. Article 7 shall be amended to add the following Section 7.06:

7.06 **Distribution to a Minor Beneficiary.** If benefits provided under Section 7.01 are payable to a minor, the Trustees may pay the benefits due to the minor to the person having present custody or care of the minor and with whom the minor resides. Any recipient on behalf of the minor must agree in writing to apply the payments solely for the minor's support. The Trustees may pay the benefits due to the minor to a trust established for the benefit of the minor. The Trustees have the sole discretion to make any payment of benefits to a minor by depositing the payments in a federally insured savings account in the name of the minor and by giving written notice of deposit to the minor. Payment made in the manner set forth in this Section will discharge the Trustees from any liability to the minor or anyone representing the minor's interest. No payment will be made under this Section to a government agency, except as required by a Qualified Domestic Relations Order, ERISA, or the Internal Revenue Code.

7. Section 9.05(b) shall be amended to read as follows:

9.05(b) If there is no valid of a Participant's beneficiary on file, then payment shall be made in accordance with Section 7.02

All other terms and conditions of the Plan shall remain in full force and effect.

Executed this __________ day of __________, 2017.

Chairman

Secretary