
HOUSE BILL 2419

State of Washington

58th Legislature

2004 Regular Session

By Representatives Simpson, G., Delvin, Cooper, Hinkle, Chase, Morrell and Conway

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1 AN ACT Relating to calculating the retirement allowance of a member
2 of the law enforcement officers' and fire fighters' retirement system
3 plan 2 who is killed in the course of employment; and amending RCW
4 41.26.510.

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

6 **Sec. 1.** RCW 41.26.510 and 2000 c 247 s 1001 are each amended to
7 read as follows:

8 (1) Except as provided in RCW 11.07.010, if a member or a vested
9 member who has not completed at least ten years of service dies, the
10 amount of the accumulated contributions standing to such member's
11 credit in the retirement system at the time of such member's death,
12 less any amount identified as owing to an obligee upon withdrawal of
13 accumulated contributions pursuant to a court order filed under RCW
14 41.50.670, shall be paid to the member's estate, or such person or
15 persons, trust, or organization as the member shall have nominated by
16 written designation duly executed and filed with the department. If
17 there be no such designated person or persons still living at the time
18 of the member's death, such member's accumulated contributions standing
19 to such member's credit in the retirement system, less any amount

1 identified as owing to an obligee upon withdrawal of accumulated
2 contributions pursuant to a court order filed under RCW 41.50.670,
3 shall be paid to the member's surviving spouse as if in fact such
4 spouse had been nominated by written designation, or if there be no
5 such surviving spouse, then to such member's legal representatives.

6 (2) If a member who is eligible for retirement or a member who has
7 completed at least ten years of service dies, the surviving spouse or
8 eligible child or children shall elect to receive either:

9 (a) A retirement allowance computed as provided for in RCW
10 41.26.430, actuarially reduced by the amount of any lump sum benefit
11 identified as owing to an obligee upon withdrawal of accumulated
12 contributions pursuant to a court order filed under RCW 41.50.670 and
13 actuarially adjusted to reflect a joint and one hundred percent
14 survivor option under RCW 41.26.460 and if the member was not eligible
15 for normal retirement at the date of death a further reduction as
16 described in RCW 41.26.430; if a surviving spouse who is receiving a
17 retirement allowance dies leaving a child or children of the member
18 under the age of majority, then such child or children shall continue
19 to receive an allowance in an amount equal to that which was being
20 received by the surviving spouse, share and share alike, until such
21 child or children reach the age of majority; if there is no surviving
22 spouse eligible to receive an allowance at the time of the member's
23 death, such member's child or children under the age of majority shall
24 receive an allowance share and share alike calculated as herein
25 provided making the assumption that the ages of the spouse and member
26 were equal at the time of the member's death; or

27 (b)(i) The member's accumulated contributions, less any amount
28 identified as owing to an obligee upon withdrawal of accumulated
29 contributions pursuant to a court order filed under RCW 41.50.670; or

30 (ii) If the member dies on or after July 25, 1993, one hundred
31 fifty percent of the member's accumulated contributions, less any
32 amount identified as owing to an obligee upon withdrawal of accumulated
33 contributions pursuant to a court order filed under RCW 41.50.670. Any
34 accumulated contributions attributable to restorations made under RCW
35 41.50.165(2) shall be refunded at one hundred percent.

36 (3) If a member who is eligible for retirement or a member who has
37 completed at least ten years of service dies after October 1, 1977, and
38 is not survived by a spouse or an eligible child, then the accumulated

1 contributions standing to the member's credit, less any amount
2 identified as owing to an obligee upon withdrawal of accumulated
3 contributions pursuant to a court order filed under RCW 41.50.670,
4 shall be paid:

5 (a) To an estate, a person or persons, trust, or organization as
6 the member shall have nominated by written designation duly executed
7 and filed with the department; or

8 (b) If there is no such designated person or persons still living
9 at the time of the member's death, then to the member's legal
10 representatives.

11 (4) The retirement allowance of a member who is killed in the
12 course of employment, as determined by the director of the department
13 of labor and industries, is not subject to an actuarial reduction. The
14 member's retirement allowance is computed under RCW 41.26.420.

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