
HOUSE BILL 2534

State of Washington

58th Legislature

2004 Regular Session

By Representatives Fromhold, Alexander, Conway, Rockefeller, Simpson, G., Chase and Morrell; by request of Select Committee on Pension Policy

Read first time 01/15/2004. Referred to Committee on Appropriations.

1 AN ACT Relating to death benefits for members of the Washington
2 state patrol retirement system plan 2; and amending RCW 43.43.295.

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

4 **Sec. 1.** RCW 43.43.295 and 2003 c 294 s 15 are each amended to read
5 as follows:

6 (1) For members commissioned on or after January 1, 2003, except as
7 provided in RCW 11.07.010, if a member or a vested member who has not
8 completed at least ten years of service dies, the amount of the
9 accumulated contributions standing to such member's credit in the
10 retirement system at the time of such member's death, less any amount
11 identified as owing to an obligee upon withdrawal of accumulated
12 contributions pursuant to a court order filed under RCW 41.50.670,
13 shall be paid to the member's estate, or such person or persons, trust,
14 or organization as the member shall have nominated by written
15 designation duly executed and filed with the department. If there be
16 no such designated person or persons still living at the time of the
17 member's death, such member's accumulated contributions standing to
18 such member's credit in the retirement system, less any amount
19 identified as owing to an obligee upon withdrawal of accumulated

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

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

8 (a) A retirement allowance computed as provided for in RCW
9 43.43.260, actuarially reduced, except under subsection (4) of this
10 section, by the amount of any lump sum benefit identified as owing to
11 an obligee upon withdrawal of accumulated contributions pursuant to a
12 court order filed under RCW 41.50.670 and actuarially adjusted to
13 reflect a joint and one hundred percent survivor option under RCW
14 43.43.278 and if the member was not eligible for normal retirement at
15 the date of death a further reduction from age fifty-five or when the
16 member could have attained twenty-five years of service, whichever is
17 less; if a surviving spouse who is receiving a retirement allowance
18 dies leaving a child or children of the member under the age of
19 majority, then such child or children shall continue to receive an
20 allowance in an amount equal to that which was being received by the
21 surviving spouse, share and share alike, until such child or children
22 reach the age of majority; if there is no surviving spouse eligible to
23 receive an allowance at the time of the member's death, such member's
24 child or children under the age of majority shall receive an allowance
25 share and share alike calculated under this section making the
26 assumption that the ages of the spouse and member were equal at the
27 time of the member's death; or

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

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

37 (3) If a member who is eligible for retirement or a member who has
38 completed at least ten years of service dies, and is not survived by a

1 spouse or an eligible child, then the accumulated contributions
2 standing to the member's credit, less any amount identified as owing to
3 an obligee upon withdrawal of accumulated contributions pursuant to a
4 court order filed under RCW 41.50.670, 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.

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