

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6254**

58th Legislature  
2004 Regular Session

Passed by the Senate February 17, 2004  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House March 3, 2004  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SENATE BILL 6254** as passed by the  
Senate and the House of  
Representatives on the dates  
hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 6254**

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Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** Senators Regala, Winsley, Fraser, Carlson, Keiser, Roach, Franklin, Rasmussen and Haugen; by request of Select Committee on Pension Policy

Read first time 01/15/2004. Referred to Committee on Ways & Means.

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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