

# HOUSE BILL REPORT

## HB 1758

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As Reported By House Committee On:  
Appropriations

**Title:** An act relating to public safety directors.

**Brief Description:** Including public safety directors in the definition of "law enforcement officer."

**Sponsors:** Representatives Chappell, Brumsickle, Orr, Springer, Riley and Sheldon.

**Brief History:**

Reported by House Committee on:  
Appropriations, March 1, 1993, DPS.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dellwo; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

**Staff:** Barbara McLain (786-7153).

**Background:** The definition of law enforcement officer for determining membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) requires that the person be employed as a "full-time, fully-compensated" officer. The definition of fire fighter is also restricted to a full-time employee of a fire department, actively employed as a fire fighter.

Some jurisdictions have created public safety officers or, in some cases, a director of public safety to oversee both the police and fire departments. Under the current LEOFF definition, a public safety officer or director is neither a full-time fire fighter, nor a full-time law enforcement officer, and therefore not a member of LEOFF, even though the person may have served as one or the other during his or her career, and may still substantially perform the duties of one or both jobs.

**Summary of Substitute Bill:** Membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) is extended to public safety officers and directors of public safety, as long as the job duties of such a person substantially involve either police or fire duties, or both, and no other duties.

This membership extension does not apply to someone who is receiving a retirement allowance under LEOFF when the bill takes effect.

This membership applies retroactively to January 1, 1993.

**Substitute Bill Compared to Original Bill:** LEOFF membership is extended to public safety officers as well as directors of public safety. An exception is made for people receiving LEOFF retirement allowances.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The bill corrects a quirk in the law that creates an unfair situation for public safety officers. Local jurisdictions should have the flexibility to create administrative efficiencies by combining police and fire chiefs without having the employee penalized through the retirement system.

**Testimony Against:** Combining police and fire into one department has been shown to cause reductions in the level of service to the public. Allowing retirement credit for public safety officers would encourage use of that type of officer to the detriment of citizens.

**Witnesses:** Representative Dave Chappell (for); Randy Hamilton, Chief of Police and Fire Services, city of Chehalis (for); Dave Campbell, Chehalis City Manager (for); and Dan Downs, Washington State Council of Fire Fighters (against).