

# HOUSE BILL REPORT

## HB 1205

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**As Passed House:**

March 13, 2003

**Title:** An act relating to department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service.

**Brief Description:** Addressing the department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service.

**Sponsors:** By Representatives Conway, Delvin, Simpson, Alexander, Cooper and Chase; by request of Joint Committee on Pension Policy.

**Brief History:**

**Committee Activity:**

Appropriations: 2/19/03, 3/6/03 [DP].

**Floor Activity:**

Passed House: 3/13/03, 91-3.

**Brief Summary of Bill**

- Transfers the Department of Fish and Wildlife enforcement officers from the Public Employees' Retirement System Plans 2 and 3 to the Law Enforcement Officers' and Fire Fighters' Plan 2 for periods of future service.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 23 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Buck, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke and Talcott.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Kagi and Sump.

**Staff:** David Pringle (786-7310).

**Background:**

The Department of Fish and Wildlife (DFW) was changed from a limited authority law enforcement agency to a general authority law enforcement agency by the 2002 Legislature. This permits the agency to commission officers to enforce all the traffic and criminal laws of the state, much like Washington State Patrol troopers, in addition to the special enforcement powers granted to the DFW enforcement officers in the state Wildlife Code.

The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) provides retirement benefits to full-time general authority law enforcement officers and firefighters throughout Washington. To be eligible for LEOFF as a law enforcement officer, an employee must: 1) Work for a governmental entity that meets the definition of a general authority law enforcement agency; 2) be a general authority law enforcement officer; and 3) meet the training or other requirements of his or her job.

While Washington State Patrol troopers and the DFW enforcement officers meet all the requirements of LEOFF membership, they are specifically excluded from LEOFF. Individuals who do not meet all of the criteria or are otherwise excluded from LEOFF membership are generally members of the Public Employees' Retirement System (PERS).

All employees first employed in PERS-eligible positions since 1977 have been enrolled in PERS Plan 2/3, which allows for an unreduced retirement allowance at age 65. PERS 1, in contrast, permits members to retire at any age after 30 years of service, at age 55 with 25 years of service, and at age 60 with five years of service.

All employees first employed in LEOFF-eligible positions since 1977 have been enrolled in LEOFF Plan 2, which allows for an unreduced retirement allowance at age 53. LEOFF 2 permits early retirement beginning at age 50 for members with 20 years of service with a 3 percent per year reduction to their retirement allowance.

There are about 125 DFW enforcement officers, and about 70 of them are currently members of PERS 2 and 3. The remaining 55 are members of PERS 1.

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**Summary of Bill:**

The DFW enforcement officers who are members of the PERS Plan 2 or 3 are made members of the LEOFF Plan 2 for periods of service rendered after the effective date of the act.

Members with service in PERS 2 and 3 prior to the effective date of the act will have dual membership in PERS 2/3 and LEOFF 2. Members with service in PERS 1 will remain members of PERS 1.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** We would like to thank both the Appropriations Committee for hearing and Joint Committee on Pension Policy for recommending this bill. The bill is purely prospective, and no past service is transferred. The DFW can absorb the additional cost for the 70 members that are in PERS 2 and 3, in part by the positions we have held vacant. This gives us parity with other law enforcement agencies, which will help us recruit employees by transfer. This has been a long process, but Fish and Wildlife enforcement officers now meet the requirements of LEOFF membership. Labor and management are on the same side of the table on this issue.

**Testimony Against:** None.

**Testified:** Bruce Bjork, Washington Department of Fish and Wildlife; and Bev Hermanson, Washington Federation of State Employees.