

# SENATE BILL REPORT

## HB 2134

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As Reported By Senate Committee On:  
Ways & Means, March 03, 2008

**Title:** An act relating to port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2.

**Brief Description:** Authorizing port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2.

**Sponsors:** Representatives VanDeWege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, P. Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley.

**Brief History:** Passed House: 3/09/07, 74-23.

**Committee Activity:** Ways & Means: 3/20/07, 4/02/07 [DP, DNP, w/oRec]; 3/3/08 [DP, w/oRec].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Rasmussen, Roach, Rockefeller, Schoesler and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Honeyford.

**Staff:** Erik Sund (786-7454)

**Background:** The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF 2) provides retirement benefits to full-time general authority law enforcement officers and fire fighters throughout Washington. To be eligible for LEOFF 2 as a fire fighter, employees must be full-time, fully-compensated fire fighters employed by fire departments or emergency medical technicians employed by fire departments or other divisions of local government. An employee who has firefighting as one of their duties, but primarily does other activities such as general maintenance and operations, is not eligible for membership in LEOFF 2 as a fire fighter.

Members of LEOFF 2 are eligible for a retirement allowance of 2 percent of average final salary for each year of service credit earned at age 53. Members of LEOFF 2 may apply for

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early retirement beginning at age 50; however, the member's benefit is reduced by 3 percent per year below age 53 if the member has 20 or more years of service, and fully actuarially reduced if the member has less than 20 years of service.

Members of PERS 2/3 are eligible for an unreduced retirement allowance at age 65, and early retirement benefits beginning at age 55. Members of PERS 2/3 retiring before age 65 must earn 30 years of service before being eligible for a 3 percent per year reduction in benefits; with fewer than 30 years of service, a retiring member's benefit is actuarially reduced.

**Summary of Bill:** Full-time employees of port districts whose duties include the suppression of fires, and who are trained in rescue and firefighting skills both prior to assuming fire suppression duties and annually thereafter, are added to the fire fighter membership definition of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2). The annual training must include live fire drills.

Supervisory port district firefighting personnel who are trained in rescue and firefighting duties are also added to the fire fighter membership definition of the LEOFF 2.

Under state collective bargaining law, employees who fall within the definition of "uniformed personnel," including firefighters as defined in LEOFF 2, are entitled to arbitration if a collective bargaining agreement has not been reached following a reasonable period of negotiations and mediation. The determination of an arbitration panel in a uniformed personnel contract dispute is final and binding, subject to review by the superior court solely upon the question of whether the decision of the panel was arbitrary or capricious.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except section 2 which takes effect July 1, 2013.

**Staff Summary of Public Testimony:** CON: This bill would allow employees with very minimal fire fighting duties to enroll in LEOFF 2. These employees spend around only 5 percent of their time on fire fighting and rescue related duties and are not considered first responders for fire or first aid purposes.

**Persons Testifying:** CON: Larry Boone, Port of Bellingham.