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SENATE BILL 5309

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State of Washington

61st Legislature

2009 Regular Session

By Senators Hobbs, Schoesler, Murray, and Holmquist; by request of  
Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

Read first time 01/20/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to allowing department of fish and wildlife  
2 enforcement officers to transfer service credit; and adding a new  
3 section to chapter 41.26 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.26 RCW  
6 to read as follows:

7 (1) A member of plan 2 who was a member of the public employees'  
8 retirement system plan 2 or plan 3 while employed as an enforcement  
9 officer for the department of fish and wildlife has the option to make  
10 an election no later than December 31, 2009, filed in writing with the  
11 department of retirement systems, to transfer all service credit  
12 previously earned as an enforcement officer in the public employees'  
13 retirement system plan 2 or plan 3 to the law enforcement officers' and  
14 firefighters' retirement system plan 2. Service credit that a member  
15 elects to transfer from the public employees' retirement system to the  
16 law enforcement officers' and firefighters' retirement system under  
17 this section shall be transferred no earlier than June 30, 2014, and  
18 only after the member completes payment as provided in subsection (2)  
19 of this section.

1 (2)(a) A member who elects to transfer service credit under  
2 subsection (1) of this section shall make the payments required by this  
3 subsection prior to having service credit earned as an enforcement  
4 officer with the department of fish and wildlife under the public  
5 employees' retirement system plan 2 or plan 3 transferred to the law  
6 enforcement officers' and firefighters' retirement system plan 2.

7 (b) A member who elects to transfer service credit from the public  
8 employees' retirement system plan 2 under this subsection shall pay,  
9 for the applicable period of service, the difference between the  
10 contributions the employee paid to the public employees' retirement  
11 system plan 2 and the contributions that would have been paid by the  
12 employee had the employee been a member of the law enforcement  
13 officers' and firefighters' retirement system plan 2, plus interest on  
14 this difference as determined by the director. This payment must be  
15 made no later than June 30, 2014, and must be made prior to retirement.

16 (c) A member who elects to transfer service credit from the public  
17 employees' retirement system plan 3 under this subsection shall  
18 transfer to the law enforcement officers' and firefighters' retirement  
19 system plan 2, for the applicable period of service, the full balance  
20 of the member's defined contribution account within plan 3 as of the  
21 effective date of the transfer. At no time will the member pay, for  
22 the applicable period of service, a sum less than the contributions  
23 that would have been paid by the employee had the employee been a  
24 member of the law enforcement officers' and firefighters' retirement  
25 system plan 2, plus interest as determined by the director. This  
26 transfer and any additional payment, if necessary, must be made no  
27 later than June 30, 2014, and must be made prior to retirement.

28 (d) No later than June 30, 2015, the department of fish and  
29 wildlife shall pay an amount sufficient to ensure that the contribution  
30 level to the law enforcement officers' and firefighters' retirement  
31 system will not increase due to this transfer. Payments made prior to  
32 June 30, 2015, are authorized as determined by the department and  
33 coordinated with the state actuary.

34 (e) Upon completion of the payment required in (b) of this  
35 subsection, the department shall transfer from the public employees'  
36 retirement system to the law enforcement officers' and firefighters'  
37 retirement system plan 2: (i) All of the employee's applicable  
38 accumulated contributions plus interest and all of the applicable

1 employer contributions plus interest; and (ii) all applicable months of  
2 service, as defined in RCW 41.26.030(14)(b), credited to the employee  
3 under this chapter for service as an enforcement officer with the  
4 department of fish and wildlife as though that service was rendered as  
5 a member of the law enforcement officers' and firefighters' retirement  
6 system plan 2.

7 (f) Upon completion of the payment required in (c) of this  
8 subsection, the department shall transfer from the public employees'  
9 retirement system to the law enforcement officers' and firefighters'  
10 retirement system plan 2: (i) All of the employee's applicable  
11 accumulated contributions plus interest and all of the applicable  
12 employer contributions plus interest; and (ii) all applicable months of  
13 service, as defined in RCW 41.26.030(14)(b), credited to the employee  
14 under this chapter for service as an enforcement officer with the  
15 department of fish and wildlife as though that service was rendered as  
16 a member of the law enforcement officers' and firefighters' retirement  
17 system plan 2.

18 (g) If a member who elected to transfer pursuant to this section  
19 dies or retires for disability prior to June 30, 2014, the member's  
20 benefit is calculated as follows:

21 (i) All of the applicable service credit, accumulated  
22 contributions, and interest is transferred to the law enforcement  
23 officers' and firefighters' retirement system plan 2 and used in the  
24 calculation of a benefit.

25 (ii) If a member's obligation under (b) or (c) of this subsection  
26 has not been paid in full at the time of death or disability  
27 retirement, the member, or in the case of death the surviving spouse or  
28 eligible minor children, have the following options:

29 (A) Pay the bill in full;

30 (B) If a continuing monthly benefit is chosen, have the benefit  
31 actuarially reduced to reflect the amount of the unpaid obligation  
32 under (b) or (c) of this subsection; or

33 (C) Continue to make payment against the obligation under (b) or  
34 (c) of this subsection, provided that payment in full is made no later  
35 than June 30, 2014.

36 (h) Upon transfer of service credit, contributions, and interest  
37 under this subsection, the employee is permanently excluded from  
38 membership in the public employees' retirement system for all service

1 related to time served as an enforcement officer with the department of  
2 fish and wildlife under the public employees' retirement system plan 2  
3 or plan 3.

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