

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1953**

Chapter 157, Laws of 2009

61st Legislature  
2009 Regular Session

DEPARTMENT OF FISH AND WILDLIFE--TRANSFER OF SERVICE CREDIT

EFFECTIVE DATE: 07/26/09

Passed by the House March 6, 2009  
Yeas 95 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate April 10, 2009  
Yeas 46 Nays 0

BRAD OWEN

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**President of the Senate**

Approved April 21, 2009, 2:56 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1953** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

April 22, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1953**

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Passed Legislature - 2009 Regular Session

**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Ways & Means (originally sponsored by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams, and Hinkle; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board)

READ FIRST TIME 03/03/09.

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) Upon completion of the payment required in (b) of this  
29 subsection, the department shall transfer from the public employees'  
30 retirement system to the law enforcement officers' and firefighters'  
31 retirement system plan 2: (i) All of the employee's applicable  
32 accumulated contributions plus interest and all of the applicable  
33 employer contributions plus interest; and (ii) all applicable months of  
34 service, as defined in RCW 41.26.030(14)(b), credited to the employee  
35 under this chapter for service as an enforcement officer with the  
36 department of fish and wildlife as though that service was rendered as  
37 a member of the law enforcement officers' and firefighters' retirement  
38 system plan 2.

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

12 (f) If a member who elected to transfer pursuant to this section  
13 dies or retires for disability prior to June 30, 2014, the member's  
14 benefit is calculated as follows:

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

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

23 (A) Pay the bill in full;

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

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

30 (g) Upon transfer of service credit, contributions, and interest  
31 under this subsection, the employee is permanently excluded from  
32 membership in the public employees' retirement system for all service  
33 related to time served as an enforcement officer with the department of  
34 fish and wildlife under the public employees' retirement system plan 2  
35 or plan 3.

Passed by the House March 6, 2009.

Passed by the Senate April 10, 2009.

Approved by the Governor April 21, 2009.

Filed in Office of Secretary of State April 22, 2009.