

# HOUSE BILL REPORT

## HB 2051

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### As Amended by the Senate

**Title:** An act relating to firefighters and law enforcement officers pension and disability boards.

**Brief Description:** Concerning firefighters and law enforcement officers pension and disability boards.

**Sponsors:** Representatives Lovick, Chapman, Griffey and Dent.

#### Brief History:

##### Committee Activity:

Appropriations: 2/25/19, 2/26/19 [DP].

##### Floor Activity:

Passed House: 3/9/19, 96-0.

##### Floor Activity:

Passed House: 1/22/20, 96-0.

Senate Amended.

Passed Senate: 3/6/20, 48-0.

#### Brief Summary of Bill

- Allows any active or retired firefighter or law enforcement officer who resides within the jurisdiction served by the board to be elected to a Prior Act and Law Enforcement Officers' and Fire Fighters' Retirement System Plan 1 disability board, if no eligible active or retired firefighter or law enforcement officer is willing or able.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 33 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

The Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plan 1 provides retirement and disability benefits to law enforcement officers and firefighters who entered eligible employment between 1969 and 1977. Since 1977, eligible law enforcement officers and firefighters have entered LEOFF Plan 2. Before the implementation of LEOFF Plan 1 in 1970, law enforcement and firefighter pensions, referred to as Prior Act systems, were administered by local pension boards. When LEOFF Plan 1 was created, the law established LEOFF Plan 1 disability boards. Disability boards determine medical and disability benefits to be paid to LEOFF Plan 1 members. The LEOFF Plan 1 is unique among state retirement system plans in that retiree benefits include coverage for all necessary medical services.

Each city with a population of 20,000 or more has a LEOFF Plan 1 disability board. Each county also has a disability board, and these county boards have jurisdiction over LEOFF Plan 1 members who are not employed in a city with its own disability board. The LEOFF Plan 1 city disability boards have five members:

- two members of the city legislative body;
- one member of the public appointed by the other members of the disability board;
- one active or retired firefighter member representing firefighters; and
- one active or retired law enforcement officer representing law enforcement officers.

Only active or retired Prior Act, LEOFF Plan 1, and LEOFF Plan 2 firefighters employed by or retired from the city, county, or fire protection district are eligible to be elected to a pension or disability board. Since 2013, if no firefighters under a LEOFF Plan 1 city disability board's jurisdiction are eligible to vote, the law enforcement officers eligible to vote must elect a second representative. If no law enforcement officers under a LEOFF Plan 1 city disability board's jurisdiction are eligible to vote, the firefighters eligible to vote must elect a second representative. Only those covered by the jurisdiction of the board are eligible to vote. According to the Department of Retirement Systems, there are approximately 3,022 members who may be eligible for a Prior Act pension benefit. The 2016 LEOFF Plan 1 Medical Benefits Actuarial Valuation Report indicates 62 active and 5,753 inactive LEOFF Plan 1 members.

## **Summary of Bill:**

Any active or retired firefighter or law enforcement officer who resides within the jurisdiction served by a Law Enforcement Officers' and Fire Fighters' (LEOFF) Plan 1 or Prior Act disability board may be elected to a Prior Act and LEOFF Plan 1 disability board, if no eligible active or retired firefighter or law enforcement officer is willing or able.

## **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment allows the surviving spouse of an employed or retired firefighter or law enforcement officer to serve on a pension or disability board, as well as the active and retired firefighters specified in the underlying bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The members of the LEOFF Plan 2 believe that this is a proactive approach to a problem that is only going to grow over time. The retirees should have an advocate on these disability boards.

(Opposed) None.

(Other) Two minor amendments need to be made. This language is too broad, and should not allow those from out-of-state to serve on the disability boards. There is also unconstitutional language here, and it should be corrected in this bill. During recent activities related to the LEOFF disability boards, the Spokane Airport Board (Board) believes that the Board would be well served by having additional representation of municipal corporations or districts on the disability boards.

**Persons Testifying:** (In support) Bud Sizemore, Washington State Council of Fire Fighters.

(Other) Cliff Webster, Spokane International Airport; and Bill Dickinson, Law Enforcement and Firefighters Plan 1 Coalition.

**Persons Signed In To Testify But Not Testifying:** None.