

# SENATE BILL REPORT

## HB 1481

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As of March 12, 2023

**Title:** An act relating to permitting general authority peace officers certificated by the criminal justice training commission and employed on a full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2.

**Brief Description:** Permitting general authority peace officers certificated by the criminal justice training commission and employed on a full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2.

**Sponsors:** Representatives Cortes, Stearns, Chopp, Chapman, Peterson, Jacobsen, Ramel, Orwall, Ormsby, Reeves, Senn, Leavitt, Ortiz-Self, Taylor, Bergquist and Pollet.

**Brief History:** Passed House: 2/13/23, 96-0.

**Committee Activity:** Ways & Means: 3/13/23.

### Brief Summary of Bill

- Permits federally recognized tribes in Washington to opt in to the Law Enforcement Officers' and Firefighters' Retirement System Plan 2.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Amanda Cecil (786-7460)

**Background:** The Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF 2) provides retirement benefits to full-time, fully compensated law enforcement officers and firefighters employed by the state, cities, counties, and special districts, who were first employed in an eligible position on or after October 1, 1977.

LEOFF 2 benefits are funded by contributions from members, employers, and the state, as

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well as by investment earnings. Contribution rates are set biennially by the LEOFF 2 Board and are allocated as follows: 50 percent is paid by members, 30 percent is paid by employers, and the remaining 20 percent is paid by the state. Contribution rates are set biennially by the LEOFF 2 Board. The LEOFF 2 Board also studies issues related to plan funding and benefits and makes recommendations to the Legislature.

There are 29 federally recognized tribes in Washington, each of which is considered a sovereign nation and has immunity from suit in state or federal court. In Washington, tribes have signed limited waivers of sovereign immunity, typically in the form of state-tribal compacts, subjecting themselves to the laws of the state of Washington and to suit in state court. Some of these compacts include state-tribal gaming compacts under the federal Indian Gaming Regulatory Act and for the operation of tribal compact schools under state law.

In 2018, the Legislature authorized a state-tribal compact to permit the participation of tribal-compact school employees in the Teachers' Retirement System (TRS) and the School Employees' Retirement System (SERS). Participation by tribal-compact school employees in TRS and SERS requires tribes opting to participate to meet specific conditions, including a limited waiver of sovereign immunity.

**Summary of Bill:** Federally recognized tribes in Washington State that operate police departments are permitted to opt in to LEOFF 2. A tribe opting to participate in LEOFF 2 must enter a state-tribal compact negotiated between the Governor and the governing body of the tribe. The compact must include provisions related to reporting records and allowing audits, waiving sovereign immunity for enforcing LEOFF 2 rules, and dissolution procedures for tribes ceasing participation in the LEOFF 2.

Participation in the LEOFF 2 is limited on an employee basis to full-time general authority peace officers currently certified by the Criminal Justice Training Commission and employed in the police department of a participating tribe.

Tribal law enforcement officers participating in the LEOFF 2 are provided the option to purchase specified periods of past service by paying the actuarial value of the resulting increase in their retirement benefit. Payment must be completed within five years and prior to retirement. This option must be exercised by members between July 1, 2025, and June 30, 2026.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2025.