



TECHNICAL CORRECTIONS INITIAL CONSIDERATION

**LEOFF Plan 2 Retirement Board
August 24, 2011**

OVERVIEW

- Issue Description

- Review Technical Corrections
 1. Definition of Fire Fighter/EMT
 2. Educational Waivers/Reserve Police Officers



ISSUE DESCRIPTION

- Technical corrections are needed to fix errors and oversights in the statutes from previous legislation.



DEFINITION OF FIRE FIGHTER EMERGENCY MEDICAL TECHNICIAN

- 2003: Certain EMT allowed into LEOFF
 - Act expires 2013
- 2005: EMT added to definition of fire fighter; Cross-reference added into 2003 legislation.
 - Act expires 2013
 - Should have expired specific section instead
- 2007: Death & Disability Provisions added
 - Attempted fix to 2005 legislation expiration
 - Act expiration date 2023 undoes fix; recreates problem



EDUCATIONAL WAIVERS

RESERVE POLICE OFFICERS

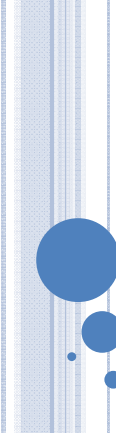
- Prior to 2010 – Optional Tuition Waiver
 - “Children of any law enforcement officer or firefighter who lost his or her life or became totally disabled in the line of duty”
- After 2010 legislation - Required Tuition Waiver
 - “Children of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty”
- Change unintentionally eliminated coverage for reserve police officers



TECHNICAL CORRECTIONS

Questions?






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RESERVE POLICE OFFICERS

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TECHNICAL CORRECTIONS

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LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD

Technical Corrections Initial Consideration

August 24, 2011

1. Issue

Technical corrections are needed to fix errors and oversights in the statutes from previous legislation.

2. Staff

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3. Members Impacted

This issue impacts emergency medical technicians in LEOFF Plan 2 and reserve law enforcement officers in the Volunteer fire fighters' and reserve officers' relief and pension program.

4. Current Situation

Two technical corrections have been identified. One affects emergency medical technicians, the second affects reserve law enforcement officers.

The definition of fire fighter is found in RCW 41.26.030 and includes emergency medical technicians. The 2005 legislation which included emergency medical technicians in the definition of fire fighter contained an unintentional expiration date which would make emergency medical technicians ineligible for LEOFF membership in 2023.

Full-time, fully compensated law enforcement officers and fire fighters are covered by RCW 41.26 (LEOFF retirement system). Reserve law enforcement officers volunteer fire fighters are covered by RCW 41.24 (Volunteer fire fighters' and reserve officers' relief and pensions). Reserve law enforcement officers volunteer fire fighters are not eligible for LEOFF membership under RCW 41.26.

Statutory changes to eligibility criteria for educational waivers provided in RCW 28B.15.380 unintentionally eliminated coverage for reserve police officers. Educational waiver eligibility was maintained for volunteer fire fighters covered by RCW 41.24 and for fire fighters and law enforcement officers covered by RCW 41.26.

5. Background Information and Policy Issues

Definition of Fire Fighter – Emergency Medical Technicians

Statutory changes to the definition of fire fighter to include emergency medical technicians contain an unintentional expiration date.

Chapter 459, Laws of 2005, sec. 1, added (h) to the definition of fire fighter in RCW 41.26.030(4) to include emergency medical technicians. Section 3 of that same act provides that “This act expires July 1, 2013.” Given that the entire act expires 2013, the inclusion of EMTs within the definition of fire fighter would expire along with the act.

Chapter 304, Laws of 2007, sec. 2 attempted to correct the definition expiration issue by stating “2005 c 459 s 3 (uncodified) is amended to read as follows: Section 2 of this act expires July 1, ((2013)) 2023.” This would have fixed the definition expiration issue. However, section 4 of the legislation states that “This act expires July 1, 2023.”

This results in undoing the “fix” in section 2 and recreates the expiration problem. This means that emergency medical technicians would no longer be eligible for participation LEOFF as of July 1, 2023.

Educational Waivers for Reserve Officers

Statutory changes to eligibility criteria for educational waivers unintentionally eliminated coverage for reserve police officers.

Full-time, fully compensated law enforcement officers and fire fighters are covered by RCW 41.26 (LEOFF retirement system). Reserve law enforcement officers volunteer fire fighters are covered by RCW 41.24 (Volunteer firefighters' and reserve officers' relief and pensions). Reserve law enforcement officers volunteer fire fighters are not eligible for LEOFF membership under RCW 41.26.

Prior to 2010, state institutions of higher education could *optionally waive* all or a portion of tuition and fees for eligible students within certain limits. Categories of eligible students included the children of law enforcement officers or firefighters that died or became disabled in the line of duty. The definition of law enforcement officer for the purpose of the educational waiver included law enforcement officers and fire fighters under RCW 41.26 and reserve law enforcement officers and volunteer fire fighters under RCW 41.24.

Under legislation enacted in 2010, state institutions of higher education were *required to waive* all tuition, service fees and activity fees for children and spouses of law enforcement officers and fire fighters as defined in RCW 41.26, volunteer fire fighters as defined in RCW 41.24, or Washington State Patrol Officers, that die or become totally disabled in the line of duty.

Reserve law enforcement officers as defined in RCW 41.24 were not included in the eligibility for the required educational waivers. At the same time, the opportunity for an institution to optionally waive tuition and fees for this group was eliminated.

6. Supporting Information

1. Summary of Legislation Pertaining to the Definition of Fire Fighter
2. Excerpt of Session Law Pertaining To Educational Waivers For Reserve Law Enforcement

Summary of Legislation Pertaining to Definition of Fire Fighter

2003 | Ch 293 | HB 1202

Sec 1.

- Adds new section (RCW 41.26.547) allowing relocated EMT to enter LEOFF and transfer service credit.
- Must elect to transfer by June 30, 2008.
- Five years to pay for transfer after election; payment window would close June 30, 2013

Sec 2.

- Act expires July 1, 2013

2005 | Ch 459 | SHB 1936

Sec 1.

- Amends RCW 41.26.030(4)(h) adding EMT to definition of fire fighter in

Sec 2.

- Amends RCW 41.26.547 and 2003 c 293 § 1 to include reference to new definition of fire fighter in RCW 41.26.030(4)(h) for service credit transfer.

Sec 3.

- Act expires July 1, 2013

2007 | Ch 304 | HB 1680

Sec 1.

- Amends RCW 41.26.547 and 2005 c 459 § 2 to add policies if death or disability occur during election/payment window.

Sec 2.

- Amends 2005 c 459 § 3 changing the expiration of that act on July 1, 2013 to the expiration of Section 2 of the 2005 legislation to July 1, 2023¹.

Sec 3.

- Amends 2003 c 293 § 2 changing the expiration of that act from July 1, 2013 to July 1, 2023.

Sec 4.

- Act expires July 1, 2023

¹ Effect: Would have fixed the problem in 2005 bill of expiring EMT in the definition of fire fighter, but Sec 4 of this bill reapplies the act expiration problem

**Excerpt of Law Pertaining To Educational Waivers for Reserve Law Enforcement
Chapter 261, Laws of 2010, Section 4 (EHB 2519)**

RCW 28B.15.380 (Before 2010 Legislation)

"Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College **may exempt** the following students from the payment of all or a portion of tuition fees and services and activities fees:

Children of any **law enforcement officer** or firefighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state:..."

RCW 28B.15.380 (After 2010 Legislation)

"Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College (~~may~~) **shall exempt** the following students from the payment of all (~~or a portion of~~) tuition fees and services and activities fees:

(1) Children of any law enforcement officer (~~or~~) **as defined in chapter 41.26 RCW**, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state:..."