




**TECHNICAL CORRECTIONS
FINAL PROPOSAL**

LEOFF Plan 2 Retirement Board
November 16, 2011


OVERVIEW

- o Issue
- o Technical Corrections
- o Policy Options




ISSUE

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




TECHNICAL CORRECTIONS

- Definition of fire fighter/EMT
 - Inclusion of emergency medical technicians in the definition of fire fighter expires in 2023
- Reserve Law Enforcement
 - Eligibility for education tuition waivers unintentionally eliminated




POLICY OPTIONS

1. Recommend technical correction legislation
2. Defer action to future interim



TECHNICAL CORRECTIONS

Questions?



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

Technical Corrections Preliminary Report

November 16, 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. Policy Options

Option 1: Recommend technical correction legislation to fix the errors which affect the definition of fire fighter and emergency medical technician membership in LEOFF and the statute pertaining to educational waivers for reserve law enforcement.

Option 2: Defer addressing the technical corrections to a future interim

7. 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
3. Draft Bill Language – Technical Corrections

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:..."

Draft Bill Language - Technical Corrections

AN ACT Relating to technical corrections under the law enforcement officers' and firefighters' retirement system plan 2, and the higher education chapter; repealing 2007 c 304 s 4 (uncodified); amending RCW 28B.15.380 and 28B.15.520.

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

Sec. 1 The following acts or parts of acts are each repealed: 2007 c 304 s 4 (uncodified)

Sec. 2. RCW 28B.15.380, 2010 c 261 s 4, and 2005 c 249 s 2 are each amended to read as follows:

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

~~(1)~~(a) 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 while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their

Draft Bill Language - Technical Corrections

course of study at a state-supported college or university within ten years of their graduation from high school; and

~~(2)~~(b) Surviving spouses 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 while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(2) 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 as defined in chapter 41.24 RCW 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: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school;

(3) The governing boards of the state universities, the regional universities, and The Evergreen State College shall report to the *higher education coordinating board on the annual

Draft Bill Language - Technical Corrections

cost of tuition fees and services and activities fees waived for surviving spouses and children under this section. The *higher education coordinating board shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature.

Sec. 3. RCW 28B.15.520, 2010 c 261 s 5 and 2007 c 355 s 6 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1)(a) Waive all or a portion of tuition fees and services and activities fees for:

(i) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by RCW 28A.600.405; and shall waive all of tuition fees and services and activities fees for:

(ii) 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 while

Draft Bill Language - Technical Corrections

employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school; and

(iii) Surviving spouses 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 while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(b) The governing boards of the community colleges shall report to the state board for community and technical colleges on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under parts (a)(ii) and (iii) of this subsection. The state board for community and technical colleges shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature;

(2) Waive all or a portion of tuition fees and services and activities fees for:

Children of any law enforcement officer as defined in chapter 41.24 RCW who lost his or her life or became totally disabled in the line of duty while employed by any public law

Draft Bill Language - Technical Corrections

enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school

~~(2)~~(3) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by RCW 28A.600.405. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.