

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1270**

Chapter 372, Laws of 2005

(partial veto)

59th Legislature  
2005 Regular Session

LEOFF RETIREMENT--REEMPLOYMENT

EFFECTIVE DATE: 7/24/05 - Except section 2, which becomes effective 7/1/06.

Passed by the House March 3, 2005  
Yeas 97 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 22, 2005  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 10, 2005, with the exception of Section 4, which is vetoed.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1270** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

**Chief Clerk**

FILED

May 10, 2005 - 9:47 a.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 1270

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Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives Curtis, Simpson, Conway, Hinkle, Upthegrove, Morrell, Moeller, Green, O'Brien, P. Sullivan, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Serben and Strow; by request of LEOFF Plan 2 Retirement Board

Read first time 01/19/2005. Referred to Committee on Appropriations.

1 AN ACT Relating to suspending a retirement allowance upon  
2 reemployment; amending RCW 41.26.500 and 41.26.500; providing an  
3 effective date; providing an expiration date; and declaring an  
4 emergency.

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

6 **Sec. 1.** RCW 41.26.500 and 1998 c 341 s 604 are each amended to  
7 read as follows:

8 (1) ~~((No))~~ Except under subsection (3) of this section, a retiree  
9 under the provisions of plan 2 shall not be eligible to receive such  
10 retiree's monthly retirement allowance if he or she is employed in an  
11 eligible position as defined in RCW 41.40.010, 41.32.010, or 41.35.010,  
12 or as a law enforcement officer or fire fighter as defined in RCW  
13 41.26.030. If a retiree's benefits have been suspended under this  
14 section, his or her benefits shall be reinstated when the retiree  
15 terminates the employment that caused his or her benefits to be  
16 suspended. Upon reinstatement, the retiree's benefits shall be  
17 actuarially recomputed pursuant to the rules adopted by the department.

18 (2) The department shall adopt rules implementing this section.

1       (3) A member or retiree who becomes employed in an eligible  
2 position as defined in RCW 41.40.010, 41.32.010, or 41.35.010 shall  
3 have the option to enter into membership in the corresponding  
4 retirement system for that position notwithstanding any provision of  
5 RCW 41.04.270. A retiree who elects to enter into plan membership  
6 shall have his or her benefits suspended as provided in subsection (1)  
7 of this section. A retiree who does not elect to enter into plan  
8 membership shall continue to receive his or her benefits without  
9 interruption.

10       **Sec. 2.** RCW 41.26.500 and 2004 c 242 s 54 are each amended to read  
11 as follows:

12       (1) ~~((No))~~ Except under subsection (3) of this section, a retiree  
13 under the provisions of plan 2 shall not be eligible to receive such  
14 retiree's monthly retirement allowance if he or she is employed in an  
15 eligible position as defined in RCW 41.40.010, 41.32.010, 41.37.010, or  
16 41.35.010, or as a law enforcement officer or fire fighter as defined  
17 in RCW 41.26.030. If a retiree's benefits have been suspended under  
18 this section, his or her benefits shall be reinstated when the retiree  
19 terminates the employment that caused his or her benefits to be  
20 suspended. Upon reinstatement, the retiree's benefits shall be  
21 actuarially recomputed pursuant to the rules adopted by the department.

22       (2) The department shall adopt rules implementing this section.

23       (3) A member or retiree who becomes employed in an eligible  
24 position as defined in RCW 41.40.010, 41.32.010, 41.35.010, or  
25 41.37.010 shall have the option to enter into membership in the  
26 corresponding retirement system for that position notwithstanding any  
27 provision of RCW 41.04.270. A retiree who elects to enter into plan  
28 membership shall have his or her benefits suspended as provided in  
29 subsection (1) of this section. A retiree who does not elect to enter  
30 into plan membership shall continue to receive his or her benefits  
31 without interruption.

32       NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1, 2006.

33       \*NEW SECTION. **Sec. 4.** *Section 1 of this act is necessary for the*  
34 *immediate preservation of the public peace, health, or safety, or*

1 **support of the state government and its existing public institutions,**  
2 **and takes effect immediately.**

*\*Sec. 4 was vetoed. See message at end of chapter.*

3 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,  
4 2006.

Passed by the House March 3, 2005.

Passed by the Senate April 22, 2005.

Approved by the Governor May 10, 2005, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 10, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 4, House Bill No.  
1270 entitled:

"AN ACT Relating to suspending a retirement allowance upon  
reemployment."

This bill allows members of the Law Enforcement Officers and Fire  
Fighters Retirement System Plan 2 (LEOFF 2) to work at another state  
job and either earn pension credit at the new job while their  
original pension credits are suspended, or to continue receiving  
their old pension but not earn pension credit in the new system.  
Because law enforcement officers and fire fighters can retire earlier  
under the LEOFF 2 than in other pension plans, and move to another  
profession, this bill allows them important pension and professional  
flexibility.

I am vetoing Section 4 of this bill, the emergency clause, as the  
issues addressed in this important legislation do not rise to the  
level an emergency that requires the immediate revision of state laws.

For these reasons, I have vetoed Section 4 of House Bill No. 1270.

With the exception of Section 4, House Bill No. 1270 is approved."