

# HOUSE BILL REPORT

## EHB 2179

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### As Passed Legislature

**Title:** An act relating to membership in the public employees' retirement system for port workers who participate in a federal railroad retirement plan, a union-sponsored defined benefit retirement plan, or another employer-funded private pension plan.

**Brief Description:** Concerning membership in the public employees' retirement system for port workers who participate in a federal railroad retirement plan.

**Sponsors:** Representatives Abell, Engell, Barnard and Zahn.

### Brief History:

#### Committee Activity:

Appropriations: 1/15/26, 1/22/26 [DP].

#### Floor Activity:

Passed House: 2/16/26, 96-1.

Senate Amended.

Passed Senate: 3/4/26, 49-0.

House Concurred.

Passed House: 3/12/26, 96-0.

Passed Legislature.

### Brief Summary of Engrossed Bill

- Creates a new exception to membership in the Public Employees' Retirement System, exempting persons employed in eligible positions by a port district and enrolled in a Federal Railroad Retirement Plan, beginning January 1, 2027.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 30 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Couture, Ranking Minority Member; Connors,

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Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Berg, Bergquist, Burnett, Callan, Corry, Cortes, Doglio, Dye, Fitzgibbon, Keaton, Leavitt, Lekanoff, Manjarrez, Marshall, Peterson, Pollet, Rude, Ryu, Springer, Stonier, Street, Thai and Valdez.

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

**Background:**

The Public Employees' Retirement System (PERS) is the largest of the state retirement systems, and generally covers employees of the state and political subdivisions. About 165,000 active state and local government employees participate in the PERS system. Cities, special districts, and other municipal entities and public corporate entities may be admitted to the retirement systems by applying to the Department of Retirement Systems (DRS) with the authorization of that entity's governing body.

While the employees of subdivisions or participating municipal entities are not employees of the state, they have a right to receive retirement benefits from the state under the terms of the retirement plan. The state, through the DRS, ensures that nonstate employers properly administer the rules of the retirement system and that funds are collected from participating local employers to support the cost of benefits to the nonstate retirees.

For the employers that participate in the PERS system, membership is extended to all regularly compensated employees employed in positions that meet the requirements of eligibility, are not covered by a different state retirement system such as the Law Enforcement Officers' and Firefighters Retirement System or the Public Safety Employees' Retirement System, or a defined benefit retirement plan operated wholly or in part by a state agency or political subdivision. Other specific exceptions are listed in the PERS laws.

The Federal Railroad Retirement Plan (FRRP) is a two-tiered annuity plan operated by the United States Railroad Retirement Board that provides qualified railroad employees and survivors with retirement, disability, and retirement benefits. The Tier I benefits are effectively a Social Security replacement plan and provides benefits that are largely equivalent to Social Security, including offsets and credits for Social Security that FRRP participants receive from other employment. The Tier II benefits are intended to be a pension benefit paid on top of Social Security-like benefits. The basic monthly benefit from Tier II is 0.7 percent of pay per year of service, using a 5-year average salary.

Port districts have participated in PERS since the 1950s. In 1965 port district compensation statutes were amended to ensure that port district employees could not be covered by both a private retirement plan and the state employees' retirement system. In 2002 the Legislature clarified that port districts could allow employee-only contributions to private pension plans without loss of eligibility for state pension plans.

**Summary of Engrossed Bill:**

A new exception to membership in PERS is created. Persons employed in positions by a port district and enrolled in a FRRP are not eligible for participation in PERS. The effective date of the new exception is January 1, 2027. Intent language is added expressing that the Legislature does not intend port district employees to participate in both the Public Employees' Retirement System and either the Federal Railroad Retirement System or a private Taft-Hartley defined benefit pension plan for the same periods of service.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains multiple effective dates. Please see the bill.

**Staff Summary of Public Testimony:**

(In support) This bill addresses a narrow issue of employees in Federal Railroad retirement plans or union-sponsored retirement plans. This bill provides clarity for a narrow group. Since 1984 the Port of Pend Orielle has had employees that are required to participate in the Federal Railroad Retirement Plan. Without this bill, back contributions could be required for both the port and employees. This narrow exception protects the building trades workers that serve at the Port of Vancouver. The port contributes to the union plans, and doesn't want dual membership in the Public Employees' Retirement System.

(Opposed) None.

(Other) The Department of Retirement Systems would like to thank the members and the Port Association for crafting this bill. There is a conflict between the port district statutes and the retirement statutes in this subject area.

**Persons Testifying:** (In support) James Cockburn, Washington Public Ports Association; Jonalthan Eder, Port of Vancouver, USA; and Jessica Garza, Port of Pend Oreille.

(Other) Seth Miller, Department of Retirement Systems.

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