

# SENATE BILL REPORT

## SB 5161

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As Passed Senate, March 3, 2011

**Title:** An act relating to public corrections entities formed by counties or cities under RCW 39.34.030

**Brief Description:** Addressing the definition of employer for certain public corrections entities formed by counties or cities under RCW 39.34.030.

**Sponsors:** Senators Fain, Schoesler, Holmquist Newbry, Conway, Delvin, Carrell, Murray, Hobbs, Pridemore and Rockefeller; by request of Select Committee on Pension Policy.

**Brief History:**

**Committee Activity:** Ways & Means: 1/27/11, 2/25/11 [DP].

Passed Senate: 3/03/11, 46-0.

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Baumgartner, Baxter, Brown, Conway, Fraser, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Pflug, Pridemore, Regala, Rockefeller, Schoesler and Tom.

**Staff:** Erik Sund (786-7454)

**Background:** The Public Safety Employees' Retirement System (PSERS) was created by Chapter 242 of the Laws of 2004, and opened to members on July 1, 2006. PSERS provides retirement benefits for state and local government employees who work in positions with law enforcement duties but are not eligible for membership in the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF).

Members of PSERS are eligible for full retirement benefits from age 65 with five years of service or from age 60 with at least ten years of service. Early retirement is also available in PSERS from age 53 for members with 20 or more years of service. Members who retire early face a 3 percent reduction in benefits per year of early retirement. Before PSERS was established, public employees with law enforcement duties who were ineligible for LEOFF were enrolled in the Public Employees' Retirement System (PERS) which provides full retirement benefits from age 65 with at least five years of service and reduced early

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retirement benefits from age 55 for members with at least 20 years of service.

To be eligible for membership in PSERS, an employee must both be employed by an eligible employer and meet a duty-based set of membership criteria. PSERS employers are defined in statute as including the Department of Corrections, the Parks and Recreation Commission, the Gambling Commission, the State Patrol, the Liquor Control Board, the Department of Natural Resources, the Department of Social and Health Services, county corrections departments, and the corrections departments of municipalities not classified as first class cities under Chapter 41.28 RCW. To meet the duty-based criteria for membership, employees must work full-time and hold a position (1) that requires completion of a certified criminal justice training course and which has the authority to arrest, investigate crimes, enforce the law, and carry a firearm; (2) in which the primary duty is to ensure the custody and security of incarcerated individuals as a corrections officer or jailer; (3) that is a limited authority Washington peace officer; or (4) in which the primary responsibility is to supervise employees who are eligible for membership under one of the previously listed membership criteria.

The South Correctional Entity (SCORE) is a multi-jurisdictional agency created under the provisions of the Interlocal Cooperation Act, RCW 39.34. The mission of SCORE is to develop and operate a jail to be shared by the cities of Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac, and Tukwila. The facility, which is expected to open in the fall of 2011, will employ 124 full-time corrections officers. Under current law, SCORE is not an eligible employer for PSERS. This means that corrections officers employed by SCORE will be enrolled in PERS rather than PSERS. Current PSERS members who are hired by SCORE will become dual members of PERS and PSERS and will earn credit towards a separate PERS benefit rather than earning additional service credit in PSERS.

**Summary of Bill:** The definition of eligible employer for PSERS is expanded to include any public corrections entity that is created by an agreement between group counties and/or cities under the provisions of the Interlocal Cooperation Act, RCW 39.34. The expanded definition of employer applies retroactively to any such public corrections entity existing on or after January 1, 2011.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: SCORE was founded as response to a shortage of jail capacity in the area. When it opens, it will be the sixth-largest jail in the state and will consolidate the services of nine existing jails, improving the efficiency of local correctional services and saving taxpayers money. This bill will ensure that the corrections professionals employed at SCORE will be enrolled in the proper retirement plan and will avoid recruitment and retention problems that might otherwise arise due to a technical issue in the retirement statutes.

**Persons Testifying:** PRO: Senator Fain, prime sponsor; Penny Bartley, South Correctional Entity.