
SENATE BILL 5336

State of Washington

59th Legislature

2005 Regular Session

By Senators Jacobsen and Oke

Read first time 01/20/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to park rangers employed by the state parks and
2 recreation commission; and amending RCW 10.93.020, 10.93.140,
3 41.26.030, and 79A.05.160.

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

5 **Sec. 1.** RCW 10.93.020 and 2002 c 128 s 1 are each amended to read
6 as follows:

7 As used in this chapter, the following terms have the meanings
8 indicated unless the context clearly requires otherwise.

9 (1) "General authority Washington law enforcement agency" means any
10 agency, department, or division of a municipal corporation, political
11 subdivision, or other unit of local government of this state, and any
12 agency, department, or division of state government, having as its
13 primary function the detection and apprehension of persons committing
14 infractions or violating the traffic or criminal laws in general, as
15 distinguished from a limited authority Washington law enforcement
16 agency, and any other unit of government expressly designated by
17 statute as a general authority Washington law enforcement agency. The
18 Washington state patrol, the state parks and recreation commission, and

1 the department of fish and wildlife are general authority Washington
2 law enforcement agencies.

3 (2) "Limited authority Washington law enforcement agency" means any
4 agency, political subdivision, or unit of local government of this
5 state, and any agency, department, or division of state government,
6 having as one of its functions the apprehension or detection of persons
7 committing infractions or violating the traffic or criminal laws
8 relating to limited subject areas, including but not limited to, the
9 state departments of natural resources and social and health services,
10 the state gambling commission, the state lottery commission, (~~the~~
11 ~~state parks and recreation commission,~~) the state utilities and
12 transportation commission, the state liquor control board, and the
13 state department of corrections.

14 (3) "General authority Washington peace officer" means any full-
15 time, fully compensated and elected, appointed, or employed officer of
16 a general authority Washington law enforcement agency who is
17 commissioned to enforce the criminal laws of the state of Washington
18 generally.

19 (4) "Limited authority Washington peace officer" means any full-
20 time, fully compensated officer of a limited authority Washington law
21 enforcement agency empowered by that agency to detect or apprehend
22 violators of the laws in some or all of the limited subject areas for
23 which that agency is responsible. A limited authority Washington peace
24 officer may be a specially commissioned Washington peace officer if
25 otherwise qualified for such status under this chapter.

26 (5) "Specially commissioned Washington peace officer", for the
27 purposes of this chapter, means any officer, whether part-time or full-
28 time, compensated or not, commissioned by a general authority
29 Washington law enforcement agency to enforce some or all of the
30 criminal laws of the state of Washington, who does not qualify under
31 this chapter as a general authority Washington peace officer for that
32 commissioning agency, specifically including reserve peace officers,
33 and specially commissioned full-time, fully compensated peace officers
34 duly commissioned by the states of Oregon or Idaho or any such peace
35 officer commissioned by a unit of local government of Oregon or Idaho.
36 A reserve peace officer is an individual who is an officer of a
37 Washington law enforcement agency who does not serve such agency on a

1 full-time basis but who, when called by the agency into active service,
2 is fully commissioned on the same basis as full-time peace officers to
3 enforce the criminal laws of the state.

4 (6) "Federal peace officer" means any employee or agent of the
5 United States government who has the authority to carry firearms and
6 make warrantless arrests and whose duties involve the enforcement of
7 criminal laws of the United States.

8 (7) "Agency with primary territorial jurisdiction" means a city or
9 town police agency which has responsibility for police activity within
10 its boundaries; or a county police or sheriff's department which has
11 responsibility with regard to police activity in the unincorporated
12 areas within the county boundaries; or a statutorily authorized port
13 district police agency or four-year state college or university police
14 agency which has responsibility for police activity within the
15 statutorily authorized enforcement boundaries of the port district,
16 state college, or university.

17 (8) "Primary commissioning agency" means (a) the employing agency
18 in the case of a general authority Washington peace officer, a limited
19 authority Washington peace officer, an Indian tribal peace officer, or
20 a federal peace officer, and (b) the commissioning agency in the case
21 of a specially commissioned Washington peace officer (i) who is
22 performing functions within the course and scope of the special
23 commission and (ii) who is not also a general authority Washington
24 peace officer, a limited authority Washington peace officer, an Indian
25 tribal peace officer, or a federal peace officer.

26 (9) "Primary function of an agency" means that function to which
27 greater than fifty percent of the agency's resources are allocated.

28 (10) "Mutual law enforcement assistance" includes, but is not
29 limited to, one or more law enforcement agencies aiding or assisting
30 one or more other such agencies through loans or exchanges of personnel
31 or of material resources, for law enforcement purposes.

32 **Sec. 2.** RCW 10.93.140 and 2002 c 128 s 2 are each amended to read
33 as follows:

34 This chapter does not limit the scope of jurisdiction and authority
35 of the Washington state patrol, the state parks and recreation
36 commission, and the department of fish and wildlife as otherwise

1 provided by law, and these agencies shall not be bound by the reporting
2 requirements of RCW 10.93.030.

3 **Sec. 3.** RCW 41.26.030 and 2003 c 388 s 2 are each amended to read
4 as follows:

5 As used in this chapter, unless a different meaning is plainly
6 required by the context:

7 (1) "Retirement system" means the "Washington law enforcement
8 officers' and fire fighters' retirement system" provided herein.

9 (2)(a) "Employer" for plan 1 members, means the legislative
10 authority of any city, town, county, or district or the elected
11 officials of any municipal corporation that employs any law enforcement
12 officer and/or fire fighter, any authorized association of such
13 municipalities, and, except for the purposes of RCW 41.26.150, any
14 labor guild, association, or organization, which represents the fire
15 fighters or law enforcement officers of at least seven cities of over
16 20,000 population and the membership of each local lodge or division of
17 which is composed of at least sixty percent law enforcement officers or
18 fire fighters as defined in this chapter.

19 (b) "Employer" for plan 2 members, means the following entities to
20 the extent that the entity employs any law enforcement officer and/or
21 fire fighter:

22 (i) The legislative authority of any city, town, county, or
23 district;

24 (ii) The elected officials of any municipal corporation;

25 (iii) The governing body of any other general authority law
26 enforcement agency; or

27 (iv) A four-year institution of higher education having a fully
28 operational fire department as of January 1, 1996.

29 (3) "Law enforcement officer" beginning January 1, 1994, means any
30 person who is commissioned and employed by an employer on a full time,
31 fully compensated basis to enforce the criminal laws of the state of
32 Washington generally, with the following qualifications:

33 (a) No person who is serving in a position that is basically
34 clerical or secretarial in nature, and who is not commissioned shall be
35 considered a law enforcement officer;

36 (b) Only those deputy sheriffs, including those serving under a
37 different title pursuant to county charter, who have successfully

1 completed a civil service examination for deputy sheriff or the
2 equivalent position, where a different title is used, and those persons
3 serving in unclassified positions authorized by RCW 41.14.070 except a
4 private secretary will be considered law enforcement officers;

5 (c) Only such full time commissioned law enforcement personnel as
6 have been appointed to offices, positions, or ranks in the police
7 department which have been specifically created or otherwise expressly
8 provided for and designated by city charter provision or by ordinance
9 enacted by the legislative body of the city shall be considered city
10 police officers;

11 (d) The term "law enforcement officer" also includes the executive
12 secretary of a labor guild, association or organization (which is an
13 employer under RCW 41.26.030(2)) if that individual has five years
14 previous membership in the retirement system established in chapter
15 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to
16 plan 2 members; and

17 (e) The term "law enforcement officer" also includes a person
18 employed on or after January 1, 1993, as a public safety officer or
19 director of public safety, so long as the job duties substantially
20 involve only either police or fire duties, or both, and no other duties
21 in a city or town with a population of less than ten thousand. The
22 provisions of this subsection (3)(e) shall not apply to any public
23 safety officer or director of public safety who is receiving a
24 retirement allowance under this chapter as of May 12, 1993.

25 (4) "Fire fighter" means:

26 (a) Any person who is serving on a full time, fully compensated
27 basis as a member of a fire department of an employer and who is
28 serving in a position which requires passing a civil service
29 examination for fire fighter, and who is actively employed as such;

30 (b) Anyone who is actively employed as a full time fire fighter
31 where the fire department does not have a civil service examination;

32 (c) Supervisory fire fighter personnel;

33 (d) Any full time executive secretary of an association of fire
34 protection districts authorized under RCW 52.12.031. The provisions of
35 this subsection (4)(d) shall not apply to plan 2 members;

36 (e) The executive secretary of a labor guild, association or
37 organization (which is an employer under RCW 41.26.030(2) as now or
38 hereafter amended), if such individual has five years previous

1 membership in a retirement system established in chapter 41.16 or 41.18
2 RCW. The provisions of this subsection (4)(e) shall not apply to plan
3 2 members;

4 (f) Any person who is serving on a full time, fully compensated
5 basis for an employer, as a fire dispatcher, in a department in which,
6 on March 1, 1970, a dispatcher was required to have passed a civil
7 service examination for fire fighter; and

8 (g) Any person who on March 1, 1970, was employed on a full time,
9 fully compensated basis by an employer, and who on May 21, 1971, was
10 making retirement contributions under the provisions of chapter 41.16
11 or 41.18 RCW.

12 (5) "Department" means the department of retirement systems created
13 in chapter 41.50 RCW.

14 (6) "Surviving spouse" means the surviving widow or widower of a
15 member. "Surviving spouse" shall not include the divorced spouse of a
16 member except as provided in RCW 41.26.162.

17 (7)(a) "Child" or "children" means an unmarried person who is under
18 the age of eighteen or mentally or physically handicapped as determined
19 by the department, except a handicapped person in the full time care of
20 a state institution, who is:

21 (i) A natural born child;

22 (ii) A stepchild where that relationship was in existence prior to
23 the date benefits are payable under this chapter;

24 (iii) A posthumous child;

25 (iv) A child legally adopted or made a legal ward of a member prior
26 to the date benefits are payable under this chapter; or

27 (v) An illegitimate child legitimized prior to the date any
28 benefits are payable under this chapter.

29 (b) A person shall also be deemed to be a child up to and including
30 the age of twenty years and eleven months while attending any high
31 school, college, or vocational or other educational institution
32 accredited, licensed, or approved by the state, in which it is located,
33 including the summer vacation months and all other normal and regular
34 vacation periods at the particular educational institution after which
35 the child returns to school.

36 (8) "Member" means any fire fighter, law enforcement officer, or
37 other person as would apply under subsections (3) or (4) of this
38 section whose membership is transferred to the Washington law

1 enforcement officers' and fire fighters' retirement system on or after
2 March 1, 1970, and every law enforcement officer and fire fighter who
3 is employed in that capacity on or after such date.

4 (9) "Retirement fund" means the "Washington law enforcement
5 officers' and fire fighters' retirement system fund" as provided for
6 herein.

7 (10) "Employee" means any law enforcement officer or fire fighter
8 as defined in subsections (3) and (4) of this section.

9 (11)(a) "Beneficiary" for plan 1 members, means any person in
10 receipt of a retirement allowance, disability allowance, death benefit,
11 or any other benefit described herein.

12 (b) "Beneficiary" for plan 2 members, means any person in receipt
13 of a retirement allowance or other benefit provided by this chapter
14 resulting from service rendered to an employer by another person.

15 (12)(a) "Final average salary" for plan 1 members, means (i) for a
16 member holding the same position or rank for a minimum of twelve months
17 preceding the date of retirement, the basic salary attached to such
18 same position or rank at time of retirement; (ii) for any other member,
19 including a civil service member who has not served a minimum of twelve
20 months in the same position or rank preceding the date of retirement,
21 the average of the greatest basic salaries payable to such member
22 during any consecutive twenty-four month period within such member's
23 last ten years of service for which service credit is allowed, computed
24 by dividing the total basic salaries payable to such member during the
25 selected twenty-four month period by twenty-four; (iii) in the case of
26 disability of any member, the basic salary payable to such member at
27 the time of disability retirement; (iv) in the case of a member who
28 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to
29 such member at the time of vesting.

30 (b) "Final average salary" for plan 2 members, means the monthly
31 average of the member's basic salary for the highest consecutive sixty
32 service credit months of service prior to such member's retirement,
33 termination, or death. Periods constituting authorized unpaid leaves
34 of absence may not be used in the calculation of final average salary.

35 (13)(a) "Basic salary" for plan 1 members, means the basic monthly
36 rate of salary or wages, including longevity pay but not including
37 overtime earnings or special salary or wages, upon which pension or

1 retirement benefits will be computed and upon which employer
2 contributions and salary deductions will be based.

3 (b) "Basic salary" for plan 2 members, means salaries or wages
4 earned by a member during a payroll period for personal services,
5 including overtime payments, and shall include wages and salaries
6 deferred under provisions established pursuant to sections 403(b),
7 414(h), and 457 of the United States Internal Revenue Code, but shall
8 exclude lump sum payments for deferred annual sick leave, unused
9 accumulated vacation, unused accumulated annual leave, or any form of
10 severance pay. In any year in which a member serves in the legislature
11 the member shall have the option of having such member's basic salary
12 be the greater of:

13 (i) The basic salary the member would have received had such member
14 not served in the legislature; or

15 (ii) Such member's actual basic salary received for nonlegislative
16 public employment and legislative service combined. Any additional
17 contributions to the retirement system required because basic salary
18 under (b)(i) of this subsection is greater than basic salary under
19 (b)(ii) of this subsection shall be paid by the member for both member
20 and employer contributions.

21 (14)(a) "Service" for plan 1 members, means all periods of
22 employment for an employer as a fire fighter or law enforcement
23 officer, for which compensation is paid, together with periods of
24 suspension not exceeding thirty days in duration. For the purposes of
25 this chapter service shall also include service in the armed forces of
26 the United States as provided in RCW 41.26.190. Credit shall be
27 allowed for all service credit months of service rendered by a member
28 from and after the member's initial commencement of employment as a
29 fire fighter or law enforcement officer, during which the member worked
30 for seventy or more hours, or was on disability leave or disability
31 retirement. Only service credit months of service shall be counted in
32 the computation of any retirement allowance or other benefit provided
33 for in this chapter.

34 (i) For members retiring after May 21, 1971 who were employed under
35 the coverage of a prior pension act before March 1, 1970, "service"
36 shall also include (A) such military service not exceeding five years
37 as was creditable to the member as of March 1, 1970, under the member's
38 particular prior pension act, and (B) such other periods of service as

1 were then creditable to a particular member under the provisions of RCW
2 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit
3 be allowed for any service rendered prior to March 1, 1970, where the
4 member at the time of rendition of such service was employed in a
5 position covered by a prior pension act, unless such service, at the
6 time credit is claimed therefor, is also creditable under the
7 provisions of such prior act.

8 (ii) A member who is employed by two employers at the same time
9 shall only be credited with service to one such employer for any month
10 during which the member rendered such dual service.

11 (b) "Service" for plan 2 members, means periods of employment by a
12 member for one or more employers for which basic salary is earned for
13 ninety or more hours per calendar month which shall constitute a
14 service credit month. Periods of employment by a member for one or
15 more employers for which basic salary is earned for at least seventy
16 hours but less than ninety hours per calendar month shall constitute
17 one-half service credit month. Periods of employment by a member for
18 one or more employers for which basic salary is earned for less than
19 seventy hours shall constitute a one-quarter service credit month.

20 Members of the retirement system who are elected or appointed to a
21 state elective position may elect to continue to be members of this
22 retirement system.

23 Service credit years of service shall be determined by dividing the
24 total number of service credit months of service by twelve. Any
25 fraction of a service credit year of service as so determined shall be
26 taken into account in the computation of such retirement allowance or
27 benefits.

28 If a member receives basic salary from two or more employers during
29 any calendar month, the individual shall receive one service credit
30 month's service credit during any calendar month in which multiple
31 service for ninety or more hours is rendered; or one-half service
32 credit month's service credit during any calendar month in which
33 multiple service for at least seventy hours but less than ninety hours
34 is rendered; or one-quarter service credit month during any calendar
35 month in which multiple service for less than seventy hours is
36 rendered.

37 (15) "Accumulated contributions" means the employee's contributions

1 made by a member, including any amount paid under RCW 41.50.165(2),
2 plus accrued interest credited thereon.

3 (16) "Actuarial reserve" means a method of financing a pension or
4 retirement plan wherein reserves are accumulated as the liabilities for
5 benefit payments are incurred in order that sufficient funds will be
6 available on the date of retirement of each member to pay the member's
7 future benefits during the period of retirement.

8 (17) "Actuarial valuation" means a mathematical determination of
9 the financial condition of a retirement plan. It includes the
10 computation of the present monetary value of benefits payable to
11 present members, and the present monetary value of future employer and
12 employee contributions, giving effect to mortality among active and
13 retired members and also to the rates of disability, retirement,
14 withdrawal from service, salary and interest earned on investments.

15 (18) "Disability board" for plan 1 members means either the county
16 disability board or the city disability board established in RCW
17 41.26.110.

18 (19) "Disability leave" means the period of six months or any
19 portion thereof during which a member is on leave at an allowance equal
20 to the member's full salary prior to the commencement of disability
21 retirement. The definition contained in this subsection shall apply
22 only to plan 1 members.

23 (20) "Disability retirement" for plan 1 members, means the period
24 following termination of a member's disability leave, during which the
25 member is in receipt of a disability retirement allowance.

26 (21) "Position" means the employment held at any particular time,
27 which may or may not be the same as civil service rank.

28 (22) "Medical services" for plan 1 members, shall include the
29 following as minimum services to be provided. Reasonable charges for
30 these services shall be paid in accordance with RCW 41.26.150.

31 (a) Hospital expenses: These are the charges made by a hospital,
32 in its own behalf, for

33 (i) Board and room not to exceed semiprivate room rate unless
34 private room is required by the attending physician due to the
35 condition of the patient.

36 (ii) Necessary hospital services, other than board and room,
37 furnished by the hospital.

1 (b) Other medical expenses: The following charges are considered
2 "other medical expenses", provided that they have not been considered
3 as "hospital expenses".

4 (i) The fees of the following:

5 (A) A physician or surgeon licensed under the provisions of chapter
6 18.71 RCW;

7 (B) An osteopathic physician and surgeon licensed under the
8 provisions of chapter 18.57 RCW;

9 (C) A chiropractor licensed under the provisions of chapter 18.25
10 RCW.

11 (ii) The charges of a registered graduate nurse other than a nurse
12 who ordinarily resides in the member's home, or is a member of the
13 family of either the member or the member's spouse.

14 (iii) The charges for the following medical services and supplies:

15 (A) Drugs and medicines upon a physician's prescription;

16 (B) Diagnostic x-ray and laboratory examinations;

17 (C) X-ray, radium, and radioactive isotopes therapy;

18 (D) Anesthesia and oxygen;

19 (E) Rental of iron lung and other durable medical and surgical
20 equipment;

21 (F) Artificial limbs and eyes, and casts, splints, and trusses;

22 (G) Professional ambulance service when used to transport the
23 member to or from a hospital when injured by an accident or stricken by
24 a disease;

25 (H) Dental charges incurred by a member who sustains an accidental
26 injury to his or her teeth and who commences treatment by a legally
27 licensed dentist within ninety days after the accident;

28 (I) Nursing home confinement or hospital extended care facility;

29 (J) Physical therapy by a registered physical therapist;

30 (K) Blood transfusions, including the cost of blood and blood
31 plasma not replaced by voluntary donors;

32 (L) An optometrist licensed under the provisions of chapter 18.53
33 RCW.

34 (23) "Regular interest" means such rate as the director may
35 determine.

36 (24) "Retiree" for persons who establish membership in the
37 retirement system on or after October 1, 1977, means any member in

1 receipt of a retirement allowance or other benefit provided by this
2 chapter resulting from service rendered to an employer by such member.

3 (25) "Director" means the director of the department.

4 (26) "State actuary" or "actuary" means the person appointed
5 pursuant to RCW 44.44.010(2).

6 (27) "State elective position" means any position held by any
7 person elected or appointed to statewide office or elected or appointed
8 as a member of the legislature.

9 (28) "Plan 1" means the law enforcement officers' and fire
10 fighters' retirement system, plan 1 providing the benefits and funding
11 provisions covering persons who first became members of the system
12 prior to October 1, 1977.

13 (29) "Plan 2" means the law enforcement officers' and fire
14 fighters' retirement system, plan 2 providing the benefits and funding
15 provisions covering persons who first became members of the system on
16 and after October 1, 1977.

17 (30) "Service credit year" means an accumulation of months of
18 service credit which is equal to one when divided by twelve.

19 (31) "Service credit month" means a full service credit month or an
20 accumulation of partial service credit months that are equal to one.

21 (32) "General authority law enforcement agency" means any agency,
22 department, or division of a municipal corporation, political
23 subdivision, or other unit of local government of this state, and any
24 agency, department, or division of state government, having as its
25 primary function the detection and apprehension of persons committing
26 infractions or violating the traffic or criminal laws in general, but
27 not including the Washington state patrol, or the state parks and
28 recreation commission. Such an agency, department, or division is
29 distinguished from a limited authority law enforcement agency having as
30 one of its functions the apprehension or detection of persons
31 committing infractions or violating the traffic or criminal laws
32 relating to limited subject areas, including but not limited to, the
33 state departments of natural resources and social and health services,
34 the state gambling commission, the state lottery commission, (~~the~~
35 ~~state parks and recreation commission,~~) the state utilities and
36 transportation commission, the state liquor control board, and the
37 state department of corrections.

1 **Sec. 4.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended
2 to read as follows:

3 (1) The members of the state parks and recreation commission and
4 such of its employees as the commission may designate shall be vested
5 with police powers to enforce the laws of this state.

6 (2) Park rangers vested with police powers by the commission shall
7 enforce this title, rules of the commission, and other statutes as
8 prescribed by the legislature. When prescribed by the commission, park
9 rangers shall have and exercise, throughout the state, such police
10 powers and duties as are vested in sheriffs and peace officers
11 generally.

12 (3) An applicant for a park ranger position must be a citizen of
13 the United States of America who can read and write the English
14 language. All park rangers hired after the effective date of this
15 section are law enforcement personnel as defined in RCW 43.101.010(4).
16 Such park rangers must successfully complete the basic law enforcement
17 academy course, known as the basic course, sponsored by the criminal
18 justice training commission, or the basic law enforcement equivalency
19 certification, known as the equivalency course, provided by the
20 criminal justice training commission.

21 (4) Park rangers are peace officers. However, nothing in this
22 section or RCW 10.93.020 confers membership to such officers in the
23 Washington law enforcement officers' and fire fighters' retirement
24 system under chapter 41.26 RCW.

25 (5) Any liability or claim of liability under chapter 4.92 RCW that
26 arises out of the exercise or alleged exercise of authority by a park
27 ranger rests with the commission unless the park ranger acts under the
28 direction and control of another agency or unless the liability is
29 otherwise assumed under an agreement between the commission and another
30 agency.

31 (6) Park rangers may serve and execute warrants and processes
32 issued by the courts.

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