
HOUSE BILL 1875

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Moscoso, Hope, and Ryu

Read first time 02/13/13. Referred to Committee on Public Safety.

1 AN ACT Relating to state park rangers from the state parks and
2 recreation commission; amending RCW 10.93.020, 10.93.140, 79A.05.160,
3 43.101.180, 41.26.030, 43.101.010, and 43.101.020; adding a new section
4 to chapter 43.43 RCW; and adding a new section to chapter 43.101 RCW.

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

6 **Sec. 1.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read
7 as follows:

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

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

1 Washington state patrol, the state parks and recreation commission, and
2 the department of fish and wildlife are general authority Washington
3 law enforcement agencies.

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

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

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

27 (5) "Specially commissioned Washington peace officer", for the
28 purposes of this chapter, means any officer, whether part-time or full-
29 time, compensated or not, commissioned by a general authority
30 Washington law enforcement agency to enforce some or all of the
31 criminal laws of the state of Washington, who does not qualify under
32 this chapter as a general authority Washington peace officer for that
33 commissioning agency, specifically including reserve peace officers,
34 and specially commissioned full-time, fully compensated peace officers
35 duly commissioned by the states of Oregon or Idaho or any such peace
36 officer commissioned by a unit of local government of Oregon or Idaho.
37 A reserve peace officer is an individual who is an officer of a
38 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 79A.05.160 and 2011 c 320 s 15 are each amended to
4 read as follows:

5 (1) The members of the commission and its designated employees
6 shall be vested with police powers to enforce the laws of this state.

7 (2) The director may, under the provisions of RCW 7.84.140, enter
8 into an agreement allowing employees of the department of natural
9 resources and the department of fish and wildlife to enforce certain
10 civil infractions created under this title.

11 (3) State park rangers vested with police powers by the commission
12 shall enforce this title, rules of the commission, and shall be
13 commissioned to enforce the criminal laws of the state of Washington
14 generally. When prescribed by the commission, state park rangers shall
15 have and exercise, throughout the state, police powers and duties as
16 are vested in sheriffs and peace officers generally.

17 (4) State park rangers are peace officers. However, nothing in
18 this section or RCW 10.93.020 confers membership to such officers in
19 the Washington law enforcement officers' and firefighters' retirement
20 system under chapter 41.26 RCW.

21 **Sec. 4.** RCW 43.101.180 and 1981 c 136 s 27 are each amended to
22 read as follows:

23 (1) The first priority of the commission shall be to provide for
24 basic law enforcement training, corrections training, and education
25 programs to general authority Washington peace officers. State park
26 rangers from the state parks and recreation commission shall have equal
27 priority for enrollment in the commission's basic law enforcement
28 academy training as all other general authority Washington peace
29 officers.

30 (2) In addition, the commission shall provide training programs for
31 other criminal justice personnel. However, admission to the basic law
32 enforcement academy is guaranteed for all employees of a general
33 authority law enforcement agency and no state park ranger employed by
34 the state parks and recreation commission shall be denied admission
35 into the basic law enforcement academy for more than one quarter.

1 **Sec. 5.** RCW 41.26.030 and 2012 c 236 s 2 are each amended to read
2 as follows:

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

5 (1) "Accumulated contributions" means the employee's contributions
6 made by a member, including any amount paid under RCW 41.50.165(2),
7 plus accrued interest credited thereon.

8 (2) "Actuarial reserve" means a method of financing a pension or
9 retirement plan wherein reserves are accumulated as the liabilities for
10 benefit payments are incurred in order that sufficient funds will be
11 available on the date of retirement of each member to pay the member's
12 future benefits during the period of retirement.

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

20 (4)(a) "Basic salary" for plan 1 members, means the basic monthly
21 rate of salary or wages, including longevity pay but not including
22 overtime earnings or special salary or wages, upon which pension or
23 retirement benefits will be computed and upon which employer
24 contributions and salary deductions will be based.

25 (b) "Basic salary" for plan 2 members, means salaries or wages
26 earned by a member during a payroll period for personal services,
27 including overtime payments, and shall include wages and salaries
28 deferred under provisions established pursuant to sections 403(b),
29 414(h), and 457 of the United States Internal Revenue Code, but shall
30 exclude lump sum payments for deferred annual sick leave, unused
31 accumulated vacation, unused accumulated annual leave, or any form of
32 severance pay. In any year in which a member serves in the legislature
33 the member shall have the option of having such member's basic salary
34 be the greater of:

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

37 (ii) Such member's actual basic salary received for nonlegislative
38 public employment and legislative service combined. Any additional

1 contributions to the retirement system required because basic salary
2 under (b)(i) of this subsection is greater than basic salary under
3 (b)(ii) of this subsection shall be paid by the member for both member
4 and employer contributions.

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

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

11 (6)(a) "Child" or "children" means an unmarried person who is under
12 the age of eighteen or mentally or physically disabled as determined by
13 the department, except a person who is disabled and in the full time
14 care of a state institution, who is:

15 (i) A natural born child;

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

18 (iii) A posthumous child;

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

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

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

30 (7) "Department" means the department of retirement systems created
31 in chapter 41.50 RCW.

32 (8) "Director" means the director of the department.

33 (9) "Disability board" for plan 1 members means either the county
34 disability board or the city disability board established in RCW
35 41.26.110.

36 (10) "Disability leave" means the period of six months or any
37 portion thereof during which a member is on leave at an allowance equal

1 to the member's full salary prior to the commencement of disability
2 retirement. The definition contained in this subsection shall apply
3 only to plan 1 members.

4 (11) "Disability retirement" for plan 1 members, means the period
5 following termination of a member's disability leave, during which the
6 member is in receipt of a disability retirement allowance.

7 (12) "Domestic partners" means two adults who have registered as
8 domestic partners under RCW 26.60.020.

9 (13) "Employee" means any law enforcement officer or firefighter as
10 defined in subsections (16) and (18) of this section.

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

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

24 (i) The legislative authority of any city, town, county, or
25 district;

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

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

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

31 (c) Except as otherwise specifically provided in this chapter,
32 "employer" does not include a government contractor. For purposes of
33 this subsection, a "government contractor" is any entity, including a
34 partnership, limited liability company, for-profit or nonprofit
35 corporation, or person, that provides services pursuant to a contract
36 with an "employer." The determination whether an employer-employee
37 relationship has been established is not based on the relationship

1 between a government contractor and an "employer," but is based solely
2 on the relationship between a government contractor's employee and an
3 "employer" under this chapter.

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

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

24 (c) In calculating final average salary under (a) or (b) of this
25 subsection, the department of retirement systems shall include:

26 (i) Any compensation forgone by a member employed by a state agency
27 or institution during the 2009-2011 fiscal biennium as a result of
28 reduced work hours, mandatory or voluntary leave without pay, temporary
29 reduction in pay implemented prior to December 11, 2010, or temporary
30 layoffs if the reduced compensation is an integral part of the
31 employer's expenditure reduction efforts, as certified by the employer;
32 and

33 (ii) Any compensation forgone by a member employed by the state or
34 a local government employer during the 2011-2013 fiscal biennium as a
35 result of reduced work hours, mandatory leave without pay, temporary
36 layoffs, or reductions to current pay if the reduced compensation is an
37 integral part of the employer's expenditure reduction efforts, as

1 certified by the employer. Reductions to current pay shall not include
2 elimination of previously agreed upon future salary increases.

3 (16) "Firefighter" means:

4 (a) Any person who is serving on a full time, fully compensated
5 basis as a member of a fire department of an employer and who is
6 serving in a position which requires passing a civil service
7 examination for firefighter, and who is actively employed as such;

8 (b) Anyone who is actively employed as a full time firefighter
9 where the fire department does not have a civil service examination;

10 (c) Supervisory firefighter personnel;

11 (d) Any full time executive secretary of an association of fire
12 protection districts authorized under RCW 52.12.031. The provisions of
13 this subsection (16)(d) shall not apply to plan 2 members;

14 (e) The executive secretary of a labor guild, association or
15 organization (which is an employer under subsection (14) of this
16 section), if such individual has five years previous membership in a
17 retirement system established in chapter 41.16 or 41.18 RCW. The
18 provisions of this subsection (16)(e) shall not apply to plan 2
19 members;

20 (f) Any person who is serving on a full time, fully compensated
21 basis for an employer, as a fire dispatcher, in a department in which,
22 on March 1, 1970, a dispatcher was required to have passed a civil
23 service examination for firefighter;

24 (g) Any person who on March 1, 1970, was employed on a full time,
25 fully compensated basis by an employer, and who on May 21, 1971, was
26 making retirement contributions under the provisions of chapter 41.16
27 or 41.18 RCW; and

28 (h) Any person who is employed on a full-time, fully compensated
29 basis by an employer as an emergency medical technician.

30 (17) "General authority law enforcement agency," as defined under
31 RCW 10.93.020, means any agency, department, or division of a municipal
32 corporation, political subdivision, or other unit of local government
33 of this state, and any agency, department, or division of state
34 government, having as its primary function the detection and
35 apprehension of persons committing infractions or violating the traffic
36 or criminal laws in general, but not including the Washington state
37 patrol. Such an agency, department, or division is distinguished from
38 a limited authority law enforcement agency having as one of its

1 functions the apprehension or detection of persons committing
2 infractions or violating the traffic or criminal laws relating to
3 limited subject areas, including but not limited to, the state
4 departments of natural resources and social and health services, the
5 state gambling commission, the state lottery commission, (~~the state~~
6 ~~parks and recreation commission,~~) the state utilities and
7 transportation commission, the state liquor control board, and the
8 state department of corrections. A general authority law enforcement
9 agency under this chapter does not include a government contractor.

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

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

17 (b) Only those deputy sheriffs, including those serving under a
18 different title pursuant to county charter, who have successfully
19 completed a civil service examination for deputy sheriff or the
20 equivalent position, where a different title is used, and those persons
21 serving in unclassified positions authorized by RCW 41.14.070 except a
22 private secretary will be considered law enforcement officers;

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

29 (d) The term "law enforcement officer" also includes the executive
30 secretary of a labor guild, association or organization (which is an
31 employer under subsection (14) of this section) if that individual has
32 five years previous membership in the retirement system established in
33 chapter 41.20 RCW. The provisions of this subsection (18)(d) shall not
34 apply to plan 2 members; and

35 (e) The term "law enforcement officer" also includes a person
36 employed on or after January 1, 1993, as a public safety officer or
37 director of public safety, so long as the job duties substantially
38 involve only either police or fire duties, or both, and no other duties

1 in a city or town with a population of less than ten thousand. The
2 provisions of this subsection (18)(e) shall not apply to any public
3 safety officer or director of public safety who is receiving a
4 retirement allowance under this chapter as of May 12, 1993.

5 (19) "Medical services" for plan 1 members, shall include the
6 following as minimum services to be provided. Reasonable charges for
7 these services shall be paid in accordance with RCW 41.26.150.

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

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

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

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

18 (i) The fees of the following:

19 (A) A physician or surgeon licensed under the provisions of chapter
20 18.71 RCW;

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

23 (C) A chiropractor licensed under the provisions of chapter 18.25
24 RCW.

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

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

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

30 (B) Diagnostic X-ray and laboratory examinations;

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

32 (D) Anesthesia and oxygen;

33 (E) Rental of iron lung and other durable medical and surgical
34 equipment;

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

36 (G) Professional ambulance service when used to transport the
37 member to or from a hospital when injured by an accident or stricken by
38 a disease;

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

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

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

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

8 (L) An optometrist licensed under the provisions of chapter 18.53
9 RCW.

10 (20) "Member" means any firefighter, law enforcement officer, or
11 other person as would apply under subsections (16) or (18) of this
12 section whose membership is transferred to the Washington law
13 enforcement officers' and firefighters' retirement system on or after
14 March 1, 1970, and every law enforcement officer and firefighter who is
15 employed in that capacity on or after such date.

16 (21) "Plan 1" means the law enforcement officers' and firefighters'
17 retirement system, plan 1 providing the benefits and funding provisions
18 covering persons who first became members of the system prior to
19 October 1, 1977.

20 (22) "Plan 2" means the law enforcement officers' and firefighters'
21 retirement system, plan 2 providing the benefits and funding provisions
22 covering persons who first became members of the system on and after
23 October 1, 1977.

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

26 (24) "Regular interest" means such rate as the director may
27 determine.

28 (25) "Retiree" for persons who establish membership in the
29 retirement system on or after October 1, 1977, means any member in
30 receipt of a retirement allowance or other benefit provided by this
31 chapter resulting from service rendered to an employer by such member.

32 (26) "Retirement fund" means the "Washington law enforcement
33 officers' and firefighters' retirement system fund" as provided for
34 herein.

35 (27) "Retirement system" means the "Washington law enforcement
36 officers' and firefighters' retirement system" provided herein.

37 (28)(a) "Service" for plan 1 members, means all periods of
38 employment for an employer as a firefighter or law enforcement officer,

1 for which compensation is paid, together with periods of suspension not
2 exceeding thirty days in duration. For the purposes of this chapter
3 service shall also include service in the armed forces of the United
4 States as provided in RCW 41.26.190. Credit shall be allowed for all
5 service credit months of service rendered by a member from and after
6 the member's initial commencement of employment as a firefighter or law
7 enforcement officer, during which the member worked for seventy or more
8 hours, or was on disability leave or disability retirement. Only
9 service credit months of service shall be counted in the computation of
10 any retirement allowance or other benefit provided for in this chapter.

11 (i) For members retiring after May 21, 1971 who were employed under
12 the coverage of a prior pension act before March 1, 1970, "service"
13 shall also include (A) such military service not exceeding five years
14 as was creditable to the member as of March 1, 1970, under the member's
15 particular prior pension act, and (B) such other periods of service as
16 were then creditable to a particular member under the provisions of RCW
17 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit
18 be allowed for any service rendered prior to March 1, 1970, where the
19 member at the time of rendition of such service was employed in a
20 position covered by a prior pension act, unless such service, at the
21 time credit is claimed therefor, is also creditable under the
22 provisions of such prior act.

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

26 (b) "Service" for plan 2 members, means periods of employment by a
27 member for one or more employers for which basic salary is earned for
28 ninety or more hours per calendar month which shall constitute a
29 service credit month. Periods of employment by a member for one or
30 more employers for which basic salary is earned for at least seventy
31 hours but less than ninety hours per calendar month shall constitute
32 one-half service credit month. Periods of employment by a member for
33 one or more employers for which basic salary is earned for less than
34 seventy hours shall constitute a one-quarter service credit month.

35 Members of the retirement system who are elected or appointed to a
36 state elective position may elect to continue to be members of this
37 retirement system.

1 Service credit years of service shall be determined by dividing the
2 total number of service credit months of service by twelve. Any
3 fraction of a service credit year of service as so determined shall be
4 taken into account in the computation of such retirement allowance or
5 benefits.

6 If a member receives basic salary from two or more employers during
7 any calendar month, the individual shall receive one service credit
8 month's service credit during any calendar month in which multiple
9 service for ninety or more hours is rendered; or one-half service
10 credit month's service credit during any calendar month in which
11 multiple service for at least seventy hours but less than ninety hours
12 is rendered; or one-quarter service credit month during any calendar
13 month in which multiple service for less than seventy hours is
14 rendered.

15 (29) "Service credit month" means a full service credit month or an
16 accumulation of partial service credit months that are equal to one.

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

21 (32) "State elective position" means any position held by any
22 person elected or appointed to statewide office or elected or appointed
23 as a member of the legislature.

24 (33) "Surviving spouse" means the surviving widow or widower of a
25 member. "Surviving spouse" shall not include the divorced spouse of a
26 member except as provided in RCW 41.26.162.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.43 RCW
28 to read as follows:

29 (1) Admittance to the Washington state patrol's academy shall be
30 open to a state patrol cadet, a state patrol officer, and a state park
31 ranger of the state parks and recreation commission.

32 (2) As a condition to continued employment, all such officers shall
33 obtain and retain basic certification as peace officers pursuant to
34 chapter 43.101 RCW.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.101 RCW
36 to read as follows:

1 (1) Admittance to the commission's basic law enforcement academy
2 shall be open to all law enforcement personnel as defined in RCW
3 43.101.010 including an employee who is a state park ranger of the
4 state parks and recreation commission.

5 (2) As a condition to continued employment, all such officers shall
6 obtain and retain basic certification as peace officers pursuant to
7 this chapter.

8 **Sec. 8.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to read
9 as follows:

10 When used in this chapter:

11 (1) The term "commission" means the Washington state criminal
12 justice training commission.

13 (2) The term "boards" means the education and training standards
14 boards, the establishment of which are authorized by this chapter.

15 (3) The term "criminal justice personnel" means any person who
16 serves in a county, city, state, or port commission agency engaged in
17 crime prevention, crime reduction, or enforcement of the criminal law.
18 "Criminal justice personnel" also includes state park rangers of the
19 state parks and recreation commission.

20 (4) The term "law enforcement personnel" means any public employee
21 or volunteer having as a primary function the enforcement of criminal
22 laws in general or any employee or volunteer of, or any individual
23 commissioned by, any municipal, county, state, or combination thereof,
24 agency having as its primary function the enforcement of criminal laws
25 in general as distinguished from an agency possessing peace officer
26 powers, the primary function of which is the implementation of
27 specialized subject matter areas. "Law enforcement personnel" also
28 includes state park rangers of the state parks and recreation
29 commission. For the purposes of this subsection "primary function"
30 means that function to which the greater allocation of resources is
31 made.

32 (5) The term "correctional personnel" means any employee or
33 volunteer who by state, county, municipal, or combination thereof,
34 statute has the responsibility for the confinement, care, management,
35 training, treatment, education, supervision, or counseling of those
36 individuals whose civil rights have been limited in some way by legal
37 sanction.

1 (6) "Chief for a day program" means a program in which
2 commissioners and staff partner with local, state, and federal law
3 enforcement agencies, hospitals, and the community to provide a day of
4 special attention to chronically ill children. Each child is selected
5 and sponsored by a law enforcement agency. The event, "chief for a
6 day," occurs on one day, annually or every other year and may occur on
7 the grounds and in the facilities of the commission. The program may
8 include any appropriate honoring of the child as a "chief," such as a
9 certificate swearing them in as a chief, a badge, a uniform, and
10 donated gifts such as games, puzzles, and art supplies.

11 (7) A peace officer is "convicted" at the time a plea of guilty has
12 been accepted, or a verdict of guilty or finding of guilt has been
13 filed, notwithstanding the pendency of any future proceedings,
14 including but not limited to sentencing, posttrial or postfact-finding
15 motions and appeals. "Conviction" includes a deferral of sentence and
16 also includes the equivalent disposition by a court in a jurisdiction
17 other than the state of Washington.

18 (8) "Discharged for disqualifying misconduct" means terminated from
19 employment for: (a) Conviction of (i) any crime committed under color
20 of authority as a peace officer, (ii) any crime involving dishonesty or
21 false statement within the meaning of Evidence Rule 609(a), (iii) the
22 unlawful use or possession of a controlled substance, or (iv) any other
23 crime the conviction of which disqualifies a Washington citizen from
24 the legal right to possess a firearm under state or federal law; (b)
25 conduct that would constitute any of the crimes addressed in (a) of
26 this subsection; or (c) knowingly making materially false statements
27 during disciplinary investigations, where the false statements are the
28 sole basis for the termination.

29 (9) A peace officer is "discharged for disqualifying misconduct"
30 within the meaning of subsection (8) of this section under the ordinary
31 meaning of the term and when the totality of the circumstances support
32 a finding that the officer resigned in anticipation of discipline,
33 whether or not the misconduct was discovered at the time of
34 resignation, and when such discipline, if carried forward, would more
35 likely than not have led to discharge for disqualifying misconduct
36 within the meaning of subsection (8) of this section.

37 (10) When used in context of proceedings referred to in this
38 chapter, "final" means that the peace officer has exhausted all

1 available civil service appeals, collective bargaining remedies, and
2 all other such direct administrative appeals, and the officer has not
3 been reinstated as the result of the action. Finality is not affected
4 by the pendency or availability of state or federal administrative or
5 court actions for discrimination, or by the pendency or availability of
6 any remedies other than direct civil service and collective bargaining
7 remedies.

8 (11) "Peace officer" means any law enforcement personnel subject to
9 the basic law enforcement training requirement of RCW 43.101.200 and
10 any other requirements of that section, notwithstanding any waiver or
11 exemption granted by the commission, and notwithstanding the statutory
12 exemption based on date of initial hire under RCW 43.101.200.
13 Commissioned officers of the Washington state patrol, whether they have
14 been or may be exempted by rule of the commission from the basic
15 training requirement of RCW 43.101.200, are included as peace officers
16 for purposes of this chapter. Fish and wildlife officers with
17 enforcement powers for all criminal laws under RCW 77.15.075 are peace
18 officers for purposes of this chapter.

19 **Sec. 9.** RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to
20 read as follows:

21 There is hereby created and established a state commission to be
22 known and designated as the Washington state criminal justice training
23 commission.

24 The purpose of such commission shall be to provide programs and
25 standards for the training of criminal justice personnel including, but
26 not limited to, state park rangers of the state parks and recreation
27 commission.

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