
SENATE BILL 5905

State of Washington

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By Senators Lovick, Trudeau, Dhingra, Keiser, Kuderer, Lias, Lovelett, Pedersen, Saldaña, Salomon, Stanford, Valdez, Wellman, and C. Wilson

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1 AN ACT Relating to certification, background checks, and training
2 requirements for sheriffs, police chiefs, marshals, reserve officers,
3 and volunteers; amending RCW 43.101.095, 43.101.105, 35.21.333,
4 35.21.334, 35.23.021, 35.27.070, 35.61.370, 35.88.020, 35A.11.110,
5 35A.12.020, 36.28.010, 36.28.025, 36.28.090, 14.08.120, 53.08.280,
6 and 81.60.010; reenacting and amending RCW 43.101.200 and 10.93.020;
7 adding a new section to chapter 36.32 RCW; and creating a new
8 section.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that to further
11 enhance accountability, promote public trust and confidence in law
12 enforcement, and increase community safety, sheriffs, whether elected
13 or appointed, police chiefs, marshals, and reserve officers must meet
14 the same standards for background checks, certification, training,
15 and other provisions of chapter 43.101 RCW as are required for all
16 other peace officers, and the use of volunteers must be prescribed.

17 **Sec. 2.** RCW 43.101.095 and 2023 c 168 s 3 are each amended to
18 read as follows:

19 (1) As a condition of employment, all Washington peace officers,
20 including sheriffs, marshals, police chiefs, and reserve officers,

1 and all corrections officers, are required to obtain certification
2 (~~(as a peace officer or corrections officer or exemption therefrom)~~)
3 and maintain certification as required by this chapter and the rules
4 of the commission. For the purposes of this section, "peace officer"
5 means a general authority Washington peace officer as defined in RCW
6 10.93.020, which includes sheriffs, marshals, and police chiefs, and
7 "reserve officer" means a type of specially commissioned Washington
8 peace officer, defined in RCW 10.93.020 as an individual who is an
9 officer of a Washington law enforcement agency who does not serve
10 such agency on a full-time basis, but who, when called by the agency
11 into active service, is fully commissioned on the same basis as full-
12 time peace officers to enforce the criminal laws of the state.

13 (2) (a) Any applicant who has been offered a conditional offer of
14 employment as a peace officer or reserve officer, offered a
15 conditional offer of employment as a corrections officer after July
16 1, 2021, or offered a conditional offer of employment as a limited
17 authority Washington peace officer who if hired would qualify as a
18 peace officer as defined by RCW 43.101.010 after July 1, 2023, must
19 submit to a background investigation to determine the applicant's
20 suitability for employment. This requirement also applies to any
21 person whose certification has lapsed as a result of a break of more
22 than 24 consecutive months in the officer's service for a reason
23 other than being recalled into military service. Employing agencies
24 and appointing authorities may only make a conditional offer of
25 employment pending completion of the background check and shall
26 verify in writing to the commission that they have complied with all
27 background check requirements prior to making any nonconditional
28 offer of employment.

29 (b) The background check must include:

30 (i) A check of criminal history, any national decertification
31 index, commission records, and all disciplinary records by any
32 previous law enforcement or correctional employer, including
33 complaints or investigations of misconduct and the reason for
34 separation from employment. Law enforcement or correctional agencies
35 that previously employed the applicant shall disclose employment
36 information within 30 days of receiving a written request from the
37 employing agency conducting the background investigation, including
38 the reason for the peace officer's or corrections officer's
39 separation from the agency. Complaints or investigations of

1 misconduct must be disclosed regardless of the result of the
2 investigation or whether the complaint was unfounded;

3 (ii) Inquiry to the local prosecuting authority in any
4 jurisdiction in which the applicant has served as to whether the
5 applicant is on any potential impeachment disclosure list;

6 (iii) Inquiry into whether the applicant has any past or present
7 affiliations with extremist organizations, as defined by the
8 commission;

9 (iv) A review of the applicant's social media accounts;

10 (v) Verification of immigrant or citizenship status as either a
11 citizen of the United States of America or a lawful permanent
12 resident;

13 (vi) A psychological examination administered by a psychiatrist
14 licensed in the state of Washington pursuant to chapter 18.71 RCW or
15 a psychologist licensed in the state of Washington pursuant to
16 chapter 18.83 RCW, in compliance with standards established in rules
17 of the commission;

18 (vii) A polygraph or similar assessment administered by an
19 experienced professional with appropriate training and in compliance
20 with standards established in rules of the commission; and

21 (viii) Except as otherwise provided in this section, any test or
22 assessment to be administered as part of the background investigation
23 shall be administered in compliance with standards established in
24 rules of the commission.

25 (c) The commission may establish standards for the background
26 check requirements in this section and any other preemployment
27 background check requirement that may be imposed by an employing
28 agency or the commission.

29 (d) The employing law enforcement agency may require that each
30 person who is required to take a psychological examination and a
31 polygraph or similar test pay a portion of the testing fee based on
32 the actual cost of the test or \$400, whichever is less. Employing
33 agencies may establish a payment plan if they determine that the
34 person does not readily have the means to pay the testing fee.

35 (3) (a) The commission shall allow a peace officer or corrections
36 officer to retain status as a certified peace officer or corrections
37 officer as long as the officer: (i) Timely meets the basic training
38 requirements, or is exempted therefrom, in whole or in part, under
39 RCW 43.101.200 or under rule of the commission; (ii) timely meets or
40 is exempted from any other requirements under this chapter as

1 administered under the rules adopted by the commission; (iii) is not
2 denied certification by the commission under this chapter; and (iv)
3 has not had certification suspended or revoked by the commission.

4 (b) The commission shall certify peace officers who are limited
5 authority Washington peace officers employed on or before July 1,
6 2023. Thereafter, the commission may revoke certification pursuant to
7 this chapter.

8 (4) As a condition of certification, a peace officer or
9 corrections officer must, on a form devised or adopted by the
10 commission, authorize the release to the employing agency and
11 commission of the officer's personnel files, including disciplinary,
12 termination, civil or criminal investigation, or other records or
13 information that are directly related to a certification matter or
14 decertification matter before the commission. The peace officer or
15 corrections officer must also consent to and facilitate a review of
16 the officer's social media accounts, however, consistent with RCW
17 49.44.200, the officer is not required to provide login information.
18 The release of information may not be delayed, limited, or precluded
19 by any agreement or contract between the officer, or the officer's
20 union, and the entity responsible for the records or information.

21 (5) The employing agency and commission are authorized to receive
22 criminal history record information that includes nonconviction data
23 for any purpose associated with employment or certification under
24 this chapter. Dissemination or use of nonconviction data for purposes
25 other than that authorized in this section is prohibited.

26 (6) For a national criminal history records check, the commission
27 shall require fingerprints be submitted and searched through the
28 Washington state patrol identification and criminal history section.
29 The Washington state patrol shall forward the fingerprints to the
30 federal bureau of investigation.

31 (7) Prior to certification, the employing agency shall certify to
32 the commission that the agency has completed the background check, no
33 information has been found that would disqualify the applicant from
34 certification, and the applicant is suitable for employment as a
35 peace officer or corrections officer. For sheriffs, chiefs, and
36 marshals, the commission shall provide verification that these
37 standards have been met.

38 **Sec. 3.** RCW 43.101.105 and 2021 c 323 s 9 are each amended to
39 read as follows:

1 (1) To help prevent misconduct, enhance peace officer, reserve
2 officer, and corrections officer accountability through the
3 imposition of sanctions commensurate to the wrongdoing when
4 misconduct occurs, and enhance public trust and confidence in the
5 criminal justice system, upon request by an officer's employer or on
6 its own initiative, the commission may deny, suspend, or revoke
7 certification of, place on probation, or require remedial training
8 for, an officer as provided in this section, other than for sheriffs,
9 chiefs, and marshals, for whom the commission may only deny or revoke
10 certification. The commission shall provide the officer with written
11 notice and a hearing, if a hearing is timely requested by the officer
12 under RCW 43.101.155. Notice and hearing are not required when ((a
13 ~~peace~~)) an officer voluntarily surrenders certification.

14 (2) The commission must deny or revoke the certification of an
15 applicant or officer if the applicant or officer:

16 (a) (i) Has been convicted of:

17 (A) A felony offense;

18 (B) A gross misdemeanor domestic violence offense;

19 (C) An offense with sexual motivation as defined in RCW
20 9.94A.030;

21 (D) An offense under chapter 9A.44 RCW; or

22 (E) A federal or out-of-state offense comparable to an offense
23 listed in (a) (i) (A) through (D) of this subsection (2); and

24 (ii) (A) The offense was not disclosed at the time of application
25 for initial certification; or

26 (B) The officer was a certified peace officer or corrections
27 officer at the time of the offense; and

28 (iii) The offense is not one for which the officer was granted a
29 full and unconditional pardon; and

30 (iv) The offense was not adjudicated as a juvenile and the record
31 sealed;

32 (b) Has been terminated by the employing agency or otherwise
33 separated from the employing agency after engaging in, or was found
34 by a court to have engaged in, the use of force which resulted in
35 death or serious injury and the use of force violated the law;

36 (c) Has been terminated by the employing agency or otherwise
37 separated from the employing agency after witnessing, or found by a
38 court to have witnessed, another officer's use of excessive force
39 and:

1 (i) Was in a position to intervene to end the excessive use of
2 force and failed to do so; or
3 (ii) Failed to report the use of excessive force in accordance
4 with agency policy or law;
5 (d) Has been terminated by the employing agency or otherwise
6 separated from the employing agency after knowingly making, or found
7 by a court to have knowingly made, misleading, deceptive, untrue, or
8 fraudulent representations in the practice of being a peace officer
9 or corrections officer including, but not limited to, committing
10 perjury, filing false reports, hiding evidence, or failing to report
11 exonerating information. This subsection (2)(d) does not apply to
12 representations made in the course and for the purposes of an
13 undercover investigation or other lawful law enforcement purpose; or
14 (e) Is prohibited from possessing weapons by state or federal law
15 or by a permanent court order entered after a hearing.
16 (3) The commission may deny, suspend, or revoke certification or
17 require remedial training of an applicant or officer if the applicant
18 or officer:
19 (a) Failed to timely meet all requirements for obtaining a
20 certificate of basic law enforcement or corrections training, a
21 certificate of basic law enforcement or corrections training
22 equivalency, or a certificate of exemption from the training;
23 (b) Was previously issued a certificate through administrative
24 error on the part of the commission;
25 (c) Knowingly falsified or omitted material information on an
26 application to the employer or for training or certification to the
27 commission;
28 (d) Interfered with an investigation or action for denial or
29 revocation of certification by:
30 (i) Knowingly making a materially false statement to the
31 commission;
32 (ii) Failing to timely and accurately report information to the
33 commission as required by law or policy; or
34 (iii) In any matter under review or investigation by or otherwise
35 before the commission, tampering with evidence or tampering with or
36 intimidating any witness;
37 (e) Engaged in a use of force that could reasonably be expected
38 to cause physical injury, and the use of force violated the law or
39 policy of the officer's employer;
40 (f) Committed sexual harassment as defined by state law;

1 (g) Through fraud or misrepresentation, has used the position of
2 peace officer or corrections officer for personal gain;

3 (h) Engaged in conduct including, but not limited to, verbal
4 statements, writings, online posts, recordings, and gestures,
5 involving prejudice or discrimination against a person on the basis
6 of race, religion, creed, color, national origin, immigration status,
7 disability, genetic information, marital status, sex, gender, gender
8 identity, gender expression, age, sexual orientation, or military and
9 veteran status;

10 (i) Has affiliation with one or more extremist organizations;

11 (j) Whether occurring on or off duty, has:

12 (i) Been found to have committed a felony, without regard to
13 conviction;

14 (ii) Engaged in a pattern of acts showing an intentional or
15 reckless disregard for the rights of others, including but not
16 limited to violation of an individual's constitutional rights under
17 the state or federal Constitution or a violation of RCW 10.93.160;

18 (iii) Engaged in unsafe practices involving firearms, weapons, or
19 vehicles which indicate either a willful or wanton disregard for the
20 safety of persons or property; or

21 (iv) Engaged in any conduct or pattern of conduct that: Fails to
22 meet the ethical and professional standards required of a peace
23 officer or corrections officer; disrupts, diminishes, or otherwise
24 jeopardizes public trust or confidence in the law enforcement
25 profession and correctional system; or demonstrates an inability or
26 unwillingness to uphold the officer's sworn oath to enforce the
27 Constitution and laws of the United States and the state of
28 Washington;

29 (k) Has been suspended or discharged, has resigned or retired in
30 lieu of discharge, or has separated from the agency after the alleged
31 misconduct occurred, for any conduct listed in this section; or

32 (l) Has voluntarily surrendered the person's certification as a
33 peace officer or corrections officer.

34 (4) In addition to the penalties set forth in subsection (3) of
35 this section, the commission may require mandatory retraining or
36 placement on probation for up to two years, or both, other than for
37 sheriffs, chiefs, and marshals. In determining the appropriate
38 penalty or sanction, the commission shall consider: The findings and
39 conclusions, and the basis for the findings and conclusions, of any
40 due process hearing or disciplinary appeals hearing following an

1 investigation by a law enforcement agency regarding the alleged
2 misconduct, if such hearing has occurred prior to the commission's
3 action; any sanctions or training ordered by the employing agency
4 regarding the alleged misconduct; and whether the employing agency
5 bears any responsibility for the situation.

6 (5) The commission shall deny certification to any applicant who
7 lost certification as a result of a break in service of more than 24
8 consecutive months if that applicant failed to comply with the
9 requirements set forth in RCW 43.101.080(15) and 43.101.095(2).

10 (6) The fact that the commission has suspended an officer's
11 certification is not, in and of itself, a bar to the employing
12 agency's maintenance of the officer's health and retirement benefits.

13 (7) Any suspension or period of probation imposed by the
14 commission shall run concurrently to any leave or discipline imposed
15 by the employing agency for the same incident.

16 (8) A law enforcement agency may not terminate a peace officer
17 based solely on imposition of suspension or probation by the
18 commission. This subsection does not prohibit a law enforcement
19 agency from terminating a peace officer based on the underlying acts
20 or omissions for which the commission took such action.

21 (9) Any of the misconduct listed in subsections (2) and (3) of
22 this section is grounds for denial, suspension, or revocation of
23 certification of a reserve officer to the same extent as applied to a
24 peace officer, if the reserve officer is certified pursuant to RCW
25 43.101.095.

26 **Sec. 4.** RCW 43.101.200 and 2023 c 475 s 931 and 2023 c 168 s 2
27 are each reenacted and amended to read as follows:

28 (1) Except as provided in subsection (2) of this section, all law
29 enforcement personnel (~~(, except volunteers, and reserve officers~~
30 ~~whether paid or unpaid, initially employed on or after January 1,~~
31 ~~1978,)) shall engage in basic law enforcement training which complies
32 with standards adopted by the commission pursuant to RCW 43.101.080.
33 For personnel initially employed before January 1, 1990, such
34 training shall be successfully completed during the first fifteen
35 months of employment of such personnel unless otherwise extended or
36 waived by the commission and shall be requisite to the continuation
37 of such employment. Personnel initially employed on or after January
38 1, 1990, shall commence basic training during the first six months of
39 employment unless the basic training requirement is otherwise waived~~

1 or extended by the commission. Successful completion of basic
2 training is requisite to the continuation of employment of such
3 personnel initially employed on or after January 1, 1990.

4 (2)(a) All law enforcement personnel who are limited authority
5 Washington peace officers and whose employment commences on or after
6 July 1, 2023, shall commence basic training during the first 12
7 months of employment unless the basic training requirement is
8 otherwise waived or extended by the commission. Successful completion
9 of basic training is requisite to the continuation of employment of
10 such personnel initially employed on or after July 1, 2023.

11 (b)(i) The commission shall review the training files of all law
12 enforcement personnel who are limited authority Washington peace
13 officers, whose employment commenced prior to July 1, 2023, and who
14 have not successfully completed training that complies with standards
15 adopted by the commission, to determine what, if any, supplemental
16 training is required to appropriately carry out the officers' duties
17 and responsibilities.

18 (ii) Nothing in this section may be interpreted to require law
19 enforcement personnel who are limited authority Washington peace
20 officers, whose employment commenced prior to July 1, 2023, to
21 complete the basic law enforcement training academy as a condition of
22 continuing employment as a limited authority Washington peace
23 officer.

24 (iii) Law enforcement personnel who are limited authority
25 Washington peace officers are not required to complete the basic law
26 enforcement academy or an equivalent basic academy upon transferring
27 to a general authority Washington law enforcement agency or limited
28 authority Washington law enforcement agency, as defined in RCW
29 10.93.020, if they have:

30 (A) Been employed as a special agent with the Washington state
31 gambling commission, been a natural resource investigator with the
32 department of natural resources, been a liquor enforcement officer
33 with the liquor and cannabis board, been an investigator with the
34 office of the insurance commissioner, or been a park ranger with the
35 Washington state parks and recreation commission, before or after
36 July 1, 2023; and

37 (B) Received a certificate of successful completion from the
38 basic law enforcement academy or the basic law enforcement
39 equivalency academy and thereafter engaged in regular and
40 commissioned law enforcement employment with an agency listed in

1 (b)(iii)(A) of this subsection without a break or interruption in
2 excess of 24 months; and

3 (C) Remained current with the in-service training requirements as
4 adopted by the commission by rule.

5 (3)(a) All law enforcement personnel who are reserve officers and
6 whose employment commences on or after July 1, 2024, shall complete
7 basic training during the first 12 months of employment. Successful
8 completion of basic training is requisite to the continuation of
9 employment of such personnel initially employed on or after July 1,
10 2024.

11 (b)(i) The commission shall review the training files of all law
12 enforcement personnel who are reserve officers, whose employment
13 commenced prior to July 1, 2024, and who have not successfully
14 completed training that complies with the standards adopted by the
15 commission, to determine what, if any, supplemental training is
16 required to appropriately carry out the officers' duties and
17 responsibilities.

18 (ii) Nothing in this section may be interpreted to require
19 reserve officers, whose employment commenced prior to July 1, 2024,
20 to complete the basic law enforcement training academy as a condition
21 of continuing employment as a reserve officer.

22 (4) Except as provided in RCW 43.101.170, the commission shall
23 provide the aforementioned training and shall have the sole authority
24 to do so. The commission shall provide necessary facilities,
25 supplies, materials, and the board and room of noncommuting attendees
26 for seven days per week, except during the ((2017-2019, 2019-2021,
27 2021-2023, and)) 2023-2025 fiscal ((biennia)) biennium when the
28 employing, county, city, or state law enforcement agency shall
29 reimburse the commission for twenty-five percent of the cost of
30 training its personnel. Additionally, to the extent funds are
31 provided for this purpose, the commission shall reimburse to
32 participating law enforcement agencies with ten or less full-time
33 commissioned patrol officers the cost of temporary replacement of
34 each officer who is enrolled in basic law enforcement training:
35 PROVIDED, That such reimbursement shall include only the actual cost
36 of temporary replacement not to exceed the total amount of salary and
37 benefits received by the replaced officer during ((his or her)) the
38 training period:

1 PROVIDED FURTHER, That limited authority Washington law
2 enforcement agencies as defined in RCW 10.93.020 shall reimburse the
3 commission for the full cost of training their personnel.

4 **Sec. 5.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted
5 and amended to read as follows:

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

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

17 (2) "Federal peace officer" means any employee or agent of the
18 United States government who has the authority to carry firearms and
19 make warrantless arrests and whose duties involve the enforcement of
20 criminal laws of the United States.

21 (3) "General authority Washington law enforcement agency" means
22 any agency, department, or division of a municipal corporation,
23 political subdivision, or other unit of local government of this
24 state, and any agency, department, or division of state government,
25 having as its primary function the detection and apprehension of
26 persons committing infractions or violating the traffic or criminal
27 laws in general, as distinguished from a limited authority Washington
28 law enforcement agency, and any other unit of government expressly
29 designated by statute as a general authority Washington law
30 enforcement agency. The Washington state patrol and the department of
31 fish and wildlife are general authority Washington law enforcement
32 agencies.

33 (4) "General authority Washington peace officer" means any full-
34 time, fully compensated and elected, appointed, or employed officer
35 of a general authority Washington law enforcement agency who is
36 commissioned to enforce the criminal laws of the state of Washington
37 generally, including appointed or elected sheriffs, police chiefs, or
38 marshals.

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

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

21 (7) "Mutual law enforcement assistance" includes, but is not
22 limited to, one or more law enforcement agencies aiding or assisting
23 one or more other such agencies through loans or exchanges of
24 personnel or of material resources, for law enforcement purposes.

25 (8) "Primary commissioning agency" means (a) the employing agency
26 in the case of a general authority Washington peace officer, a
27 limited authority Washington peace officer, a tribal peace officer
28 from a federally recognized tribe, or a federal peace officer, and
29 (b) the commissioning agency in the case of a specially commissioned
30 Washington peace officer (i) who is performing functions within the
31 course and scope of the special commission and (ii) who is not also a
32 general authority Washington peace officer, a limited authority
33 Washington peace officer, a tribal peace officer from a federally
34 recognized tribe, or a federal peace officer.

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

37 (10) "Specially commissioned Washington peace officer," for the
38 purposes of this chapter, means any officer, whether part-time or
39 full-time, compensated or not, commissioned by a general authority
40 Washington law enforcement agency to enforce some or all of the

1 criminal laws of the state of Washington, who does not qualify under
2 this chapter as a general authority Washington peace officer for that
3 commissioning agency, specifically including reserve peace officers,
4 and specially commissioned full-time, fully compensated peace
5 officers duly commissioned by the states of Oregon or Idaho or any
6 such peace officer commissioned by a unit of local government of
7 Oregon or Idaho. A reserve peace officer is an individual who is an
8 officer of a Washington law enforcement agency who does not serve
9 such agency on a full-time basis but who, when called by the agency
10 into active service, is fully commissioned on the same basis as full-
11 time peace officers to enforce the criminal laws of the state.

12 **Sec. 6.** RCW 35.21.333 and 2013 c 39 s 17 are each amended to
13 read as follows:

14 (1) A person seeking appointment to the office of chief of police
15 or marshal (~~(, of a city or town, including a code city, with a~~
16 ~~population in excess of one thousand)), is ineligible for appointment
17 and for remaining in that office unless that person:~~

18 (a) Is a citizen of the United States of America;

19 (b) Has obtained a high school diploma or high school equivalency
20 certificate as provided in RCW 28B.50.536;

21 (c) Has not been convicted under the laws of this state, another
22 state, or the United States of a felony;

23 (d) Has not been convicted of a gross misdemeanor or any crime
24 involving moral turpitude within five years of the date of
25 application;

26 (e) Has received at least a general discharge under honorable
27 conditions from any branch of the armed services for any military
28 service if the person was in the military service;

29 (f) (~~Has completed at least two years of regular, uninterrupted,~~
30 ~~full-time commissioned law enforcement employment involving~~
31 ~~enforcement responsibilities with a government law enforcement~~
32 ~~agency; and~~

33 ~~(g) The person has been certified as a regular and commissioned~~
34 ~~enforcement officer through compliance with this state's basic~~
35 ~~training requirement or equivalency)) Within 12 months of assuming
36 office, must have obtained certification and maintains certification
37 as required by chapter 43.101 RCW and the rules of the criminal
38 justice training commission;~~

1 (g) Has completed the background check requirements under RCW
2 43.101.095. As required for all applicants for law enforcement
3 employment, the background check must indicate whether the applicant
4 has complied with all applicable minimum standards or was determined
5 by the background check to be unsuitable for employment by a law
6 enforcement agency. Prior to appointment, the appointing authority
7 must have received verification from the commission that the
8 candidate met the state's standards, and such verification must be
9 open for public inspection. The appointing authority is responsible
10 for any fees associated with the background check; and

11 (h) Complies with all other requirements of chapter 43.101 RCW.

12 ~~(2) ((A person seeking appointment to the office of chief of~~
13 ~~police or marshal, of a city or town, including a code city, with a~~
14 ~~population of one thousand or less, is ineligible unless that person~~
15 ~~conforms with the requirements of subsection (1) (a) through (e) of~~
16 ~~this section. A person so appointed as chief of police or marshal~~
17 ~~must successfully complete the state's basic training requirement or~~
18 ~~equivalency within nine months after such appointment, unless an~~
19 ~~extension has been granted by the criminal justice training~~
20 ~~commission.~~

21 ~~(3))~~ A person seeking appointment to the office of chief of
22 police or marshal shall provide a sworn statement under penalty of
23 perjury to the appointing authority stating that the person meets the
24 requirements of this section.

25 **Sec. 7.** RCW 35.21.334 and 1987 c 339 s 5 are each amended to
26 read as follows:

27 Before making an appointment in the office of chief of police or
28 marshal, the appointing agency (~~(shall complete a thorough background~~
29 ~~investigation of the candidate)) must verify as part of the public
30 record of appointment that the requirements of RCW 35.21.333 have
31 been met. (~~(The Washington association of sheriffs and police chiefs~~
32 ~~shall develop advisory procedures which may be used by the appointing~~
33 ~~authority in completing its background investigation of candidates~~
34 ~~for the office of chief of police or marshal.))~~~~

35 **Sec. 8.** RCW 35.23.021 and 1994 c 81 s 35 are each amended to
36 read as follows:

37 The government of a second-class city shall be vested in a mayor,
38 a city council of seven members, a city attorney, a clerk, a

1 treasurer, all elective; and a chief of police who must meet all of
2 the requirements of RCW 35.21.333 and chapter 43.101 RCW, municipal
3 judge, city engineer, street superintendent, health officer and such
4 other appointive officers as may be provided for by ordinance:
5 PROVIDED, That the council may enact an ordinance providing for the
6 appointment of the city clerk, city attorney, and treasurer by the
7 mayor, which appointment shall be subject to confirmation by a
8 majority vote of the city council. Such ordinance shall be enacted
9 and become effective not later than thirty days prior to the first
10 day allowed for filing declarations of candidacy for such offices
11 when such offices are subject to an approaching city primary
12 election. Elective incumbent city clerks, city attorneys, and city
13 treasurers shall serve for the remainder of their unexpired term
14 notwithstanding any appointment made pursuant to this section and RCW
15 35.23.051. If a free public library and reading room is established,
16 five library trustees shall be appointed. The city council by
17 ordinance shall prescribe the duties and fix the compensation of all
18 officers and employees: PROVIDED, That the provisions of any such
19 ordinance shall not be inconsistent with any statute: PROVIDED
20 FURTHER, That where the city council finds that the appointment of a
21 full time city engineer is unnecessary, it may in lieu of such
22 appointment, by resolution provide for the performance of necessary
23 engineering services on either a part time, temporary or periodic
24 basis by a qualified engineering firm, pursuant to any reasonable
25 contract.

26 The mayor shall appoint and at ~~((his or her))~~ the mayor's
27 pleasure may remove all appointive officers except as otherwise
28 provided herein: PROVIDED, That municipal judges shall be removed
29 only upon conviction of misconduct or malfeasance in office, or
30 because of physical or mental disability rendering the judge
31 incapable of performing the duties of ~~((his or her))~~ the mayor's
32 office. Every appointment or removal must be in writing signed by the
33 mayor and filed with the city clerk.

34 **Sec. 9.** RCW 35.27.070 and 1997 c 361 s 3 are each amended to
35 read as follows:

36 The government of a town shall be vested in a mayor and a council
37 consisting of five members and a treasurer, all elective; the mayor
38 shall appoint a clerk and a marshal; and may appoint a town attorney,
39 pound master, street superintendent, a civil engineer, and such

1 police and other subordinate officers and employees as may be
2 provided for by ordinance. The marshal and police must meet all of
3 the requirements of RCW 35.21.333 and chapter 43.101 RCW. All
4 appointive officers and employees shall hold office at the pleasure
5 of the mayor, subject to any applicable law, rule, or regulation
6 relating to civil service, and shall not be subject to confirmation
7 by the town council.

8 **Sec. 10.** RCW 35.61.370 and 1989 c 319 s 5 are each amended to
9 read as follows:

10 A metropolitan park district which contains a city with a
11 population greater than one hundred thousand may commission its own
12 (~~police~~) peace officers with full police powers to enforce the laws
13 and regulations of the city or county on metropolitan park district
14 property. (~~Police officers initially employed after June 30, 1989,~~)
15 Peace officers employed pursuant to this section (~~shall be required~~
16 ~~to successfully complete basic law enforcement training in accordance~~
17 ~~with~~) must meet all of the requirements of chapter 43.101 RCW.

18 **Sec. 11.** RCW 35.88.020 and 2007 c 218 s 70 are each amended to
19 read as follows:

20 Every city and town may by ordinance prescribe what acts shall
21 constitute offenses against the purity of its water supply and the
22 punishment or penalties therefor and enforce them. The mayor of each
23 city and town may appoint special police officers, with such
24 compensation as the city or town may fix, who shall, after taking
25 oath, have the powers of constables, and who may arrest with or
26 without warrant any person committing, within the territory over
27 which any city or town is given jurisdiction by this chapter, any
28 offense declared by law or by ordinance, against the purity of the
29 water supply, or which violate any rule or regulation lawfully
30 promulgated by the state board of health for the protection of the
31 purity of such water supply. Every special police officer whose
32 appointment is authorized herein may take any person arrested for any
33 such offense or violation before any court having jurisdiction
34 thereof to be proceeded with according to law. Every such special
35 police officer shall, when on duty wear in plain view a badge or
36 shield bearing the words "special police" and the name of the city or
37 town by which he or she has been appointed. Such police must meet all
38 of the requirements of chapter 43.101 RCW.

1 **Sec. 12.** RCW 35A.11.110 and 2005 c 38 s 1 are each amended to
2 read as follows:

3 Notwithstanding any other provision of law, the legislative body
4 of any code city, by resolution adopted by a two-thirds vote of the
5 full legislative body, may authorize any of its members to serve as
6 volunteer firefighters, volunteer ambulance personnel, or reserve law
7 enforcement officers, or two or more of such positions, and to
8 receive the same compensation, insurance, and other benefits as are
9 applicable to other volunteer firefighters, volunteer ambulance
10 personnel, or reserve law enforcement officers employed by the code
11 city. Any reserve law enforcement officer must meet all of the
12 requirements of chapter 43.101 RCW. "Reserve law enforcement
13 officer," as used in this section, means the same as "reserve peace
14 officer" in RCW 10.93.020.

15 **Sec. 13.** RCW 35A.12.020 and 1987 c 3 s 14 are each amended to
16 read as follows:

17 The appointive officers shall be those provided for by charter or
18 ordinance and shall include a city clerk and a chief law enforcement
19 officer. The chief law enforcement officer must meet all of the
20 requirements of RCW 35.21.333 and chapter 43.101 RCW. The office of
21 city clerk may be merged with that of a city treasurer, if any, with
22 an appropriate title designated therefor. Provision shall be made for
23 obtaining legal counsel for the city, either by appointment of a city
24 attorney on a full-time or part-time basis, or by any reasonable
25 contractual arrangement for such professional services. The
26 authority, duties and qualifications of all appointive officers shall
27 be prescribed by charter or ordinance, consistent with the provisions
28 of this title, and any amendments thereto, and the compensation of
29 appointive officers shall be prescribed by ordinance: PROVIDED, That
30 the compensation of an appointed municipal judge shall be within
31 applicable statutory limits.

32 **Sec. 14.** RCW 36.28.010 and 2009 c 549 s 4050 are each amended to
33 read as follows:

34 The sheriff is the chief executive officer and conservator of the
35 peace of the county. In the execution of (~~his or her~~) their office,
36 (~~he or she and his or her~~) the sheriff or their deputies:

1 (1) Shall arrest and commit to prison all persons who break the
2 peace, or attempt to break it, and all persons guilty of public
3 offenses;

4 (2) Shall defend the county against those who, by riot or
5 otherwise, endanger the public peace or safety;

6 (3) Shall execute the process and orders of the courts of justice
7 or judicial officers, when delivered for that purpose, according to
8 law;

9 (4) Shall execute all warrants delivered for that purpose by
10 other public officers, according to the provisions of particular
11 statutes;

12 (5) Shall attend the sessions of the courts of record held within
13 the county, and obey their lawful orders or directions;

14 (6) Shall keep and preserve the peace in their respective
15 counties, and quiet and suppress all affrays, riots, unlawful
16 assemblies and insurrections, (~~for which purpose, and for~~) effect
17 the service of process in civil or criminal cases, and (~~in~~
18 ~~apprehending or securing~~) apprehend and secure any person for felony
19 or breach of the peace(~~, they may~~);

20 (7) May call to their aid ((such persons, or power of their
21 county as they may deem necessary)) volunteers. The authority of such
22 persons must be set forth in agency policy and regulation, and such
23 persons must work under the direction of a peace officer and be
24 clearly identifiable by the public in a manner distinguishable from
25 peace officers. The use of such persons shall be limited to assisting
26 in natural disasters, search and rescue, missing persons, special
27 events, and other similar purposes. Such persons must comply with all
28 agency policies, and are not authorized to use police powers or carry
29 weapons while serving in this role unless certified under chapter
30 43.101 RCW. If such persons are provided badges or other identifying
31 insignia, such identification shall only be used while on-duty in
32 this role.

33 **Sec. 15.** RCW 36.28.025 and 1979 ex.s. c 153 s 6 are each amended
34 to read as follows:

35 (~~A person who files a declaration of candidacy for the office of~~
36 ~~sheriff after September 1, 1979, shall have, within twelve months of~~
37 ~~assuming office, a certificate of completion of a basic law~~
38 ~~enforcement training program which complies with standards adopted by~~
39 ~~the criminal justice training commission pursuant to RCW 43.101.080~~

1 ~~and 43.101.160.)~~) (1) As a condition of holding office, all sheriffs
2 are required to comply with the requirements of chapter 43.101 RCW
3 and, within 12 months of assuming office, must have obtained
4 certification and maintains certification as required by chapter
5 43.101 RCW and the rules of the criminal justice training commission.

6 ~~((This requirement does not apply to persons holding the office~~
7 ~~of sheriff in any county on September 1, 1979.))~~ (2) A person who
8 files a declaration of candidacy for the office of sheriff, or a
9 person who seeks appointment to the office of sheriff, after January
10 1, 2025, must also have completed the background check requirements
11 under RCW 43.101.095 as a condition to appear on the ballot or be
12 appointed.

13 (a) The criminal justice training commission must administer the
14 background check investigation and provide the results to the county
15 auditor of the county in which the candidate seeks to file for
16 election or to the appointing authority.

17 (b) As required for all applicants for law enforcement
18 employment, the background check must indicate whether the candidate
19 has complied with all applicable minimum standards or was determined
20 by the background check to be unsuitable for employment by a law
21 enforcement agency.

22 (c) Prior to authorizing a candidate for sheriff to appear on the
23 ballot, the county auditor must have received, or prior to
24 appointment the appointing authority must have received, verification
25 from the commission that the candidate or appointee met the state's
26 standards, and such verification must be open for public inspection.
27 The candidate or the appointing authority is responsible for any fees
28 associated with the background check.

29 (3) A person seeking election or appointment to the office of
30 sheriff must provide a sworn statement under penalty of perjury to
31 the auditor or appointing authority stating that the person meets the
32 requirements of this section and the auditor or appointing authority
33 must verify as part of the public record that the requirements of
34 this section have been met.

35 **Sec. 16.** RCW 36.28.090 and 2009 c 549 s 4055 are each amended to
36 read as follows:

37 When there is no sheriff of a county because a vacancy has been
38 created, the sheriff has been decertified, or ((he or she)) the
39 sheriff is disqualified ((from any)) for cause from discharging any

1 particular duty, it shall be lawful for the (~~officer or person~~
2 ~~commanding or desiring the discharge of that duty~~) county executive
3 of that county to appoint (~~some suitable person, a citizen of the~~
4 ~~county,~~) a replacement to fill the office or to execute the same:
5 PROVIDED, That (~~final process shall in no case be executed by any~~
6 ~~person other than the legally authorized officer; or in case he or~~
7 ~~she is disqualified, some suitable person appointed by the court, or~~
8 ~~judge thereof, out of which the process issues, who shall make such~~
9 ~~appointment in writing; and before such appointment shall take~~
10 ~~effect, the person appointed shall give security to the party~~
11 ~~interested for the faithful performance of his or her duties, which~~
12 ~~bond of suretyship shall be in writing, approved by the court or~~
13 ~~judge appointing him or her, and be placed on file with the papers in~~
14 ~~the case~~) the person so appointed must meet the requirements of RCW
15 36.28.025.

16 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.32
17 RCW to read as follows:

18 A county that appoints its sheriff is subject to the requirements
19 of RCW 36.28.025 and chapter 43.101 RCW, and such sheriff must meet
20 all of the requirements under those sections.

21 **Sec. 18.** RCW 14.08.120 and 2023 c 247 s 1 are each amended to
22 read as follows:

23 (1) In addition to the general powers conferred in this chapter,
24 and without limitation thereof, a municipality that has established
25 or may hereafter establish airports, restricted landing areas, or
26 other air navigation facilities, or that has acquired or set apart or
27 may hereafter acquire or set apart real property for that purpose or
28 purposes is authorized:

29 (a) To vest authority for the construction, enlargement,
30 improvement, maintenance, equipment, operation, and regulation
31 thereof in an officer, a board, or body of the municipality by
32 ordinance or resolution that prescribes the powers and duties of the
33 officer, board, or body.

34 (i) The municipality may also vest authority for the
35 construction, enlargement, improvement, maintenance, equipment,
36 operation, management, industrial and commercial development, and
37 regulation thereof in a municipal airport commission through an
38 ordinance or resolution that includes: (A) The terms of office, which

1 may not exceed six years and which must be staggered so that not more
2 than three terms expire in the same year; (B) the method of
3 appointment and filling vacancies; (C) a provision that there is no
4 compensation, but the provision may provide for a per diem for time
5 spent on commission business of not more than \$25 per day plus travel
6 expenses or, in lieu of travel expenses when travel requires
7 overnight lodging, for a per diem payment of not more than the United
8 States general services administration's per diem rates; (D) the
9 powers and duties of the commission; and (E) any other matters
10 necessary to the exercise of the commission's powers. The expense of
11 the construction, enlargement, improvement, maintenance, equipment,
12 industrial and commercial development, operation, management, and
13 regulation are the responsibility of the municipality.

14 (ii) The commission consists of at least five members appointed
15 by the governing body of the municipality, subject to the following
16 conditions:

17 (A) In a municipality with a population of 35,000 or greater,
18 members must be residents of the municipality;

19 (B) In a municipality with a population of fewer than 35,000, at
20 least a majority of members must be residents of the municipality or
21 the county in which the municipality is located, with any remaining
22 members residents of a county or counties adjoining the municipality
23 or the county in which the municipality is located;

24 (C) A majority of the commissioners must have expertise in: The
25 aviation industry; business administration or operations; finance;
26 accounting; marketing; economic development; commercial real estate
27 development; engineering; planning and construction; law; utilities;
28 or other related experience from industries that have a logical nexus
29 with airport administration, operations, and development;

30 (D) Immediate family members of the governing body of the
31 municipality, and current and former employees of the municipal
32 airport, may not be appointed to the commission; and

33 (E) Members must agree to adhere to the ethical standards of
34 conduct adopted by the municipality or the existing municipal airport
35 commission.

36 (iii) A municipality may vest authority in a municipal airport
37 commission to apply for loans through the public use general aviation
38 airport loan program.

39 (b) To adopt and amend all needed rules, regulations, and
40 ordinances for the management, government, and use of any properties

1 under its control, whether within or outside the territorial limits
2 of the municipality; to provide fire protection for the airport,
3 including the acquisition and operation of fire protection equipment
4 and facilities, and the right to contract with any private body or
5 political subdivision of the state for the furnishing of such fire
6 protection; to appoint airport guards or police, with full police
7 powers, and such guards or police are subject to all of the
8 requirements of chapter 43.101 RCW; to fix by ordinance or
9 resolution, as may be appropriate, penalties for the violation of the
10 rules, regulations, and ordinances, and enforce those penalties in
11 the same manner in which penalties prescribed by other rules,
12 regulations, and ordinances of the municipality are enforced. For the
13 purposes of such management and government and direction of public
14 use, that part of all highways, roads, streets, avenues, boulevards,
15 and territory that adjoins the limits of any airport or restricted
16 landing area acquired or maintained under the provisions of this
17 chapter is under like control and management of the municipality. It
18 may also adopt and enact rules, regulations, and ordinances designed
19 to safeguard the public upon or beyond the limits of private airports
20 or landing strips within the municipality or its police jurisdiction
21 against the perils and hazards of instrumentalities used in aerial
22 navigation. Rules, regulations, and ordinances shall be published as
23 provided by general law or the charter of the municipality for the
24 publication of similar rules, regulations, and ordinances. They shall
25 conform to and be consistent with the laws of this state and the
26 rules of the state department of transportation and shall be kept in
27 conformity, as nearly as may be, with the then current federal
28 legislation governing aeronautics and the regulations duly
29 promulgated thereunder and the rules and standards issued from time
30 to time pursuant thereto.

31 (c) To create a special airport fund, and provide that all
32 receipts from the operation of the airport be deposited in the fund,
33 which fund shall remain intact from year to year and may be pledged
34 to the payment of aviation bonds, or kept for future maintenance,
35 construction, or operation of airports or airport facilities.

36 (d) To lease airports or other air navigation facilities, or real
37 property acquired or set apart for airport purposes, to private
38 parties, any municipal or state government or the national
39 government, or any department thereof, for operation; to lease or
40 assign to private parties, any municipal or state government or the

1 national government, or any department thereof, for operation or use
2 consistent with the purposes of this chapter, space, area,
3 improvements, or equipment of such airports; to authorize its lessees
4 to construct, alter, repair, or improve the leased premises at the
5 cost of the lessee and to reimburse its lessees for such cost,
6 provided the cost is paid solely out of funds fully collected from
7 the airport's tenants; to sell any part of such airports, other air
8 navigation facilities or real property to any municipal or state
9 government, or to the United States or any department or
10 instrumentality thereof, for aeronautical purposes or purposes
11 incidental thereto, and to confer the privileges of concessions of
12 supplying upon its airports goods, commodities, things, services, and
13 facilities: PROVIDED, That in each case in so doing the public is not
14 deprived of its rightful, equal, and uniform use thereof.

15 (e) Acting through its governing body, to sell or lease any
16 property, real or personal, acquired for airport purposes and
17 belonging to the municipality, which, in the judgment of its
18 governing body, may not be required for aircraft landings, aircraft
19 takeoffs or related aeronautic purposes, in accordance with the laws
20 of this state, or the provisions of the charter of the municipality,
21 governing the sale or leasing of similar municipally owned property.
22 The municipal airport commission, if one has been organized and
23 appointed under (a) of this subsection, may lease any airport
24 property for aircraft landings, aircraft takeoffs, or related
25 aeronautic purposes. If there is a finding by the governing body of
26 the municipality that any airport property, real or personal, is not
27 required for aircraft landings, aircraft takeoffs, or related
28 aeronautic purposes, then the municipal airport commission may lease
29 such space, land, area, or improvements, or construct improvements,
30 or take leases back for financing purposes, grant concessions on such
31 space, land, area, or improvements, all for industrial or commercial
32 purposes, by private negotiation and under such terms and conditions
33 that seem just and proper to the municipal airport commission. Any
34 such lease of real property for aircraft manufacturing or aircraft
35 industrial purposes or to any manufacturer of aircraft or aircraft
36 parts or for any other business, manufacturing, or industrial purpose
37 or operation relating to, identified with, or in any way dependent
38 upon the use, operation, or maintenance of the airport, or for any
39 commercial or industrial purpose may be made for any period not to
40 exceed 75 years, but any such lease of real property made for a

1 longer period than 10 years shall contain provisions requiring the
2 municipality and the lessee to permit the rentals for each five-year
3 period thereafter, to be readjusted at the commencement of each such
4 period if written request for readjustment is given by either party
5 to the other at least 30 days before the commencement of the five-
6 year period for which the readjustment is requested. If the parties
7 cannot agree upon the rentals for the five-year period, they shall
8 submit to have the disputed rentals for the period adjusted by
9 arbitration. The lessee shall pick one arbitrator, and the governing
10 body of the municipality shall pick one, and the two so chosen shall
11 select a third. After a review of all pertinent facts the board of
12 arbitrators may increase or decrease such rentals or continue the
13 previous rate thereof.

14 The proceeds of the sale of any property the purchase price of
15 which was obtained by the sale of bonds shall be deposited in the
16 bond sinking fund. If all the proceeds of the sale are not needed to
17 pay the principal of bonds remaining unpaid, the remainder shall be
18 paid into the airport fund of the municipality. The proceeds of sales
19 of property the purchase price of which was paid from appropriations
20 of tax funds shall be paid into the airport fund of the municipality.

21 (f) To determine the charges or rental for the use of any
22 properties under its control and the charges for any services or
23 accommodations, and the terms and conditions under which such
24 properties may be used: PROVIDED, That in all cases the public is not
25 deprived of its rightful, equal, and uniform use of the property.
26 Charges shall be reasonable and uniform for the same class of service
27 and established with due regard to the property and improvements used
28 and the expense of operation to the municipality. The municipality
29 shall have and may enforce liens, as provided by law for liens and
30 enforcement thereof, for repairs to or improvement or storage or care
31 of any personal property, to enforce the payment of any such charges.
32 As used in this subsection (1)(f), the term "charges" does not refer
33 to any minimum labor standard imposed by a municipality pursuant to
34 subsection (2) of this section.

35 (g) To impose a customer facility charge upon customers of rental
36 car companies accessing the airport for the purposes of financing,
37 designing, constructing, operating, and maintaining consolidated
38 rental car facilities and common use transportation equipment and
39 facilities which are used to transport the customer between the
40 consolidated car rental facilities and other airport facilities. The

1 airport operator may require the rental car companies to collect the
2 facility charges, and any facility charges so collected shall be
3 deposited in a trust account for the benefit of the airport operator
4 and remitted at the direction of the airport operator, but no more
5 often than once per month. The charge shall be calculated on a per-
6 day basis. Facility charges may not exceed the reasonable costs of
7 financing, designing, constructing, operating, and maintaining the
8 consolidated car rental facilities and common use transportation
9 equipment and facilities and may not be used for any other purpose.
10 For the purposes of this subsection (1)(g), if an airport operator
11 makes use of its own funds to finance the consolidated rental car
12 facilities and common use transportation equipment and facilities,
13 the airport operator (i) is entitled to earn a rate of return on such
14 funds no greater than the interest rate that the airport operator
15 would pay to finance such facilities in the appropriate capital
16 market, provided that the airport operator establish the rate of
17 return in consultation with the rental car companies, and (ii) may
18 use the funds earned under (g)(i) of this subsection for purposes
19 other than those associated with the consolidated rental car
20 facilities and common use transportation equipment and facilities.

21 (h) To make airport property available for less than fair market
22 rental value under very limited conditions provided that prior to the
23 lease or contract authorizing such use the airport operator's board,
24 commission, or council has (i) adopted a policy that establishes that
25 such lease or other contract enhances the public acceptance of the
26 airport and serves the airport's business interest and (ii) adopted
27 procedures for approval of such lease or other contract.

28 (i) If the airport operator has adopted the policy and procedures
29 under (h) of this subsection, to lease or license the use of property
30 belonging to the municipality and acquired for airport purposes at
31 less than fair market rental value as long as the municipality's
32 council, board, or commission finds that the following conditions are
33 met:

34 (i) The lease or license of the subject property enhances public
35 acceptance of the airport in a community in the immediate area of the
36 airport;

37 (ii) The subject property is put to a desired public recreational
38 or other community use by the community in the immediate area of the
39 airport;

1 (iii) The desired community use and the community goodwill that
2 would be generated by such community use serves the business interest
3 of the airport in ways that can be articulated and demonstrated;

4 (iv) The desired community use does not adversely affect the
5 capacity, security, safety, or operations of the airport;

6 (v) At the time the community use is contemplated, the subject
7 property is not reasonably expected to be used by an aeronautical
8 tenant or otherwise be needed for airport operations in the
9 foreseeable future;

10 (vi) At the time the community use is contemplated, the subject
11 property would not reasonably be expected to produce more than de
12 minimis revenue;

13 (vii) If the subject property can be reasonably expected to
14 produce more than de minimis revenue, the community use is permitted
15 only where the revenue to be earned from the community use would
16 approximate the revenue that could be generated by an alternate use;

17 (viii) Leases for community use must not preclude reuse of the
18 subject property for airport purposes if, in the opinion of the
19 airport owner, reuse of the subject property would provide greater
20 benefits to the airport than continuation of the community use;

21 (ix) The airport owner ensures that airport revenue does not
22 support the capital or operating costs associated with the community
23 use;

24 (x) The lease or other contract for community use is not to a
25 for-profit organization or for the benefit of private individuals;

26 (xi) The lease or other contract for community use is subject to
27 the requirement that if the term of the lease is for a period that
28 exceeds 10 years, the lease must contain a provision allowing for a
29 readjustment of the rent every five years after the initial 10-year
30 term;

31 (xii) The lease or other contract for community use is subject to
32 the requirement that the term of the lease must not exceed 50 years;
33 and

34 (xiii) The lease or other contract for community use is subject
35 to the requirement that if the term of the lease exceeds one year,
36 the lease or other contract obligations must be secured by rental
37 insurance, bond, or other security satisfactory to the municipality's
38 board, council, or commission in an amount equal to at least one
39 year's rent, or as consistent with chapter 53.08 RCW. However, the
40 municipality's board, council, or commission may waive the rent

1 security requirement or lower the amount of the rent security
2 requirement for good cause.

3 (j) To exercise all powers necessarily incidental to the exercise
4 of the general and special powers granted in this section.

5 (2) (a) A municipality that controls or operates an airport having
6 had more than 20,000,000 annual commercial air service passenger
7 enplanements on average over the most recent seven full calendar
8 years that is located within the boundaries of a city that has passed
9 a local law or ordinance setting a minimum labor standard that
10 applies to certain employers operating or providing goods and
11 services at the airport is authorized to enact a minimum labor
12 standard that applies to employees working at the airport, so long as
13 the minimum labor standard meets, but does not exceed, the minimum
14 labor standard in the city's law or ordinance.

15 (b) A municipality's authority to establish a minimum labor
16 standard pursuant to (a) of this subsection may be imposed only on
17 employers that are excluded from the minimum labor standard
18 established by such city because the type of good or service provided
19 by the employer is expressly excluded in the text of the city's law
20 or ordinance.

21 (c) This section does not authorize a municipality to establish a
22 minimum labor standard for an employer who was excluded from the
23 city's law or ordinance because it is a certificated air carrier
24 performing services for itself or based on the employer's size or
25 number of employees.

26 (d) The authority granted under (a) of this subsection shall only
27 apply to employers who provide the goods or services at the airport
28 from facilities that are located on property owned by the
29 municipality and within the boundaries of the city that enacted the
30 minimum labor standard.

31 **Sec. 19.** RCW 53.08.280 and 1981 c 97 s 1 are each amended to
32 read as follows:

33 Any port district operating an airport with a police department
34 as authorized by RCW 14.08.120 or designated as a port of entry by
35 the federal government is authorized to appoint (~~(police))~~ peace
36 officers with full police powers to enforce all applicable federal,
37 state, or municipal statutes, rules, regulations, or ordinances upon
38 any port-owned or operated properties or operations (~~(: PROVIDED, That~~
39 ~~such police))~~. Such peace officers must ((have successfully graduated

1 ~~from a recognized professional police academy or training~~
2 ~~institution))~~ meet all of the requirements of chapter 43.101 RCW.

3 **Sec. 20.** RCW 81.60.010 and 2001 c 72 s 1 are each amended to
4 read as follows:

5 The criminal justice training commission shall have the power to
6 and may in its discretion appoint and commission railroad police
7 officers at the request of any railroad corporation and may revoke
8 any appointment at its pleasure. Any such railroad police officers
9 must meet all of the requirements of chapter 43.101 RCW.

--- END ---