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**SUBSTITUTE HOUSE BILL 1875**

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**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** House Public Safety (originally sponsored by Representatives  
Moscoso, Hope, and Ryu)

READ FIRST TIME 02/22/13.

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 41.26.030, 43.101.010, and 43.101.020; adding a new section to chapter  
4 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 41.26.030 and 2012 c 236 s 2 are each amended to read  
22 as follows:

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

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

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

33 (3) "Actuarial valuation" means a mathematical determination of the  
34 financial condition of a retirement plan. It includes the computation  
35 of the present monetary value of benefits payable to present members,  
36 and the present monetary value of future employer and employee

1 contributions, giving effect to mortality among active and retired  
2 members and also to the rates of disability, retirement, withdrawal  
3 from service, salary and interest earned on investments.

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

9 (b) "Basic salary" for plan 2 members, means salaries or wages  
10 earned by a member during a payroll period for personal services,  
11 including overtime payments, and shall include wages and salaries  
12 deferred under provisions established pursuant to sections 403(b),  
13 414(h), and 457 of the United States Internal Revenue Code, but shall  
14 exclude lump sum payments for deferred annual sick leave, unused  
15 accumulated vacation, unused accumulated annual leave, or any form of  
16 severance pay. In any year in which a member serves in the legislature  
17 the member shall have the option of having such member's basic salary  
18 be the greater of:

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

21 (ii) Such member's actual basic salary received for nonlegislative  
22 public employment and legislative service combined. Any additional  
23 contributions to the retirement system required because basic salary  
24 under (b)(i) of this subsection is greater than basic salary under  
25 (b)(ii) of this subsection shall be paid by the member for both member  
26 and employer contributions.

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

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

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

37 (i) A natural born child;

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

3 (iii) A posthumous child;

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

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

8 (b) A person shall also be deemed to be a child up to and including  
9 the age of twenty years and eleven months while attending any high  
10 school, college, or vocational or other educational institution  
11 accredited, licensed, or approved by the state, in which it is located,  
12 including the summer vacation months and all other normal and regular  
13 vacation periods at the particular educational institution after which  
14 the child returns to school.

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

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

18 (9) "Disability board" for plan 1 members means either the county  
19 disability board or the city disability board established in RCW  
20 41.26.110.

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

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

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

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

33 (14)(a) "Employer" for plan 1 members, means the legislative  
34 authority of any city, town, county, or district or the elected  
35 officials of any municipal corporation that employs any law enforcement  
36 officer and/or firefighter, any authorized association of such  
37 municipalities, and, except for the purposes of RCW 41.26.150, any  
38 labor guild, association, or organization, which represents the

1 firefighters or law enforcement officers of at least seven cities of  
2 over 20,000 population and the membership of each local lodge or  
3 division of which is composed of at least sixty percent law enforcement  
4 officers or firefighters as defined in this chapter.

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

8 (i) The legislative authority of any city, town, county, or  
9 district;

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

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

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

15 (c) Except as otherwise specifically provided in this chapter,  
16 "employer" does not include a government contractor. For purposes of  
17 this subsection, a "government contractor" is any entity, including a  
18 partnership, limited liability company, for-profit or nonprofit  
19 corporation, or person, that provides services pursuant to a contract  
20 with an "employer." The determination whether an employer-employee  
21 relationship has been established is not based on the relationship  
22 between a government contractor and an "employer," but is based solely  
23 on the relationship between a government contractor's employee and an  
24 "employer" under this chapter.

25 (15)(a) "Final average salary" for plan 1 members, means (i) for a  
26 member holding the same position or rank for a minimum of twelve months  
27 preceding the date of retirement, the basic salary attached to such  
28 same position or rank at time of retirement; (ii) for any other member,  
29 including a civil service member who has not served a minimum of twelve  
30 months in the same position or rank preceding the date of retirement,  
31 the average of the greatest basic salaries payable to such member  
32 during any consecutive twenty-four month period within such member's  
33 last ten years of service for which service credit is allowed, computed  
34 by dividing the total basic salaries payable to such member during the  
35 selected twenty-four month period by twenty-four; (iii) in the case of  
36 disability of any member, the basic salary payable to such member at  
37 the time of disability retirement; (iv) in the case of a member who

1 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to  
2 such member at the time of vesting.

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

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

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

17 (ii) Any compensation forgone by a member employed by the state or  
18 a local government employer during the 2011-2013 fiscal biennium as a  
19 result of reduced work hours, mandatory leave without pay, temporary  
20 layoffs, or reductions to current pay if the reduced compensation is an  
21 integral part of the employer's expenditure reduction efforts, as  
22 certified by the employer. Reductions to current pay shall not include  
23 elimination of previously agreed upon future salary increases.

24 (16) "Firefighter" means:

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

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

31 (c) Supervisory firefighter personnel;

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

35 (e) The executive secretary of a labor guild, association or  
36 organization (which is an employer under subsection (14) of this  
37 section), if such individual has five years previous membership in a

1 retirement system established in chapter 41.16 or 41.18 RCW. The  
2 provisions of this subsection (16)(e) shall not apply to plan 2  
3 members;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) Other medical expenses: The following charges are considered

1 "other medical expenses", provided that they have not been considered  
2 as "hospital expenses".

3 (i) The fees of the following:

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

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

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

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

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

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

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

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

17 (D) Anesthesia and oxygen;

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

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

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

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

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

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

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

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

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

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

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

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

11 (24) "Regular interest" means such rate as the director may  
12 determine.

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

17 (26) "Retirement fund" means the "Washington law enforcement  
18 officers' and firefighters' retirement system fund" as provided for  
19 herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.43 RCW  
12 to read as follows:

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

16 (2) As a condition to continued employment, at least thirty percent  
17 of the state park rangers, as employed and selected by the state parks  
18 and recreation commission, must obtain and retain basic certification  
19 as peace officers pursuant to chapter 43.101 RCW by no later than June  
20 30, 2014. The remaining such officers shall obtain and retain basic  
21 certification as peace officers pursuant to chapter 43.101 RCW by no  
22 later than June 30, 2016.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101 RCW  
24 to read as follows:

25 (1) Admittance to the commission's basic law enforcement academy  
26 shall be open to all law enforcement personnel as defined in RCW  
27 43.101.010 including an employee who is a state park ranger of the  
28 state parks and recreation commission.

29 (2) As a condition to continued employment, at least thirty percent  
30 of the state park rangers, as employed and selected by the state parks  
31 and recreation commission, must obtain and retain basic certification  
32 as peace officers pursuant to this chapter by no later than June 30,  
33 2014. The remaining such officers shall obtain and retain basic  
34 certification as peace officers pursuant to this chapter by no later  
35 than June 30, 2016.

1       **Sec. 7.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to read  
2 as follows:

3       When used in this chapter:

4       (1) The term "commission" means the Washington state criminal  
5 justice training commission.

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

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

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

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

31       (6) "Chief for a day program" means a program in which  
32 commissioners and staff partner with local, state, and federal law  
33 enforcement agencies, hospitals, and the community to provide a day of  
34 special attention to chronically ill children. Each child is selected  
35 and sponsored by a law enforcement agency. The event, "chief for a  
36 day," occurs on one day, annually or every other year and may occur on  
37 the grounds and in the facilities of the commission. The program may

1 include any appropriate honoring of the child as a "chief," such as a  
2 certificate swearing them in as a chief, a badge, a uniform, and  
3 donated gifts such as games, puzzles, and art supplies.

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

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

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

30 (10) When used in context of proceedings referred to in this  
31 chapter, "final" means that the peace officer has exhausted all  
32 available civil service appeals, collective bargaining remedies, and  
33 all other such direct administrative appeals, and the officer has not  
34 been reinstated as the result of the action. Finality is not affected  
35 by the pendency or availability of state or federal administrative or  
36 court actions for discrimination, or by the pendency or availability of  
37 any remedies other than direct civil service and collective bargaining  
38 remedies.

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

12 **Sec. 8.** RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to  
13 read as follows:

14 There is hereby created and established a state commission to be  
15 known and designated as the Washington state criminal justice training  
16 commission.

17 The purpose of such commission shall be to provide programs and  
18 standards for the training of criminal justice personnel including, but  
19 not limited to, state park rangers of the state parks and recreation  
20 commission.

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