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**SUBSTITUTE HOUSE BILL 1399**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Stanford, Tharinger, Moscoso, Takko, Appleton, Bergquist, Lias, and Reykdal)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to giving general law enforcement authority to  
2 natural resource investigators; and amending RCW 10.93.020, 10.93.140,  
3 43.12.065, 43.101.010, and 41.26.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 This chapter does not limit the scope of jurisdiction and authority  
35 of the Washington state patrol, the department of natural resources,  
36 and the department of fish and wildlife as otherwise provided by law,

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

3 **Sec. 3.** RCW 43.12.065 and 2011 c 320 s 16 are each amended to read  
4 as follows:

5 (1) For the promotion of the public safety and the protection of  
6 public property, the department of natural resources may, in accordance  
7 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules  
8 pertaining to use by the public of state-owned lands and property which  
9 are administered by the department.

10 (2)(a) Except as otherwise provided in this subsection, a violation  
11 of any rule adopted under this section is a misdemeanor.

12 (b) Except as provided in (c) of this subsection, the department  
13 may specify by rule, when not inconsistent with applicable statutes,  
14 that violation of such a rule is an infraction under chapter 7.84 RCW.  
15 However, any violation of a rule relating to traffic including parking,  
16 standing, stopping, and pedestrian offenses is a traffic infraction.

17 (c) Violation of such a rule equivalent to those provisions of  
18 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

19 (3) The commissioner of public lands and those employees as the  
20 commissioner may designate shall be vested with police powers when  
21 enforcing:

22 (a) The rules of the department adopted under this section;

23 (b) The civil infractions created under RCW 79A.80.080; or

24 (c) The general criminal statutes or ordinances of the state or its  
25 political subdivisions (~~where enforcement is necessary for the~~  
26 ~~protection of state-owned lands and property~~)).

27 (4) The commissioner of public lands (~~may, under the provisions of~~  
28 ~~RCW 7.84.140, enter into an agreement allowing employees of the state~~  
29 ~~parks and recreation commission and the department of fish and wildlife~~  
30 ~~to enforce certain civil infractions created under this title~~)) shall  
31 maintain and employ a force of natural resource investigators to  
32 implement this section and ensure enforcement actions are focused  
33 primarily on the protection of state-owned lands and property and  
34 natural resources managed by the department.

35 (5) Nothing in this section or RCW 10.93.020 confers membership to  
36 natural resource investigators in the Washington law enforcement  
37 officers' and firefighters' retirement system under chapter 41.26 RCW.

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

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

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

37       (7) A peace officer is "convicted" at the time a plea of guilty has  
38 been accepted, or a verdict of guilty or finding of guilt has been

1 filed, notwithstanding the pendency of any future proceedings,  
2 including but not limited to sentencing, posttrial or postfact-finding  
3 motions and appeals. "Conviction" includes a deferral of sentence and  
4 also includes the equivalent disposition by a court in a jurisdiction  
5 other than the state of Washington.

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

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

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

34 (11) "Peace officer" means any law enforcement personnel subject to  
35 the basic law enforcement training requirement of RCW 43.101.200 and  
36 any other requirements of that section, notwithstanding any waiver or  
37 exemption granted by the commission, and notwithstanding the statutory  
38 exemption based on date of initial hire under RCW 43.101.200.

1 Commissioned officers of the Washington state patrol, whether they have  
2 been or may be exempted by rule of the commission from the basic  
3 training requirement of RCW 43.101.200, are included as peace officers  
4 for purposes of this chapter. Fish and wildlife officers with  
5 enforcement powers for all criminal laws under RCW 77.15.075 are peace  
6 officers for purposes of this chapter. Natural resource investigators  
7 with enforcement powers for criminal laws under RCW 43.12.065 are peace  
8 officers for the purposes of this chapter.

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

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

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

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

21 (3) "Actuarial valuation" means a mathematical determination of the  
22 financial condition of a retirement plan. It includes the computation  
23 of the present monetary value of benefits payable to present members,  
24 and the present monetary value of future employer and employee  
25 contributions, giving effect to mortality among active and retired  
26 members and also to the rates of disability, retirement, withdrawal  
27 from service, salary and interest earned on investments.

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

33 (b) "Basic salary" for plan 2 members, means salaries or wages  
34 earned by a member during a payroll period for personal services,  
35 including overtime payments, and shall include wages and salaries  
36 deferred under provisions established pursuant to sections 403(b),  
37 414(h), and 457 of the United States Internal Revenue Code, but shall

1 exclude lump sum payments for deferred annual sick leave, unused  
2 accumulated vacation, unused accumulated annual leave, or any form of  
3 severance pay. In any year in which a member serves in the legislature  
4 the member shall have the option of having such member's basic salary  
5 be the greater of:

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

8 (ii) Such member's actual basic salary received for nonlegislative  
9 public employment and legislative service combined. Any additional  
10 contributions to the retirement system required because basic salary  
11 under (b)(i) of this subsection is greater than basic salary under  
12 (b)(ii) of this subsection shall be paid by the member for both member  
13 and employer contributions.

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

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

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

24 (i) A natural born child;

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

27 (iii) A posthumous child;

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

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

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



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

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

4 (9) "Disability board" for plan 1 members means either the county  
5 disability board or the city disability board established in RCW  
6 41.26.110.

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

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

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

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

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

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

32 (i) The legislative authority of any city, town, county, or  
33 district;

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

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

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

1 (c) Except as otherwise specifically provided in this chapter,  
2 "employer" does not include a government contractor. For purposes of  
3 this subsection, a "government contractor" is any entity, including a  
4 partnership, limited liability company, for-profit or nonprofit  
5 corporation, or person, that provides services pursuant to a contract  
6 with an "employer." The determination whether an employer-employee  
7 relationship has been established is not based on the relationship  
8 between a government contractor and an "employer," but is based solely  
9 on the relationship between a government contractor's employee and an  
10 "employer" under this chapter.

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

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

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

33 (i) Any compensation forgone by a member employed by a state agency  
34 or institution during the 2009-2011 fiscal biennium as a result of  
35 reduced work hours, mandatory or voluntary leave without pay, temporary  
36 reduction in pay implemented prior to December 11, 2010, or temporary  
37 layoffs if the reduced compensation is an integral part of the

1 employer's expenditure reduction efforts, as certified by the employer;  
2 and

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

10 (16) "Firefighter" means:

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

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

17 (c) Supervisory firefighter personnel;

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

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

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

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

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

37 (17) "General authority law enforcement agency" means any agency,  
38 department, or division of a municipal corporation, political

1 subdivision, or other unit of local government of this state, and any  
2 agency, department, or division of state government, having as its  
3 primary function the detection and apprehension of persons committing  
4 infractions or violating the traffic or criminal laws in general, but  
5 not including the Washington state patrol or the department of natural  
6 resources. Such an agency, department, or division is distinguished  
7 from a limited authority law enforcement agency having as one of its  
8 functions the apprehension or detection of persons committing  
9 infractions or violating the traffic or criminal laws relating to  
10 limited subject areas, including but not limited to, the state  
11 departments of natural resources and social and health services, the  
12 state gambling commission, the state lottery commission, the state  
13 parks and recreation commission, the state utilities and transportation  
14 commission, the state liquor control board, and the state department of  
15 corrections. A general authority law enforcement agency under this  
16 chapter does not include a government contractor.

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

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

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

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

36 (d) The term "law enforcement officer" also includes the executive  
37 secretary of a labor guild, association or organization (which is an  
38 employer under subsection (14) of this section) if that individual has

1 five years previous membership in the retirement system established in  
2 chapter 41.20 RCW. The provisions of this subsection (18)(d) shall not  
3 apply to plan 2 members; and

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

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

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

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

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

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

25 (i) The fees of the following:

26 (A) A physician or surgeon licensed under the provisions of chapter  
27 18.71 RCW;

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

30 (C) A chiropractor licensed under the provisions of chapter 18.25  
31 RCW.

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

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

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

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

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

1 (D) Anesthesia and oxygen;

2 (E) Rental of iron lung and other durable medical and surgical  
3 equipment;

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

5 (G) Professional ambulance service when used to transport the  
6 member to or from a hospital when injured by an accident or stricken by  
7 a disease;

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

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

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

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

15 (L) An optometrist licensed under the provisions of chapter 18.53  
16 RCW.

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

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

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

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

33 (24) "Regular interest" means such rate as the director may  
34 determine.

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

1 (26) "Retirement fund" means the "Washington law enforcement  
2 officers' and firefighters' retirement system fund" as provided for  
3 herein.

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

6 (28)(a) "Service" for plan 1 members, means all periods of  
7 employment for an employer as a firefighter or law enforcement officer,  
8 for which compensation is paid, together with periods of suspension not  
9 exceeding thirty days in duration. For the purposes of this chapter  
10 service shall also include service in the armed forces of the United  
11 States as provided in RCW 41.26.190. Credit shall be allowed for all  
12 service credit months of service rendered by a member from and after  
13 the member's initial commencement of employment as a firefighter or law  
14 enforcement officer, during which the member worked for seventy or more  
15 hours, or was on disability leave or disability retirement. Only  
16 service credit months of service shall be counted in the computation of  
17 any retirement allowance or other benefit provided for in this chapter.

18 (i) For members retiring after May 21, 1971 who were employed under  
19 the coverage of a prior pension act before March 1, 1970, "service"  
20 shall also include (A) such military service not exceeding five years  
21 as was creditable to the member as of March 1, 1970, under the member's  
22 particular prior pension act, and (B) such other periods of service as  
23 were then creditable to a particular member under the provisions of RCW  
24 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit  
25 be allowed for any service rendered prior to March 1, 1970, where the  
26 member at the time of rendition of such service was employed in a  
27 position covered by a prior pension act, unless such service, at the  
28 time credit is claimed therefor, is also creditable under the  
29 provisions of such prior act.

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

33 (b) "Service" for plan 2 members, means periods of employment by a  
34 member for one or more employers for which basic salary is earned for  
35 ninety or more hours per calendar month which shall constitute a  
36 service credit month. Periods of employment by a member for one or  
37 more employers for which basic salary is earned for at least seventy  
38 hours but less than ninety hours per calendar month shall constitute

1 one-half service credit month. Periods of employment by a member for  
2 one or more employers for which basic salary is earned for less than  
3 seventy hours shall constitute a one-quarter service credit month.

4 Members of the retirement system who are elected or appointed to a  
5 state elective position may elect to continue to be members of this  
6 retirement system.

7 Service credit years of service shall be determined by dividing the  
8 total number of service credit months of service by twelve. Any  
9 fraction of a service credit year of service as so determined shall be  
10 taken into account in the computation of such retirement allowance or  
11 benefits.

12 If a member receives basic salary from two or more employers during  
13 any calendar month, the individual shall receive one service credit  
14 month's service credit during any calendar month in which multiple  
15 service for ninety or more hours is rendered; or one-half service  
16 credit month's service credit during any calendar month in which  
17 multiple service for at least seventy hours but less than ninety hours  
18 is rendered; or one-quarter service credit month during any calendar  
19 month in which multiple service for less than seventy hours is  
20 rendered.

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

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

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

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

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

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