
ENGROSSED SUBSTITUTE HOUSE BILL 1399

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; amending RCW 10.93.020, 10.93.140,
3 43.12.065, 43.101.010, and 41.26.030; and adding a new section to
4 chapter 43.12 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 department of natural resources, and the
2 department of fish and wildlife are general authority Washington law
3 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 department(~~(s of natural resources and)~~) of social and health
11 services, the state gambling commission, the state lottery commission,
12 the 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. A general authority Washington peace officer includes a
20 natural resource investigator employed by the department of natural
21 resources who has obtained and continues to maintain certification by
22 the commission.

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

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

1 officer commissioned by a unit of local government of Oregon or Idaho.
2 A reserve peace officer is an individual who is an officer of a
3 Washington law enforcement agency who does not serve such agency on a
4 full-time basis but who, when called by the agency into active service,
5 is fully commissioned on the same basis as full-time peace officers to
6 enforce the criminal laws of the state.

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

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

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

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

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

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

37 This chapter does not limit the scope of jurisdiction and authority

1 of the Washington state patrol, the department of natural resources,
2 and the department of fish and wildlife as otherwise provided by law,
3 and these agencies shall not be bound by the reporting requirements of
4 RCW 10.93.030.

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

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

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

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

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

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

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

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

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

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

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

4 **Sec. 4.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to read
5 as follows:

6 When used in this chapter:

7 (1) The term "commission" means the Washington state criminal
8 justice training commission.

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

11 (3) The term "criminal justice personnel" means any person who
12 serves in a county, city, state, or port commission agency engaged in
13 crime prevention, crime reduction, or enforcement of the criminal law.

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

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

30 (6) "Chief for a day program" means a program in which
31 commissioners and staff partner with local, state, and federal law
32 enforcement agencies, hospitals, and the community to provide a day of
33 special attention to chronically ill children. Each child is selected
34 and sponsored by a law enforcement agency. The event, "chief for a
35 day," occurs on one day, annually or every other year and may occur on
36 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. Natural resource investigators
12 with enforcement powers for criminal laws under RCW 43.12.065 are peace
13 officers for the purposes of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) A natural born child;

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

32 (iii) A posthumous child;

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

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

37 (b) A person shall also be deemed to be a child up to and including
38 the age of twenty years and eleven months while attending any high

1 school, college, or vocational or other educational institution
2 accredited, licensed, or approved by the state, in which it is located,
3 including the summer vacation months and all other normal and regular
4 vacation periods at the particular educational institution after which
5 the child returns to school.

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

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

9 (9) "Disability board" for plan 1 members means either the county
10 disability board or the city disability board established in RCW
11 41.26.110.

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

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

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

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

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

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

37 (i) The legislative authority of any city, town, county, or
38 district;

- 1 (ii) The elected officials of any municipal corporation;
2 (iii) The governing body of any other general authority law
3 enforcement agency; or
4 (iv) A four-year institution of higher education having a fully
5 operational fire department as of January 1, 1996.

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

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

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

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

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

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

15 (16) "Firefighter" means:

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

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

22 (c) Supervisory firefighter personnel;

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

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

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

36 (g) Any person who on March 1, 1970, was employed on a full time,
37 fully compensated basis by an employer, and who on May 21, 1971, was

1 making retirement contributions under the provisions of chapter 41.16
2 or 41.18 RCW; and

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

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

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

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

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

36 (c) Only such full time commissioned law enforcement personnel as
37 have been appointed to offices, positions, or ranks in the police
38 department which have been specifically created or otherwise expressly

1 provided for and designated by city charter provision or by ordinance
2 enacted by the legislative body of the city shall be considered city
3 police officers;

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

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

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

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

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

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

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

31 (i) The fees of the following:

32 (A) A physician or surgeon licensed under the provisions of chapter
33 18.71 RCW;

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

36 (C) A chiropractor licensed under the provisions of chapter 18.25
37 RCW.

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

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

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

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

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

8 (D) Anesthesia and oxygen;

9 (E) Rental of iron lung and other durable medical and surgical
10 equipment;

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

12 (G) Professional ambulance service when used to transport the
13 member to or from a hospital when injured by an accident or stricken by
14 a disease;

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

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

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

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

22 (L) An optometrist licensed under the provisions of chapter 18.53
23 RCW.

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

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

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

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

3 (24) "Regular interest" means such rate as the director may
4 determine.

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

9 (26) "Retirement fund" means the "Washington law enforcement
10 officers' and firefighters' retirement system fund" as provided for
11 herein.

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

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

26 (i) For members retiring after May 21, 1971 who were employed under
27 the coverage of a prior pension act before March 1, 1970, "service"
28 shall also include (A) such military service not exceeding five years
29 as was creditable to the member as of March 1, 1970, under the member's
30 particular prior pension act, and (B) such other periods of service as
31 were then creditable to a particular member under the provisions of RCW
32 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit
33 be allowed for any service rendered prior to March 1, 1970, where the
34 member at the time of rendition of such service was employed in a
35 position covered by a prior pension act, unless such service, at the
36 time credit is claimed therefor, is also creditable under the
37 provisions of such prior act.

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

4 (b) "Service" for plan 2 members, means periods of employment by a
5 member for one or more employers for which basic salary is earned for
6 ninety or more hours per calendar month which shall constitute a
7 service credit month. Periods of employment by a member for one or
8 more employers for which basic salary is earned for at least seventy
9 hours but less than ninety hours per calendar month shall constitute
10 one-half service credit month. Periods of employment by a member for
11 one or more employers for which basic salary is earned for less than
12 seventy hours shall constitute a one-quarter service credit month.

13 Members of the retirement system who are elected or appointed to a
14 state elective position may elect to continue to be members of this
15 retirement system.

16 Service credit years of service shall be determined by dividing the
17 total number of service credit months of service by twelve. Any
18 fraction of a service credit year of service as so determined shall be
19 taken into account in the computation of such retirement allowance or
20 benefits.

21 If a member receives basic salary from two or more employers during
22 any calendar month, the individual shall receive one service credit
23 month's service credit during any calendar month in which multiple
24 service for ninety or more hours is rendered; or one-half service
25 credit month's service credit during any calendar month in which
26 multiple service for at least seventy hours but less than ninety hours
27 is rendered; or one-quarter service credit month during any calendar
28 month in which multiple service for less than seventy hours is
29 rendered.

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

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

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

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

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

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.12 RCW
5 to read as follows:

6 In order to qualify as a general authority Washington peace officer
7 as defined in RCW 10.93.020 an employee of the department of natural
8 resources must be certified by the criminal justice training commission
9 pursuant to RCW 43.101.095.

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