

1 Washington state patrol, the state liquor control board, 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 departments of natural resources and social and health services,
11 the state gambling commission, the state lottery commission, the state
12 parks and recreation commission, the state utilities and transportation
13 commission, (~~the state liquor control board,~~) the office of the
14 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 liquor control board, and the
36 department of fish and wildlife as otherwise provided by law, and these

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

3 **Sec. 3.** RCW 66.08.030 and 2012 c 2 s 204 (Initiative Measure No.
4 1183) are each amended to read as follows:

5 (1) The power of the board to make regulations under chapter 34.05
6 RCW extends to:

7 ~~((+1))~~ (a) Prescribing the duties of the employees of the board,
8 and regulating their conduct in the discharge of their duties;

9 ~~((+2))~~ (b) Prescribing an official seal and official labels and
10 stamps and determining the manner in which they must be attached to
11 every package of liquor sold or sealed under this title, including the
12 prescribing of different official seals or different official labels
13 for different classes of liquor;

14 ~~((+3))~~ (c) Prescribing forms to be used for purposes of this title
15 or the regulations, and the terms and conditions to be contained in
16 permits and licenses issued under this title, and the qualifications
17 for receiving a permit or license issued under this title, including a
18 criminal history record information check. The board may submit the
19 criminal history record information check to the Washington state
20 patrol and to the identification division of the federal bureau of
21 investigation in order that these agencies may search their records for
22 prior arrests and convictions of the individual or individuals who
23 filled out the forms. The board must require fingerprinting of any
24 applicant whose criminal history record information check is submitted
25 to the federal bureau of investigation;

26 ~~((+4))~~ (d) Prescribing the fees payable in respect of permits and
27 licenses issued under this title for which no fees are prescribed in
28 this title, and prescribing the fees for anything done or permitted to
29 be done under the regulations;

30 ~~((+5))~~ (e) Prescribing the kinds and quantities of liquor which
31 may be kept on hand by the holder of a special permit for the purposes
32 named in the permit, regulating the manner in which the same is kept
33 and disposed of, and providing for the inspection of the same at any
34 time at the instance of the board;

35 ~~((+6))~~ (f) Regulating the sale of liquor kept by the holders of
36 licenses which entitle the holder to purchase and keep liquor for sale;

1 ~~((7))~~ (g) Prescribing the records of purchases or sales of liquor
2 kept by the holders of licenses, and the reports to be made thereon to
3 the board, and providing for inspection of the records so kept;
4 ~~((8))~~ (h) Prescribing the kinds and quantities of liquor for
5 which a prescription may be given, and the number of prescriptions
6 which may be given to the same patient within a stated period;
7 ~~((9))~~ (i) Prescribing the manner of giving and serving notices
8 required by this title or the regulations, where not otherwise provided
9 for in this title;
10 ~~((10))~~ (j) Regulating premises in which liquor is kept for export
11 from the state, or from which liquor is exported, prescribing the books
12 and records to be kept therein and the reports to be made thereon to
13 the board, and providing for the inspection of the premises and the
14 books, records and the liquor so kept;
15 ~~((11))~~ (k) Prescribing the conditions and qualifications
16 requisite for the obtaining of club licenses and the books and records
17 to be kept and the returns to be made by clubs, prescribing the manner
18 of licensing clubs in any municipality or other locality, and providing
19 for the inspection of clubs;
20 ~~((12))~~ (l) Prescribing the conditions, accommodations, and
21 qualifications requisite for the obtaining of licenses to sell beer,
22 wines, and spirits, and regulating the sale of beer, wines, and spirits
23 thereunder;
24 ~~((13))~~ (m) Specifying and regulating the time and periods when,
25 and the manner, methods and means by which manufacturers must deliver
26 liquor within the state; and the time and periods when, and the manner,
27 methods and means by which liquor may lawfully be conveyed or carried
28 within the state;
29 ~~((14))~~ (n) Providing for the making of returns by brewers of
30 their sales of beer shipped within the state, or from the state,
31 showing the gross amount of such sales and providing for the inspection
32 of brewers' books and records, and for the checking of the accuracy of
33 any such returns;
34 ~~((15))~~ (o) Providing for the making of returns by the wholesalers
35 of beer whose breweries are located beyond the boundaries of the state;
36 ~~((16))~~ (p) Providing for the making of returns by any other
37 liquor manufacturers, showing the gross amount of liquor produced or
38 purchased, the amount sold within and exported from the state, and to

1 whom so sold or exported, and providing for the inspection of the
2 premises of any such liquor manufacturers, their books and records, and
3 for the checking of any such return;

4 ~~((+17))~~ (q) Providing for the giving of fidelity bonds by any or
5 all of the employees of the board. However, the premiums therefor must
6 be paid by the board;

7 ~~((+18))~~ (r) Providing for the shipment of liquor to any person
8 holding a permit and residing in any unit which has, by election
9 pursuant to this title, prohibited the sale of liquor therein;

10 ~~((+19))~~ (s) Prescribing methods of manufacture, conditions of
11 sanitation, standards of ingredients, quality and identity of alcoholic
12 beverages manufactured, sold, bottled, or handled by licensees and the
13 board; and conducting from time to time, in the interest of the public
14 health and general welfare, scientific studies and research relating to
15 alcoholic beverages and the use and effect thereof;

16 ~~((+20))~~ (t) Seizing, confiscating and destroying all alcoholic
17 beverages manufactured, sold or offered for sale within this state
18 which do not conform in all respects to the standards prescribed by
19 this title or the regulations of the board. However, nothing herein
20 contained may be construed as authorizing the liquor board to
21 prescribe, alter, limit or in any way change the present law as to the
22 quantity or percentage of alcohol used in the manufacturing of wine or
23 other alcoholic beverages.

24 (2) Nothing in this section or RCW 10.93.020 confers membership to
25 peace officers or enforcement officers of the liquor control board in
26 the Washington law enforcement officers' and firefighters' retirement
27 system under chapter 41.26 RCW.

28 **Sec. 4.** RCW 41.26.030 and 2012 c 236 s 2 are each amended to read
29 as follows:

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

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

35 (2) "Actuarial reserve" means a method of financing a pension or
36 retirement plan wherein reserves are accumulated as the liabilities for

1 benefit payments are incurred in order that sufficient funds will be
2 available on the date of retirement of each member to pay the member's
3 future benefits during the period of retirement.

4 (3) "Actuarial valuation" means a mathematical determination of the
5 financial condition of a retirement plan. It includes the computation
6 of the present monetary value of benefits payable to present members,
7 and the present monetary value of future employer and employee
8 contributions, giving effect to mortality among active and retired
9 members and also to the rates of disability, retirement, withdrawal
10 from service, salary and interest earned on investments.

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

16 (b) "Basic salary" for plan 2 members, means salaries or wages
17 earned by a member during a payroll period for personal services,
18 including overtime payments, and shall include wages and salaries
19 deferred under provisions established pursuant to sections 403(b),
20 414(h), and 457 of the United States Internal Revenue Code, but shall
21 exclude lump sum payments for deferred annual sick leave, unused
22 accumulated vacation, unused accumulated annual leave, or any form of
23 severance pay. In any year in which a member serves in the legislature
24 the member shall have the option of having such member's basic salary
25 be the greater of:

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

28 (ii) Such member's actual basic salary received for nonlegislative
29 public employment and legislative service combined. Any additional
30 contributions to the retirement system required because basic salary
31 under (b)(i) of this subsection is greater than basic salary under
32 (b)(ii) of this subsection shall be paid by the member for both member
33 and employer contributions.

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

37 (b) "Beneficiary" for plan 2 members, means any person in receipt

1 of a retirement allowance or other benefit provided by this chapter
2 resulting from service rendered to an employer by another person.

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

7 (i) A natural born child;

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

10 (iii) A posthumous child;

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

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

15 (b) A person shall also be deemed to be a child up to and including
16 the age of twenty years and eleven months while attending any high
17 school, college, or vocational or other educational institution
18 accredited, licensed, or approved by the state, in which it is located,
19 including the summer vacation months and all other normal and regular
20 vacation periods at the particular educational institution after which
21 the child returns to school.

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

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

25 (9) "Disability board" for plan 1 members means either the county
26 disability board or the city disability board established in RCW
27 41.26.110.

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

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

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

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

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

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

16 (i) The legislative authority of any city, town, county, or
17 district;

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

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

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

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

33 (15)(a) "Final average salary" for plan 1 members, means (i) for a
34 member holding the same position or rank for a minimum of twelve months
35 preceding the date of retirement, the basic salary attached to such
36 same position or rank at time of retirement; (ii) for any other member,
37 including a civil service member who has not served a minimum of twelve
38 months in the same position or rank preceding the date of retirement,

1 the average of the greatest basic salaries payable to such member
2 during any consecutive twenty-four month period within such member's
3 last ten years of service for which service credit is allowed, computed
4 by dividing the total basic salaries payable to such member during the
5 selected twenty-four month period by twenty-four; (iii) in the case of
6 disability of any member, the basic salary payable to such member at
7 the time of disability retirement; (iv) in the case of a member who
8 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to
9 such member at the time of vesting.

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

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

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

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

31 (16) "Firefighter" means:

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

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

38 (c) Supervisory firefighter personnel;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) The fees of the following:

10 (A) A physician or surgeon licensed under the provisions of chapter
11 18.71 RCW;

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

14 (C) A chiropractor licensed under the provisions of chapter 18.25
15 RCW.

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

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

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

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

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

23 (D) Anesthesia and oxygen;

24 (E) Rental of iron lung and other durable medical and surgical
25 equipment;

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

27 (G) Professional ambulance service when used to transport the
28 member to or from a hospital when injured by an accident or stricken by
29 a disease;

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

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

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

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

37 (L) An optometrist licensed under the provisions of chapter 18.53
38 RCW.

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

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

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

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

17 (24) "Regular interest" means such rate as the director may
18 determine.

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

23 (26) "Retirement fund" means the "Washington law enforcement
24 officers' and firefighters' retirement system fund" as provided for
25 herein.

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

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

1 service credit months of service shall be counted in the computation of
2 any retirement allowance or other benefit provided for in this chapter.

3 (i) For members retiring after May 21, 1971 who were employed under
4 the coverage of a prior pension act before March 1, 1970, "service"
5 shall also include (A) such military service not exceeding five years
6 as was creditable to the member as of March 1, 1970, under the member's
7 particular prior pension act, and (B) such other periods of service as
8 were then creditable to a particular member under the provisions of RCW
9 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit
10 be allowed for any service rendered prior to March 1, 1970, where the
11 member at the time of rendition of such service was employed in a
12 position covered by a prior pension act, unless such service, at the
13 time credit is claimed therefor, is also creditable under the
14 provisions of such prior act.

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

18 (b) "Service" for plan 2 members, means periods of employment by a
19 member for one or more employers for which basic salary is earned for
20 ninety or more hours per calendar month which shall constitute a
21 service credit month. Periods of employment by a member for one or
22 more employers for which basic salary is earned for at least seventy
23 hours but less than ninety hours per calendar month shall constitute
24 one-half service credit month. Periods of employment by a member for
25 one or more employers for which basic salary is earned for less than
26 seventy hours shall constitute a one-quarter service credit month.

27 Members of the retirement system who are elected or appointed to a
28 state elective position may elect to continue to be members of this
29 retirement system.

30 Service credit years of service shall be determined by dividing the
31 total number of service credit months of service by twelve. Any
32 fraction of a service credit year of service as so determined shall be
33 taken into account in the computation of such retirement allowance or
34 benefits.

35 If a member receives basic salary from two or more employers during
36 any calendar month, the individual shall receive one service credit
37 month's service credit during any calendar month in which multiple
38 service for ninety or more hours is rendered; or one-half service

1 credit month's service credit during any calendar month in which
2 multiple service for at least seventy hours but less than ninety hours
3 is rendered; or one-quarter service credit month during any calendar
4 month in which multiple service for less than seventy hours is
5 rendered.

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

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

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

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

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

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 66.08 RCW
19 to read as follows:

20 (1) A peace officer or enforcement officer of the board shall
21 reimburse his or her training agency for the total cost of all basic
22 law enforcement academy training that the officer received under
23 chapter 43.101 RCW if the officer leaves the employment of the board
24 within twenty-four months of the officer's completion of basic law
25 enforcement training.

26 (2) For the purposes of this section, "training agency" means the
27 liquor control board which has paid for the officer's training.

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

30 (1) Admittance to the Washington state patrol's academy shall be
31 open to a state patrol cadet, a state patrol officer, and a peace
32 officer or enforcement officer of the state liquor control board.

33 (2) As a condition to continued employment, at least thirty percent
34 of the liquor control officers, as employed and selected by the state
35 liquor control board, must obtain and retain basic certification as
36 peace officers pursuant to chapter 43.101 RCW by no later than June 30,

1 2014. The remaining such officers shall obtain and retain basic
2 certification as peace officers pursuant to chapter 43.101 RCW by no
3 later than June 30, 2016.

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

6 (1) Admittance to the commission's basic law enforcement academy
7 shall be open to all law enforcement personnel as defined in RCW
8 43.101.010 including an employee who is a peace officer or enforcement
9 officer of the state liquor control board.

10 (2) As a condition to continued employment, at least thirty percent
11 of the liquor control officers, as employed and selected by the state
12 liquor control board, must obtain and retain basic certification as
13 peace officers pursuant to this chapter by no later than June 30, 2014.
14 The remaining such officers shall obtain and retain basic certification
15 as peace officers pursuant to this chapter by no later than June 30,
16 2016.

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

19 When used in this chapter:

20 (1) The term "commission" means the Washington state criminal
21 justice training commission.

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

24 (3) The term "criminal justice personnel" means any person who
25 serves in a county, city, state, or port commission agency engaged in
26 crime prevention, crime reduction, or enforcement of the criminal law.
27 "Criminal justice personnel" also includes a peace officer or
28 enforcement officer of the state liquor control board.

29 (4) The term "law enforcement personnel" means any public employee
30 or volunteer having as a primary function the enforcement of criminal
31 laws in general or any employee or volunteer of, or any individual
32 commissioned by, any municipal, county, state, or combination thereof,
33 agency having as its primary function the enforcement of criminal laws
34 in general as distinguished from an agency possessing peace officer
35 powers, the primary function of which is the implementation of
36 specialized subject matter areas. "Law enforcement personnel" also

1 includes a peace officer or enforcement officer of the state liquor
2 control board. For the purposes of this subsection "primary function"
3 means that function to which the greater allocation of resources is
4 made.

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

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

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

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

1 (9) A peace officer is "discharged for disqualifying misconduct"
2 within the meaning of subsection (8) of this section under the ordinary
3 meaning of the term and when the totality of the circumstances support
4 a finding that the officer resigned in anticipation of discipline,
5 whether or not the misconduct was discovered at the time of
6 resignation, and when such discipline, if carried forward, would more
7 likely than not have led to discharge for disqualifying misconduct
8 within the meaning of subsection (8) of this section.

9 (10) When used in context of proceedings referred to in this
10 chapter, "final" means that the peace officer has exhausted all
11 available civil service appeals, collective bargaining remedies, and
12 all other such direct administrative appeals, and the officer has not
13 been reinstated as the result of the action. Finality is not affected
14 by the pendency or availability of state or federal administrative or
15 court actions for discrimination, or by the pendency or availability of
16 any remedies other than direct civil service and collective bargaining
17 remedies.

18 (11) "Peace officer" means any law enforcement personnel subject to
19 the basic law enforcement training requirement of RCW 43.101.200 and
20 any other requirements of that section, notwithstanding any waiver or
21 exemption granted by the commission, and notwithstanding the statutory
22 exemption based on date of initial hire under RCW 43.101.200.
23 Commissioned officers of the Washington state patrol, whether they have
24 been or may be exempted by rule of the commission from the basic
25 training requirement of RCW 43.101.200, are included as peace officers
26 for purposes of this chapter. Fish and wildlife officers with
27 enforcement powers for all criminal laws under RCW 77.15.075 are peace
28 officers for purposes of this chapter.

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

31 There is hereby created and established a state commission to be
32 known and designated as the Washington state criminal justice training
33 commission.

34 The purpose of such commission shall be to provide programs and
35 standards for the training of criminal justice personnel including, but

1 not limited to, peace officers and enforcement officers of the state
2 liquor control board.

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