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HOUSE BILL 2394

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Moscoso, Takko, Ryu, and Hope; by request of Liquor Control Board

Read first time 01/16/14. Referred to Committee on Public Safety.

1 AN ACT Relating to state liquor control board enforcement officers;  
2 amending RCW 10.93.020, 10.93.140, 66.08.030, 41.26.030, 43.101.010,  
3 and 43.101.020; and adding a new section to chapter 43.101 RCW.

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 state liquor control board, 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 departments of natural resources and social and health services,  
10 the state gambling commission, the state lottery commission, the state  
11 parks and recreation commission, the state utilities and transportation  
12 commission, (~~the state liquor control board,~~) the office of the  
13 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 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 are each amended to read  
4 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 state liquor control  
26 board in the Washington law enforcement officers' and firefighters'  
27 retirement 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 **Sec. 5.** RCW 43.101.010 and 2008 c 69 s 2 are each amended to read  
19 as follows:

20 When used in this chapter:

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

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

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

30 (4) The term "law enforcement personnel" means any public employee  
31 or volunteer having as a primary function the enforcement of criminal  
32 laws in general or any employee or volunteer of, or any individual  
33 commissioned by, any municipal, county, state, or combination thereof,  
34 agency having as its primary function the enforcement of criminal laws  
35 in general as distinguished from an agency possessing peace officer  
36 powers, the primary function of which is the implementation of  
37 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. 6.** 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  
36 not limited to, peace officers and enforcement officers of the state  
37 liquor control board.

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

3        (1) All current employees hired and commissioned by the state  
4 liquor control board that have:    (a) Completed a Washington state  
5 criminal justice training commission basic law enforcement academy or  
6 the Washington state patrol's academy; (b) certified as a basic peace  
7 officer under this chapter or would have qualified for certification at  
8 the time of their employment or initial training with the state liquor  
9 control board; and (c) continued to work as liquor control board law  
10 enforcement officers, are granted basic peace officer certification  
11 under this chapter.

12        (2) All current employees hired and commissioned by the state  
13 liquor control board who have not completed a Washington state criminal  
14 justice training commission basic law enforcement academy but are  
15 employed by the state liquor control board as liquor enforcement  
16 officers and have worked continuously in that capacity are required to  
17 complete an equivalency course approved and conducted by the criminal  
18 justice training commission. Such liquor enforcement officers will be  
19 granted basic peace officer certification under this chapter upon  
20 successful completion of the course.

21        (3) Admittance to the commission's basic law enforcement academy is  
22 open to all law enforcement personnel as defined in RCW 43.101.010,  
23 including an employee who is a peace officer or enforcement officer of  
24 the state liquor control board.

25        (4) As a condition to continued employment, at least thirty percent  
26 of the liquor control officers, as employed and selected by the state  
27 liquor control board, must obtain and retain basic certification as  
28 peace officers under this chapter by June 30, 2018.

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