

Approved by the Governor March 23, 1965, with the exception of Section 5 which was vetoed.

Veto message. NOTE: Governor's explanation of partial veto is as follows:

"Section 5 contains the standard emergency clause requiring the act to take effect immediately. Imposition of an emergency clause defeats the right of the people to reject legislative action by referendum, and should be sparingly used. Having carefully considered each section of Senate Bill No. 310, it is clear that no part of the act is necessary for the immediate preservation of public peace, health and safety, or the support of state government and its existing public institutions.

"Section 5 is therefore vetoed. The remainder of Senate Bill No. 310 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 158.

[Senate Bill No. 50.]

STATE LAW ENFORCEMENT OFFICERS' TRAINING
COMMISSION.

AN ACT relating to state government; establishing a state law enforcement officers' training commission; providing for its organizational structure; defining its power and duties; establishing a law enforcement officers' training fund; and amending section 3, page 421, Laws of 1873 as last amended by section 1, chapter 30, Laws of 1919 and RCW 10.82.070.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. *Definitions.* When used in this act:

(1) The term "commission" means the Washington law enforcement officers' training commission.

(2) The term "municipality" means any county, city or town in this state.

(3) The term "law enforcement officer" means a member of a police force or other organization of a municipality who is responsible for the prevention or detection of crime and the enforcement of the general criminal laws of the state or ordinances of a municipality, but shall not include any person serving as such solely by virtue of his occupying any other office or position, nor shall such term include

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a sheriff, undersheriff, chief of police, deputy or assistant chief of police, or any person having an equivalent title, who is elected, appointed or employed by a municipality to exercise equivalent supervisory authority.

SEC. 2. *Commission Created.* There is hereby created and established a state commission on law enforcement officer standards and training to be known and designated as the Washington Law Enforcement Officers' Training Commission. Commission created.

SEC. 3. *Membership.* (1) The commission shall consist of nine members. Six members shall be selected as follows: Membership.

(a) Two shall be appointed by the governor from a list of at least four nominees, who shall be incumbent sheriffs, submitted by the sheriffs of the Washington association of sheriffs and chiefs of police; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from a list of at least three nominees, who shall be incumbent sheriffs, submitted by the sheriffs of the Washington association of sheriffs and chiefs of police;

(b) Two shall be appointed by the governor from a list of at least four nominees who shall be incumbent chiefs of police, submitted by the chiefs of police of the Washington association of sheriffs and chiefs of police; vacancies caused by expiration of a term or otherwise of one of these two members shall be filled by appointment by the governor from a list of at least three nominees, who shall be incumbent chiefs of police, submitted by the chiefs of police of the Washington association of sheriffs and chiefs of police;

(c) One shall be appointed by the governor from a list of at least three nominees, who shall be incumbent county commissioners, submitted by the

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Washington state association of county commissioners; a vacancy caused by expiration of a term or otherwise of the member shall be filled in the same manner as the original appointment;

(d) One shall be appointed by the governor from a list of at least three nominees, who shall be incumbent executive officers of cities within the state, submitted by the association of Washington cities; a vacancy caused by expiration of a term or otherwise of this member shall be filled in the same manner as the original appointment.

(2) Three members shall be:

(a) The attorney general, or his duly designated representative;

(b) The chief of the Washington state patrol, or his duly designated representative; and

(c) The special agent in charge of the Seattle office of the Federal bureau of investigation, or his duly designated representative.

Terms.

SEC. 4. Terms. All members of the commission appointed by the governor shall be appointed for terms of four years, such terms to commence on July first, and expire on June thirtieth: *Provided*, That of the members first appointed, three shall be appointed for two year terms expiring on June thirtieth, nineteen hundred and sixty-seven, and three shall be appointed for four year terms expiring on June thirtieth, nineteen hundred and sixty-nine: *Provided, further*, That the terms of the two members appointed as sheriff shall not expire in the same year nor shall the terms of the two members appointed as chiefs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms.

SEC. 5. *Cessation of Members.* Any member of the commission appointed pursuant to section 3 (1) of this act as an incumbent sheriff, chief of police, county commissioner or executive officer of a city, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission.

Cessation of members.

SEC. 6. *Chairman and Vice Chairman; Quorum; Meetings.* The commission shall select a chairman and a vice chairman from among its members. Five members of the commission shall constitute a quorum. The attorney general shall summon the commission to its first meeting.

Chairman and vice chairman; quorum; meetings.

Meetings may be called by the chairman and shall be called by him upon the written request of five members.

SEC. 7. *Compensation.* Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the commission shall be deemed performance by a member of the duties of his local or state governmental employment.

Compensation.

SEC. 8. *Powers and Duties.* The commission shall have all of the following powers:

Powers and duties.

(1) (a) To meet at such times and places as it may deem proper;

(b) To employ an executive secretary and such clerical and technical assistants as may be necessary;

(c) To contract with such other agencies, public or private, or persons as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as will best assist it to carry out its duties and responsibilities;

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(d) To cooperate with and secure the cooperation of every department, agency, or instrumentality in state government;

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions; and

(f) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

(2) All rules adopted by the commission shall be adopted and amended pursuant to the "Administrative Procedure Act".

(3) In exercising its functions the commission shall endeavor to minimize costs of administration, so that the greatest possible proportion of the funds available to it shall be expended for the purposes of providing training for local law enforcement officers. All expenses for the operation of the commission shall be a proper charge against the revenue accruing under the provisions of this act.

Exemption.

SEC. 9. *Exemption.* The provisions of this act shall not apply to cities of the first class having a population in excess of one hundred thousand, nor to class AA and class A counties: *Provided*, That such cities and counties may accept and the commission may provide to them, certification and such training at such times, places, and under such terms as may be agreed upon by the commission and the governing body of such city or county.

Biennial report.

SEC. 10. *Biennial Report.* On or before the thirtieth day of November in each even-numbered year the commission shall submit to the governor a report showing its activities and expenditures.

SEC. 11. *Standards.* For the purpose of raising Standards. the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of law enforcement officers by any municipality receiving state aid pursuant to this act or certification by the commission, and it shall adopt, and may, from time to time amend rules establishing and prescribing:

(1) The requirements of minimum basic training which law enforcement officers appointed to probationary terms shall complete before being eligible for certification by the commission and the time within which basic training must be completed following such appointment to the probationary term;

(2) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications.

SEC. 12. *Approving Existing Programs.* In establishing standards for recruitment and training, the commission may, so far as consistent with the purposes of sections 11 through 14 of this act, permit required training of any law enforcement officer of any municipality to be obtained at existing institutions approved for such training by the commission.

Approving existing programs.

SEC. 13. *Adherence to Standards.* The commission shall make such inquiries as may be necessary to determine whether every municipality receiving certification or state aid pursuant to this act is adhering to the standards for recruitment and training established pursuant to sections 11 through 14 of this act.

Adherence to standards.

SEC. 14. *Legislative Intent.* In enacting this act the legislature intends that all municipalities of the state should be encouraged to maintain, to the ex-

Legislative intent.

Law enforcement officers' training commission. Legislative intent.

tent possible, standards of police training which are higher than the minimum standards adopted by the commission; and the minimum standards adopted by the commission shall in no way be deemed sufficient or adequate in the case of any municipality the appropriate authorities of which have established or propose to establish standards higher than such minimum standards.

Creation of fund.

SEC. 15. *Creation of Fund.* There is hereby created in the general fund of the state treasury a Law Enforcement Officers' Training Fund which shall be used exclusively for costs of administration and for grants to local governments pursuant to sections 15 through 20 of this act.

RCW 10.82.070 amended.

SEC. 16. Section 3, page 421, Laws of 1873 as last amended by section 1, chapter 30, Laws of 1919, and RCW 10.82.070 are each amended to read as follows:

Disposition of certain fines, penalties and forfeitures.

Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs, or for contempt of court, and the net proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures, shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him transmitted to the state treasurer, who shall place the same to the credit of the Law Enforcement Officers' Training Fund in an amount not to exceed twenty-five thousand dollars annually and the remainder to the current state school fund. He shall indicate in such entries the source from which such money was derived.

Application for aid.

SEC. 17. *Application for Aid.* Any municipality which so desires to receive state aid pursuant to

sections 15 through 20 of this act shall make application to the commission for such aid. The application must be accompanied by a certified copy of an ordinance adopted by its governmental body providing that while receiving any state aid pursuant to sections 15 through 20 of this act, the municipality will adhere to the standards for recruitment and training established by the commission. The application shall contain such information as the commission may request.

SEC. 18. *Reimbursement of Municipalities; Amount; Reduction in Allocations.* The commission shall annually allocate and the state treasurer shall pay from the Law Enforcement Officers' Training Fund to each municipality which has applied and qualified for aid pursuant to sections 15 through 20 of this act a sum which will reimburse the municipality in an amount not to exceed one-half of the salary paid to each law enforcement officer meeting the recruitment standards and who participates in training, meeting the standards prescribed pursuant to this act, during the period when such officer is physically engaged in such training during the period covered by the allocation, plus one-half of necessary living expenses incurred by such officer which are necessitated by training requiring that he be away from his residence overnight, but not to exceed a maximum sum established by the commission. If the moneys in the Law Enforcement Officers' Training Fund budgeted by the commission for such salary and living expenses reimbursement are insufficient to allocate such amount to each participating municipality, the amount so allocated shall be reduced proportionately. In no event shall any allocation be made to any municipality which has not, throughout the period covered by the allocation, adhered to the recruitment and training standards established by

Reimbursement of municipalities; amount; reduction in allocations.

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the commission as applicable to personnel recruited or trained by such municipality during such period.

Sec. 19. Funds; Control; Disbursement. All funds appropriated for the support of the commission, or available to its use, shall be under the direct jurisdiction of the commission, and all expenditures of said funds shall be covered by vouchers signed by the executive secretary, countersigned by the chairman, and submitted to the state treasurer for payment.

Severability.

SEC. 20. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

Headings not law.

SEC. 21. Section headings as used in this act do not constitute any part of the law.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 23, 1965, with the exception of Section 19 and certain items in Section 3 which were vetoed.

Veto message.

NOTE: Governor's explanation of partial veto is as follows:

"This bill creates a Law Enforcement Officers' Training Commission in order to improve standards of law enforcement throughout the state. I approve of this legislation in principle; however, I have vetoed certain items in section 3 and all of section 19.

"Section 3 provides that the membership of the commission shall include the Attorney General, the Chief of the State Patrol and the Special Agent in charge of the Seattle office of the FBI, or their respective designees. Six other members of the commission are to be appointed by the Governor; however, the bill restricts the appointing power of the Governor to nominees submitted by various associations of sheriffs, chiefs of police, county commissioners and cities.

"I believe these restrictions are contrary to sound public policy. The person who makes an appointment should be held responsible for it. If it is good, he deserves the credit; if it is bad, he deserves the blame. But no appointing power can properly be held to account for an appointment which he is not free to make in accordance with his own best judgment. When making appointments to this commission I will seek the advice and counsel of persons knowledgeable in the field of law enforcement. I will welcome suggestions from all interested parties and organizations, including those associations named in this bill. I believe any succeeding Governor would follow this example.

"In exercise of the power of item veto, I have retained the basic make-up of the commission, in that the six appointive members of the commission must include two sheriffs, two chiefs of police, one county commissioner, and one executive officer of a city. Only the requirement that the appointments be made from restricted lists submitted to the Governor has been removed.

"Section 19 provides that funds appropriated or otherwise available to the commission shall be under the direct jurisdiction of the commission, and that vouchers shall be submitted to the State Treasurer. This is contrary to procedures established pursuant to the Budget and Accounting Act with respect to other state agencies. I do not believe that the legislature intended this commission to be exempt from the usual budgetary controls. Because I fear the provision is susceptible to that interpretation, I have vetoed section 19.

"The remainder of the bill is approved."

DANIEL J. EVANS,
Governor.

NOTICE

This page concludes the printing of the Laws of the 1965 Regular Session.

All Laws of the 1965 Extraordinary Session together with Index and Tables are contained in Volume 2.