

---

SENATE BILL 5701

---

State of Washington

56th Legislature

1999 Regular Session

By Senator Snyder

Read first time 02/03/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to consolidating fish and wildlife officers into  
2 the Washington state patrol; adding new sections to chapter 43.43 RCW;  
3 adding a new section to Title 75 RCW; and adding a new section to Title  
4 77 RCW.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a consolidation  
7 of fish and wildlife officers into the Washington state patrol would be  
8 beneficial to fish and wildlife resources, to the public, and to  
9 individual enforcement officers. Many opportunities to increase  
10 efficiency and to improve enforcement of fish and wildlife laws will  
11 result from consolidation. The public will benefit from improved  
12 resource protection and from a more effective and responsive ability to  
13 reduce the increasing public safety hazards associated with conflicts  
14 between humans and wildlife. The officers will benefit from improved  
15 morale, increased compensation, greater advancement opportunity,  
16 improved equipment, and increased training.

17 The goal of this act is a consolidated fish and wildlife  
18 enforcement bureau that will function as a well-equipped and highly  
19 professional unit, will produce increased public support through

1 greater protection and reduced response time, and will be an important  
2 part of the Washington state patrol.

3 NEW SECTION. **Sec. 2.** The Washington state patrol has the  
4 authority and duty to enforce Titles 75 and 77 RCW, and the rules  
5 adopted under those titles, relating to the time, place, and manner of  
6 taking food fish, shellfish, game fish, game animals, fur-bearing  
7 animals, protected wildlife, predatory animals, predatory birds, and  
8 game birds. All fish and wildlife enforcement program personnel  
9 directly engaged in the enforcement of Titles 75 and 77 RCW shall be  
10 transferred to and become employees of the Washington state patrol.  
11 The chief of the Washington state patrol shall provide any additional  
12 training needs to fully commission transferred fish and wildlife  
13 enforcement officers, detectives, and sergeants as Washington state  
14 patrol troopers, detectives, or sergeants. Enforcement authority of  
15 transferred fish and wildlife enforcement personnel shall continue  
16 until those personnel become commissioned officers of the Washington  
17 state patrol.

18 NEW SECTION. **Sec. 3.** The chief of the Washington state patrol may  
19 purchase, construct, lease, and operate equipment, vehicles, aircraft,  
20 boats, and supplies as necessary to carry out the duties of the  
21 Washington state patrol under section 2 of this act.

22 NEW SECTION. **Sec. 4.** A new section is added to Title 75 RCW to  
23 read as follows:

24 All personnel engaged in the enforcement of this title and the  
25 rules adopted under this title shall be employed, supervised, and  
26 controlled by the chief of the Washington state patrol, who shall be  
27 the chief official charged with enforcement of this title.

28 NEW SECTION. **Sec. 5.** A new section is added to Title 77 RCW to  
29 read as follows:

30 All personnel engaged in the enforcement of this title and the  
31 rules adopted under this title shall be employed, supervised, and  
32 controlled by the chief of the Washington state patrol, who shall be  
33 the chief official charged with enforcement of this title.

1        NEW SECTION.    **Sec. 6.**    Employees of the department of fish and  
2 wildlife enforcement program transferred to the Washington state patrol  
3 shall have the option to retain membership in the retirement and  
4 disability system in which they were members prior to the transfer, or  
5 to become members of the Washington state patrol retirement and  
6 disability system upon being commissioned.

7        NEW SECTION.    **Sec. 7.**    All powers, duties, and functions of the  
8 department of fish and wildlife pertaining to enforcement of Titles 75  
9 and 77 RCW are transferred to the Washington state patrol. All  
10 references to the director or the department of fish and wildlife in  
11 the Revised Code of Washington mean the chief of the Washington state  
12 patrol or the Washington state patrol when referring to the law  
13 enforcement functions transferred in this section.

14        NEW SECTION.    **Sec. 8.**    There is established a fish and wildlife  
15 bureau within the Washington state patrol. The chief of the Washington  
16 state patrol shall select a bureau chief to oversee the operation of  
17 the fish and wildlife bureau. The bureau chief shall report to and  
18 serve at the pleasure of the chief of the Washington state patrol and  
19 shall maintain a close working liaison with the fish and wildlife  
20 commission to carry out the commission's goals, policies, and  
21 objectives. All officers, sergeants, and detectives transferred to the  
22 Washington state patrol under this act shall assume a rank and class  
23 which is equivalent to their counterparts in the Washington state  
24 patrol. Second-line supervisors shall be assigned a rank and  
25 classification which is the functional equivalent of their existing  
26 rank and which best fits within the operational model of the Washington  
27 state patrol. The chief of the Washington state patrol, in  
28 consultation with the department of personnel, shall make the final  
29 determination regarding second-line supervisors.

30        NEW SECTION.    **Sec. 9.**    All reports, documents, surveys, books,  
31 records, files, papers, and written material in the possession of the  
32 department of fish and wildlife pertaining to the powers, functions,  
33 and duties transferred shall be delivered to the custody of the  
34 Washington state patrol. All cabinets, furniture, office equipment,  
35 motor vehicles, and other tangible property employed by the department  
36 of fish and wildlife in carrying out the powers, functions, and duties

1 transferred shall be made available to the Washington state patrol.  
2 All funds, credits, or other assets held in connection with the powers,  
3 functions, and duties transferred shall be assigned to the Washington  
4 state patrol.

5 All full-time equivalent staff positions presently authorized and  
6 any appropriations made to the department of fish and wildlife for  
7 carrying out the powers, functions, and duties transferred shall, on  
8 the effective date of this section, be transferred and credited to the  
9 Washington state patrol.

10 If any question arises as to the transfer of any personnel, funds,  
11 books, documents, records, papers, files, equipment, or other tangible  
12 property used or held in the exercise of the powers and the performance  
13 of the duties and functions transferred, the director of financial  
14 management shall make a determination as to the proper allocation and  
15 certify that determination to the state agencies concerned.

16 NEW SECTION. **Sec. 10.** All employees of the department of fish and  
17 wildlife enforcement program engaged in performing the powers,  
18 functions, and duties transferred are transferred to the jurisdiction  
19 of the Washington state patrol. All employees classified under chapter  
20 41.06 RCW, the state civil service law, are assigned to the Washington  
21 state patrol to perform their usual duties upon the same terms as  
22 formerly, without any loss of rights, subject to any action that may be  
23 appropriate thereafter in accordance with the laws and rules governing  
24 state civil service. However, if up to twelve law enforcement  
25 personnel wish to remain in the department of fish and wildlife, the  
26 existing full-time equivalents and appropriations supporting them may  
27 be retained by the department of fish and wildlife, as though exempt  
28 from the operation of this chapter, for the purpose of managing problem  
29 wildlife and animal damage control. Incumbents in those retained  
30 positions shall not be authorized to carry law enforcement commissions.  
31 Transferred fish and wildlife enforcement personnel shall continue to  
32 respond to fish and wildlife issues involving human health and safety.

33 NEW SECTION. **Sec. 11.** All rules and all pending business before  
34 the department of fish and wildlife pertaining to the powers,  
35 functions, and duties transferred shall be continued and acted upon by  
36 the Washington state patrol. All existing contracts and obligations

1 shall remain in full force and shall be performed by the Washington  
2 state patrol.

3 NEW SECTION. **Sec. 12.** The transfer of powers, duties, functions,  
4 and personnel of the department of fish and wildlife shall not affect  
5 the validity of any act performed before the effective date of this  
6 section.

7 NEW SECTION. **Sec. 13.** If apportionments of budgeted funds are  
8 required because of the transfers directed by sections 9 through 11 of  
9 this act, the director of financial management shall certify the  
10 apportionments to the agencies affected, the state auditor, and the  
11 state treasurer. Each of these shall make the appropriate transfer and  
12 adjustments in funds and appropriation accounts and equipment records  
13 in accordance with the certification.

14 NEW SECTION. **Sec. 14.** Nothing contained in sections 7 through 13  
15 of this act may be construed to alter any existing collective  
16 bargaining unit or the provisions of any existing collective bargaining  
17 agreement until the agreement has expired or until the bargaining unit  
18 has been modified by action of the personnel board as provided by law.

19 NEW SECTION. **Sec. 15.** There is established a fish and wildlife  
20 bureau transition committee, which shall be chaired by the chief of the  
21 Washington state patrol and shall include one member from each of the  
22 following entities: The department of fish and wildlife; the  
23 department of personnel; the Washington state troopers' association;  
24 the Washington federation of state employees--fish and wildlife  
25 officers; the fish and wildlife sergeants' association; the fish and  
26 wildlife captains' association; and the office of financial management.  
27 For the efficient implementation of this act, the committee shall make  
28 recommendations to the chief, who shall report to the legislature one  
29 year following the effective date of this section, at which time the  
30 committee shall be abolished.

31 NEW SECTION. **Sec. 16.** Sections 1 through 3 and 6 through 15 of  
32 this act are each added to chapter 43.43 RCW.

--- END ---