

1 **ESSB 6076 - H AMD SCOPED 3-7-02**

2 By Representative Alexander

3 Strike everything after the enacting clause and insert:

4 **Sec. 1.** RCW 10.93.020 and 1994 c 264 s 3 are each amended to
5 read as follows:

6 As used in this chapter, the following terms have the meanings
7 indicated unless the context clearly requires otherwise.

8 (1) "General authority Washington law enforcement agency" means
9 any agency, department, or division of a municipal corporation,
10 political subdivision, or other unit of local government of this state,
11 and any agency, department, or division of state government, having as
12 its primary function the detection and apprehension of persons
13 committing infractions or violating the traffic or criminal laws in
14 general, as distinguished from a limited authority Washington law
15 enforcement agency, and any other unit of government expressly
16 designated by statute as a general authority Washington law enforcement
17 agency. The Washington state patrol ((is a)), the state parks and
18 recreation commission, and the department of fish and wildlife are
19 general authority Washington law enforcement ((agency)) agencies.

20 (2) "Limited authority Washington law enforcement agency" means
21 any agency, political subdivision, or unit of local government of this
22 state, and any agency, department, or division of state government,
23 having as one of its functions the apprehension or detection of persons
24 committing infractions or violating the traffic or criminal laws
25 relating to limited subject areas, including but not limited to, the
26 state departments of natural resources(~~(, fish and wildlife,)~~) and
27 social and health services, the state gambling commission, the state
28 lottery commission,~~((the state parks and recreation commission,))~~ the
29 state utilities and transportation commission, the state liquor control
30 board, and the state department of corrections.

31 (3) "General authority Washington peace officer" means any full-
32 time, fully compensated and elected, appointed, or employed officer of
33 a general authority Washington law enforcement agency who is
34 commissioned to enforce the criminal laws of the state of Washington
35 generally.

36 (4) "Limited authority Washington peace officer" means any full-
37 time, fully compensated officer of a limited authority Washington law

1 enforcement agency empowered by that agency to detect or apprehend
2 violators of the laws in some or all of the limited subject areas for
3 which that agency is responsible. A limited authority Washington peace
4 officer may be a specially commissioned Washington peace officer if
5 otherwise qualified for such status under this chapter.

6 (5) "Specially commissioned Washington peace officer", for the
7 purposes of this chapter, means any officer, whether part-time or full-
8 time, compensated or not, commissioned by a general authority
9 Washington law enforcement agency to enforce some or all of the
10 criminal laws of the state of Washington, who does not qualify under
11 this chapter as a general authority Washington peace officer for that
12 commissioning agency, specifically including reserve peace officers,
13 and specially commissioned full-time, fully compensated peace officers
14 duly commissioned by the states of Oregon or Idaho or any such peace
15 officer commissioned by a unit of local government of Oregon or Idaho.
16 A reserve peace officer is an individual who is an officer of a
17 Washington law enforcement agency who does not serve such agency on a
18 full-time basis but who, when called by the agency into active service,
19 is fully commissioned on the same basis as full-time peace officers to
20 enforce the criminal laws of the state.

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

25 (7) "Agency with primary territorial jurisdiction" means a city or
26 town police agency which has responsibility for police activity within
27 its boundaries; or a county police or sheriff's department which has
28 responsibility with regard to police activity in the unincorporated
29 areas within the county boundaries; or a statutorily authorized port
30 district police agency or four-year state college or university police
31 agency which has responsibility for police activity within the
32 statutorily authorized enforcement boundaries of the port district,
33 state college, or university.

34 (8) "Primary commissioning agency" means (a) the employing agency
35 in the case of a general authority Washington peace officer, a limited
36 authority Washington peace officer, an Indian tribal peace officer, or
37 a federal peace officer, and (b) the commissioning agency in the case
38 of a specially commissioned Washington peace officer (i) who is
39 performing functions within the course and scope of the special

1 commission and (ii) who is not also a general authority Washington
2 peace officer, a limited authority Washington peace officer, an Indian
3 tribal peace officer, or a federal peace officer.

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

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

10 **Sec. 2.** RCW 10.93.140 and 1985 c 89 s 14 are each amended to read
11 as follows:

12 This chapter does not limit the scope of jurisdiction and
13 authority of the Washington state patrol, the state parks and
14 recreation commission, and the department of fish and wildlife as
15 otherwise provided by law, and (~~the Washington state patrol~~) these
16 agencies shall not be bound by the reporting requirements of RCW
17 10.93.030.

18 **Sec. 3.** RCW 41.26.030 and 1996 c 178 s 11 and 1996 c 38 s 2 are
19 each reenacted and amended to read as follows:

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

22 (1) "Retirement system" means the "Washington law enforcement
23 officers' and fire fighters' retirement system" provided herein.

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

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

1 (i) The legislative authority of any city, town, county, or
2 district;

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

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

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

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

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

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

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

27 (d) The term "law enforcement officer" also includes the executive
28 secretary of a labor guild, association or organization (which is an
29 employer under RCW 41.26.030(2)) if that individual has five years
30 previous membership in the retirement system established in chapter
31 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to
32 plan 2 members; and

33 (e) The term "law enforcement officer" also includes a person
34 employed on or after January 1, 1993, as a public safety officer or
35 director of public safety, so long as the job duties substantially
36 involve only either police or fire duties, or both, and no other duties
37 in a city or town with a population of less than ten thousand. The
38 provisions of this subsection (3)(e) shall not apply to any public

1 safety officer or director of public safety who is receiving a
2 retirement allowance under this chapter as of May 12, 1993.

3 (4) "Fire fighter" means:

4 (a) Any person who is serving on a full time, fully compensated
5 basis as a member of a fire department of an employer and who is
6 serving in a position which requires passing a civil service
7 examination for fire fighter, and who is actively employed as such;

8 (b) Anyone who is actively employed as a full time fire fighter
9 where the fire department does not have a civil service examination;

10 (c) Supervisory fire fighter personnel;

11 (d) Any full time executive secretary of an association of fire
12 protection districts authorized under RCW 52.12.031. The provisions of
13 this subsection (4)(d) shall not apply to plan 2 members;

14 (e) The executive secretary of a labor guild, association or
15 organization (which is an employer under RCW 41.26.030(2) as now or
16 hereafter amended), if such individual has five years previous
17 membership in a retirement system established in chapter 41.16 or 41.18
18 RCW. The provisions of this subsection (4)(e) shall not apply to plan
19 2 members;

20 (f) Any person who is serving on a full time, fully compensated
21 basis for an employer, as a fire dispatcher, in a department in which,
22 on March 1, 1970, a dispatcher was required to have passed a civil
23 service examination for fire fighter; and

24 (g) Any person who on March 1, 1970, was employed on a full time,
25 fully compensated basis by an employer, and who on May 21, 1971, was
26 making retirement contributions under the provisions of chapter 41.16
27 or 41.18 RCW.

28 (5) "Department" means the department of retirement systems
29 created in chapter 41.50 RCW.

30 (6) "Surviving spouse" means the surviving widow or widower of a
31 member. "Surviving spouse" shall not include the divorced spouse of a
32 member except as provided in RCW 41.26.162.

33 (7)(a) "Child" or "children" means an unmarried person who is
34 under the age of eighteen or mentally or physically handicapped as
35 determined by the department, except a handicapped person in the full
36 time care of a state institution, who is:

37 (i) A natural born child;

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

1 (iii) A posthumous child;
2 (iv) A child legally adopted or made a legal ward of a member
3 prior to the date benefits are payable under this chapter; or
4 (v) An illegitimate child legitimized prior to the date any
5 benefits are payable under this chapter.

6 (b) A person shall also be deemed to be a child up to and
7 including the age of twenty years and eleven months while attending any
8 high school, college, or vocational or other educational institution
9 accredited, licensed, or approved by the state, in which it is located,
10 including the summer vacation months and all other normal and regular
11 vacation periods at the particular educational institution after which
12 the child returns to school.

13 (8) "Member" means any fire fighter, law enforcement officer, or
14 other person as would apply under subsections (3) or (4) of this
15 section whose membership is transferred to the Washington law
16 enforcement officers' and fire fighters' retirement system on or after
17 March 1, 1970, and every law enforcement officer and fire fighter who
18 is employed in that capacity on or after such date.

19 (9) "Retirement fund" means the "Washington law enforcement
20 officers' and fire fighters' retirement system fund" as provided for
21 herein.

22 (10) "Employee" means any law enforcement officer or fire fighter
23 as defined in subsections (3) and (4) of this section.

24 (11)(a) "Beneficiary" for plan 1 members, means any person in
25 receipt of a retirement allowance, disability allowance, death benefit,
26 or any other benefit described herein.

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

30 (12)(a) "Final average salary" for plan 1 members, means (i) for
31 a member holding the same position or rank for a minimum of twelve
32 months preceding the date of retirement, the basic salary attached to
33 such same position or rank at time of retirement; (ii) for any other
34 member, including a civil service member who has not served a minimum
35 of twelve months in the same position or rank preceding the date of
36 retirement, the average of the greatest basic salaries payable to such
37 member during any consecutive twenty-four month period within such
38 member's last ten years of service for which service credit is allowed,
39 computed by dividing the total basic salaries payable to such member

1 during the selected twenty-four month period by twenty-four; (iii) in
2 the case of disability of any member, the basic salary payable to such
3 member at the time of disability retirement; (iv) in the case of a
4 member who hereafter vests pursuant to RCW 41.26.090, the basic salary
5 payable to such member at the time of vesting.

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

11 (13)(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
27 member 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 (14)(a) "Service" for plan 1 members, means all periods of
35 employment for an employer as a fire fighter or law enforcement
36 officer, for which compensation is paid, together with periods of
37 suspension not exceeding thirty days in duration. For the purposes of
38 this chapter service shall also include service in the armed forces of
39 the United States as provided in RCW 41.26.190. Credit shall be

1 allowed for all service credit months of service rendered by a member
2 from and after the member's initial commencement of employment as a
3 fire fighter or law enforcement officer, during which the member worked
4 for seventy or more hours, or was on disability leave or disability
5 retirement. Only service credit months of service shall be counted in
6 the computation of any retirement allowance or other benefit provided
7 for in this chapter.

8 (i) For members retiring after May 21, 1971 who were employed
9 under the coverage of a prior pension act before March 1, 1970,
10 "service" shall also include (A) such military service not exceeding
11 five years as was creditable to the member as of March 1, 1970, under
12 the member's particular prior pension act, and (B) such other periods
13 of service as were then creditable to a particular member under the
14 provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no
15 event shall credit be allowed for any service rendered prior to March
16 1, 1970, where the member at the time of rendition of such service was
17 employed in a position covered by a prior pension act, unless such
18 service, at the time credit is claimed therefor, is also creditable
19 under the provisions of such prior act.

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

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

32 Members of the retirement system who are elected or appointed to
33 a state elective position may elect to continue to be members of this
34 retirement system.

35 Service credit years of service shall be determined by dividing
36 the total number of service credit months of service by twelve. Any
37 fraction of a service credit year of service as so determined shall be
38 taken into account in the computation of such retirement allowance or
39 benefits.

1 If a member receives basic salary from two or more employers
2 during any calendar month, the individual shall receive one service
3 credit month's service credit during any calendar month in which
4 multiple service for ninety or more hours is rendered; or one-half
5 service credit month's service credit during any calendar month in
6 which multiple service for at least seventy hours but less than ninety
7 hours is rendered; or one-quarter service credit month during any
8 calendar month in which multiple service for less than seventy hours is
9 rendered.

10 (15) "Accumulated contributions" means the employee's
11 contributions made by a member, including any amount paid under RCW
12 41.50.165(2), plus accrued interest credited thereon.

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

18 (17) "Actuarial valuation" means a mathematical determination of
19 the financial condition of a retirement plan. It includes the
20 computation of the present monetary value of benefits payable to
21 present members, and the present monetary value of future employer and
22 employee contributions, giving effect to mortality among active and
23 retired members and also to the rates of disability, retirement,
24 withdrawal from service, salary and interest earned on investments.

25 (18) "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 (19) "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 (20) "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 (21) "Position" means the employment held at any particular time,
37 which may or may not be the same as civil service rank.

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

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

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

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

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

14 (i) The fees of the following:

15 (A) A physician or surgeon licensed under the provisions of
16 chapter 18.71 RCW;

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

19 (C) A chiropractor licensed under the provisions of chapter 18.25
20 RCW.

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

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

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

26 (B) Diagnostic x-ray and laboratory examinations;

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

28 (D) Anesthesia and oxygen;

29 (E) Rental of iron lung and other durable medical and surgical
30 equipment;

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

32 (G) Professional ambulance service when used to transport the
33 member to or from a hospital when injured by an accident or stricken by
34 a disease;

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

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

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

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

3 (L) An optometrist licensed under the provisions of chapter 18.53
4 RCW.

5 (23) "Regular interest" means such rate as the director may
6 determine.

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

11 (25) "Director" means the director of the department.

12 (26) "State actuary" or "actuary" means the person appointed
13 pursuant to RCW 44.44.010(2).

14 (27) "State elective position" means any position held by any
15 person elected or appointed to state-wide office or elected or
16 appointed as a member of the legislature.

17 (28) "Plan 1" means the law enforcement officers' and fire
18 fighters' retirement system, plan 1 providing the benefits and funding
19 provisions covering persons who first became members of the system
20 prior to October 1, 1977.

21 (29) "Plan 2" means the law enforcement officers' and fire
22 fighters' retirement system, plan 2 providing the benefits and funding
23 provisions covering persons who first became members of the system on
24 and after October 1, 1977.

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

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

29 (32) "General authority law enforcement agency" means any agency,
30 department, or division of a municipal corporation, political
31 subdivision, or other unit of local government of this state, and any
32 agency, department, or division of state government, having as its
33 primary function the detection and apprehension of persons committing
34 infractions or violating the traffic or criminal laws in general, but
35 not including the Washington state patrol, the state parks and
36 recreation commission, or the department of fish and wildlife. Such an
37 agency, department, or division is distinguished from a limited
38 authority law enforcement agency having as one of its functions the
39 apprehension or detection of persons committing infractions or

1 violating the traffic or criminal laws relating to limited subject
2 areas, including but not limited to, the state departments of natural
3 resources(~~(, fish and wildlife,)~~) and social and health services, the
4 state gambling commission, the state lottery commission,~~((the state
5 parks and recreation commission,))~~ the state utilities and
6 transportation commission, the state liquor control board, and the
7 state department of corrections.

8 **Sec. 4.** RCW 77.12.055 and 2000 c 107 s 212 are each amended to
9 read as follows:

10 (1) Fish and wildlife officers and ex officio fish and wildlife
11 officers shall enforce this title, rules of the department, and other
12 statutes as prescribed by the legislature. ~~((However, when acting
13 within the scope of these duties and when an offense occurs in the
14 presence of the fish and wildlife officer who is not an ex officio fish
15 and wildlife officer, the fish and wildlife officer may enforce all
16 criminal laws of the state. The fish and wildlife officer must have
17 successfully completed the basic law enforcement academy course
18 sponsored by the criminal justice training commission, or a course
19 approved by the department and the criminal justice training commission
20 and provided by the department or the criminal justice training
21 commission, prior to enforcing the criminal laws of the state.))~~ Fish
22 and wildlife officers who are not ex officio officers shall have and
23 exercise, throughout the state, such police powers and duties as are
24 vested in sheriffs and peace officers generally. An applicant for a
25 fish and wildlife officer position must be a citizen of the United
26 States of America who can read and write the English language. All
27 fish and wildlife officers employed after the effective date of this
28 section must successfully complete the basic law enforcement academy
29 course, known as the basic course, sponsored by the criminal justice
30 training commission, or the basic law enforcement equivalency
31 certification, known as the equivalency course, provided by the
32 criminal justice training commission. All officers employed on the
33 effective date of this section must have successfully completed the
34 basic course, the equivalency course, or the supplemental course in
35 criminal law enforcement, known as the supplemental course, offered
36 under chapter 155, Laws of 1985. Any officer who has not successfully
37 completed the basic course, the equivalency course, or the supplemental

1 course must complete the basic course or the equivalency course within
2 fifteen months of the effective date of this section.

3 (2) Fish and wildlife officers are peace officers. However,
4 nothing in this section or RCW 10.93.020 confers membership to such
5 officers in the Washington law enforcement officers' and fire fighters'
6 retirement system under chapter 41.26 RCW.

7 (3) Any liability or claim of liability under chapter 4.92 RCW
8 that arises out of the exercise or alleged exercise of authority by a
9 fish and wildlife officer rests with the department unless the fish and
10 wildlife officer acts under the direction and control of another agency
11 or unless the liability is otherwise assumed under an agreement between
12 the department and another agency.

13 (4) Fish and wildlife officers may serve and execute warrants and
14 processes issued by the courts.

15 ~~((5) Fish and wildlife officers may enforce RCW 79.01.805 and~~
16 ~~79.01.810.~~

17 ~~(6) Fish and wildlife officers are authorized to enforce all~~
18 ~~provisions of chapter 88.02 RCW and any rules adopted under that~~
19 ~~chapter, and the provisions of RCW 79A.05.310 and any rules adopted~~
20 ~~under that section.~~

21 ~~(7) To enforce the laws of this title, fish and wildlife officers~~
22 ~~may call to their aid any ex officio fish and wildlife officer or~~
23 ~~citizen and that person shall render aid.))~~

24 **Sec. 5.** RCW 77.15.096 and 2001 c 253 s 26 are each amended to
25 read as follows:

26 Fish and wildlife officers may inspect without warrant at
27 reasonable times and in a reasonable manner the premises, containers,
28 fishing equipment, fish, seaweed, shellfish, and wildlife, and records
29 required by the department of any commercial fisher or wholesale dealer
30 or fish buyer. Fish and wildlife officers may similarly inspect
31 without warrant the premises, containers, fishing equipment, fish,
32 shellfish, and wildlife, and records required by the department of any
33 shipping agent or other person placing or attempting to place fish,
34 shellfish, or wildlife into interstate commerce, any cold storage plant
35 that the department has probable cause to believe contains fish,
36 shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and
37 wildlife officers may inspect without warrant the records required by
38 the department of any retail outlet selling fish, shellfish, or

1 wildlife, and, if the officers have probable cause to believe a
2 violation of this title or rules of the commission has occurred, they
3 may inspect without warrant the premises, containers, and fish,
4 shellfish, and wildlife of any retail outlet selling fish, shellfish,
5 or wildlife. Authority granted under this section does not extend to
6 quarters in a boat, building, or other property used exclusively as a
7 private domicile, does not extend to transitory residences in which a
8 person has a reasonable expectation of privacy, and does not allow
9 search and seizure without a warrant if the thing or place is protected
10 from search without warrant within the meaning of Article I, section 7
11 of the state Constitution.

12 **Sec. 6.** RCW 79A.05.160 and 1965 c8 s 43.51.170 are each amended
13 to read as follows:

14 (1) The members of the state parks and recreation commission and
15 such of its employees as the commission may designate shall be vested
16 with police powers to enforce the laws of this state.

17 (2) Nothing in this section or RCW 10.93.020 confers membership to
18 such officers in the Washington law enforcement officers' and fire
19 fighters' retirement system under chapter 41.26 RCW.-

20 Correct the title.

EFFECT: Adds provisions that designate the State Parks and
Recreation Commission as a general authority Washington law
enforcement agency.

Adds a provision that ensures that the bill does not provide the
State Parks and Recreation Commission membership in the
Washington Law Enforcement Officers' and Fire Fighters' (LEOFF)
retirement system.