

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6076

57th Legislature
2002 Regular Session

Passed by the Senate February 19, 2002
YEAS 25 NAYS 24

President of the Senate

Passed by the House March 7, 2002
YEAS 81 NAYS 12

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6076** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6076

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to law enforcement officers of the department of
2 fish and wildlife; amending RCW 10.93.020, 10.93.140, 77.12.055, and
3 77.15.096; and reenacting and amending RCW 41.26.030.

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

5 **Sec. 1.** RCW 10.93.020 and 1994 c 264 s 3 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 (~~is a~~) and the department of fish and

1 wildlife are general authority Washington law enforcement ((agency))
2 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(~~(, fish and wildlife,)~~) and
10 social and health services, the state gambling commission, the state
11 lottery commission, the state parks and recreation commission, the
12 state utilities and transportation commission, the state liquor control
13 board, 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
38 full-time basis but who, when called by the agency into active service,

1 is fully commissioned on the same basis as full-time peace officers to
2 enforce the criminal laws of the state.

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

7 (7) "Agency with primary territorial jurisdiction" means a city or
8 town police agency which has responsibility for police activity within
9 its boundaries; or a county police or sheriff's department which has
10 responsibility with regard to police activity in the unincorporated
11 areas within the county boundaries; or a statutorily authorized port
12 district police agency or four-year state college or university police
13 agency which has responsibility for police activity within the
14 statutorily authorized enforcement boundaries of the port district,
15 state college, or university.

16 (8) "Primary commissioning agency" means (a) the employing agency
17 in the case of a general authority Washington peace officer, a limited
18 authority Washington peace officer, an Indian tribal peace officer, or
19 a federal peace officer, and (b) the commissioning agency in the case
20 of a specially commissioned Washington peace officer (i) who is
21 performing functions within the course and scope of the special
22 commission and (ii) who is not also a general authority Washington
23 peace officer, a limited authority Washington peace officer, an Indian
24 tribal peace officer, or a federal peace officer.

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

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

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

33 This chapter does not limit the scope of jurisdiction and authority
34 of the Washington state patrol and the department of fish and wildlife
35 as otherwise provided by law, and (~~the Washington state patrol~~) these
36 agencies shall not be bound by the reporting requirements of RCW
37 10.93.030.

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

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

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

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

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

20 (i) The legislative authority of any city, town, county, or
21 district;

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

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

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

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

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

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

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

7 (d) The term "law enforcement officer" also includes the executive
8 secretary of a labor guild, association or organization (which is an
9 employer under RCW 41.26.030(2)) if that individual has five years
10 previous membership in the retirement system established in chapter
11 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to
12 plan 2 members; and

13 (e) The term "law enforcement officer" also includes a person
14 employed on or after January 1, 1993, as a public safety officer or
15 director of public safety, so long as the job duties substantially
16 involve only either police or fire duties, or both, and no other duties
17 in a city or town with a population of less than ten thousand. The
18 provisions of this subsection (3)(e) shall not apply to any public
19 safety officer or director of public safety who is receiving a
20 retirement allowance under this chapter as of May 12, 1993.

21 (4) "Fire fighter" means:

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

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

28 (c) Supervisory fire fighter personnel;

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

32 (e) The executive secretary of a labor guild, association or
33 organization (which is an employer under RCW 41.26.030(2) as now or
34 hereafter amended), if such individual has five years previous
35 membership in a retirement system established in chapter 41.16 or 41.18
36 RCW. The provisions of this subsection (4)(e) shall not apply to plan
37 2 members;

38 (f) Any person who is serving on a full time, fully compensated
39 basis for an employer, as a fire dispatcher, in a department in which,

1 on March 1, 1970, a dispatcher was required to have passed a civil
2 service examination for fire fighter; and

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

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

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

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

16 (i) A natural born child;

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

19 (iii) A posthumous child;

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

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

24 (b) A person shall also be deemed to be a child up to and including
25 the age of twenty years and eleven months while attending any high
26 school, college, or vocational or other educational institution
27 accredited, licensed, or approved by the state, in which it is located,
28 including the summer vacation months and all other normal and regular
29 vacation periods at the particular educational institution after which
30 the child returns to school.

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

37 (9) "Retirement fund" means the "Washington law enforcement
38 officers' and fire fighters' retirement system fund" as provided for
39 herein.

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

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

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

9 (12)(a) "Final average salary" for plan 1 members, means (i) for a
10 member holding the same position or rank for a minimum of twelve months
11 preceding the date of retirement, the basic salary attached to such
12 same position or rank at time of retirement; (ii) for any other member,
13 including a civil service member who has not served a minimum of twelve
14 months in the same position or rank preceding the date of retirement,
15 the average of the greatest basic salaries payable to such member
16 during any consecutive twenty-four month period within such member's
17 last ten years of service for which service credit is allowed, computed
18 by dividing the total basic salaries payable to such member during the
19 selected twenty-four month period by twenty-four; (iii) in the case of
20 disability of any member, the basic salary payable to such member at
21 the time of disability retirement; (iv) in the case of a member who
22 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to
23 such member at the time of vesting.

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

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

34 (b) "Basic salary" for plan 2 members, means salaries or wages
35 earned by a member during a payroll period for personal services,
36 including overtime payments, and shall include wages and salaries
37 deferred under provisions established pursuant to sections 403(b),
38 414(h), and 457 of the United States Internal Revenue Code, but shall
39 exclude lump sum payments for deferred annual sick leave, unused

1 accumulated vacation, unused accumulated annual leave, or any form of
2 severance pay. In any year in which a member serves in the legislature
3 the member shall have the option of having such member's basic salary
4 be the greater of:

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

7 (ii) Such member's actual basic salary received for nonlegislative
8 public employment and legislative service combined. Any additional
9 contributions to the retirement system required because basic salary
10 under (b)(i) of this subsection is greater than basic salary under
11 (b)(ii) of this subsection shall be paid by the member for both member
12 and employer contributions.

13 (14)(a) "Service" for plan 1 members, means all periods of
14 employment for an employer as a fire fighter or law enforcement
15 officer, for which compensation is paid, together with periods of
16 suspension not exceeding thirty days in duration. For the purposes of
17 this chapter service shall also include service in the armed forces of
18 the United States as provided in RCW 41.26.190. Credit shall be
19 allowed for all service credit months of service rendered by a member
20 from and after the member's initial commencement of employment as a
21 fire fighter or law enforcement officer, during which the member worked
22 for seventy or more hours, or was on disability leave or disability
23 retirement. Only service credit months of service shall be counted in
24 the computation of any retirement allowance or other benefit provided
25 for in this chapter.

26 (i) For members retiring after May 21, 1971 who were employed under
27 the coverage of a prior pension act before March 1, 1970, "service"
28 shall also include (A) such military service not exceeding five years
29 as was creditable to the member as of March 1, 1970, under the member's
30 particular prior pension act, and (B) such other periods of service as
31 were then creditable to a particular member under the provisions of RCW
32 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit
33 be allowed for any service rendered prior to March 1, 1970, where the
34 member at the time of rendition of such service was employed in a
35 position covered by a prior pension act, unless such service, at the
36 time credit is claimed therefor, is also creditable under the
37 provisions of such prior act.

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

4 (b) "Service" for plan 2 members, means periods of employment by a
5 member for one or more employers for which basic salary is earned for
6 ninety or more hours per calendar month which shall constitute a
7 service credit month. Periods of employment by a member for one or
8 more employers for which basic salary is earned for at least seventy
9 hours but less than ninety hours per calendar month shall constitute
10 one-half service credit month. Periods of employment by a member for
11 one or more employers for which basic salary is earned for less than
12 seventy hours shall constitute a one-quarter service credit month.

13 Members of the retirement system who are elected or appointed to a
14 state elective position may elect to continue to be members of this
15 retirement system.

16 Service credit years of service shall be determined by dividing the
17 total number of service credit months of service by twelve. Any
18 fraction of a service credit year of service as so determined shall be
19 taken into account in the computation of such retirement allowance or
20 benefits.

21 If a member receives basic salary from two or more employers during
22 any calendar month, the individual shall receive one service credit
23 month's service credit during any calendar month in which multiple
24 service for ninety or more hours is rendered; or one-half service
25 credit month's service credit during any calendar month in which
26 multiple service for at least seventy hours but less than ninety hours
27 is rendered; or one-quarter service credit month during any calendar
28 month in which multiple service for less than seventy hours is
29 rendered.

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

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

38 (17) "Actuarial valuation" means a mathematical determination of
39 the financial condition of a retirement plan. It includes the

1 computation of the present monetary value of benefits payable to
2 present members, and the present monetary value of future employer and
3 employee contributions, giving effect to mortality among active and
4 retired members and also to the rates of disability, retirement,
5 withdrawal from service, salary and interest earned on investments.

6 (18) "Disability board" for plan 1 members means either the county
7 disability board or the city disability board established in RCW
8 41.26.110.

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

14 (20) "Disability retirement" for plan 1 members, means the period
15 following termination of a member's disability leave, during which the
16 member is in receipt of a disability retirement allowance.

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

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

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

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

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

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

32 (i) The fees of the following:

33 (A) A physician or surgeon licensed under the provisions of chapter
34 18.71 RCW;

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

37 (C) A chiropractor licensed under the provisions of chapter 18.25
38 RCW.

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

4 (iii) The charges for the following medical services and supplies:
5 (A) Drugs and medicines upon a physician's prescription;
6 (B) Diagnostic x-ray and laboratory examinations;
7 (C) X-ray, radium, and radioactive isotopes therapy;
8 (D) Anesthesia and oxygen;
9 (E) Rental of iron lung and other durable medical and surgical
10 equipment;
11 (F) Artificial limbs and eyes, and casts, splints, and trusses;
12 (G) Professional ambulance service when used to transport the
13 member to or from a hospital when injured by an accident or stricken by
14 a disease;
15 (H) Dental charges incurred by a member who sustains an accidental
16 injury to his or her teeth and who commences treatment by a legally
17 licensed dentist within ninety days after the accident;
18 (I) Nursing home confinement or hospital extended care facility;
19 (J) Physical therapy by a registered physical therapist;
20 (K) Blood transfusions, including the cost of blood and blood
21 plasma not replaced by voluntary donors;
22 (L) An optometrist licensed under the provisions of chapter 18.53
23 RCW.

24 (23) "Regular interest" means such rate as the director may
25 determine.

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

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

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

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

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

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

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

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

9 (32) "General authority law enforcement agency" means any agency,
10 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, but
15 not including the Washington state patrol or the department of fish and
16 wildlife. Such an agency, department, or division is distinguished
17 from a limited authority law enforcement agency having as one of its
18 functions the apprehension or detection of persons committing
19 infractions or violating the traffic or criminal laws relating to
20 limited subject areas, including but not limited to, the state
21 departments of natural resources(~~(, fish and wildlife,)~~) and social and
22 health services, the state gambling commission, the state lottery
23 commission, the state parks and recreation commission, the state
24 utilities and transportation commission, the state liquor control
25 board, and the state department of corrections.

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

28 (1) Fish and wildlife officers and ex officio fish and wildlife
29 officers shall enforce this title, rules of the department, and other
30 statutes as prescribed by the legislature. (~~However, when acting~~
31 ~~within the scope of these duties and when an offense occurs in the~~
32 ~~presence of the fish and wildlife officer who is not an ex officio fish~~
33 ~~and wildlife officer, the fish and wildlife officer may enforce all~~
34 ~~criminal laws of the state. The fish and wildlife officer must have~~
35 ~~successfully completed the basic law enforcement academy course~~
36 ~~sponsored by the criminal justice training commission, or a course~~
37 ~~approved by the department and the criminal justice training commission~~
38 ~~and provided by the department or the criminal justice training~~

1 ~~commission, prior to enforcing the criminal laws of the state.))~~ Fish
2 and wildlife officers who are not ex officio officers shall have and
3 exercise, throughout the state, such police powers and duties as are
4 vested in sheriffs and peace officers generally. An applicant for a
5 fish and wildlife officer position must be a citizen of the United
6 States of America who can read and write the English language. All
7 fish and wildlife officers employed after the effective date of this
8 section must successfully complete the basic law enforcement academy
9 course, known as the basic course, sponsored by the criminal justice
10 training commission, or the basic law enforcement equivalency
11 certification, known as the equivalency course, provided by the
12 criminal justice training commission. All officers employed on the
13 effective date of this section must have successfully completed the
14 basic course, the equivalency course, or the supplemental course in
15 criminal law enforcement, known as the supplemental course, offered
16 under chapter 155, Laws of 1985. Any officer who has not successfully
17 completed the basic course, the equivalency course, or the supplemental
18 course must complete the basic course or the equivalency course within
19 fifteen months of the effective date of this section.

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

24 (3) Any liability or claim of liability under chapter 4.92 RCW that
25 arises out of the exercise or alleged exercise of authority by a fish
26 and wildlife officer rests with the department unless the fish and
27 wildlife officer acts under the direction and control of another agency
28 or unless the liability is otherwise assumed under an agreement between
29 the department and another agency.

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

32 ~~((5) Fish and wildlife officers may enforce RCW 79.01.805 and~~
33 ~~79.01.810.~~

34 ~~(6) Fish and wildlife officers are authorized to enforce all~~
35 ~~provisions of chapter 88.02 RCW and any rules adopted under that~~
36 ~~chapter, and the provisions of RCW 79A.05.310 and any rules adopted~~
37 ~~under that section.~~

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

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

6 Fish and wildlife officers may inspect without warrant at
7 reasonable times and in a reasonable manner the premises, containers,
8 fishing equipment, fish, seaweed, shellfish, and wildlife, and records
9 required by the department of any commercial fisher or wholesale dealer
10 or fish buyer. Fish and wildlife officers may similarly inspect
11 without warrant the premises, containers, fishing equipment, fish,
12 shellfish, and wildlife, and records required by the department of any
13 shipping agent or other person placing or attempting to place fish,
14 shellfish, or wildlife into interstate commerce, any cold storage plant
15 that the department has probable cause to believe contains fish,
16 shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and
17 wildlife officers may inspect without warrant the records required by
18 the department of any retail outlet selling fish, shellfish, or
19 wildlife, and, if the officers have probable cause to believe a
20 violation of this title or rules of the commission has occurred, they
21 may inspect without warrant the premises, containers, and fish,
22 shellfish, and wildlife of any retail outlet selling fish, shellfish,
23 or wildlife. Authority granted under this section does not extend to
24 quarters in a boat, building, or other property used exclusively as a
25 private domicile, does not extend to transitory residences in which a
26 person has a reasonable expectation of privacy, and does not allow
27 search and seizure without a warrant if the thing or place is protected
28 from search without warrant within the meaning of Article I, section 7
29 of the state Constitution.

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