

---

SENATE BILL 5805

---

State of Washington

62nd Legislature

2011 Regular Session

By Senator Honeyford

Read first time 02/15/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to natural resources enforcement on state lands;  
2 amending RCW 77.15.075, 77.08.010, 43.12.065, 10.93.020, and  
3 79A.05.160; and reenacting and amending RCW 79A.05.030.

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

5 **Sec. 1.** RCW 77.15.075 and 2009 c 204 s 1 are each amended to read  
6 as follows:

7 (1) Fish and wildlife officers and ex officio fish and wildlife  
8 officers shall enforce this title, rules of the department, and other  
9 statutes as prescribed by the legislature. Fish and wildlife officers  
10 who are not ex officio officers shall have and exercise, throughout the  
11 state, such police powers and duties as are vested in sheriffs and  
12 peace officers generally. An applicant for a fish and wildlife officer  
13 position must be a citizen of the United States of America who can read  
14 and write the English language. All fish and wildlife officers  
15 employed after June 13, 2002, must successfully complete the basic law  
16 enforcement academy course, known as the basic course, sponsored by the  
17 criminal justice training commission, or the basic law enforcement  
18 equivalency certification, known as the equivalency course, provided by  
19 the criminal justice training commission. All officers employed on

1 June 13, 2002, must have successfully completed the basic course, the  
2 equivalency course, or the supplemental course in criminal law  
3 enforcement, known as the supplemental course, offered under chapter  
4 155, Laws of 1985. Any officer who has not successfully completed the  
5 basic course, the equivalency course, or the supplemental course must  
6 complete the basic course or the equivalency course within fifteen  
7 months of June 13, 2002.

8 (2)(a) Fish and wildlife officers are peace officers.

9 (b) After January 1, 2012, fish and wildlife officers are as  
10 defined in RCW 77.08.010.

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

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

19 (5) The department may utilize the services of a volunteer chaplain  
20 as provided under chapter 41.22 RCW.

21 (6) By January 1, 2012, the department shall enter into contracts  
22 with local policing agencies to enforce this title on state-owned lands  
23 and may no longer employ department staff for enforcement.

24 (7) If the department and a local policing agency cannot agree to  
25 terms of a contract, then the enforcement responsibilities in this  
26 title must be provided by the Washington state patrol.

27 (8) If, in the process of determining the capacity of a local  
28 policing agency to enforce this title, the policing agency or the  
29 Washington state patrol determine that they must hire additional  
30 officers, then the policing agency and the Washington state patrol are  
31 encouraged to hire staff who are currently or were previously employed  
32 as enforcement officers with the department of fish and wildlife.

33 (9) For the purposes of subsections (6) through (8) of this  
34 section, "local policing agency" means any municipal or county police  
35 enforcement agency and includes sheriffs and police departments.

36 **Sec. 2.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read  
37 as follows:

1       The definitions in this section apply throughout this title or  
2 rules adopted under this title unless the context clearly requires  
3 otherwise.

4       (1) "Angling gear" means a line attached to a rod and reel capable  
5 of being held in hand while landing the fish or a hand-held line  
6 operated without rod or reel.

7       (2) "Aquatic invasive species" means any invasive, prohibited,  
8 regulated, unregulated, or unlisted aquatic animal or plant species as  
9 defined under subsections (3), (28), (40), (44), (58), and (59) of this  
10 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),  
11 and aquatic nuisance species as defined under RCW 77.60.130(1).

12       (3) "Aquatic plant species" means an emergent, submersed, partially  
13 submersed, free-floating, or floating-leaving plant species that grows  
14 in or near a body of water or wetland.

15       (4) "Bag limit" means the maximum number of game animals, game  
16 birds, or game fish which may be taken, caught, killed, or possessed by  
17 a person, as specified by rule of the commission for a particular  
18 period of time, or as to size, sex, or species.

19       (5) "Closed area" means a place where the hunting of some or all  
20 species of wild animals or wild birds is prohibited.

21       (6) "Closed season" means all times, manners of taking, and places  
22 or waters other than those established by rule of the commission as an  
23 open season. "Closed season" also means all hunting, fishing, taking,  
24 or possession of game animals, game birds, game fish, food fish, or  
25 shellfish that do not conform to the special restrictions or physical  
26 descriptions established by rule of the commission as an open season or  
27 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
28 or possess by rule of the commission as an open season.

29       (7) "Closed waters" means all or part of a lake, river, stream, or  
30 other body of water, where fishing or harvesting is prohibited.

31       (8) "Commercial" means related to or connected with buying,  
32 selling, or bartering.

33       (9) "Commission" means the state fish and wildlife commission.

34       (10) "Concurrent waters of the Columbia river" means those waters  
35 of the Columbia river that coincide with the Washington-Oregon state  
36 boundary.

37       (11) "Contraband" means any property that is unlawful to produce or  
38 possess.

1 (12) "Deleterious exotic wildlife" means species of the animal  
2 kingdom not native to Washington and designated as dangerous to the  
3 environment or wildlife of the state.

4 (13) "Department" means the department of fish and wildlife.

5 (14) "Director" means the director of fish and wildlife.

6 (15) "Endangered species" means wildlife designated by the  
7 commission as seriously threatened with extinction.

8 (16) "Ex officio fish and wildlife officer" means a commissioned  
9 officer of a municipal, county, state, or federal agency having as its  
10 primary function the enforcement of criminal laws in general, while the  
11 officer is in the appropriate jurisdiction. The term "ex officio fish  
12 and wildlife officer" includes special agents of the national marine  
13 fisheries service, (~~(state parks commissioned officers,)~~) United States  
14 fish and wildlife special agents, (~~(department of natural resources~~  
15 ~~enforcement officers,)~~) and United States forest service officers,  
16 while the agents and officers are within their respective  
17 jurisdictions.

18 (17) "Fish" includes all species classified as game fish or food  
19 fish by statute or rule, as well as all fin fish not currently  
20 classified as food fish or game fish if such species exist in state  
21 waters. The term "fish" includes all stages of development and the  
22 bodily parts of fish species.

23 (18) "Fish and wildlife officer" means (~~(a person appointed and~~  
24 ~~commissioned by the director, with authority to enforce this title and~~  
25 ~~rules adopted pursuant to this title, and other statutes as prescribed~~  
26 ~~by the legislature. Fish and wildlife officer includes a person~~  
27 ~~commissioned before June 11, 1998, as a wildlife agent or a fisheries~~  
28 ~~patrol officer)) any local policing agency officer as defined in RCW  
29 77.15.075 or Washington state patrol officer authorized by contract to  
30 enforce the provisions of chapter 77.15 RCW.~~

31 (19) "Fish broker" means a person whose business it is to bring a  
32 seller of fish and shellfish and a purchaser of those fish and  
33 shellfish together.

34 (20) "Fishery" means the taking of one or more particular species  
35 of fish or shellfish with particular gear in a particular geographical  
36 area.

37 (21) "Freshwater" means all waters not defined as saltwater

1 including, but not limited to, rivers upstream of the river mouth,  
2 lakes, ponds, and reservoirs.

3 (22) "Fur-bearing animals" means game animals that shall not be  
4 trapped except as authorized by the commission.

5 (23) "Game animals" means wild animals that shall not be hunted  
6 except as authorized by the commission.

7 (24) "Game birds" means wild birds that shall not be hunted except  
8 as authorized by the commission.

9 (25) "Game farm" means property on which wildlife is held or raised  
10 for commercial purposes, trade, or gift. The term "game farm" does not  
11 include publicly owned facilities.

12 (26) "Game reserve" means a closed area where hunting for all wild  
13 animals and wild birds is prohibited.

14 (27) "Illegal items" means those items unlawful to be possessed.

15 (28) "Invasive species" means a plant species or a nonnative animal  
16 species that either:

17 (a) Causes or may cause displacement of, or otherwise threatens,  
18 native species in their natural communities;

19 (b) Threatens or may threaten natural resources or their use in the  
20 state;

21 (c) Causes or may cause economic damage to commercial or  
22 recreational activities that are dependent upon state waters; or

23 (d) Threatens or harms human health.

24 (29) "License year" means the period of time for which a  
25 recreational license is valid. The license year begins April 1st, and  
26 ends March 31st.

27 (30) "Limited-entry license" means a license subject to a license  
28 limitation program established in chapter 77.70 RCW.

29 (31) "Money" means all currency, script, personal checks, money  
30 orders, or other negotiable instruments.

31 (32) "Nonresident" means a person who has not fulfilled the  
32 qualifications of a resident.

33 (33) "Offshore waters" means marine waters of the Pacific Ocean  
34 outside the territorial boundaries of the state, including the marine  
35 waters of other states and countries.

36 (34) "Open season" means those times, manners of taking, and places  
37 or waters established by rule of the commission for the lawful hunting,  
38 fishing, taking, or possession of game animals, game birds, game fish,

1 food fish, or shellfish that conform to the special restrictions or  
2 physical descriptions established by rule of the commission or that  
3 have otherwise been deemed legal to hunt, fish, take, harvest, or  
4 possess by rule of the commission. "Open season" includes the first  
5 and last days of the established time.

6 (35) "Owner" means the person in whom is vested the ownership  
7 dominion, or title of the property.

8 (36) "Person" means and includes an individual; a corporation; a  
9 public or private entity or organization; a local, state, or federal  
10 agency; all business organizations, including corporations and  
11 partnerships; or a group of two or more individuals acting with a  
12 common purpose whether acting in an individual, representative, or  
13 official capacity.

14 (37) "Personal property" or "property" includes both corporeal and  
15 incorporeal personal property and includes, among other property,  
16 contraband and money.

17 (38) "Personal use" means for the private use of the individual  
18 taking the fish or shellfish and not for sale or barter.

19 (39) "Predatory birds" means wild birds that may be hunted  
20 throughout the year as authorized by the commission.

21 (40) "Prohibited aquatic animal species" means an invasive species  
22 of the animal kingdom that has been classified as a prohibited aquatic  
23 animal species by the commission.

24 (41) "Protected wildlife" means wildlife designated by the  
25 commission that shall not be hunted or fished.

26 (42) "Raffle" means an activity in which tickets bearing an  
27 individual number are sold for not more than twenty-five dollars each  
28 and in which a permit or permits are awarded to hunt or for access to  
29 hunt big game animals or wild turkeys on the basis of a drawing from  
30 the tickets by the person or persons conducting the raffle.

31 (43) "Recreational and commercial watercraft" includes the boat, as  
32 well as equipment used to transport the boat, and any auxiliary  
33 equipment such as attached or detached outboard motors.

34 (44) "Regulated aquatic animal species" means a potentially  
35 invasive species of the animal kingdom that has been classified as a  
36 regulated aquatic animal species by the commission.

37 (45) "Resident" means:

1 (a) A person who has maintained a permanent place of abode within  
2 the state for at least ninety days immediately preceding an application  
3 for a license, has established by formal evidence an intent to continue  
4 residing within the state, and who is not licensed to hunt or fish as  
5 a resident in another state; and

6 (b) A person age eighteen or younger who does not qualify as a  
7 resident under (a) of this subsection, but who has a parent that  
8 qualifies as a resident under (a) of this subsection.

9 (46) "Retail-eligible species" means commercially harvested salmon,  
10 crab, and sturgeon.

11 (47) "Saltwater" means those marine waters seaward of river mouths.

12 (48) "Seaweed" means marine aquatic plant species that are  
13 dependent upon the marine aquatic or tidal environment, and exist in  
14 either an attached or free floating form, and includes but is not  
15 limited to marine aquatic plants in the classes Chlorophyta,  
16 Phaeophyta, and Rhodophyta.

17 (49) "Senior" means a person seventy years old or older.

18 (50) "Shellfish" means those species of marine and freshwater  
19 invertebrates that have been classified and that shall not be taken  
20 except as authorized by rule of the commission. The term "shellfish"  
21 includes all stages of development and the bodily parts of shellfish  
22 species.

23 (51) "State waters" means all marine waters and fresh waters within  
24 ordinary high water lines and within the territorial boundaries of the  
25 state.

26 (52) "To fish," "to harvest," and "to take," and their derivatives  
27 means an effort to kill, injure, harass, or catch a fish or shellfish.

28 (53) "To hunt" and its derivatives means an effort to kill, injure,  
29 capture, or harass a wild animal or wild bird.

30 (54) "To process" and its derivatives mean preparing or preserving  
31 fish, wildlife, or shellfish.

32 (55) "To trap" and its derivatives means a method of hunting using  
33 devices to capture wild animals or wild birds.

34 (56) "Trafficking" means offering, attempting to engage, or  
35 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
36 deleterious exotic wildlife.

37 (57) "Unclaimed" means that no owner of the property has been  
38 identified or has requested, in writing, the release of the property to

1 themselves nor has the owner of the property designated an individual  
2 to receive the property or paid the required postage to effect delivery  
3 of the property.

4 (58) "Unlisted aquatic animal species" means a nonnative animal  
5 species that has not been classified as a prohibited aquatic animal  
6 species, a regulated aquatic animal species, or an unregulated aquatic  
7 animal species by the commission.

8 (59) "Unregulated aquatic animal species" means a nonnative animal  
9 species that has been classified as an unregulated aquatic animal  
10 species by the commission.

11 (60) "Wholesale fish dealer" means a person who, acting for  
12 commercial purposes, takes possession or ownership of fish or shellfish  
13 and sells, barter, or exchanges or attempts to sell, barter, or  
14 exchange fish or shellfish that have been landed into the state of  
15 Washington or entered the state of Washington in interstate or foreign  
16 commerce.

17 (61) "Wild animals" means those species of the class Mammalia whose  
18 members exist in Washington in a wild state and the species *Rana*  
19 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
20 domestic mammals or old world rats and mice of the family Muridae of  
21 the order Rodentia.

22 (62) "Wild birds" means those species of the class Aves whose  
23 members exist in Washington in a wild state.

24 (63) "Wildlife" means all species of the animal kingdom whose  
25 members exist in Washington in a wild state. This includes but is not  
26 limited to mammals, birds, reptiles, amphibians, fish, and  
27 invertebrates. The term "wildlife" does not include feral domestic  
28 mammals, old world rats and mice of the family Muridae of the order  
29 Rodentia, or those fish, shellfish, and marine invertebrates classified  
30 as food fish or shellfish by the director. The term "wildlife"  
31 includes all stages of development and the bodily parts of wildlife  
32 members.

33 (64) "Youth" means a person fifteen years old for fishing and under  
34 sixteen years old for hunting.

35 **Sec. 3.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to read  
36 as follows:

37 (1) For the promotion of the public safety and the protection of



1 public property, the department of natural resources may, in accordance  
2 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules  
3 pertaining to use by the public of state-owned lands and property which  
4 are administered by the department.

5 (2)(a) Except as otherwise provided in this subsection, a violation  
6 of any rule adopted under this section is a misdemeanor.

7 (b) Except as provided in (c) of this subsection, the department  
8 may specify by rule, when not inconsistent with applicable statutes,  
9 that violation of such a rule is an infraction under chapter 7.84 RCW:  
10 PROVIDED, That violation of a rule relating to traffic including  
11 parking, standing, stopping, and pedestrian offenses is a traffic  
12 infraction.

13 (c) Violation of such a rule equivalent to those provisions of  
14 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

15 (3) The commissioner of public lands (~~and such of his or her~~  
16 ~~employees as he or she may designate shall be vested with police powers~~  
17 ~~when enforcing~~) shall enter into contracts subject to the provisions  
18 of subsection (4) of this section to provide enforcement of:

19 (a) The rules of the department adopted under this section; (~~or~~)  
20 and

21 (b) The general criminal statutes or ordinances of the state or its  
22 political subdivisions where enforcement is necessary for the  
23 protection of state-owned lands and property.

24 (4) By January 1, 2012, the department shall enter into contracts  
25 with local policing agencies to provide enforcement on state-owned  
26 lands and may no longer employ department staff for enforcement.

27 (5) If the department and a local policing agency are not able to  
28 enter into a contract, then the enforcement responsibilities of this  
29 chapter must be met by the Washington state patrol.

30 (6) If, in the process of determining the capacity of a local  
31 policing agency to enforce the provisions of this chapter, the policing  
32 agency or the Washington state patrol determine that they must hire  
33 additional officers, then the local policing agency and Washington  
34 state patrol are encouraged to hire staff who are currently or were  
35 previously employed as enforcement officers with the department of  
36 natural resources.

37 (7) For the purposes of subsections (4) through (6) of this

1 section, "local policing agency" means any municipal or county police  
2 enforcement agency and includes sheriffs and police departments.

3 **Sec. 4.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are  
4 each reenacted and amended to read as follows:

5 The commission shall:

6 (1) Have the care, charge, control, and supervision of all parks  
7 and parkways acquired or set aside by the state for park or parkway  
8 purposes.

9 (2) Adopt policies, and adopt(~~(7)~~) and issue(~~(7 and enforce)~~) rules  
10 pertaining to the use, care, and administration of state parks and  
11 parkways. The commission shall cause a copy of the rules to be kept  
12 posted in a conspicuous place in every state park to which they are  
13 applicable, but failure to post or keep any rule posted shall be no  
14 defense to any prosecution for the violation thereof.

15 (3) Permit the use of state parks and parkways by the public under  
16 such rules as shall be adopted.

17 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
18 parks and parkways, and erect structures, buildings, fireplaces, and  
19 comfort stations and build and maintain paths, trails, and roadways  
20 through or on parks and parkways.

21 (5) Grant concessions or leases in state parks and parkways, upon  
22 such rentals, fees, or percentage of income or profits and for such  
23 terms, in no event longer than fifty years, and upon such conditions as  
24 shall be approved by the commission: PROVIDED, That leases exceeding  
25 a twenty-year term shall require a unanimous vote of the commission:  
26 PROVIDED FURTHER, That if, during the term of any concession or lease,  
27 it is the opinion of the commission that it would be in the best  
28 interest of the state, the commission may, with the consent of the  
29 concessionaire or lessee, alter and amend the terms and conditions of  
30 such concession or lease: PROVIDED FURTHER, That television station  
31 leases shall be subject to the provisions of RCW 79A.05.085, only:  
32 PROVIDED FURTHER, That the rates of such concessions or leases shall be  
33 renegotiated at five-year intervals. No concession shall be granted  
34 which will prevent the public from having free access to the scenic  
35 attractions of any park or parkway.

36 (6) Employ such assistance as it deems necessary. Commission  
37 expenses relating to its use of volunteer assistance shall be limited

1 to premiums or assessments for the insurance of volunteers by the  
2 department of labor and industries, compensation of staff who assist  
3 volunteers, materials and equipment used in authorized volunteer  
4 projects, training, reimbursement of volunteer travel as provided in  
5 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to  
6 volunteer recognition. The commission, at its discretion, may waive  
7 commission fees otherwise applicable to volunteers. The commission  
8 shall not use volunteers to replace or supplant classified positions.  
9 The use of volunteers may not lead to the elimination of any employees  
10 or permanent positions in the bargaining unit.

11 (7) By majority vote of its authorized membership select and  
12 purchase or obtain options upon, lease, or otherwise acquire for and in  
13 the name of the state such tracts of land, including shore and tide  
14 lands, for park and parkway purposes as it deems proper. If the  
15 commission cannot acquire any tract at a price it deems reasonable, it  
16 may, by majority vote of its authorized membership, obtain title  
17 thereto, or any part thereof, by condemnation proceedings conducted by  
18 the attorney general as provided for the condemnation of rights-of-way  
19 for state highways. Option agreements executed under authority of this  
20 subsection shall be valid only if:

21 (a) The cost of the option agreement does not exceed one dollar;  
22 and

23 (b) Moneys used for the purchase of the option agreement are from  
24 (i) funds appropriated therefor, or (ii) funds appropriated for  
25 undesignated land acquisitions, or (iii) funds deemed by the commission  
26 to be in excess of the amount necessary for the purposes for which they  
27 were appropriated; and

28 (c) The maximum amount payable for the property upon exercise of  
29 the option does not exceed the appraised value of the property.

30 (8) Cooperate with the United States, or any county or city of this  
31 state, in any matter pertaining to the acquisition, development,  
32 redevelopment, renovation, care, control, or supervision of any park or  
33 parkway, and enter into contracts in writing to that end. All parks or  
34 parkways, to which the state contributed or in whose care, control, or  
35 supervision the state participated pursuant to the provisions of this  
36 section, shall be governed by the provisions hereof.

37 (9) Within allowable resources, maintain policies that increase the

1 number of people who have access to free or low-cost recreational  
2 opportunities for physical activity, including noncompetitive physical  
3 activity.

4 (10) Adopt rules establishing the requirements for a criminal  
5 history record information search for the following: Job applicants,  
6 volunteers, and independent contractors who have unsupervised access to  
7 children or vulnerable adults, or who will be responsible for  
8 collecting or disbursing cash or processing credit/debit card  
9 transactions. These background checks will be done through the  
10 Washington state patrol criminal identification section and may include  
11 a national check from the federal bureau of investigation, which shall  
12 be through the submission of fingerprints. A permanent employee of the  
13 commission, employed as of July 24, 2005, is exempt from the provisions  
14 of this subsection.

15 **Sec. 5.** RCW 10.93.020 and 2006 c 284 s 16 are each amended to read  
16 as follows:

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

19 (1) "General authority Washington law enforcement agency" means any  
20 agency, department, or division of a municipal corporation, political  
21 subdivision, or other unit of local government of this state, and any  
22 agency, department, or division of state government, having as its  
23 primary function the detection and apprehension of persons committing  
24 infractions or violating the traffic or criminal laws in general, as  
25 distinguished from a limited authority Washington law enforcement  
26 agency, and any other unit of government expressly designated by  
27 statute as a general authority Washington law enforcement agency. The  
28 Washington state patrol and the department of fish and wildlife are  
29 general authority Washington law enforcement agencies.

30 (2) "Limited authority Washington law enforcement agency" means any  
31 agency, political subdivision, or unit of local government of this  
32 state, and any agency, department, or division of state government,  
33 having as one of its functions the apprehension or detection of persons  
34 committing infractions or violating the traffic or criminal laws  
35 relating to limited subject areas, including but not limited to, the  
36 state department(~~(s)~~) of (~~(natural resources and)~~) social and health  
37 services, the state gambling commission, the state lottery commission,

1 ((~~the state parks and recreation commission,~~)) the state utilities and  
2 transportation commission, the state liquor control board, the office  
3 of the insurance commissioner, and the state department of corrections.

4 (3) "General authority Washington peace officer" means any full-  
5 time, fully compensated and elected, appointed, or employed officer of  
6 a general authority Washington law enforcement agency who is  
7 commissioned to enforce the criminal laws of the state of Washington  
8 generally.

9 (4) "Limited authority Washington peace officer" means any full-  
10 time, fully compensated officer of a limited authority Washington law  
11 enforcement agency empowered by that agency to detect or apprehend  
12 violators of the laws in some or all of the limited subject areas for  
13 which that agency is responsible. A limited authority Washington peace  
14 officer may be a specially commissioned Washington peace officer if  
15 otherwise qualified for such status under this chapter.

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

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

35 (7) "Agency with primary territorial jurisdiction" means a city or  
36 town police agency which has responsibility for police activity within  
37 its boundaries; or a county police or sheriff's department which has  
38 responsibility with regard to police activity in the unincorporated

1 areas within the county boundaries; or a statutorily authorized port  
2 district police agency or four-year state college or university police  
3 agency which has responsibility for police activity within the  
4 statutorily authorized enforcement boundaries of the port district,  
5 state college, or university.

6 (8) "Primary commissioning agency" means (a) the employing agency  
7 in the case of a general authority Washington peace officer, a limited  
8 authority Washington peace officer, an Indian tribal peace officer, or  
9 a federal peace officer, and (b) the commissioning agency in the case  
10 of a specially commissioned Washington peace officer (i) who is  
11 performing functions within the course and scope of the special  
12 commission and (ii) who is not also a general authority Washington  
13 peace officer, a limited authority Washington peace officer, an Indian  
14 tribal peace officer, or a federal peace officer.

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

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

21 **Sec. 6.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended  
22 to read as follows:

23 (~~The members of~~) (1) By January 1, 2012, the state parks and  
24 recreation commission (~~and such of its employees as the commission may~~  
25 designate shall be vested with police powers to enforce the laws of  
26 this state)) shall enter into contracts with local policing agencies to  
27 provide enforcement on state-owned lands and may no longer employ  
28 commission staff for enforcement.

29 (2) If the commission and a local policing agency are not able to  
30 enter into a contract, then the enforcement responsibilities in this  
31 title must be met by the Washington state patrol.

32 (3) If, in the process of determining the capacity of a local  
33 policing agency to enforce the provisions of this title, the policing  
34 agency or the Washington state patrol determine that they must hire  
35 additional officers, then the local policing agency or Washington state  
36 patrol are encouraged to hire staff who are currently or were  
37 previously employed as enforcement officers with the commission.

1        (4) For the purposes of this section, "local policing agency" means  
2 any municipal or county police enforcement agency and includes sheriffs  
3 and police departments.

--- END ---