
HOUSE BILL 3012

State of Washington

55th Legislature

1998 Regular Session

By Representatives Doumit, Buck, Regala, Schoesler, Linville, McCune, Tokuda, Pennington, Morris, Chandler, Anderson, Butler, Conway, Cole, Costa and Hatfield

Read first time 01/27/98. Referred to Committee on Natural Resources.

1 AN ACT Relating to achieving greater compliance with laws
2 protecting fish and wildlife; amending RCW 75.08.011, 76.04.045, and
3 77.08.010; adding new sections to chapter 75.08 RCW; adding a new
4 section to chapter 77.12 RCW; creating new sections; and making an
5 appropriation.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that there are a
8 number of laws already in existence to protect fish and wildlife in
9 this state. The legislature recognizes that in order to adequately
10 comply with mandates of the federal endangered species act (16 U.S.C.
11 Sec. 1531 et seq.), it is necessary to obtain greater compliance with
12 these laws. The legislature finds that the number of commissioned
13 officers who enforced fish and wildlife laws has decreased since the
14 merger of the department of wildlife and the department of fisheries.
15 The legislature finds that as a result of the state's increased
16 population the ratio of population to enforcement officers has
17 increased significantly. The legislature finds that visible
18 enforcement officers in the field act as an incentive for compliance
19 with laws that protect fish and wildlife. The legislature therefore

1 finds that additional fish and wildlife enforcement officers located in
2 the field are needed to protect the state's natural resources. It is
3 therefore the intent of the legislature to restore the number of
4 enforcement officers to the level prior to the merger of the department
5 of fisheries and the department of wildlife by directing the department
6 to deploy more enforcement officers into the field, providing
7 flexibility to the department to hire seasonal enforcement officers,
8 authorizing the establishment of a volunteer reserve corps of
9 enforcement officers, and providing funding to retain current
10 enforcement officers.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.08 RCW
12 to read as follows:

13 (1) Citizens of the state who are advantageously located may, at
14 the discretion of the commission, be appointed and commissioned as ex
15 officio fisheries patrol officers and vested with the powers and duties
16 as specified in this chapter and as directed by the commission.
17 Citizens may be commissioned on a seasonal or part-time basis.

18 (2) Ex officio fisheries patrol officers commissioned pursuant to
19 this section shall receive no compensation except when employed in
20 cooperation with the state and under the provisions of this chapter.
21 Ex officio fisheries patrol officers commissioned pursuant to this
22 section may not create any indebtedness or incur any liability on
23 behalf of the state.

24 (3) Ex officio fisheries patrol officers commissioned pursuant to
25 this section may not displace currently employed workers.

26 (4) The commission may cancel the commission of any ex officio
27 fisheries patrol officer or authority granted to an ex officio
28 fisheries patrol officer who is incompetent or unwilling to discharge
29 properly the duties of office.

30 **Sec. 3.** RCW 75.08.011 and 1996 c 267 s 2 are each amended to read
31 as follows:

32 As used in this title or rules of the department, unless the
33 context clearly requires otherwise:

34 (1) "Commission" means the fish and wildlife commission.

35 (2) "Director" means the director of fish and wildlife.

36 (3) "Department" means the department of fish and wildlife.

1 (4) "Person" means an individual or a public or private entity or
2 organization. The term "person" includes local, state, and federal
3 government agencies, and all business organizations, including
4 corporations and partnerships.

5 (5) "Fisheries patrol officer" means a person appointed and
6 commissioned by the commission, with authority to enforce this title,
7 rules of the department, and other statutes as prescribed by the
8 legislature. Fisheries patrol officers are peace officers.

9 (6) "Ex officio fisheries patrol officer" means a commissioned
10 officer of a municipal, county, state, or federal agency having as its
11 primary function the enforcement of criminal laws in general, while the
12 officer is in the appropriate jurisdiction. The term "ex officio
13 fisheries patrol officer" also includes individuals commissioned
14 pursuant to section 2 of this act, wildlife agents, special agents of
15 the national marine fisheries service, United States fish and wildlife
16 special agents, state parks commissioned officers, department of
17 natural resources enforcement officers, and United States forest
18 service officers, while the agents and officers are within their
19 respective jurisdictions.

20 (7) "To fish," "to harvest," and "to take" and their derivatives
21 mean an effort to kill, injure, harass, or catch food fish or
22 shellfish.

23 (8) "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 (9) "Offshore waters" means marine waters of the Pacific Ocean
27 outside the territorial boundaries of the state, including the marine
28 waters of other states and countries.

29 (10) "Concurrent waters of the Columbia river" means those waters
30 of the Columbia river that coincide with the Washington-Oregon state
31 boundary.

32 (11) "Resident" means a person who has maintained a permanent place
33 of abode within the state for at least ninety days immediately
34 preceding an application for a license, has established by formal
35 evidence an intent to continue residing within the state, and who is
36 not licensed to hunt or fish as a resident in another state.

37 (12) "Nonresident" means a person who has not fulfilled the
38 qualifications of a resident.

1 (13) "Food fish" means those species of the classes Osteichthyes,
2 Agnatha, and Chondrichthyes that have been classified and that shall
3 not be fished for except as authorized by rule of the commission. The
4 term "food fish" includes all stages of development and the bodily
5 parts of food fish species.

6 (14) "Shellfish" means those species of marine and freshwater
7 invertebrates that have been classified and that shall not be taken
8 except as authorized by rule of the commission. The term "shellfish"
9 includes all stages of development and the bodily parts of shellfish
10 species.

11 (15) "Salmon" means all species of the genus Oncorhynchus, except
12 those classified as game fish in Title 77 RCW, and includes:

13	Scientific Name	Common Name
14	Oncorhynchus tshawytscha	Chinook salmon
15	Oncorhynchus kisutch	Coho salmon
16	Oncorhynchus keta	Chum salmon
17	Oncorhynchus gorbuscha	Pink salmon
18	Oncorhynchus nerka	Sockeye salmon

19 (16) "Commercial" means related to or connected with buying,
20 selling, or bartering. Fishing for food fish or shellfish with gear
21 unlawful for fishing for personal use, or possessing food fish or
22 shellfish in excess of the limits permitted for personal use are
23 commercial activities.

24 (17) "To process" and its derivatives mean preparing or preserving
25 food fish or shellfish.

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

28 (19) "Angling gear" means a line attached to a rod and reel capable
29 of being held in hand while landing the fish or a hand-held line
30 operated without rod or reel.

31 (20) "Open season" means those times, manners of taking, and places
32 or waters established by rule of the commission for the lawful fishing,
33 taking, or possession of food fish or shellfish. "Open season"
34 includes the first and last days of the established time.

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

1 (22) "Limited-entry license" means a license subject to a license
2 limitation program established in chapter 75.30 RCW.

3 (23) "Seaweed" means marine aquatic plant species that are
4 dependent upon the marine aquatic or tidal environment, and exist in
5 either an attached or free floating form, and includes but is not
6 limited to marine aquatic plants in the classes Chlorophyta,
7 Phaeophyta, and Rhodophyta.

8 **Sec. 4.** RCW 76.04.045 and 1986 c 100 s 5 are each amended to read
9 as follows:

10 (1) All Washington state patrol officers, wildlife agents,
11 fisheries patrol officers, deputy state fire marshals, and state park
12 rangers, while in their respective jurisdictions, shall be ex officio
13 rangers.

14 (2) Employees of the United States forest service, when recommended
15 by their forest supervisor, and citizens of the state advantageously
16 located may, at the discretion of the department, be commissioned as
17 rangers and vested with the certain powers and duties of wardens as
18 specified in this chapter and as directed by the department.
19 Commissions may be made on a part-time or seasonal basis. Rangers
20 commissioned pursuant to this section may not displace currently
21 employed workers.

22 (3) Rangers shall receive no compensation for their services except
23 when employed in cooperation with the state and under the provisions of
24 this chapter and shall not create any indebtedness or incur any
25 liability on behalf of the state: PROVIDED, That rangers actually
26 engaged in extinguishing or preventing the spread of fire on forest
27 land or elsewhere that may endanger forest land shall, when their
28 accounts for such service have been approved by the department, be
29 entitled to receive compensation for such services at a rate to be
30 fixed by the department.

31 (4) The department may cancel the commission of any ranger or
32 authority granted to any ex officio ranger who may be incompetent or
33 unwilling to discharge properly the duties of the office.

34 **Sec. 5.** RCW 77.08.010 and 1996 c 207 s 2 are each amended to read
35 as follows:

36 As used in this title or rules adopted pursuant to this title,
37 unless the context clearly requires otherwise:

- 1 (1) "Director" means the director of fish and wildlife.
- 2 (2) "Department" means the department of fish and wildlife.
- 3 (3) "Commission" means the state fish and wildlife commission.
- 4 (4) "Person" means and includes an individual, a corporation, or a
5 group of two or more individuals acting with a common purpose whether
6 acting in an individual, representative, or official capacity.
- 7 (5) "Wildlife agent" means a person appointed and commissioned by
8 the director, with authority to enforce laws and rules adopted pursuant
9 to this title, and other statutes as prescribed by the legislature.
- 10 (6) "Ex officio wildlife agent" means a commissioned officer of a
11 municipal, county, state, or federal agency having as its primary
12 function the enforcement of criminal laws in general, while the officer
13 is in the appropriate jurisdiction. The term "ex officio wildlife
14 agent" includes individuals commissioned pursuant to section 6 of this
15 act, fisheries patrol officers, special agents of the national marine
16 fisheries service, state parks commissioned officers, United States
17 fish and wildlife special agents, department of natural resources
18 enforcement officers, and United States forest service officers, while
19 the agents and officers are within their respective jurisdictions.
- 20 (7) "To hunt" and its derivatives means an effort to kill, injure,
21 capture, or harass a wild animal or wild bird.
- 22 (8) "To trap" and its derivatives means a method of hunting using
23 devices to capture wild animals or wild birds.
- 24 (9) "To fish" and its derivatives means an effort to kill, injure,
25 harass, or catch a game fish.
- 26 (10) "Open season" means those times, manners of taking, and places
27 or waters established by rule of the commission for the lawful hunting,
28 fishing, or possession of game animals, game birds, or game fish that
29 conform to the special restrictions or physical descriptions
30 established by rule of the commission or that have otherwise been
31 deemed legal to hunt, fish, or possess by rule of the commission.
32 "Open season" includes the first and last days of the established time.
- 33 (11) "Closed season" means all times, manners of taking, and places
34 or waters other than those established by rule of the commission as an
35 open season. "Closed season" also means all hunting, fishing, or
36 possession of game animals, game birds, or game fish that do not
37 conform to the special restrictions or physical descriptions
38 established by rule of the commission as an open season or that have

1 not otherwise been deemed legal to hunt, fish, or possess by rule of
2 the commission as an open season.

3 (12) "Closed area" means a place where the hunting of some species
4 of wild animals or wild birds is prohibited.

5 (13) "Closed waters" means all or part of a lake, river, stream, or
6 other body of water, where fishing for game fish is prohibited.

7 (14) "Game reserve" means a closed area where hunting for all wild
8 animals and wild birds is prohibited.

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

13 (16) "Wildlife" means all species of the animal kingdom whose
14 members exist in Washington in a wild state. This includes but is not
15 limited to mammals, birds, reptiles, amphibians, fish, and
16 invertebrates. The term "wildlife" does not include feral domestic
17 mammals, the family Muridae of the order Rodentia (old world rats and
18 mice), or those fish, shellfish, and marine invertebrates classified as
19 food fish or shellfish by the director. The term "wildlife" includes
20 all stages of development and the bodily parts of wildlife members.

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

26 (18) "Wild birds" means those species of the class Aves whose
27 members exist in Washington in a wild state.

28 (19) "Protected wildlife" means wildlife designated by the
29 commission that shall not be hunted or fished.

30 (20) "Endangered species" means wildlife designated by the
31 commission as seriously threatened with extinction.

32 (21) "Game animals" means wild animals that shall not be hunted
33 except as authorized by the commission.

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

36 (23) "Game birds" means wild birds that shall not be hunted except
37 as authorized by the commission.

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

1 (25) "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 (26) "Game farm" means property on which wildlife is held or raised
5 for commercial purposes, trade, or gift. The term "game farm" does not
6 include publicly owned facilities.

7 (27) "Person of disability" means a permanently disabled person who
8 is not ambulatory without the assistance of a wheelchair, crutches, or
9 similar devices.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW
11 to read as follows:

12 (1) The commission, at its discretion, may appoint and commission
13 citizens who are advantageously located as ex officio wildlife agents
14 and vest them with the powers and duties as specified in this chapter
15 and as directed by the commission. Citizens may be commissioned on a
16 seasonal or part-time basis.

17 (2) Ex officio wildlife agents commissioned pursuant to this
18 section shall receive no compensation except when employed in
19 cooperation with the state and under the provisions of this chapter.
20 Ex officio wildlife agents commissioned pursuant to this section may
21 not create any indebtedness or incur any liability on behalf of the
22 state.

23 (3) Ex officio wildlife agents commissioned pursuant to this
24 chapter may not displace currently employed workers.

25 (4) The commission may cancel the commission of any ex officio
26 wildlife agent who is incompetent or unwilling to discharge properly
27 the duties of office.

28 NEW SECTION. **Sec. 7.** (1) The director of the department of fish
29 and wildlife shall consult with the exclusive bargaining
30 representatives of employees of the department as well as
31 representatives of local communities for the purpose of preparing a
32 reorganization plan that results in the redeployment of staff from
33 central office positions to field positions. The department shall also
34 reallocate central office positions that become vacant to field
35 positions to the extent it is feasible. The reorganization plan shall
36 be prepared with the assistance of the fish and wildlife commission

1 with the objectives of improving the overall efficiency of the
2 department and providing greater protection to fish and wildlife.

3 (2) The fish and wildlife commission shall report to the
4 appropriate legislative committees by December 31, 1998, to describe
5 the progress on the development of the redeployment plan.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 75.08 RCW
7 to read as follows:

8 The commission shall establish a reserve officer program for the
9 purpose of providing better enforcement of fish and wildlife laws. A
10 reserve officer shall have all the authority of a commissioned
11 fisheries patrol officer under this chapter or a commissioned wildlife
12 agent under chapter 77.12 RCW. The criteria for becoming a reserve
13 officer shall include proper law enforcement training and education
14 approved by the Washington state criminal justice training commission.
15 Reserve officers shall serve as unpaid volunteers, and time spent as a
16 reserve officer shall not increase any eligibility for pension rights
17 or benefits.

18 NEW SECTION. **Sec. 9.** The sum of one million nine hundred thousand
19 dollars, or as much thereof as may be necessary, is appropriated for
20 the fiscal year ending June 30, 1999, from the general fund to the
21 department of fish and wildlife for the sole purpose of hiring or
22 retaining fisheries patrol officers, wildlife agents, and ex officio
23 fisheries patrol officers and wildlife agents to provide better
24 enforcement of the fish and wildlife laws with priority given to areas
25 where aquatic species have been listed or are proposed to be listed
26 under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

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