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SENATE BILL 5249

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Haugen, Swecker, and Shin

Read first time 01/19/11. Referred to Committee on Transportation.

1            AN ACT Relating to consolidating fish and wildlife officers into  
2 the Washington state patrol; adding new sections to chapter 43.43 RCW;  
3 adding a new section to chapter 77.15 RCW; creating new sections; and  
4 providing an effective date.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that a consolidation  
7 of fish and wildlife enforcement officers into the Washington state  
8 patrol would be beneficial to the citizens of the state by providing  
9 many opportunities to increase state government efficiency and improve  
10 the protection and conservation of the state's fish and wildlife  
11 resources. Therefore, it is the intent of the legislature to transfer  
12 fish and wildlife enforcement authorities, duties, and enforcement  
13 personnel from the department of fish and wildlife to the Washington  
14 state patrol.

15            NEW SECTION.    **Sec. 2.** A new section is added to chapter 43.43 RCW  
16 to read as follows:

17            (1) On July 1, 2012, the Washington state patrol assumes the

1 authority and responsibility to enforce the provisions of Title 77 RCW  
2 and the rules adopted thereunder.

3 (2) On July 1, 2012, all fish and wildlife officers and other  
4 personnel directly engaged in the enforcement of Title 77 RCW and the  
5 rules adopted thereunder are transferred to and become employees of the  
6 Washington state patrol.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.15 RCW  
8 to read as follows:

9 (1) All fish and wildlife officers and other personnel directly  
10 engaged in the enforcement of this title and the rules adopted under  
11 this title are employed, supervised, and controlled by the chief of the  
12 Washington state patrol, who shall be the chief official charged with  
13 enforcement of this title.

14 (2) All references to the director or the department in this title  
15 mean the chief of the Washington state patrol or the Washington state  
16 patrol when referring to the law enforcement functions transferred  
17 under this act.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43 RCW  
19 to read as follows:

20 (1) All powers, duties, and functions of the department of fish and  
21 wildlife pertaining to fish and wildlife officers and personnel  
22 directly engaged in the enforcement of Title 77 RCW and rules adopted  
23 thereunder are transferred to the Washington state patrol. All  
24 references to the director or the department of fish and wildlife in  
25 the Revised Code of Washington shall be construed to mean the chief of  
26 the Washington state patrol or the Washington state patrol when  
27 referring to the functions transferred in this section.

28 (2)(a) All reports, documents, surveys, books, records, files,  
29 papers, or written material in the possession of the department of fish  
30 and wildlife pertaining to the powers, functions, and duties  
31 transferred shall be delivered to the custody of the Washington state  
32 patrol. All cabinets, furniture, office equipment, motor vehicles, and  
33 other tangible property employed by the department of fish and wildlife  
34 in carrying out the powers, functions, and duties transferred shall be  
35 made available to the Washington state patrol. All funds, credits, or

1 other assets held in connection with the powers, functions, and duties  
2 transferred shall be assigned to the Washington state patrol.

3 (b) Any appropriations made to the department of fish and wildlife  
4 for carrying out the powers, functions, and duties transferred shall,  
5 on the effective date of this section, be transferred and credited to  
6 the Washington state patrol.

7 (c) Whenever any question arises as to the transfer of any  
8 personnel, funds, books, documents, records, papers, files, equipment,  
9 or other tangible property used or held in the exercise of the powers  
10 and the performance of the duties and functions transferred, the  
11 director of financial management shall make a determination as to the  
12 proper allocation and certify the same to the state agencies concerned.

13 (3) All employees of the department of fish and wildlife engaged in  
14 performing the powers, functions, and duties transferred are  
15 transferred to the jurisdiction of the Washington state patrol. All  
16 employees classified under chapter 41.06 RCW, the state civil service  
17 law, are assigned to the Washington state patrol to perform their usual  
18 duties upon the same terms as formerly, without any loss of rights,  
19 subject to any action that may be appropriate thereafter in accordance  
20 with the laws and rules governing state civil service.

21 (4) All rules and all pending business before the department of  
22 fish and wildlife pertaining to the powers, functions, and duties  
23 transferred shall be continued and acted upon by the Washington state  
24 patrol. All existing contracts and obligations shall remain in full  
25 force and shall be performed by the Washington state patrol.

26 (5) The transfer of the powers, duties, functions, and personnel of  
27 the department of fish and wildlife shall not affect the validity of  
28 any act performed before the effective date of this section.

29 (6) If apportionments of budgeted funds are required because of the  
30 transfers directed by this section, the director of financial  
31 management shall certify the apportionments to the agencies affected,  
32 the state auditor, and the state treasurer. Each of these shall make  
33 the appropriate transfer and adjustments in funds and appropriation  
34 accounts and equipment records in accordance with the certification.

35 (7) Nothing contained in this section may be construed to alter any  
36 existing collective bargaining unit or the provisions of any existing  
37 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified by action of the personnel  
2 resources board as provided by law.

3 NEW SECTION. **Sec. 5.** (1) The chief of the Washington state patrol  
4 must:

5 (a) Establish a transition plan for the orderly implementation of  
6 this act, including: Identifying the fish and wildlife enforcement  
7 program personnel to be transferred; addressing personnel issues  
8 relating to the transfer; and facilitating the transfer of property and  
9 equipment, records, contracts, and funding from the department of fish  
10 and wildlife to the Washington state patrol. The chief of the  
11 Washington state patrol must consult with the department of fish and  
12 wildlife, department of personnel, office of financial management, and  
13 representatives of fish and wildlife officers and Washington state  
14 patrol officers in developing the transition plan; and

15 (b) Present recommendations to the legislature, in the form of  
16 draft legislation, regarding any statutory changes necessary to  
17 implement this act.

18 (2) The transition plan and recommendations required by subsection  
19 (1) of this section must be presented to the appropriate committees of  
20 the legislature by November 1, 2011.

21 NEW SECTION. **Sec. 6.** Sections 2 through 4 of this act take effect  
22 July 1, 2012.

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