

# SENATE BILL REPORT

## SB 6011

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As of January 29, 2024

**Title:** An act relating to the authority of the commissioner of public lands to enter into tribal interlocal agreements.

**Brief Description:** Concerning the authority of the commissioner of public lands to enter into tribal interlocal agreements.

**Sponsors:** Senators Shewmake, Kauffman, Kuderer, Lovelett, Nobles, Saldaña, Stanford and Valdez; by request of Department of Natural Resources.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/29/24.

**Brief Summary of Bill**

- Authorizes the Commissioner of Public Lands to delegate enforcement authority over natural resource infractions to federally recognized Indian tribes through an interlocal agreement.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** The Department of Natural Resources (DNR) manages approximately 5.6 million acres of forest, range, agricultural, aquatic, and commercial lands in Washington for a number of different purposes. DNR is generally responsible for the enforcement of the state's natural resources laws as it relates to DNR land. DNR is classified in statute as a limited authority Washington law enforcement agency, and DNR enforcement officers are responsible for the apprehension or detection of persons committing natural resource infractions on DNR lands.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Tribal police officers are authorized to act as general authority Washington State peace officers when the appropriate tribal government meets specified requirements regarding certification, insurance liability, and administration. A tribal police officer recognized and authorized to act as a general authority Washington peace officer has the same powers as any other general authority Washington peace officer to enforce state laws in Washington, including the power to make arrests for violations of state laws. An interlocal agreement is required between the sovereign tribal government and all local government law enforcement agencies that will have shared law enforcement jurisdiction.

A natural resource infraction is a noncriminal offense for which a fine may be imposed. Unless specifically authorized by statute, the fine for an infraction may not exceed \$500. Natural resource infractions are those offenses that are declared not to be criminal offenses under Title 76—Forests and Forest Products; Title 77—Fish and Wildlife; Title 79—Public Lands; and Title 79A—Public Recreational Lands.

**Summary of Bill:** The Commissioner of Public Lands is authorized to delegate enforcement authority over natural resource infractions under the Interlocal Cooperation Act to federally recognized Indian tribes that are state certified. Federally recognized Indian tribes are added to the list of entities with whom the Commissioner of Public Lands may enter into an interlocal cooperation agreement for the purpose of enforcing civil infractions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This DNR request bill partners with tribal co-managers to assist with enforcement on DNR lands. Visitation on DNR lands has increased, impacting landscapes and natural resources. Tribes are not obligated to enter into agreements. The DNR does not enforce on tribal lands, and this would only be for civil infractions. This is a great opportunity to protect our natural resources and co-manage our shared resources.

CON: There is no need for more enforcement, there are plenty of federal officers.

OTHER: Clarifying language is needed that enforcement is not on tribal treaty rights. The bill should limit the ability of one tribe to enforce on another tribe. There is support for the concept, just need clarifying language that this is not for enforcement on tribal lands.

**Persons Testifying:** PRO: Senator Sharon Shewmake, Prime Sponsor; Kadi Bizyayeva,

Stillaguamish Tribe of Indians; Jayanna Marshall, Department of Natural Resources.

CON: John Worthington.

OTHER: Vice Chairwoman Loni Greninger, Jamestown S'Klallam Tribe.

**Persons Signed In To Testify But Not Testifying:** No one.