



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

SB 6011 | HB 2312

RCW 7.84.140

Expands the Commissioner's existing delegation authority to include federally recognized Tribes:

"The commissioner of public lands is authorized to delegate enforcement authority over natural resource infractions to federally recognized Indian Tribes under the interlocal cooperation act chapter 39.34 RCW."

RCW 43.12.065

Adds federally recognized Tribes to the organizations with which the Commissioner may enter into collaborative law enforcement agreements:

"... the state parks and recreation commission, the department of fish and wildlife, and federally recognized Indian Tribes ..."

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Tribal Interlocal Agreements

Authorizes the Commissioner of Public Lands to enter into collaborative law enforcement agreements with federally recognized Tribes.



DNR's Law Enforcement Program addresses the public safety and enforcement challenges of managing 5.6 million acres of public lands that have seen at least twenty percent increase in use since 2019. This bill authorizes the Commissioner of Public Lands to enter into Interlocal Agreements with federally recognized Tribes. This would authorize Tribal police officers to enforce natural resource civil infractions on DNR-managed land.

This legislation embraces the purpose of the Interlocal Cooperation Act for local governments to collaboratively use their authorities to efficiently serve the people of Washington. **There are no expected agency costs associated with this bill.**

This bill does not require the Commissioner of Public Lands or any federally recognized Tribe to enter into an agreement. Instead, the Commissioner and federally recognized Tribes are allowed to pursue collaborative law enforcement opportunities. The scope of such agreements is limited to DNR civil infractions. DNR's law enforcement officers do not enforce the Forest Practices Act and Rules, and neither would Tribal officers under an agreement with DNR.

This legislative request flows from the Interlocal Cooperation Act (Chapter 39.34 RCW) that includes federally recognized Tribes under the definition of public agencies.

This bill should not impact other state agencies' responsibilities or law enforcement operations. The bill does not seek reciprocal authority to carry out law enforcement on Tribal lands. In addition, it does not seek to replace DNR's need for additional law enforcement officers to address the forty percent increase in calls for service that has been received since 2017.



****DRAFT** DNR Tribal Interlocal Agreement ARL**

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0465.2/24 2nd draft

ATTY/TYPIST: KS:lel

BRIEF DESCRIPTION: Concerning the authority of the commissioner of public lands to enter into tribal interlocal agreements.

DRAFT

AN ACT Relating to the authority of the commissioner of public lands to enter into tribal interlocal agreements; and amending RCW 7.84.140 and 43.12.065.

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

Sec. 1. RCW 7.84.140 and 2011 c 320 s 13 are each amended to read as follows:

(1) The director chosen by the state parks and recreation commission, the commissioner of public lands, and the director of the department of fish and wildlife are each authorized to delegate and accept enforcement authority over natural resource infractions to or from the other agencies through an agreement entered into under the interlocal cooperation act, chapter 39.34 RCW.

(2) The commissioner of public lands is authorized to delegate enforcement authority over natural resource infractions to federally recognized Indian tribes under the interlocal cooperation act, chapter 39.34 RCW.

Sec. 2. RCW 43.12.065 and 2011 c 320 s 16 are each amended to read as follows:

(1) For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules pertaining to use by the public of state-owned lands and property which are administered by the department.

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

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

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

(3) The commissioner of public lands and those employees as the commissioner may designate shall be vested with police powers when enforcing:

(a) The rules of the department adopted under this section;

(b) The civil infractions created under RCW 79A.80.080; or

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

(4) The commissioner of public lands may, under the provisions of RCW 7.84.140, enter into an agreement allowing employees of the state parks and recreation commission ~~((and))~~, the department of fish and wildlife, and federally recognized Indian tribes to enforce certain civil infractions created under this title.

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