
**Agriculture & Natural Resources
Committee**

HB 2866

Brief Description: Concerning natural resource infractions.

Sponsors: Representatives Blake and Wallace.

Brief Summary of Bill

- Authorizes the State Parks and Recreation Commission, the Department of Natural Resources, and Department of Fish and Wildlife to enter an agreement under the Interlocal Cooperation Act to delegate and accept enforcement authority over the natural resource infractions that are enforceable by the other agencies.

Hearing Date: 1/28/10

Staff: Jason Callahan (786-7117).

Background:

Natural Resources Agencies Enforcement.

The three state agencies generally considered to be responsible for the enforcement of state's natural resources laws are the State Parks and Recreation Commission (Parks Commission), the Department of Natural Resources (DNR), and Washington Department of Fish and Wildlife (WDFW). Each agency is directed to enforce the statutory provisions related to their own agency.

Of the three agencies, only the enforcement officers of the WDFW are general authority peace officers [RCW 10.93.020]. This status authorizes the WDFW to enforce all criminal laws in the state. The DNR and the Parks Commission employs limited authority peace officers. These are officers of an agency that have, as a job duty, the apprehension or detection of persons

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committing infractions or violating criminal laws relating to limited subject areas [RCW 10.93.020].

Natural Resource Infractions.

A natural resource infraction is a civil penalty that may be levied against an individual violating certain rules or statutes enforced by the WDFW, the Parks Commission, and the DNR. A notice of infraction may only be issued by a person authorized to enforce the chapter of state law where the violated statute is codified, and may only be heard in the district court of the county where the violation occurred [RCW 7.84.030 & 040].

Natural resource infractions are punishable by a monetary fine. The amount of fine is set by the Supreme Court and can be set between \$10 and \$500 per violation [RCW 7.84.100].

Interlocal Cooperation Act.

The Interlocal Cooperation Act allows two or more public entities to enter into an agreement allowing the entities to exercise jointly any power, privilege, or authority conferred upon the signatory agencies [RCW 39.34.030]. The authority to enter in these agreements is available to any agency of Washington, federal, tribal, or local, or out-of-state government [RCW 39.34.020].

Prior to the sharing of authorities, the public entities must enter into a written agreement. This agreement must outline the duration of the agreement, its purpose or purposes, how the undertaking will be financed, how the agreement can be terminated, who will administer the joint authorities, and the precise nature of any new entity created by the agreement [RCW 39.34.030].

Summary of Bill:

The Parks Commission, the DNR, and WDFW are each authorized to enter an agreement under the Interlocal Cooperation Act to delegate and accept enforcement authority over the natural resource infractions that are enforceable by the other agencies. The agencies are not required to accept this authority.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.