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**Agriculture and Natural Resources  
Committee**

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**HB 2312**

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

**Sponsors:** Representatives Nance, Corry, Reed, Ramel, Ortiz-Self, Simmons, Peterson and Pollet; by request of Department of Natural Resources.

**Brief Summary of Bill**

- Authorizes the Commissioner of Public Lands to delegate enforcement authority over natural resource infractions to federally recognized Indian tribes that meet certain criteria.

**Hearing Date:** 1/23/24

**Staff:** Robert Hatfield (786-7117).

**Background:**

Tribal Police Officer Certification.

Tribal police officers may obtain Washington police officer certification through the state's Criminal Justice Training Commission (CJTC). Officers seeking this certification must meet the statutory requirements for all certified state police officers, including submitting to psychological tests and criminal background checks. Applications by tribal law enforcement agencies for police officer certification are processed in the same manner as any state application.

To participate in this program, tribal governments must enter into a written agreement with the CJTC. The written agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as they are

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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.*

applied to state general authority peace officers.

#### Tribal Police Officers as General Authority Peace Officers.

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.

Certain requirements must be met in order for a tribal police officer to exercise the law enforcement powers of a general authority Washington peace officer, including that:

- the appropriate sovereign tribal nation shall submit to the Department of Enterprise Services proof of public liability and property damage insurance for vehicles operated by the peace officers and police professional liability insurance from a company licensed to sell insurance in the state; and
- the appropriate sovereign tribal nation shall submit to the Department of Enterprise Services proof of training requirements for each tribal police officer.

An interlocal agreement is required between the sovereign tribal government and all local government law enforcement agencies that will have shared law enforcement jurisdiction.

#### Interlocal Cooperation Act.

Public agencies in Washington are authorized to enter into interlocal agreements with other public agencies in Washington, public agencies in another state, or public agencies of the United States.

All interlocal agreements executed between two or more public agencies must, at a minimum, specify the:

- duration of the agreement;
- precise organization, composition, and nature of any separate legal or administrative entity created;
- purpose;
- financing and budget; and
- method by which to terminate the agreement.

#### Natural Resource Infractions.

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:** Requested on January 17, 2024.

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