

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.2	96,000	96,000	96,000	.0	0	0	0	.0	0	0	0
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	Fiscal note not available											
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	3,722	3,722	38,605	.0	0	0	0	.0	0	0	0
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.5	108,000	108,000	108,000	1.0	194,000	194,000	194,000	1.0	194,000	194,000	194,000
Department of Corrections	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
University of Washington	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.7</b>	<b>207,722</b>	<b>207,722</b>	<b>242,605</b>	<b>1.0</b>	<b>194,000</b>	<b>194,000</b>	<b>194,000</b>	<b>1.0</b>	<b>194,000</b>	<b>194,000</b>	<b>194,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other						366,106			
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total						366,106			

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	Fiscal note not available								
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

**Estimated Capital Budget Breakout**

<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3073	<b>Date Published:</b> Preliminary 2/28/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

☒ **No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact: Michelle Rusk	Phone: 360-786-7153	Date: 02/21/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/23/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/23/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/23/2024

195,410.00

Request # 239-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The proposed amendment to the substitute would have the same no or minimal impact to the Administrative Office of the Courts or the courts as previous versions of the bill.

The bill would add a new chapter to Title 10 RCW relating to the extradition of tribal fugitives from the state to tribes.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would have no fiscal impact on the Administrative Office of the Courts (AOC) or the courts.

Court impact is indeterminate, but likely minimal. There is no measurable data for identifying current tribal warrants.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

195,410.00

Request # 239-1

None

195,410.00

Form FN (Rev 1/00)

Request # 239-1

Bill # 6146 S SB 6146-S AMH CSJR H3316.1

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

☐

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.4	0.2	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	0	96,000	96,000	0	0
<b>Total \$</b>	0	96,000	96,000	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

☒

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☐

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Michelle Rusk	Phone: 360-786-7153	Date: 02/21/2024
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 02/27/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/27/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/27/2024



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 1 - New section. Legislative intent.

Section 2 - New section. Definitions.

Section 3 - New section. A certified tribe must provide certification to the Attorney General's Office (AGO). The AGO must receive the certification indicating that the tribe meets the requirements of the tribal law and order act of 2010, Section 234, codified at 25 U.S.C. Sec. 1302 and review documentation to confirm that it is complete according to the information provided in the documentation. The AGO is immune from liability arising out of the performance of the duty in this section, except for intentional or willful misconduct.

Section 4 - New section. Place of detention shall notify tribal law enforcement when it is holding a tribal fugitive.

Section 5 - New section. Noncertified tribe that issued arrest warrant may demand extradition. Tribe must provide documentation establishing fugitive status.

Section 6 - New section. Extradition stayed if and while tribal fugitive is on trial in state courts.

Section 7 - New section. AGO or Prosecuting Attorney shall submit documents and effectuate surrender the next judicial day. Establishes extradition procedure.

Section 8 - New section. Establishes rules for state place of detention to turn over fugitive without going through process.

Section 9 - New section. Tribe responsible for transport of fugitive.

Section 10 - New section. Washington State Peace Officer (WSPO) may arrest tribal fugitives. Establishes court process for notifying fugitive of warrant and hearing and waiver provisions.

Section 11 - New section. Tribal arrest warrant shall be accorded full faith and credit. A WSPO who arrests a person subject to tribal arrest warrant shall contact the tribal law enforcement that issued the warrant. Place of detention will respect and enforce tribal notice of detainer. Writ of habeas corpus shall be afforded any person detained under this provision.

Section 12 - New section. Act does not affect other state-tribal agreements.

Section 13 – New section. A tribal arrest warrant is not required to be given prioritization above other warrants.

Section 14 – A peace officer or the peace officer's legal advisor is not criminally or civilly liable for making an arrest under the act of they acted in good faith and without malice. The act does not limit, abrogate, or modify existing immunities for prosecuting attorneys for good faith conduct consistent with statutory duties.

Section 15 - New section. Act known as "Tribal Warrants Act."

Section 16 - New section. Act is new chapter in Title 10 RCW.

Section 17 - New section. The Office of the Governor (GOV) must convene a work group to develop processes and recommendations to ensure the successful implementation of the act. Work group membership is composed of equal parts

state and tribal partners with specific members listed, including the AGO. The work group must submit a report to the Governor and the Legislature by December 1, 2024.

Section 18 - The act takes effect July 1, 2025, except for section 17 which takes effect May 1, 2024.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

Attorney General's Office (AGO) Administration Division (ADM) activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Attorney General's Office (AGO) Agency Assumptions:

Legal services associated with the enactment of this bill will begin on July 1, 2024 (FY 2025).

Location of staffing is assumed to be in a King County office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

### **1. Assumptions for the AGO Administration Division's (ADM) Legal Services:**

A Senior Policy Analyst FTE (PA) will be required to participate in the workgroup meetings through December 1, 2024 and coordinate internally to provide feedback. To advise on the implementation of Section 3, ADM will need \$50,000 in Special Assistant Attorney General (SAAG) costs.

ADM: Total King County workload impact:

FY 2025: \$96,000 for 0.3 PA, which includes \$50,000 in SAAG costs

AGO ADM activities are funded with General Fund-State dollars. There is no appropriate client agency to bill for legal services.

2. The AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing Washington State Patrol (WSP). This bill authorizes Washington State Peace Officers (WSPO) including commissioned WSP personnel, to make arrests on warrants issued by tribal courts, which would be a change in Washington State law. WSP may require some legal advice on this subject. New Section 14 provides immunity from liability for WSP arising from good faith arrests on tribal warrants, which should lessen the need for program advice. New legal services are nominal and costs are not included in this request.

### **3. The AGO Corrections Division (COR) has reviewed this bill and determined it will not significantly increase or decrease**

the division’s workload in representing the Department of Corrections (DOC). The bill requires the AGO or county prosecutor to file motions for orders of surrender with respect to the extradition of tribal fugitives sought by certain Washington State tribes, and who are in state custody at a DOC prison. COR assumes County Prosecutors would prefer this work would be handled by the AGO. COR estimates that the motion for order of surrender proceedings would occur infrequently (approximately five per year), and would be routine. New legal services are nominal and costs are not included in this request.

4. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing WSP or Criminal Justice Training Commission (CJTC). This bill regards cross jurisdictional cooperation between state and local entities and tribal entities to honor tribal warrants in non-tribal jurisdiction areas. GCE’s advice and litigation support to WSP and CJTC are limited to specific areas and programs which are not impacted by this bill. Therefore, no costs are included in this request.

5. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Department of Commerce (Commerce). Commerce would not be given any new authorities or responsibilities under this bill. Therefore, no costs are included in this request.

6. The AGO Public Lands Conservation Division (PLC) determined it will not significantly increase or decrease the division’s workload in representing the Department of Fish and Wildlife (DFW). New legal services are nominal and costs are not included in this request.

7. The AGO Licensing & Administrative Law Division (LAL) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Liquor and Cannabis Board (LCB). Therefore, no costs are included in this request.

8. LAL has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Washington State Lottery (LOT). Therefore, no costs are included in this request.

9. The AGO Education Division (EDU) has reviewed this bill and determined it will not increase or decrease the division’s workload. Therefore, no costs are included in this request.

10. The AGO Washington State University (AGO-WSU) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Washington State University (WSU). Therefore, no costs are included in this request.

11. The AGO University of Washington (UOW) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the University of Washington (UW). Therefore, no costs are included in this request.

12. The AGO Regional Services Division (RSD) has reviewed this bill and determined it will not increase or decrease the division’s workload. Therefore, no costs are included in this request.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	96,000	96,000	0	0
Total \$			0	96,000	96,000	0	0

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.4	0.2		
A-Salaries and Wages		32,000	32,000		
B-Employee Benefits		10,000	10,000		
C-Professional Service Contracts		50,000	50,000		
E-Goods and Other Services		4,000	4,000		
<b>Total \$</b>	0	96,000	96,000	0	0

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Management Analyst 5	95,184		0.1	0.1		
Policy Analyst - ADM	110,000		0.3	0.2		
<b>Total FTEs</b>			0.4	0.2		0.0

### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Headquarters Administration (GFS) (POL)		96,000	96,000		
<b>Total \$</b>		96,000	96,000		

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 116-State Lottery
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> John Iyall	<b>Phone:</b> 360-810-2870	<b>Date:</b> 02/23/2024
<b>Agency Approval:</b> Josh Johnston	<b>Phone:</b> 360-810-2878	<b>Date:</b> 02/23/2024
<b>OFM Review:</b> Cheri Keller	<b>Phone:</b> (360) 584-2207	<b>Date:</b> 02/24/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

There is no fiscal impact. Pursuant to RCW 67.70.330, Washington’s lottery is a limited authority law enforcement agency as defined in RCW 10.93.020(5). However, the definition of “peace officer” in the bill applies only to general authority peace officers as defined in RCW 10.93.020(4) and is inapplicable to Lottery employees. In addition, Lottery employees are not authorized by the agency to arrest or detain suspects.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.  
NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.  
NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.  
  
NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 160-Office of Insurance Commissioner
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Michael Walker	<b>Phone:</b> 360-725-7036	<b>Date:</b> 02/23/2024
<b>Agency Approval:</b> Joyce Brake	<b>Phone:</b> 360-725-7041	<b>Date:</b> 02/23/2024
<b>OFM Review:</b> Jason Brown	<b>Phone:</b> (360) 742-7277	<b>Date:</b> 02/23/2024



Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 2(3) defines “Peace officer” to have the same meaning as in RCW 10.93.020(4), which means "General authority Washington peace officer".

Sections 4 through 14 create a process for state law enforcement officers and places of detention to deliver fugitives to requesting Indian tribes and for state law enforcement officers to enforce tribal arrest warrants.

The Office of the Insurance Commissioner (OIC) is a limited authority law enforcement agency that staffs limited authority peace officers who do not meet the definition of a “General authority Washington peace officer” in RCW 10.93.020(4). Therefore, no fiscal impact.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 195-Liquor and Cannabis Board
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Colin O'Neill	<b>Phone:</b> (360) 664-4552	<b>Date:</b> 02/22/2024
<b>Agency Approval:</b> Aaron Hanson	<b>Phone:</b> 360-664-1701	<b>Date:</b> 02/22/2024
<b>OFM Review:</b> Val Terre	<b>Phone:</b> (360) 280-3073	<b>Date:</b> 02/22/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: The legislature declares the purpose of this act is to expand cross jurisdictional cooperation so that fugitives from tribal courts cannot evade justice by remaining off reservation in Washington's counties and cities, while ensuring that defendants receive the fullest due process protections.

CHANGES MADE BY THE STRKING AMENDMENT TO THE SUBSTITUTE SENATE BILL:

EFFECT:

- Requires the Office of the Governor to convene an implementation work group to develop processes and recommendations, as needed, to implement the act, which must hold its first meeting by July 1, 2024, and report to the Legislature and Governor's office by December 1, 2024.
- Modifies the act's effective date to July 1, 2025, except that the implementation work group goes into effect May 1, 2024, and expires December 31, 2024.
- Provides specified immunities for law enforcement officers and their legal advisors, prosecuting attorneys, and the Attorney General's Office.
- States that a tribal warrant is not required to be given prioritization above other warrants.
- Modifies the definition of "certified tribe" and the process for evidencing certification with the Attorney General's Office.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Kim Anderson	<b>Phone:</b> 360-664-1153	<b>Date:</b> 02/22/2024
<b>Agency Approval:</b> Kim Anderson	<b>Phone:</b> 360-664-1153	<b>Date:</b> 02/22/2024
<b>OFM Review:</b> Tiffany West	<b>Phone:</b> (360) 890-2653	<b>Date:</b> 02/26/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This bill clarifies the processes for tribal governments and state law enforcement officers to collaborate together on executing warrants and releasing inmates to one another. It does not affect any issues within the UTC’s jurisdiction.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

There is no fiscal impact to the UTC.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

None.



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

☐

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	3,722	3,722	0	0
State Patrol Highway Account-State 081-1	0	34,883	34,883	0	0
<b>Total \$</b>	0	38,605	38,605	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

☐

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☒

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Allison Plant	<b>Phone:</b> 360-596-4080	<b>Date:</b> 02/26/2024
<b>Agency Approval:</b> Mario Buono	<b>Phone:</b> (360) 596-4046	<b>Date:</b> 02/26/2024
<b>OFM Review:</b> Tiffany West	<b>Phone:</b> (360) 890-2653	<b>Date:</b> 02/26/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This version of the proposed legislation requires the Office of the Governor to convene a work group to develop processes and recommendations, as needed, to implement the act, which must hold its first meeting by July 1, 2024, and report to the Legislature and Governor's office by December 1, 2024. It provides specified immunities for law enforcement officers and their legal advisors, prosecuting attorneys, and the Attorney General's Office (AGO). It also states that a tribal warrant is not required to be given prioritization above other warrants, modifies the definition of "certified tribe" and adds the requirement of the AGO to review submitted certified tribe eligibility documentation for completeness. It modifies the act's effective date to July 1, 2025, except that the implementation work group goes into effect May 1, 2024, and expires December 31, 2024.

The proposed legislation has a fiscal impact to the Washington State Patrol (WSP).

This legislation would give non-tribal law enforcement the ability to act upon a tribal arrest warrant issued by a certified or noncertified tribe in Washington. It would allow issued tribal warrants to be recognized as valid warrants off the reservation

New Section 1 would create a uniform process for the state to return individuals who violate tribal law and seek to avoid tribal justice systems by leaving tribal jurisdiction. It also intends to set procedures by which peace officers and correctional staff of the state must recognize and effectuate tribal arrest warrants. It states the purpose is to expand cross-jurisdictional cooperation so that fugitives from tribal courts cannot evade justice by remaining off reservation in Washington's counties and cities, while ensuring that defendants receive the fullest due process protections.

New Section 10 (1) states a peace officer may arrest a person subject to a tribal arrest warrant from a noncertified tribe when the warrant meets the criteria stated in the bill.

New Section 11 (1) states any arrest warrant issued by the court of a certified tribe shall be accorded full faith and credit by the courts of the state of Washington and enforced by the court and peace officers of the state as if it were the arrest warrant of the state. It also requires that a Washington state peace officer who arrests a person pursuant to an arrest warrant of a certified tribe, if no other grounds for detention exist under state law, shall, as soon as practical after detaining the person, and in accordance with standard practices, contact the tribal law enforcement agency that issued the warrant to establish the warrant's validity.

New Section 12 states the act does not diminish the authority of the state or local jurisdictions to enter into government-to-government agreements with Indian tribes concerning the movement of persons within their jurisdiction. It also does not diminish the validity or enforceability of any such agreements. It does not expand or diminish the authority of the state or local jurisdictions to arrest individuals over whom they have jurisdiction within Indian reservations.

New Section 13 states that a tribal arrest warrant under this act is not required to be given prioritization above other warrants.

New Section 14 (1) states that a peace officer may not be held criminally or civilly liable for making an arrest under this act if the peace officer acted in good faith and without malice.

New Section 17 requires the Office of the Governor to convene an implementation work group to develop processes and recommendations, as needed, to implement the act, which must hold its first meeting by July 1, 2024, and report to the Legislature and Governor's office by December 1, 2024. This work group is to include representatives from state law enforcement and is required to meet at least monthly. This section expires December 31, 2024.

New Section 18 states the act takes effect July 1, 2025, except for section 17, which takes effect May 1, 2024.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

NONE

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The proposed legislation would require training to be developed and given to our commissioned officers and cadets, as well as policy updates regarding tribal warrants. We estimate that it would take 40 hours to research, develop, and review new training and policies. We also estimate that it would take five academy staff about 22 total hours to deliver the training to all commissioned officers and cadets. Each person receiving the training would need an estimated 15 minutes to complete it. We also expect it would take 2 hours of administrative time to verify compliance with training requirements and 2 hours of commander time to communicate compliance requirements and provide oversight of completion. We are authorized 1,125 employees who would need the training, bringing the total amount of hours needed to receive the training to about 281 hours. The total estimated cost to research, develop, review, give, and receive the training required from this proposed legislation is \$34,883.

We assume we would have members of the WSP as representatives from state law enforcement on the implementation work group. We expect that 2 WSP captains would attend these meetings. Assuming the meetings were held virtually for 2 hours each month for 6 months, we estimate the costs would be \$3,722.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 33.41 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2022 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of Washington State Patrol (WSP) organizations funded by two or more sources to ensure a consistent and fair use of state resources.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	3,722	3,722	0	0
081-1	State Patrol Highway Account	State	0	34,883	34,883	0	0
Total \$			0	38,605	38,605	0	0

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages		21,676	21,676		
B-Employee Benefits		7,261	7,261		
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs		9,668	9,668		
<b>Total \$</b>	0	38,605	38,605	0	0

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 227-Criminal Justice Training Commission
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Brian Elliott	<b>Phone:</b> 206-835-7337	<b>Date:</b> 02/21/2024
<b>Agency Approval:</b> Brian Elliott	<b>Phone:</b> 206-835-7337	<b>Date:</b> 02/21/2024
<b>OFM Review:</b> Danya Clevenger	<b>Phone:</b> (360) 688-6413	<b>Date:</b> 02/26/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This bill has no fiscal impact on the Criminal Justice Training Commission.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

There is no cash receipt impact.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

There is no expenditure impact.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Cassi Postma	<b>Phone:</b> 3609999999	<b>Date:</b> 02/22/2024
<b>Agency Approval:</b> Dan Winkley	<b>Phone:</b> 360-902-8236	<b>Date:</b> 02/22/2024
<b>OFM Review:</b> Arnel Blancas	<b>Phone:</b> (360) 000-0000	<b>Date:</b> 02/22/2024



Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

There is no fiscal impact to Department of Social and Health Services (DSHS). This bill creates a process for state law enforcement officers and places of detention to deliver fugitives to requesting tribes and creates a process for state law enforcement officers to enforce tribal arrest warrants. DSHS does not have peace officers or arrest capabilities and therefore the provisions of this bill do not apply.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

☐

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.0	0.5	1.0	1.0
<b>Account</b>					
General Fund-State 001-1	0	108,000	108,000	194,000	194,000
<b>Total \$</b>	0	108,000	108,000	194,000	194,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

☒

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☐

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Michelle Rusk	Phone: 360-786-7153	Date: 02/21/2024
Agency Preparation: Jaysanna Wang	Phone: (360) 725-8428	Date: 02/27/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/27/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/27/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The newest version, S SB 6146-S AMH CSJR H3316.1, differs from the previous version, Substitute Senate Bill (SSB) 6146, by the following:

Section 2(2) is amended to define “Certified tribe” as a federally recognized tribe within the borders of Washington that:

- a) may impose a term of imprisonment greater than one year and/or a fine greater than \$5,000
- b) and has agreed not to conceal or shelter offenders against the laws of Washington.

Section 13 is added to state that tribal warrants under this act are not required to be given prioritization above other warrants.

The following impacts from the SSB 6146 remain unchanged in this newest version:

Senate Bill 6146 is an ACT that creates a new chapter to Title 10 RCW and creates a process for places of detention to deliver fugitives to requesting Tribes.

Section 1 describes the intent of this bill.

Section 2 provides definitions of noncertified tribe, certified tribe, peace officer, place of detention, tribal court judge, tribal fugitive, and tribal police officer that apply throughout the bill.

Section 2(1) defines “Noncertified tribe” as a federally recognized tribe withing Washington that has not received approval to exercise jurisdiction under the tribal law and order act of 2010, section 234, codified at 25 U.S.C. Sec. 1302 or has not been certified by the tribal state court consortium as meeting the requirements of the tribal law and order act.

Section 2(3) defines “Peace officer” has the same meaning as in RCW 10.93.020(4).

Section 2(4) defines “Place of detention” as a jail as defined in RCW 70.48.020, a correctional facility as defined in RCW 72.09.015, and any similar facility contracted by a city or county.

Section 2(5) defines "Tribal court judge" includes every judicial officer authorized alone or with others, to hold or preside over the criminal court of a certified tribe or noncertified tribe.

Section 2(6) defines "Tribal fugitive" or "fugitive" means any person who is subject to tribal court criminal jurisdiction, committed an alleged crime under the tribal code, and thereafter fled tribal jurisdiction, including by escaping or evading confinement, breaking the terms of their probation, bail, or parole, or absenting themselves from the jurisdiction of the tribal court.

Section 2(7) defines "Tribal police officer" has the same meaning as in RCW 10.92.010.

Section 4 requires places of detention, such as the Department of Corrections (DOC) to provide notice to the tribal law enforcement of the noncertified tribe as soon as practicable upon learning a tribal fugitive is detained. The notice shall provide the reason for detention and the anticipated date of release, if known.

Section 5 states that a noncertified tribe may demand the extradition of the tribal fugitive from a place of detention such as DOC by submitting a written demand that alleges the person sought is a tribal fugitive and the tribal court has jurisdiction. The demand must also be accompanied by

either a copy of the charging document, a copy of the arrest warrant and supporting affidavit, or a copy of the judgement and sentence.

Section 6 states that extradition of a tribal court request shall be put on hold until the tribal fugitive's release from a place of detention, such as DOC, unless otherwise agreed upon, if a criminal prosecution has made against a tribal fugitive under the laws of this state or any political subdivision and is still pending.

Section 7(6) states that if the judge determines the requirements have been met, and the underlying documentation is in order, the judge must issue an order for surrender to the tribe. If the tribe does not take custody of the person on the date the person is scheduled to be released, or within 48 hours, whichever is later, the person may be released from custody with bail conditioned on the person's appearance before the court at a time specified for the person to surrender to the tribe.

Section 8 is a new section that states that a place of detention, such as DOC, must deliver or make available a tribal fugitive within the place of detention without a judicial order of surrender only if:

- Section 8(1): the person is alleged to have broken the terms of the person's probation, parole, bail, or any other release of tribe; and
- Section 8(2): the place of detention has received from the tribe an authenticated copy of prior waiver of extradition signed by the person as a term of their probation, parole, bail, or any other release of the tribe.

Section 11(2) states that a place of detention, such as DOC, shall allow a certified tribe to place a detainer on an inmate based on a tribal warrant and defines the term detainer.

Sections 15 and 16 state that this chapter will be added to Title 10 RCW and may be known and cited as the "tribal warrants act".

Effective date is July 1, 2025, except the implementation workgroup which goes into effect May 1, 2024.

## **II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The fiscal impact of this bill is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY).

The updated bill language from SSB 6146 to S SB 6146-S AMH CSJR H3316.1 does not change the previous fiscal impact assumptions to DOC.

This bill requires DOC to provide notice of detention and potentially surrendering tribal fugitives, given criteria are met that are outlined in this bill. This will require staff time for notice of detention, service of notice of warrant/detainer, and staff time to coordinate with tribes for the transfer of custody.

Records Impacts:

The DOC requests 1.0 FTE Administrative Assistant 3 to develop and manage a new process for records staff to follow,

monitor, and track tribal warrants. This position would be required to collaborate with tribal law enforcement for the pickup of the individual at time of release and troubleshoot and resolve implementation challenges. Initial estimates suggest a total of 1.0 FTE and \$93,000 would be needed for FY2025 and 1.0 FTE and \$86,000 for FY2026 and each year thereafter.

The DOC is unsure of what may be the full impacts of this bill, so will “true up” the fiscal impact in subsequent budget submittals utilizing the legislatively approved community corrections caseload workload model should the legislation be enacted into session law.

- 1.0 FTE Administrative Assistant 3 (AA3) - This position would provide data to agency leaders on the number of impacted individuals, feedback on the process, and outcomes of warrants/detainers.

Information Technology (IT) Impacts:

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity of completing the development, testing, and implementation of the statutory changes, contracted services are necessary in FY 2025.

To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$185 per hour x 10 hours = \$1,850  
IT Quality Assurance| \$185 per hour x 8 hours = \$1,480  
IT Business Analyst| \$185 per hour x 8 hours = \$1,480  
Total One-Time Costs in FY 2024 \$5,000 (rounded to nearest thousand)

Indirect Costs:

The DOC requests funding for the indirect costs of agency administration, which includes 0.1 FTEs and \$10,000 in FY2025, and each year thereafter, for the purpose of supporting Payroll, Human Resources, Information Technology, and other expenses associated with the hiring and employment of staff to implement this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

AGO Cost Impacts:

It is unknown how many of these tribal fugitive proceedings might occur annually, therefore, the impact is indeterminate.

Agency Wide Impact:

The DOC estimates the following fiscal impact related to Records, IT, and Indirect Costs:

FY2025: 1.1 FTEs and \$108,000  
FY2026: 1.1 FTEs and \$97,000  
FY2027: 1.1 FTEs and \$97,000  
FY2028: 1.1 FTEs and \$97,000  
FY2029: 1.1 FTEs and \$97,000

Note: the above amounts are rounded to the nearest thousands.

The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	108,000	108,000	194,000	194,000
Total \$			0	108,000	108,000	194,000	194,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.0	0.5	1.0	1.0
A-Salaries and Wages		54,000	54,000	108,000	108,000
B-Employee Benefits		23,000	23,000	46,000	46,000
C-Professional Service Contracts		5,000	5,000		
E-Goods and Other Services		7,000	7,000	14,000	14,000
G-Travel		1,000	1,000	2,000	2,000
J-Capital Outlays		7,000	7,000	2,000	2,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		11,000	11,000	22,000	22,000
9-					
<b>Total \$</b>	0	108,000	108,000	194,000	194,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 3	54,133		1.0	0.5	1.0	1.0
<b>Total FTEs</b>			1.0	0.5	1.0	1.0

### III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration & Support Svcs (100)		15,000	15,000	22,000	22,000
Community Supervision (300)		90,000	90,000	166,000	91,300
Interagency Payments (600)		3,000	3,000	6,000	6,000
<b>Total \$</b>		108,000	108,000	194,000	119,300

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 360-University of Washington
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Michael Lantz	<b>Phone:</b> 2065437466	<b>Date:</b> 02/23/2024
<b>Agency Approval:</b> Michael Lantz	<b>Phone:</b> 2065437466	<b>Date:</b> 02/23/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/23/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The amendment to Substitute Senate Bill 6146 (6146-S AMH CSJR H3316.1) concerns the authority of Washington’s 29 federally recognized Indian tribes to issue criminal arrest warrants. It sets procedures for both “certified” and “non-certified” tribes and specifies how non-tribal government entities must respond to warrants issued by tribes. Compared with the substitute, the amendment:

- Requires the Office of the Governor to convene an implementation work group to develop processes and recommendations, as needed, to implement the act, which must hold its first meeting by July 1, 2024, and report to the Legislature and Governor's office by December 1, 2024.
- Modifies the act's effective date to July 1, 2025, except that the implementation work group goes into effect May 1, 2024, and expires December 31, 2024.
- Provides specified immunities for law enforcement officers and their legal advisors, prosecuting attorneys, and the Attorney General's Office.
- States that a tribal warrant is not required to be given prioritization over other warrants.
- Modifies the definition of "certified tribe" and the process for evidencing certification with the Attorney General's Office.

Any fiscal impact to the University of Washington Police Department (UWPD) from the amendment are expected to be minimal. UWPD estimates that approximately 10 hours of work time will be needed to make required policy revisions and to train commissioned personnel. These costs can be absorbed using existing resources.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## Part V: New Rule Making Required

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 365-Washington State University
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Anne-Lise Brooks	<b>Phone:</b> 509-335-8815	<b>Date:</b> 02/26/2024
<b>Agency Approval:</b> Chris Jones	<b>Phone:</b> 509-335-9682	<b>Date:</b> 02/26/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/27/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

6146 SSB 6146-S AMH CSJR H3316.1 expands cross jurisdictional cooperation so fugitives from tribal courts cannot evade justice by remaining off reservation in Washington's counties and cities, while ensuring that defendants receive the fullest due process protections.

Washington State University does not expect any fiscal impact on its public safety operations due to this bill.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 370-Eastern Washington University
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Keith Tyler	<b>Phone:</b> 509 359-2480	<b>Date:</b> 02/26/2024
<b>Agency Approval:</b> Tammy Felicijan	<b>Phone:</b> (509) 359-7364	<b>Date:</b> 02/26/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/27/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This bill seeks to create uniform processes by which the state can reciprocate with American Indian tribes within Washington the return of individuals who violate tribal law and seek to avoid tribal justice systems by leaving tribal jurisdiction.

Changes to the current bill include the following:

- Clarifies definition of “certified tribe”
- Clarifies process for tribes to certify with AGO
- Requires governor to convene work group to track effects of this act and provide recommendations
- Prevents civil/criminal liability for officers and their legal advisors

These changes have minimal impact to EWU and as such we are submitting the same fiscal note as previously with no fiscal impact.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE



#### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

### **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 375-Central Washington University
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Alexa Orcutt	<b>Phone:</b> 5099632955	<b>Date:</b> 02/23/2024
<b>Agency Approval:</b> Lisa Plesha	<b>Phone:</b> (509) 963-1233	<b>Date:</b> 02/23/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/23/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Summary of changes from 6146 SSB to 6146 SSB 6146-S AMH CSJR:

6146 S SB AMH CSJR H3316.1 modifies the definition of “certified tribe” and the certification process, in addition to inserting more sections. It states a tribal arrest warrant under this act isn’t required to be given prioritization above other warrants. Also, provides specified immunities for law enforcement officers and their legal advisors.

The proposed legislation would require the Office of the Governor to implement a workgroup.

CWU does not estimate any fiscal impact based on the language of this proposed bill.

Summary of changes from 6146 to 6146 SSB:

6146 SSB is the proposed substitute for 6146 SB. 6146 SSB removes paragraph two from section 1 and in section 2(2) removes verbiage and inserts “and has otherwise posted confirmation to the tribal government's public website documenting the tribe has met the requirements of the tribal law and order act as certified by the AGO”. 6146 SSB adds a new section to note the AGO will verify the certification of the tribe, resulting in the other sections moving down in number and adjustment to section references. 6146 SB section 8(2) and 10(1) are expanded in 6146 SSB.

Please see the original summary of 6146 SB below:

Section 1, 3-11: Intent of the legislature to create uniform processes and communications by which the state may consistently reciprocate with tribes the return of those who violate tribal law and are seeking to avoid tribal justice systems by leaving tribal jurisdiction. Also, describes protections for individuals alleged to have violated criminal laws. Complying with warrants and judicial processes.

Section 2: Defines: (1) Noncertified tribe” (2) “Certified tribe” (3) "Peace officer" (4) "Place of detention" (5) "Tribal court judge" (6) "Tribal fugitive" or "fugitive" (7) "Tribal police officer".

Section 12: New: Chapter may be known as “tribal warrants act”.

Section 13: New: Sections 1-12 of this act constitute a new chapter in Title 10 RCW.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

**III. B - Expenditures by Object Or Purpose**

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Daniel Ralph	<b>Phone:</b> 360-867-6500	<b>Date:</b> 02/22/2024
<b>Agency Approval:</b> Lisa Dawn-Fisher	<b>Phone:</b> 564-233-1577	<b>Date:</b> 02/22/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/22/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

S SB 6146S relates to expanding cross jurisdictional cooperation so that fugitives from tribal courts cannot evade justice by remaining off reservation in Washington cities and counties.

Section 11(1) states that a Washington state peace officer who arrests a person pursuant to the arrest warrant of a certified tribe, if no other grounds for detention exist under state law, shall, as soon as practical after detaining the person, and in accordance with standard practices, contact the tribal law enforcement agency that issued the warrant to establish the warrant's validity.

Section 13 states that a tribal arrest warrant under this act does not have to be prioritized over other warrants.

Section 14(1) states that a police officer may not be held liable for making an arrest under this act if the officer acted in good faith and without malice.

Section 18 states that this act, with the exception of the creation of a work group by the Governor’s Office, will take effect on July 1, 2025.

The revisions to S SB 6146 do not change the college’s assessment that this is a no fiscal impact bill for The Evergreen State College.

\*\*\*\*\*

S SB 6146 relates to tribal warrants.

Section 11 states that a police officer who arrests a person on a tribal warrant, if no other grounds for detention exist, will contact the tribal law enforcement agency to establish the validity of the warrant.

The revisions to S SB 6146 do not change the college’s assessment that this is a no fiscal impact bill for The Evergreen State College.

SB 6242

\*\*\*\*\*

SB 6146 relates to expanding cross jurisdictional cooperation so that fugitives from tribal courts cannot evade justice by remaining off reservation in Washington Cities and Counties.

Section 1 states that the intention of the bill is expand cross-jurisdictional cooperation so that fugitives from tribal courts cannot evade justice by staying off reservation, while ensuring that defendants receive the fullest possible due process protection.

Section 2 defines “noncertified tribe,” certified tribe,” “peace officer,” “place of detention,” “tribal court judge,” tribal fugitive,” and “tribal police officer.”

Section 9(1) states that a peace officer may arrest a person subject to a tribal arrest warrant. The person must be brought to an appropriate place of detention and then to the nearest available superior court judge without unnecessary delay.

Section 10(1) states that an arrest warrant issued by the court of a certified tribe shall be enforced by the peace officers of

the state as if it were the arrest warrant of the state.

This bill creates no new expenses for the Evergreen State College since the procedures to be followed are the same as that for other individuals with arrest warrants.

**II. B - Cash receipts Impact**

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

**II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

NONE

**III. B - Expenditures by Object Or Purpose**

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 380-Western Washington University
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Timothy Davenport	<b>Phone:</b> 3606503257	<b>Date:</b> 02/26/2024
<b>Agency Approval:</b> Anna Hurst	<b>Phone:</b> 360-650-3569	<b>Date:</b> 02/26/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/26/2024



Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The original bill creates a process for state law enforcement officers and places of detention to deliver detainees to requesting Native American tribes. The bill also creates a process for state law enforcement officers to enforce tribal arrest warrants.

The first substitute bill:

- Clarifies that a tribe meets the definition of certified tribe when the tribe has posted to its public website confirmation that it meets the requirements of the tribal law and order act, as verified by the Office of Attorney General.
- Requires the Office of Attorney General, rather than the tribal state court consortium, to verify tribes meet the tribal law and order act requirements.
- Permits only tribal court representatives who are either certified Washington peace officers or who have been cross-deputized to transport tribal detainees back to tribal lands.

This amendment:

Delays the effective date and creates an implementation workgroup which must report to the Legislature and Gov. Office by 12/1/24. It further specifies immunities for law enforcement officers and others, states that tribal warrants are not required to be given priority above other warrants, and it clarifies the definition of “certified tribe”.

Fiscal Impact Analysis:

We previously indicated “no fiscal impact” on the original and first substitute bill. This amendment does not modify our fiscal impact analysis.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*  
NONE

**III. D - Expenditures By Program (optional)**  
NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**  
NONE

**IV. B - Expenditures by Object Or Purpose**  
NONE

**IV. C - Capital Budget Breakout**  
*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*  
NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*  
NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 465-State Parks and Recreation Commission
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Robert Ingram	<b>Phone:</b> (360) 902-8615	<b>Date:</b> 02/21/2024
<b>Agency Approval:</b> Frank Gillis	<b>Phone:</b> (360) 902-8538	<b>Date:</b> 02/21/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 02/21/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Since State Parks does not operate any detention facilities, this second substitute bill would have no fiscal impact on the agency.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Since State Parks does not operate any detention facilities, this second substitute bill would have no fiscal impact on the agency.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> David Hoeveler	<b>Phone:</b> (360) 970-1638	<b>Date:</b> 02/23/2024
<b>Agency Approval:</b> David Hoeveler	<b>Phone:</b> (360) 970-1638	<b>Date:</b> 02/23/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 02/23/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Differences between 6146-SB and 6146-SSB:  
New Section 3 has added a requirement for the Office of the Attorney General (AGO) to verify the certification of a tribe.

New Description:  
Section 1 creates a uniform process by which the state may consistently reciprocate with tribes the return of those individuals who violate tribal law and seek to avoid tribal justice systems by leaving tribal jurisdiction and reaffirms the right to due process.

Section 3 the AGO will verify that the tribe meets the requirement of the tribal law and order act of 2010.

Section 10 allows an officer to arrest and detain a person subject to tribal warrants.

Section 12 requires WA peace officers to contact tribal law enforcement if detaining person with tribal warrant.

WDFW Enforcement Officers will need to be briefed on the general procedures for effecting an arrest of a subject based on a tribal arrest warrant in an off-reservation situation along with processes for transferring the individual in custody to the appropriate detention facility. Updating this procedure will not have a fiscal impact.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

<b>Legislative Contact:</b> Michelle Rusk	<b>Phone:</b> 360-786-7153	<b>Date:</b> 02/21/2024
<b>Agency Preparation:</b> Ana Cruz	<b>Phone:</b> 3609021121	<b>Date:</b> 02/23/2024
<b>Agency Approval:</b> Angela Konen	<b>Phone:</b> 360-902-2165	<b>Date:</b> 02/23/2024
<b>OFM Review:</b> Lisa Borkowski	<b>Phone:</b> (360) 742-2239	<b>Date:</b> 02/25/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

No fiscal impact to the Department of Natural Resources (DNR). This version of the bill adds new sections 15-18, citing "tribal warrants act" as a new chapter in Title 10 RCW with effective date of July 1, 2025, and describes convening a work group with the effective date of May 1, 2024.

This bill, if passed, will clarify rules by which tribal warrants are processed. This does not impact the normal operations of DNR law enforcement officers. This law clarifies procedures for the processing of tribal warrants to include with the courts and jails where the warrants are held.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 6146 S SB 6146-S AMH CSJR H3316.1	<b>Title:</b> Tribal warrants
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## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities: Approximately \$239,547 to provide training to local law enforcement and corrections officers; indeterminate expenditure impact resulting from increased arrests, detentions; indeterminate work group costs
- ☒ Counties: Approximately \$126,559 to provide training to local law enforcement and corrections officers; indeterminate expenditure impact resulting from increased arrests, detentions; indeterminate expenditure impacts to prosecutors as a result of responding to tribal extradition requests; indeterminate work group costs
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☐ No fiscal impacts.
- ☒ Expenditures represent one-time costs: Approximately \$366,106 to provide training to local law enforcement and corrections office
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Additional arrests and detentions that may occur in response to tribal warrants, number of tribal extradition requests prosecutors may be required to respond to and number of associated hearings; amount of local government staff time needed to participate in work group and associated costs

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City				239,547	
County				126,559	
<b>TOTAL \$</b>				366,106	
<b>GRAND TOTAL \$</b>	<b>366,106</b>				

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/27/2024
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 02/21/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/27/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/28/2024

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

This fiscal note analyzes the local impact of SSB 6146 AMH CSJR H3316.1, comparing it to the impact of SSB 6146.

#### **CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

Section 2 of the proposed substitute would change the definitions of certified tribes.

Section 13 would specify that a tribal arrest warrant would not be required to be given prioritization over other warrants.

Section 14 would specify that a peace officer or their legal advisor may not be held liable for making an arrest under the provisions of the proposed legislation if they acted in good faith and without malice, and would specify that the proposed legislation is not intended to limit, abrogate or modify existing immunities for prosecuting attorneys for good faith conduct consistent with statutory duties.

Section 17 would require the Office of the Governor to convene an implementation work group to develop processes and recommendations as needed to ensure the successful implementation of the proposed legislation. The work group would be required to include representatives of state and tribal law enforcement, court judges, prosecuting and defense attorneys, and tribal leadership and local government leaders, among other members. The work group would be required to begin its work by July 1, 2024, meet at least monthly, and submit a report with a summary of its work by December 1, 2024.

Section 18 specifies that, except for section 17, the proposed legislation would take effect on July 1, 2025. Section 17 would take effect May 1, 2024.

#### **SUMMARY OF CURRENT BILL:**

Sections 1 through 15 of the proposed legislation would constitute a new chapter in Title 10 RCW known as the Tribal Warrants Act.

Section 2 would provide definitions for the Tribal Warrants Act.

A noncertified tribe would be defined as a federally recognized tribe located within the borders of the state of Washington that is requesting that a tribal fugitive be surrendered, but has not received approval to exercise jurisdiction under the Tribal Law and Order Act of 2010, among other conditions. A certified tribe would be defined as a federally recognized tribe located within the borders of the state of Washington that may impose a term of imprisonment of greater than one year, a fine of \$5000 or greater, or both, pursuant to the Tribal Law and Order Act, among other conditions.

A place of detention would be defined as a jail, a correctional facility, and any similar facility contracted by a city or county.

Section 3 would add a new section requiring that the Office of the Attorney General must verify tribal certification, and that certified tribes meet specified requirements. Tribes would be required to provide documentation certifying they meet the requirements of section 2.

Section 4 would require that a place of detention provide notice to the tribal law enforcement of a noncertified tribe who issued an arrest warrant for a tribal fugitive as soon as practicable after learning that the tribal fugitive is a prisoner in the place of detention, including the reason for the detention and the anticipated date of release, if known.

Section 5 would require that an extradition demand from a noncertified tribe be recognized if in writing, it alleges that the person is a tribal fugitive, the tribal court has jurisdiction, and is accompanied by certain specified documentation.

Section 6 would require that in cases where a criminal prosecution has been instituted against a tribal fugitive and is still pending, extradition on a tribal court request under sections 4 through 10 of this act be placed on hold until the tribal fugitive's release from a place of detention, unless otherwise agreed upon.

Section 7 would require that in response to a noncertified tribal extradition request, the attorney general or prosecuting attorney shall submit the applicable documents accompanying the request to a superior court judge along with a motion for an order of surrender.

A person served with an order of surrender would be required to be taken before a superior court judge the next judicial day, and could, in the presence of any superior court judge, sign a statement that they consent to their return to the noncertified tribe, or request a hearing to test the legality of the extradition request. If during such a hearing, the superior court judge determines certain requirements have been met, they would be required to issue an order of surrender.

If the noncertified tribe does not take custody of the person pursuant to the order of surrender on the date the person is scheduled to be released from the place of detention or within 48 hours of the entry of the order of surrender, whichever is later, the person may be released from custody with bail conditioned on the person's appearance before the court at a time specified for their surrender to the noncertified tribe or for the vacation of the order of surrender.

Section 8 would require that under certain conditions, a place of detention shall deliver or make available a person in custody to a noncertified tribe without a judicial order of surrender.

Section 9 would require that a noncertified tribe that requests extradition pursuant to this act is responsible to arrange the transportation for the tribal fugitive from the place of detention to the tribal court or detention facility. In order to be able to transport a tribal fugitive within the state of Washington pursuant to an order of surrender, a tribal court representative would be required to be certified as a general authority Washington peace officer, or be cross-deputized pursuant to chapter 10.93 RCW.

Section 10 would specify that a peace officer may arrest a person subject to a tribal arrest warrant from a noncertified tribe when the warrant is presented by a tribal court representative or tribal law enforcement officer to the peace officer or a general authority Washington law enforcement agency, or entered in the National Crime Information Center Interstate Identification Index.

Section 11 would specify that any arrest warrant issued by the court of a certified tribe shall be accorded full faith and credit by the courts of the state of Washington and enforced by the court and peace officers of the state as if it were the arrest warrant of the state. If no other grounds exist for detention, a Washington peace officer who arrests a person pursuant to an arrest warrant from a certified tribe would be required to contact the tribal law enforcement agency that issued the warrant to establish its validity.

This section would also require that places of detention allow a certified tribe to place a detainer on an incarcerated person, which would constitute a request to hold the person for the certified tribe, and provide notification when their release is imminent so that person can be transferred to tribal custody.

Section 13 would specify that a tribal arrest warrant would not be required to be given prioritization over other warrants.

Section 14 would specify that a peace officer or their legal advisor may not be held liable for making an arrest under the provisions of the proposed legislation if they acted in good faith and without malice, and would specify that the proposed legislation is not intended to limit, abrogate or modify existing immunities for prosecuting attorneys for good faith conduct consistent with statutory duties.

Section 17 would require the Office of the Governor to convene an implementation work group to develop processes and recommendations as needed to ensure the successful implementation of the proposed legislation. The work group would be required to include representatives of state and tribal law enforcement, court judges, prosecuting and defense attorneys, and tribal leadership and local government leaders, among other members. The work group would be required to begin its work by July 1, 2024, meet at least monthly, and submit a report with a summary of its work by December 1, 2024.

Section 18 specifies that, except for section 17, the proposed legislation would take effect on July 1, 2025. Section 17 would take effect May 1, 2024.

## **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

### **CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

Section 17 of the proposed legislation would require the Office of the Governor to convene an implementation work group to develop processes and recommendations as needed to ensure the successful implementation of the proposed legislation. The work group would be required to include representatives of state and tribal law enforcement, court judges, prosecuting and defense attorneys, and tribal leadership and local government leaders, among other members. Participation from local law enforcement representatives, court judges, prosecuting and defense attorneys, and local government leaders could require local government expenditures.

It is unknown, however, how much local government staff time this work group may require, and whether this time could be accommodated within existing resources, or whether it would require additional local government expenditures. Accordingly, the local government expenditure impact of section 17 is indeterminate.

The work group would be required to meet at least monthly, convene its first meeting by July 1, 2024, and deliver a report summarizing its work by December 1, 2024. Accordingly, the work group would be required to meet a minimum of five times.

Section 18 would specify that except for section 17, the proposed legislation would take effect July 1, 2025. Accordingly, the \$366,106 in local law enforcement training costs that the bill would require would be incurred in fiscal year 2026, while under the provisions of the substitute bill, these costs would have been incurred in fiscal year 2025.

### **EXPENDITURE IMPACT OF CURRENT BILL:**

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers and commissioned corrections personnel would need to go through training regarding the tribal extradition and warrant processes this bill would create. WASPC estimates that approximately 30 minutes of training would be required per law enforcement and commissioned corrections officer. This training would require a one-time cost of \$239,547 for cities and \$126,559 for counties, for a total one-time cost to local governments of \$366,106.

The 2022 Crime in Washington Report conducted by WASPC states that there are 6,647 commissioned officers in police departments and 2,249 commissioned officers in sheriff's departments, for a total of 8,896 commissioned law enforcement employees that would require training. The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$71, and the same figure for an officer employed by a county to be \$72. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,647 officers X 0.5 hours training time X \$71 average hourly salary plus benefits and overhead = \$235,969

Counties:

2,249 officers X 0.5 hours training time X \$72 average hourly salary plus benefits and overhead = \$80,964

The 2023 Association of Washington Cities Salary and Benefits Survey reported 135 commissioned corrections personnel employed by cities, and 1,861 such personnel employed by counties, for a total of 1,996 commissioned corrections personnel that would require training. The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for a commissioned corrections officer employed by a city to be \$53, and the same figure for an officer employed by a county to be \$49. If every commissioned city and county corrections officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

135 corrections personnel X 0.5 hours training time X \$53 average hourly salary plus benefits and overhead = \$3,578

Counties:

1,861 corrections personnel X 0.5 hours training time X \$49 average hourly salary plus benefits and overhead = \$45,595

The total costs to provide 30 minutes of training to all city and county law enforcement and commissioned corrections personnel would be:

City total:

\$235,969 law enforcement training cost + \$3,578 corrections training cost = \$239,547

County total:

\$80,964 law enforcement training cost + \$45,595 corrections training cost = \$126,559

Combined total:

\$239,547 + \$126,559 = \$366,106

Training materials and time required may differ among different jurisdictions, however.

Additionally, WASPC indicates that if there were an increase in arrests or detentions in response to tribal warrants, local governments would incur additional costs. It is unknown, however, how many additional arrests or detentions may result from the tribal warrant provisions of the proposed legislation, so the associated local government expenditure impact is indeterminate.

The creation of an extradition process for noncertified tribes by the proposed legislation would have an indeterminate expenditure impact on prosecutors. According to the Washington Association of Prosecuting Attorneys, non-tribal extradition hearings like those that section 6 of the proposed legislation would create require approximately 30 minutes to one hour of time from a prosecuting attorney and a staff member for preparation, and approximately five to 30 minutes of prosecuting attorney time for a hearing. Subsequent hearings require additional prosecuting attorney time.

However, it is unknown how many tribal extradition requests prosecuting attorneys may be required to respond to, or how much time and how many subsequent hearings each request may require, so the associated local government expenditure impact is indeterminate.

Section 17 of the proposed legislation would require the Office of the Governor to convene an implementation work group to develop processes and recommendations as needed to ensure the successful implementation of the proposed legislation. The work group would be required to include representatives of state and tribal law enforcement, court judges,



prosecuting and defense attorneys, and tribal leadership and local government leaders, among other members. Participation from local law enforcement representatives, court judges, prosecuting and defense attorneys, and local government leaders could require local government expenditures.

It is unknown, however, how much local government staff time this work group may require, and whether this time could be accommodated within existing resources, or whether it would require additional local government expenditures. Accordingly, the local government expenditure impact of section 17 is indeterminate.

The work group would be required to meet at least monthly, convene its first meeting by July 1, 2024, and deliver a report summarizing its work by December 1, 2024. Accordingly, the work group would be required to meet a minimum of five times.

## **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The proposed legislation would have no impact on local government revenues.

### **SOURCES:**

Association of Washington Cities Salary and Benefits Survey, 2023

Crime in Washington Report, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Washington Association of Prosecuting Attorneys

Washington Association of Sheriffs and Police Chiefs