

HOUSE BILL REPORT

ESHB 2819

As Passed House:
February 16, 1998

Title: An act relating to vehicle use on department of fish and wildlife lands.

Brief Description: Requiring display of a vehicle use permit while using department of fish and wildlife improved access facilities.

Sponsors: By House Committee on Natural Resources (H) (originally sponsored by Representatives Buck, Regala and Chandler; by request of Department of Fish and Wildlife).

Brief History:

Committee Activity:

Natural Resources: 1/28/98, 2/4/98 [DPS].

Floor Activity:

Passed House: 2/16/98, 94-4.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Buck, Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Eickmeyer and Hatfield.

Minority Report: Do not pass. Signed by 2 members: Representatives Sump, Vice Chairman; and Pennington.

Staff: Linda Byers (786-7129).

Background: The Department of Fish and Wildlife owns and manages property in the state, and the department also owns more than 600 improved access facilities. The access facilities are areas specifically created for vehicle parking; more than half of these have a boat launch or a boat ramp associated with the parking area. Under current law, a person 16 years of age or older who wishes to use Department of Fish and Wildlife lands or access facilities and who does not already have a hunting, fishing, trapping, or free license from the department must purchase a conservation license. A spouse, children under 18 years of age, and youth groups may use department lands and access facilities without possessing their own licenses if they are accompanied by a license

holder. A violation of this licensing requirement is a misdemeanor, punishable by a fine of \$500 or up to 90 days in county jail or both.

A conservation license costs \$10 per year. The department estimates that, for the period 1987 to 1996, an average of 902 licenses have been sold annually. License revenues are deposited in the wildlife fund.

Summary of Bill: A conservation license is no longer required for users of Department of Fish and Wildlife lands. Instead of a conservation license, all users of department improved access facilities with a motor vehicle must display a current annual fish and wildlife lands vehicle use permit on the motor vehicle. An improved access facility is a clearly identified area specifically created for motor vehicle parking and includes any boat ramp or boat launch associated with the parking area; the parking area at the Gorge Concert Center is expressly excluded. The permit is issued in the form of a decal, which must be displayed on the motor vehicle before entering and using the improved access facility. Failure to display the vehicle use permit is an infraction rather than a misdemeanor, and the penalty for the infraction is \$66.

Youth groups may use department improved access facilities without possessing a permit when accompanied by a permit holder.

One decal representing a vehicle use permit is issued at no charge with annual state hunting, trapping, and fishing licenses. The annual fee for a vehicle use permit purchased separately is \$10. A person to whom the department has issued a decal or who has purchased a decal separately may also purchase a decal for each additional vehicle the person owns at a cost of \$5 per decal upon showing of proof to the department that the person owns the additional vehicle or vehicles. Revenues from permit sales continue to be deposited in the wildlife fund but must be used solely for the stewardship and maintenance of the improved access facilities.

Substitute Bill Compared to Original Bill: The substitute bill specifies that the improved access facilities must be clearly identified, clarifies that the vehicles in question are motor vehicles, adds the trapping license to the list of licenses for which a person receives a free decal, adds the provision regarding youth groups, lowers the penalty for the infraction from \$100 to \$66, and delays the effective date until January 1, 1999.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on January 1, 1999.

Testimony For: The department is managing 618 improved access facilities, 357 with boat launches. The facilities are costly to maintain, especially the boat launches. The

department is also being pulled into lake management districts as a lake property owner and in some cases is being charged much more than adjacent property owners in the district. There has been a change in the users of these facilities over time; now they are used mostly by non-fishers and non-hunters. The conservation license has not been successful with the license required on the person; basically this requirement has gone unenforced. The criminal penalty does not match the offense. The department's solution is to try to raise the money themselves from the people using the facilities who have been basically using them for free. Enforcement will be easier because it won't require direct contact with the person and will allow officers to avoid confrontational incidents.

Testimony Against: We've been trying to get the department to post their lands that the conservation license is required. The department has resisted doing so, and law enforcement has also been resistant to enforcement. A group working in one of the unimproved areas has been working on an education program about the conservation license. This bill removes the ability for some non-hunters to contribute to funding the wildlife programs. The department has not had a valid public process about this bill and provided opportunity for public comment. This is gutting the conservation license. None of the revenues from this will go toward what birders want to see on the lands. Revenues should be used for all fish and wildlife lands, not just improved access facilities. There needs to be a public process on how to fund operation and maintenance. The department should make the existing program work better. There are many recreational users of the lands who don't hunt or fish, and they should pay too.

Testified: Ed Manary and Elyse Kane, Department of Fish and Wildlife (both in favor); and Martha Jordon and Larry Schinke, private citizens (both opposed).