

# SENATE BILL REPORT

## SB 5234

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, February 24, 2005

**Title:** An act relating to hunting access.

**Brief Description:** Expanding hunter access to certain private lands.

**Sponsors:** Senators Jacobsen, Oke, Swecker, Doumit, Hargrove and Rasmussen.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 1/27/05, 2/24/05 [DPS].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Hargrove, Morton, Spanel and Swecker.

**Staff:** Curt Gavigan (786-7437)

**Background:** The Department of Fish and Wildlife has the authority, under RCW 77.12, to enter into agreements with individuals and public and private entities regarding fish, shellfish, and wildlife-oriented recreation and the propagation, protection, conservation, and control of fish and wildlife. More specifically, the Department may enter into agreements with the owners or lessees of real or personal property to provide for the use of such property for fish, shellfish, and wildlife-oriented recreation.

The recreation use immunity statute, RCW 4.24.210, protects landowners or those in lawful possession of land from liability where: no fee is charged for the recreational use of land; land is used for a fish and wildlife cooperative project; or access to land is provided for the cleanup of litter or solid waste.

**Summary of Substitute Bill:** The Department may furnish money, material, or labor pursuant to agreements with landowners or lessees for the use of property for fish, shellfish, and wildlife-oriented recreation where such agreements provide for public access to the real property.

Landowners or others in lawful possession and control of land who contract with the state to provide fish and wildlife-related recreational access are not liable for unintentional injuries to land users.

A surcharge of five dollars to residents and twenty-five dollars to nonresidents is applied to big game licenses and small game licenses that are not purchased with a big game license. A surcharge of five dollars applies to the three-day nonresident small game license. All revenue from these surcharges is deposited in a separate account within the state wildlife fund and may

be used only for the management and implementation of wildlife recreation access and habitat enhancement agreements. The administrative costs charged to this program may not exceed ten percent of its annual expenditures.

**Substitute Bill Compared to Original Bill:** The substitute bill mandates that money, material, or labor may only be provided by the Department where the landowner or lessee agrees to provide public access to real property. Such agreements terminate upon the sale of the real property. The Department may only enter into agreements with lessees where the owner of the real property consents in writing. Additionally, revenues from the hunting license surcharge are deposited in a separate account within the wildlife fund.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Allowing the Department to provide funds under agreements with owners for access to land will create more hunting access, allow land owners to better maintain their publicly accessible properties, and protect land owners from liability.

**Testimony Against:** None.

**Who Testified:** PRO: Martin Keilwitz, Western Washington Wildlife Council; Eric Torrison, Pheasants Forever; Ed Owens, Hunters Heritage Council; Steve Pozzanghera, Department of Fish and Wildlife; Angela Stringer, Game Management Advisory Council and The Campbell Group; Fred Zitterkopf, Inland NW Wildlife Council; Dave Ware, Department of Fish and Wildlife.