

SENATE BILL REPORT

SB 6237

As of February 1, 2010

Title: An act relating to implementing certain recommendations of the sustainable recreation work group.

Brief Description: Adopting policy recommendations developed by the sustainable recreation work group.

Sponsors: Senators Jacobsen and Swecker; by request of Commissioner of Public Lands.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/14/10, 1/18/10 [DPS-WM, w/oRec].

Ways & Means: 1/26/10.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6237 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser, Hatfield and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senators Morton, Ranking Minority Member; Stevens.

Staff: Sherry McNamara (786-7402)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Maria Hovde (786-7710)

Background: The Department of Natural Resources (DNR) provides recreation and public access opportunities such as hiking, hunting, fishing, camping, bird watching, and sightseeing on 2.2 million acres of state trust land. DNR currently manages trails, campgrounds, day-use facilities, picnic areas, boat launches, interpretive areas, and trail head facilities. Current law requires recreation and public access on state trust lands to be compatible with the primary purpose of these lands, which is to provide support for school construction and other public institutions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2008 the Legislature directed DNR to establish a work group to make recommendations regarding recreation on lands managed by DNR. The final report was submitted in December 2009 and provides funding and access recommendations.

The stated purpose of the recreational immunity statute is to encourage landowners, or others in possession and control of land, to make their land accessible to the public for recreational purposes by limiting their tort liability. The statute generally provides protection from tort liability for landowners who allow public use of their lands and do not charge a fee. However, the following are not considered a fee for purposes of the statute: (1) a license or permit issued under the State Parks and Recreation Commission (SPRC) or the Fish and Wildlife statutes; and (2) a daily charge not to exceed \$20 for access to certain public off-road vehicle facilities.

Summary of Bill (Recommended Substitute): User Charge. DNR is authorized to assess use charges on individuals or groups accessing specific recreation sites or attending specific events located on public lands. The revenue collected through the use charge must be reinvested by DNR into the management of recreational opportunities at the site where the use charge was collected.

DNR is required to develop and adopt by rule a detailed structure for the setting and collection of the use charge. The use charge must generate more revenue than DNR expends in the collection of the charge.

In addition to the rule-making process, DNR is directed to initiate a public process to receive input on how DNR could implement waivers of the use charge for individuals who volunteer their time and how DNR could avoid excluding certain population segments from recreating on public lands.

Private Concessionaires. DNR is directed to conduct two private concessionaire pilot projects, one east and one west of the Cascade mountains, to understand how concessionaires could reduce costs and be compatible with the agency's recreational traditions and experiences. In structuring the pilots, DNR is required to maintain oversight and to determine the length of time for each pilot.

DNR is directed to prepare two reports to the Legislature on the pilots. The first progress report is due to the Legislature by November 22, 2011.

Multiagency Pass. The Department of Fish and Wildlife (DFW) and DNR are to explore the development and implementation of a multiagency pass. The multiagency pass would allow the holder to access any fee-based recreational lands managed by the agencies in lieu of paying a separate access fee.

The multiagency pass must:

- be integrated with other passes or site specific fees or charges;
- explore the inclusion of lands managed by the federal government;
- consider how funds can be collected and reinvested into recreational opportunities;
- include waivers or reduced charges for individuals who are active volunteers with the agencies; and

- consider methods that will avoid excluding segments of the population from recreating on public lands.

The agencies are required to submit the results of this collaboration to the Legislature by November 22, 2010, in the form of proposed legislation.

Recreational Immunity. DNR is allowed to charge user fees or require statewide access permits without losing liability protection.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): Removes State Parks from the requirement to explore the development and implementation of a multiagency pass.

Appropriation: None.

Fiscal Note: Requested on January 7, 2010.
[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Natural Resources, Ocean & Recreation): PRO: The Work Group provided recommendations for improving recreational opportunities on state lands. It is important to look to the future and plan how to achieve a stable and sustainable source of funding for outdoor recreational needs. Education and enforcement are critical in order to protect our natural resources for future generations. The exploratory process to understand the viability of a multi-agency pass needs to specifically look at the inclusion of federally managed lands.

OTHER: The SPRC is prohibited in statute from charging fees for park access or parking, therefore we would like to request that State Parks be removed from Section 4 of the bill.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Craig Partridge, DNR; Paul Dahmer, DFW; Jonathan Guzzo, Washington Trails Association.

OTHER: Brian Hovis, SPRC .

Staff Summary of Public Testimony (Ways & Means): PRO: This bill is a result of a citizen work group composed of recreational users and it maintains recreational opportunities for everyone. It provides an opportunity for users to support the lands they utilize for recreational purposes and helps DNR with their costs. This will also help the rural areas of the state by keeping the recreational sites open and visitors coming to those areas.

CON: Recreational users often volunteer to maintain these sites and they are already paying a number of fees so applying a user charge is inappropriate. DNR should focus their efforts on reopening the closed sites instead of making improvements in existing areas.

OTHER: The bill should be amended to remove construction responsibilities from DNR and make it subject to public works.

Persons Testifying (Ways & Means): PRO: Craig Partridge, DNR; Daniel Fallstrom, Washington State Snowmobile Association; Jonathan Guzzo, Washington Trails Association; Debbie Copple; Sky Valley Chamber of Commerce.

CON: Mike Liebold, Everett Powersports; Deborah Knight, City of Sultan; Ed Moats, Ted Jackson, citizens.

OTHER: David Johnson, Washington State Building Trades.