

SENATE BILL REPORT

HB 2649

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 22, 2018

Title: An act relating to enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

Brief Description: Enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

Sponsors: Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton and McBride; by request of Department of Fish and Wildlife.

Brief History: Passed House: 2/08/18, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/19/18, 2/22/18 [DP].

Brief Summary of Bill

- Directs the Fish and Wildlife Commission (Commission) to enhance the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.
- Requires the Commission to adopt rules defining who is a person with a disability and establish eligibility requirements for a disability designation.
- Requires the director of the Department of Fish and Wildlife (DFW) to grant a disability designation to persons that meet eligibility criteria.
- Modifies the circumstances under which unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle and unlawful use of a loaded firearm do not apply.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

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.

Staff: Angela Kleis (786-7469)

Background: Discrimination Laws. The federal Americans with Disabilities Act prohibits discrimination against people with disabilities in several areas, including access to state and local government programs and services. Washington law declares the right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability to be a civil right.

DFW. The Commission must enhance the hunting opportunities for persons with a disability. The Commission authorizes the director of DFW to issue disabled hunter permits to persons with a disability.

Fish and Wildlife Enforcement Code. A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle and unlawful use of a loaded firearm under certain circumstances. This provision does not apply to certain people, including if the person possesses a disabled hunter's permit issued by DFW and complies with DFW rules concerning hunting by persons with disabilities.

Summary of Bill: The Commission must enhance the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

The Commission must adopt rules:

- defining who is a person with a disability for purposes of eligibility for disability designation; and
- governing the conduct of a person with a disability participating in fish, shellfish, and wildlife-related recreational activities and the conduct of companions permitted, as a reasonable accommodation, to assist a person in fish, shellfish, and wildlife-related recreational opportunities.

The director of DFW must grant a disability designation to a person with a disability who meets eligibility criteria established by the Commission. A person granted a disability designation is eligible for reasonable accommodations, determined by the director of DFW, to allow the person to participate in fish, shellfish, and wildlife-related recreational activities.

Under the Fish and Wildlife Enforcement Code, a person is not guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle and unlawful use of a loaded firearm if the person has been granted a disability designation by DFW and complies with DFW rules concerning hunting by persons with disabilities.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This is broad licensing reform that brings Washington's hunting and fishing policies for persons with a disability in line with federal regulations. Even though I have a disability note from my physician, I was denied a disabled license because I do not have a wheelchair. People with a disability and with a fixed or limited income should be able to hunt and not go broke doing it. Next year, reduced rate Americans with Disabilities Act (ADA) licenses will be available.

Persons Testifying: PRO: Representative Andrew Barkis, Prime Sponsor; Nate Pamplin, Washington DFW; Kaye Ginter, citizen; Leon Norris, citizen.

Persons Signed In To Testify But Not Testifying: No one.