

HOUSE BILL REPORT

SSB 5785

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to department of fish and wildlife authority with regard to certain nonprofit and volunteer organizations.

Brief Description: Concerning department of fish and wildlife authority with regard to certain nonprofit and volunteer organizations.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Warnick, Shewmake, Lias, Mullet, Nobles, Saldaña and Van De Wege; by request of Department of Fish and Wildlife).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/14/24, 2/21/24 [DPA].

Brief Summary of Substitute Bill
(As Amended by Committee)

- Authorizes the Department of Fish and Wildlife to enter into cooperative agreements with nonprofit and volunteer organizations to carry out activities benefitting department-managed lands.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba, Lekanoff, Orcutt, Schmick and Springer.

Staff: Rebecca Lewis (786-7339).

Background:

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

The Department of Fish and Wildlife (DFW) serves as manager of the state's fish and wildlife resources. As a part of its mandate to protect and preserve the state's fish and wildlife resources while providing recreational and commercial opportunities, the DFW may acquire and manage state lands. The DFW currently owns or manages more than 1 million acres, including 33 wildlife areas and more than 450 water-access areas.

In 2013 the Legislature provided specific authority for the Department of Natural Resources (DNR) to enter into agreements with nonprofit and volunteer groups to assist the DNR with implementing its multiple use mandates, compliance with local ordinances, and the fostering of aquatic lands uses. Under current law, the DNR may use the services of these groups to plan, construct, and operate recreational areas, trails, and facilities for educational, scientific, or experimental purposes or for other purposes that provide a benefit to lands managed by the DNR.

Generally, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands, including water areas, who allow members of the public to use such areas for the purposes of outdoor recreation without charging a fee, with certain exceptions identified in statute, are not liable for unintentional injuries to users of such areas. The law establishing this exemption from liability is sometimes referred to as the Recreational Immunity Statute.

Summary of Amended Bill:

The Director of the Department of Fish and Wildlife (DFW) may enter into contracts, agreements, or other arrangements with volunteer and nonprofit organizations to maintain, protect, and enhance DFW lands. Any such agreements are limited to a duration of five years, may be for work valued at less than \$250,000 per year, and are not subject to public works requirements.

Whenever volunteers or volunteer organizations are authorized to perform activities or carry out projects pursuant to an agreement, they may not be considered employees or agents of the DFW. The DFW is not subject to any liability arising out of volunteer activities or projects. The liability of the DFW to volunteers and members of the volunteer organizations is limited in the same manner as provided for in the Recreational Immunity Statute.

Nothing diminishes the responsibility of the DFW to protect the resources and access guaranteed to federally recognized Indian tribes in certain treaties with the United States, and nothing alters, diminishes, or expands the rights of federally recognized Indian tribes with treaty reserved rights.

"Nonprofit organization" means any organization described in section 501(c)(3) of the federal Internal Revenue Code or a not-for-profit organization organized and conducted for

public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

"Volunteer" means an individual or entity performing services for either a nonprofit organization or a governmental entity and does not receive compensation in excess of \$500 per year, other than reasonable reimbursement or allowances for expenses incurred.

Amended Bill Compared to Substitute Bill:

Language is added to the underlying bill specifying that the provisions of the bill do not diminish the responsibility of the Department of Fish and Wildlife to protect the resources and access guaranteed to federally recognized Indian tribes in certain treaties with the United States, and do not alter, diminish, or expand the rights of federally recognized Indian tribes with treaty reserved rights.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Department of Fish and Wildlife (DFW) receives many calls about a variety of maintenance issues. The Legislature appropriated \$5 million to the DFW for such maintenance projects, and this bill makes it easier for organizations to partner with the DFW on volunteer projects to help stretch that money further. Volunteers would not be treated as employees. The DFW must still disclose any known hazards on their lands. Many volunteer groups, such as the Backcountry Horsemen and the Washington Trails Association do a great deal of volunteer work through master agreements with other agencies including the Parks and Recreation Commission, the United States Forest Service, and the Department of Natural Resources.

(Opposed) None.

Persons Testifying: Senator Judy Warnick, prime sponsor; Tom McBride, Department of Fish and Wildlife; and Andrea Imler, Washington Trails Association.

Persons Signed In To Testify But Not Testifying: None.