
SUBSTITUTE SENATE BILL 5785

State of Washington

68th Legislature

2024 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Warnick, Shewmake, Liias, Mullet, Nobles, Saldaña, and Van De Wege; by request of Department of Fish and Wildlife)

READ FIRST TIME 01/19/24.

1 AN ACT Relating to department of fish and wildlife authority with
2 regard to certain nonprofit and volunteer organizations; and adding a
3 new section to chapter 77.12 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12
6 RCW to read as follows:

7 (1) The definitions in this subsection apply throughout this
8 section unless the context clearly requires otherwise.

9 (a) "Nonprofit organization" means any:

10 (i) Organization described in section 501(c)(3) of the internal
11 revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and exempt from tax
12 under section 501(a) of the internal revenue code; or

13 (ii) Not-for-profit organization that is organized and conducted
14 for public benefit and operated primarily for charitable, civic,
15 educational, religious, welfare, or health purposes.

16 (b) (i) "Volunteer" or "volunteer organization" means an
17 individual or entity performing services for a nonprofit organization
18 or a governmental entity who does not receive compensation, other
19 than reasonable reimbursement or allowances for expenses actually
20 incurred, or any other thing of value, in excess of \$500 per year.

1 (ii) "Volunteer" includes a volunteer serving as a director,
2 officer, trustee, or direct service volunteer.

3 (2) The director is authorized to enter into those contracts,
4 agreements, or other arrangements as are necessary to collaborate
5 with volunteer organizations and nonprofit organizations to maintain,
6 protect, and enhance department lands including, but not limited to,
7 entering into:

8 (a) Agreements with nonprofit organizations and volunteer
9 organizations for work; and

10 (b) Master agreements with nonprofit organizations and volunteer
11 organizations, allowing for the issuing of work orders as needed
12 pursuant to the terms of those master agreements.

13 (3) Agreements under this section are limited to a duration of
14 five years and work valued at less than \$250,000 per year.

15 (4) The requirements of chapter 39.04 RCW do not apply to
16 contracts, agreements, or other arrangements between the department
17 and nonprofit organizations, volunteers, and volunteer organizations,
18 for the purposes set forth in this section.

19 (5) Whenever volunteers or volunteer organizations are authorized
20 to perform activities or carry out projects under this section or
21 agreements entered into pursuant to this section, the volunteers or
22 members of the volunteer organization may not be considered employees
23 or agents of the department and the department is not subject to any
24 liability whatsoever arising out of volunteer activities or projects.
25 The liability of the department to volunteers and members of the
26 volunteer organizations is limited in the same manner as provided for
27 in RCW 4.24.210.

--- END ---