
SENATE BILL 5785

State of Washington

68th Legislature

2024 Regular Session

By Senators Warnick, Shewmake, Lias, Mullet, Nobles, Saldaña, and Van De Wege; by request of Department of Fish and Wildlife

Prefiled 12/04/23. Read first time 01/08/24. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

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 department is authorized to carry out all activities
4 necessary to achieve the purposes of this section including, but not
5 limited to:

6 (a) Planning, construction, and operation of conservation,
7 recreational sites, areas, roads, and trails developed or maintained
8 by itself or in conjunction with any public agency, nonprofit
9 organization, volunteer, or volunteer organization, including
10 entering cooperative agreements for these purposes;

11 (b) Planning, construction, and operation of special facilities
12 for educational, scientific, conservation, or experimental purposes
13 by itself or in conjunction with any other public or private agency,
14 including entering cooperative agreements for these purposes;

15 (c) Improvement of any lands by entering cooperative agreements
16 with public agencies, nonprofit organizations, volunteers, and
17 volunteer organizations for these purposes;

18 (d) Entering cooperative agreements with public agencies,
19 nonprofit organizations, volunteers, and volunteer organizations
20 regarding the use of lands managed by the department for the purpose
21 of providing a benefit to lands managed by the department including,
22 but not limited to, the following benefits:

23 (i) The utilization of these lands for watershed purposes;

24 (ii) Carrying out restoration and enhancement projects on these
25 lands, such as improving, restoring, or enhancing habitat that
26 provides for plant or animal species protection;

27 (iii) Improving, restoring, or enhancing watershed conditions;

28 (iv) Removing nonnative vegetation and providing vegetation
29 management to restore, enhance, or maintain properly functioning
30 conditions of the local ecosystem; and

31 (v) Other similar projects on these lands that provide long-term
32 environmental and other land management benefits, provided that the
33 cooperative agreements are consistent with land management
34 obligations;

35 (e) Authorizing individual volunteers and volunteer organizations
36 to conduct restoration and enhancement projects on lands managed by
37 the department through cooperative agreements authorized in this
38 section or other arrangements that are consistent with land
39 management obligations and that do not require the volunteers to pay
40 a fee for the cooperative agreement purpose; and

1 (f) Authorizing the receipt of gifts of personal property,
2 services, and other items of value for the purposes of this section,
3 as well as the exchange of consideration in cooperative agreements
4 authorized under this section.

5 (3) Whenever volunteers or volunteer organizations are authorized
6 to perform activities or carry out projects under this section, the
7 volunteers or members of the volunteer organization may not be
8 considered employees or agents of the department and the department
9 is not subject to any liability whatsoever arising out of volunteer
10 activities or projects. The liability of the department to volunteers
11 and members of the volunteer organizations is limited in the same
12 manner as provided for in RCW 4.24.210.

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