

SENATE BILL REPORT

E2SHB 2480

As of February 23, 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: House Committee on General Government Appropriations (originally sponsored by Representatives Blake, Warnick, Takko, Upthegrove, Dunshee, Hinkle, Sells, Kretz and Ormsby; by request of Commissioner of Public Lands).

Brief History: Passed House: 2/15/10, 64-33.

Committee Activity: Natural Resources, Ocean & Recreation: 2/24/10.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

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.

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

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permit issued under the State Parks and Recreation Commission 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: DNR is authorized to assess use charges on individuals or groups accessing specific, improved recreation sites or hosting specific events located on public lands. The revenue collected through the use charges must be reinvested by DNR into the management of recreational opportunities at the site where the use charge was collected.

DNR is authorized to assess use charges to access a specific recreation site. This requirement may be satisfied in one of the following methods:

- purchase a one-day parking and access pass for \$5;
- purchase an annual parking and access pass for \$20;
- purchase a one-night campsite for \$10; or
- display a Department of Fish and Wildlife (WDFW) vehicle access permit.

DNR may also charge an operation fee for any specific event located on public lands. A flat administrative fee of \$200 plus the greater of either:

- 10 percent of entrance fees collected by the host; or
- 10 percent of the host's total commercial operations.

DNR may allow a noncommercial organization to host an event without paying the required operation fee if the organization has recorded at least 1,000 hours of recorded volunteer time in the previous fiscal year. DNR may also allow an individual who volunteers at least 50 hours in a fiscal year to receive one free annual parking and access pass.

A violation of the use charge or operation fee requirements is punishable as a natural resources infraction.

DNR may not require payment of a use charge at off-road vehicle facilities.

WDFW must allow individuals who purchase an annual pass from DNR access to park a motor vehicle at improved WDFW access facilities. DNR may enter into agreements with WDFW and U.S. Forest Service to allow the department-issued annual parking and access pass to authorize the holder access to recreational lands managed by either agency.

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

Appropriation: None.

Fiscal Note: Available.

[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.