

SENATE BILL REPORT

SB 5865

As of January 27, 2022

Title: An act relating to establishing recreational target shooting areas on public lands.

Brief Description: Establishing recreational target shooting areas on public lands.

Sponsors: Senators Sheldon, Fortunato, Wagoner, Warnick and Wilson, L..

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/27/22.

Brief Summary of Bill

- Includes recreational target shooting in designated areas in the list of activities where public and private landowners shall not be liable for unintentional injuries.
- Exempts amounts the Department of Natural Resources receives from lease agreements to operate recreational target shooting facilities from the definition of fees for purposes of recreational immunity.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: The Department of Natural Resources (DNR) manages nearly 3 million acres of uplands and over 2 million acres of aquatic lands. DNR must manage those lands using a multiple use concept where it is in the best interests of the state and the general welfare of the citizens, and is consistent with the management objectives of the land. Multiple use means the management of state-owned lands under the jurisdiction of DNR to provide for several uses simultaneously. For example, many state trust lands managed by DNR are also used for hunting, fishing, hiking, camping, motorized vehicle riding,

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recreational target shooting, and other outdoor recreation activities.

Target shooting on DNR managed lands is currently allowed in recreation facilities specifically designed for target shooting, and on most DNR-managed lands in areas with an unobstructed, earth backstop that can stop all projectiles safely. No shooting is permitted within 500 feet of a recreation site, residence, business, or structure. Shooting is also not permitted across, along, or down roads or trails. Target shooters must dispose of spent items and remove all shell casings, targets, and ammunition packaging.

Under Washington tort law, landowners generally owe persons invited to enter their land a duty to use ordinary care to keep that land in a reasonably safe condition. This includes an affirmative duty to inspect the premises and discover dangerous conditions. The Legislature modified this general rule through what is known as the Recreational Use Immunity Statute (statute). The statute generally provides protection from tort liability for landowners who allow public use of their lands and do not charge a fee. However, in a few circumstances landowners may charge a fee and still receive protection under the statute. These situations include a fee up to \$25 for cutting, gathering, and removing firewood; some state-issued recreational licenses and permits; and a daily charge not to exceed \$20 for access to certain public off-road vehicle facilities.

The liability protection offered under the statute is not absolute. The statute does not protect landowners from certain dangerous conditions for which warning signs have not been conspicuously posted. Landowners who intentionally injure recreational users receive no protection.

Summary of Bill: Recreational target shooting in designated areas is added to the list of activities where public and private landowners shall not be liable for unintentional injuries. Amounts DNR receives from lease agreements to operate recreational target shooting facilities are excluded from the definition of fees for recreational immunity.

Appropriation: None.

Fiscal Note: Requested on January 22, 2022.

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: Target shooting can be a liability issue for public agencies. The sport could be safer if there is more access and control, which should reduce shooting in dispersed areas. After the last legislation in 2019, the DNR appeared very serious to resolve issues around target shooting on DNR lands. While some progress was made, the efforts got de-railed after Covid. Currently there are not serious efforts to work on resolving issues and this legislation is necessary to move forward.

OTHER: The DNR appreciates the intent of the bill. Target shooting is a challenging issue, including managing safety for all user groups. The DNR has reviewed the issue and is already covered under the recreational immunity statute. The DNR has hired a third party consultant to look at areas suitable for target shooting.

Persons Testifying: PRO: Senator Tim Sheldon, Prime Sponsor; Herb GERHARDT, Private Individual / DNR Volunteer.

OTHER: Laurie Benson, Department of Natural Resources.

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