

HOUSE BILL REPORT

SSB 5234

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to hunting access.

Brief Description: Expanding hunter access to certain private lands.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Oke, Swecker, Doumit, Hargrove and Rasmussen).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 3/22/05, 3/31/05 [DP].

Brief Summary of Substitute Bill

- Allows the Department of Fish and Wildlife to provide money, materials, or labor to private landowners who open their property to public access for fishing or wildlife-oriented recreation.
- Assesses either a \$5 or a \$25 surcharge on every big and small game license to be used for implementing and managing the private landowner access program.
- Expands recreational immunity to private landowners participating in the public access program.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: Do pass. Signed by 6 members: Representatives B. Sullivan, Chair; Uptegrove, Vice Chair; Buck, Ranking Minority Member; DeBolt, Eickmeyer and Williams.

Minority Report: Do not pass. Signed by 5 members: Representatives Kretz, Assistant Ranking Minority Member; Blake, Dickerson, Hunt and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

The Director of the Department of Fish and Wildlife (Department) is expressly authorized to enter into agreements with private landowners that provide for public access to their land for the purposes of fishing and wildlife-oriented recreation, such as hunting and bird watching.

The conduct of people using private lands for wildlife recreation is governed by rules adopted by the Department.

Private landowners are not required to open their lands for public hunting. However, allowing public access to private lands is a required condition if the landowner is interested in taking part in the Department-managed crop damage reimbursement program.

Summary of Bill:

The Department is authorized to provide money, materials, or labor to a private landowner or lessee who allows public access to his or her lands for fishing or wildlife-oriented recreation. All access agreements must be agreed to in writing by the property's owner or lessee, and must terminate upon the sale of the property.

The implementation and management of the public access agreements is funded by a surcharge on the purchase of all big game licenses and small game licenses that are purchased individually from a big game license. Resident hunters are required to pay a \$5 surcharge, and non-residents big game hunters are assessed a \$25 surcharge. Non-resident small game licenses are assessed a \$5 surcharge. All revenues collected under the surcharges must be used for the management of the access program, with administrative costs not exceeding 10 percent.

Private landowners that open their land to public access are not to be found liable to the public users for any unintentional injuries, unless the injury was caused by a latent artificial condition known by the landowner.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Access to land is one of the biggest issues facing hunters today. This bill is the result of a two-year stakeholder process and will significantly increase the private lands open for public hunting. This program will resolve many access issues by reimbursing landowners for many of their costs, such as gate monitoring, litter, and security. The access provided will be used by birdwatchers, disabled hunters, as well as by tribal members to access their traditional hunting and gathering grounds.

Testimony Against: None.

Persons Testifying: Senator Oke; Ed Owens, Hunter Heritage Council; Dave Ware, Washington Department of Fish and Wildlife; Steve Wehrly, Muckleshoot Tribe; and Albert Vincent, Persons With Disabilities.

Persons Signed In To Testify But Not Testifying: Heath Packard, Audubon Society.