
Judiciary Committee

HB 1464

Title: An act relating to the development of cooperative agreements to expand recreational access on privately owned lands.

Brief Description: Concerning the development of cooperative agreements to expand recreational access on privately owned lands.

Sponsors: Representatives Blake, Orcutt, Chapman and Tarleton; by request of Department of Fish and Wildlife.

Brief Summary of Bill

- Provides that landowners who enter into a public access agreement with the Department of Fish and Wildlife are not liable for unintentional injuries to users of their land.
- Provides that payments made under public access agreements to landowners from state, local, or nonprofit organizations are not considered fees.

Hearing Date: 1/31/17

Staff: Audrey Frey (786-7289).

Background:

Public Use for Outdoor Recreation. Landowners and certain other persons who allow members of the public to use their land or water areas for the purposes of outdoor recreation without charging a fee are not liable for unintentional injuries to users of their land or water areas, with certain exceptions.

"Outdoor recreation" includes a wide variety of activities, such as hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding, aviation activities, rock climbing, horse

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riding, clam digging, pleasure driving of off-road vehicles, boating, kayaking, nature study, and other similar activities.

For the purposes of this section, "fee" does not include: (a) a license or permit issued for statewide use under the Parks and Recreation Commission laws or Fish and Wildlife laws; (b) a pass or permit, such as a Discover Pass, day-use permit, or vehicle access pass; and (c) a daily charge not to exceed \$20 per person, per day, for access to a publicly owned off-road vehicle sports park or other public facility accessed by road or highway for off-road vehicle use.

Use for Cooperative and Cleanup Projects. Landowners and certain other persons who offer or allow their land or water areas to be used for purposes of a fish or wildlife cooperative project, or allow access to their land or water areas for cleanup of litter or solid waste, are not liable for unintentional injuries to any volunteer group or to any other users, with certain exceptions.

Private Lands Access and Habitat Enhancement. Since the 1940s, the Department of Fish and Wildlife has entered into many agreements with private landowners to open over 1 million acres of private land to the public for activities such as hunting and fishing. Sometimes these agreements involve payments to landowners or technical assistance from the Department of Fish and Wildlife to help improve fish and wildlife habitat on these lands.

Summary of Bill:

Landowners or other persons in lawful possession and control of land or water areas who enter into public access agreements with the Department of Fish and Wildlife are not liable for unintentional injuries to any users of these land or water areas.

Payments made by state, local, or nonprofit organizations to landowners under the terms of a public access agreement are not considered fees.

Appropriation: None.

Fiscal Note: Available.

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