

HOUSE BILL REPORT

HB 2649

As Passed Legislature

Title: An act relating to enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

Brief Description: Enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

Sponsors: Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton and McBride; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/17/18, 1/24/18 [DP].

Floor Activity:

Passed House: 2/8/18, 97-0.

Passed Senate: 3/2/18, 48-0.

Passed Legislature.

Brief Summary of Bill

- Modifies the circumstances in which the crime of unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle does not apply.
- Directs the Fish and Wildlife Commission (Commission) to enhance the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.
- Directs the Commission to adopt rules governing the conduct of a person with a disability participating in fish, shellfish, and wildlife-related recreational activities.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Member; Fitzgibbon, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and Walsh.

Staff: Robert Hatfield (786-7117).

Background:

Fish and Wildlife Enforcement Code.

Under the Fish and Wildlife Enforcement Code, a person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle, if the person carries, transports, conveys, possesses, or controls a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle. This provision does not apply in certain circumstances, including where a person possesses a disabled hunter's permit and complies with all Washington Department of Fish and Wildlife (WDFW) rules concerning hunting by persons with disabilities.

Hunting Opportunities for Persons with a Disability.

The Fish and Wildlife Commission (Commission) must attempt to enhance the hunting opportunities for persons with a disability. The Commission must authorize the Director of the WDFW to issue disabled hunter permits to persons with a disability.

Americans with Disabilities Act.

The Americans with Disabilities Act (ADA) is a federal law with the purpose of providing a clear and comprehensive national mandate for the elimination of discrimination against persons with disabilities.

Washington State Law Against Discrimination.

Under the Washington State Law Against Discrimination, the right to be free from discrimination because of certain protected status (such as race, national origin, sex, veteran or military status, sexual orientation, and disability) is considered a civil right.

Summary of Bill:

The provision in the Fish and Wildlife Enforcement Code concerning unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle does not apply if a person has been granted a disability designation by the Washington Department of Fish and Wildlife (WDFW) and complies with all the WDFW rules concerning hunting by persons with disabilities.

The Fish and Wildlife Commission (Commission) must enhance the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability. The Commission must authorize the Director of the WDFW to grant a disability designation to a person who meets eligibility criteria established by the Commission by rule. A person granted a disability designation is eligible for reasonable accommodations, as determined by the Director of the WDFW, in order to allow the person to participate in fish, shellfish, and wildlife-related recreational activities.

The Commission must adopt rules governing the conduct of a person with a disability participating in fish, shellfish, and wildlife-related recreational activities, and the conduct of companions permitted to assist such a person.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The current Washington Department of Fish and Wildlife (WDFW) form for a reduced-fee hunting and fishing license requires permanent use of a wheelchair, but there are other forms of disability. The rule needs to change, and there needs to be equality. The bill is a fairly simple, technical bill. It would broaden the signature authority for certifying a disability designation. It condenses rule-making. It would bring the WDFW's practices in line with regulations set under the Americans with Disabilities Act.

(Opposed) None.

Persons Testifying: Representative Barkis, prime sponsor; Nate Pamplin, Department of Fish and Wildlife; and Kay Ginter.

Persons Signed In To Testify But Not Testifying: None.