

SENATE BILL REPORT

SB 5099

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 21, 2019

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, Schoesler and Wagoner.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/24/19, 2/21/19
[DPS, DNP, w/oRec].

Brief Summary of First Substitute 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 DNR 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

Majority Report: That Substitute Senate Bill No. 5099 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Short.

Minority Report: Do not pass.

Signed by Senator McCoy.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

Staff: Jeff Olsen (786-7428)

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.

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, 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 of 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. Additionally, landowners who intentionally injure recreational users receive no protection.

Summary of Bill (First Substitute): 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 the DNR receives from lease agreements to operate recreational target shooting facilities are excluded from the definition of fees for purposes of recreational immunity.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute): Includes recreational target shooting in designated areas in the list of activities where public and private landowners shall not be liable for unintentional injuries. Removes specific direction for the DNR to designate recreational target shooting areas in Mason and Skagit County by December 31, 2019. Exempts amounts the DNR receives from lease agreements to operate recreational target shooting facilities from the definition of fees for purposes of recreational immunity.

Appropriation: None.

Fiscal Note: Available.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Some citizens are frustrated by the lack of progress by DNR in designating recreational target shooting areas. There needs to be a better relationship between DNR and the recreational target shooting community. Safety should be the number one concern. No shooting signs have been posted in areas previously allowed for recreational shooting. An area that is ideal for recreational target shooting that has been open for years has recently closed without warning or any public involvement. DNR has held public meetings on the topic of recreational target shooting but no decisions are made.

CON: It is time to change how recreational target shooting is managed on DNR lands and provide designated areas.

OTHER: There are staff safety and implementation cost concerns with increasing recreational target shooting on DNR lands. There are not enough DNR enforcement officers to manage the recreational target shooting areas. There are irresponsible shooters and dispersed shooting is not occurring in a safe manner. DNR needs to designate shooting areas and then they need additional resources to manage those areas.

Persons Testifying: PRO: Senator Tim Sheldon, Prime Sponsor; Shane Muhleman; Herb Gerhardt, DNR Volunteer; Melvin Armstrong, citizen.

CON: Brock Milliern, DNR.

OTHER: Seamus Petrie, Washington Public Employees Association; Joan Fleming, Back Country Horsemen of Washington; Kelly Wood, Friends of Capitol Forest.

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