

# SENATE BILL REPORT

## SHB 2165

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As Passed Senate, February 27, 2024

**Title:** An act relating to the authority of the department of natural resources to determine recreational use fees for activities on agency-managed public lands.

**Brief Description:** Concerning the authority of the department of natural resources to determine recreational use fees for activities on agency-managed public lands.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kloba, Waters and Reeves; by request of Department of Natural Resources).

**Brief History:** Passed House: 2/6/24, 97-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/15/24 [DP].

**Floor Activity:** Passed Senate: 2/27/24, 49-0.

### Brief Summary of Bill

- Provides that a permit, license, or any related application or processing fee, issued by the Department of Natural Resources for an organized event or commercial use is not considered a fee for the purposes of the recreational immunity statute.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Liias, Shewmake, Short, Stanford, Wagoner and Warnick.

**Staff:** Jeff Olsen (786-7428)

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

**Background:** Generally, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands, including water areas, who allow members of the public to use such areas for the purposes of outdoor recreation without charging a fee, with certain exceptions identified in statute, are not liable for unintentional injuries to users of such areas. The law establishing this exemption from liability is sometimes referred to as the recreational immunity statute.

The following are not considered fees for the purposes of the recreational immunity statute:

- passes and permits issued by either the Department of Fish and Wildlife (DFW) or the Parks and Recreation Commission, including Discover Passes;
- a daily charge of \$20 or less per person per day for access to a publicly owned off-road vehicle (ORV) park or certain other public facilities for the purpose of ORV use; and
- payments to landowners for public access from state, local, or nonprofit organizations established under DFW cooperative access agreements if the landowner does not charge a fee to access the land subject to the cooperative agreement.

The term recreation includes the following forms of recreation, among others:

- the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner;
- hunting, fishing, camping, swimming, and hiking;
- bicycling, skateboarding, or other nonmotorized wheel-based activities;
- certain aviation activities;
- the riding of horses or other animals;
- pleasure driving of off-road vehicles, snowmobiles, and other vehicles; and
- viewing or enjoying historical, archaeological, scenic, or scientific sites without charging a fee of any kind.

**Summary of Bill:** A permit or license, or any related application or processing fee, for an organized event or commercial use issued by the Department of Natural Resources is not considered a fee for the purposes of the recreational immunity statute.

**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:** No public hearing was held.

**Persons Testifying:** N/A

**Persons Signed In To Testify But Not Testifying: N/A**