

HOUSE BILL REPORT

SB 5630

As Passed Legislature

Title: An act relating to permits or licenses issued by the department of wildlife, department of fisheries, or the state parks and recreation commission.

Brief Description: Exempting certain permits and licenses from the definition of a fee.

Sponsor(s): Senators McCaslin, Madsen and Nelson; by request of Department of Wildlife.

Brief History:

Reported by House Committee on:

Natural Resources & Parks, April 4, 1991, DP;

Passed House, April 10, 1991, 93-0;

Passed Legislature, 93-0.

**HOUSE COMMITTEE ON
NATURAL RESOURCES & PARKS**

Majority Report: *Do pass.* Signed by 10 members: Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Morton; Riley; Sheldon; and Wynne.

Staff: Marilee Scarbrough (786-7196).

Background: The recreational immunity statute, provides that public and private landowners are not liable for unintentional injuries to members of the public who use the land for outdoor recreation, provided no fee of any kind is charged for such use. The recreational immunity statute allows landowners to charge an administrative fee of up to 10 dollars for the cutting, gathering, and removal of firewood without incurring liability.

Several state agencies are required by statute to charge persons a license fee for recreational use, hunting, fishing or trapping. The license fee exceeds \$10. When these license holders use department lands and access facilities they subject the departments to potential liability.

Summary of Bill: The existing recreational immunity statute is amended. If the Department of Wildlife, the Department

of Fisheries or the State Parks and Recreation Commission issue a license or permit for statewide use, the agency will remain immune from liability for an unintentional injury.

Fiscal Note: Not requested.

Effective Date: Ninety days after session in which bill is passed.

Testimony For: This legislation is a clarification of existing law. This will help to clarify the agencies liability.

Testimony Against: None.

Witnesses: Susan Markey, Department of Fisheries (Pro); Pam Madson Department of Wildlife (Pro); and Gary Alexander, General Administration (Pro).