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**SENATE BILL 5785**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Warnick, Shewmake, Liias, Mullet, Nobles, Saldaña, and Van De Wege; by request of Department of Fish and Wildlife

AN ACT Relating to department of fish and wildlife authority with regard to certain nonprofit and volunteer organizations; and adding a new section to chapter 77.12 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Nonprofit organization" means any:

(i) Organization described in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and exempt from tax under section 501(a) of the internal revenue code; or

(ii) Not-for-profit organization that is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(b)(i) "Volunteer" or "volunteer organization" means an individual or entity performing services for a nonprofit organization or a governmental entity who does not receive compensation, other than reasonable reimbursement or allowances for expenses actually incurred, or any other thing of value, in excess of $500 per year.

(ii) "Volunteer" includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

(2) The department is authorized to carry out all activities necessary to achieve the purposes of this section including, but not limited to:

(a) Planning, construction, and operation of conservation, recreational sites, areas, roads, and trails developed or maintained by itself or in conjunction with any public agency, nonprofit organization, volunteer, or volunteer organization, including entering cooperative agreements for these purposes;

(b) Planning, construction, and operation of special facilities for educational, scientific, conservation, or experimental purposes by itself or in conjunction with any other public or private agency, including entering cooperative agreements for these purposes;

(c) Improvement of any lands by entering cooperative agreements with public agencies, nonprofit organizations, volunteers, and volunteer organizations for these purposes;

(d) Entering cooperative agreements with public agencies, nonprofit organizations, volunteers, and volunteer organizations regarding the use of lands managed by the department for the purpose of providing a benefit to lands managed by the department including, but not limited to, the following benefits:

(i) The utilization of these lands for watershed purposes;

(ii) Carrying out restoration and enhancement projects on these lands, such as improving, restoring, or enhancing habitat that provides for plant or animal species protection;

(iii) Improving, restoring, or enhancing watershed conditions;

(iv) Removing nonnative vegetation and providing vegetation management to restore, enhance, or maintain properly functioning conditions of the local ecosystem; and

(v) Other similar projects on these lands that provide long-term environmental and other land management benefits, provided that the cooperative agreements are consistent with land management obligations;

(e) Authorizing individual volunteers and volunteer organizations to conduct restoration and enhancement projects on lands managed by the department through cooperative agreements authorized in this section or other arrangements that are consistent with land management obligations and that do not require the volunteers to pay a fee for the cooperative agreement purpose; and

(f) Authorizing the receipt of gifts of personal property, services, and other items of value for the purposes of this section, as well as the exchange of consideration in cooperative agreements authorized under this section.

(3) Whenever volunteers or volunteer organizations are authorized to perform activities or carry out projects under this section, the volunteers or members of the volunteer organization may not be considered employees or agents of the department and the department is not subject to any liability whatsoever arising out of volunteer activities or projects. The liability of the department to volunteers and members of the volunteer organizations is limited in the same manner as provided for in RCW 4.24.210.

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