

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5785

Chapter 160, Laws of 2024

68th Legislature
2024 Regular Session

DEPARTMENT OF FISH AND WILDLIFE—COLLABORATION WITH NONPROFIT AND
VOLUNTEER ORGANIZATIONS

EFFECTIVE DATE: June 6, 2024

Passed by the Senate March 4, 2024
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 27, 2024
Yeas 95 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 18, 2024 3:28 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5785** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 19, 2024

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5785

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Warnick, Shewmake, Liias, Mullet, Nobles, Saldaña, and Van De Wege; by request of Department of Fish and Wildlife)

READ FIRST TIME 01/19/24.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12
6 RCW to read as follows:

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

9 (a) "Nonprofit organization" means any:

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

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

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

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

3 (2) The director is authorized to enter into those contracts,
4 agreements, or other arrangements as are necessary to collaborate
5 with volunteer organizations and nonprofit organizations to maintain,
6 protect, and enhance department lands including, but not limited to,
7 entering into:

8 (a) Agreements with nonprofit organizations and volunteer
9 organizations for work; and

10 (b) Master agreements with nonprofit organizations and volunteer
11 organizations, allowing for the issuing of work orders as needed
12 pursuant to the terms of those master agreements.

13 (3) Agreements under this section are limited to a duration of
14 five years and work valued at less than \$250,000 per year.

15 (4) The requirements of chapter 39.04 RCW do not apply to
16 contracts, agreements, or other arrangements between the department
17 and nonprofit organizations, volunteers, and volunteer organizations,
18 for the purposes set forth in this section.

19 (5) Whenever volunteers or volunteer organizations are authorized
20 to perform activities or carry out projects under this section or
21 agreements entered into pursuant to this section, the volunteers or
22 members of the volunteer organization may not be considered employees
23 or agents of the department and the department is not subject to any
24 liability whatsoever arising out of volunteer activities or projects.
25 The liability of the department to volunteers and members of the
26 volunteer organizations is limited in the same manner as provided for
27 in RCW 4.24.210.

28 (6) (a) Nothing in this section shall diminish the responsibility
29 of the department to protect the resources and access guaranteed to
30 federally recognized Indian tribes in certain treaties made with the
31 United States.

32 (b) Nothing in this section shall alter, diminish, or expand the
33 rights of any federally recognized Indian tribe with treaty reserved
34 rights.

Passed by the Senate March 4, 2024.
Passed by the House February 27, 2024.
Approved by the Governor March 18, 2024.
Filed in Office of Secretary of State March 19, 2024.

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