

# HOUSE BILL REPORT

## 2SSB 5188

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### As Passed House - Amended:

April 10, 2007

**Title:** An act relating to a wildlife rehabilitation program.

**Brief Description:** Establishing a wildlife rehabilitation program.

**Sponsors:** By Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen, Prentice, Fairley, Kline, Marr, Kohl-Welles, Tom, Murray, Keiser and Rasmussen).

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 3/26/07, 3/28/07 [DPA];

Appropriations: 3/31/07 [DPA(AGNR)].

#### Floor Activity:

Passed House - Amended: 4/10/07, 52-46.

### Brief Summary of Second Substitute Bill (As Amended by House)

- Requires the Director of the Washington Department of Fish and Wildlife (Director) (Department) to establish a Wildlife Rehabilitation Program.
- Requires the Director to contract with up to four licensed wildlife rehabilitators to provide specified services in each of the Department's six administrative regions.
- Increases the cost of applying for and renewing personalized license plates by \$2 effective January 1, 2008, and directs the receipts into the Wildlife Rehabilitation Account created in the State Treasury.
- Requires the Department to develop a Wildlife Rehabilitation License Renewal process.

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Kagi, McCoy, Strow and VanDeWege.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Newhouse and Orcutt.

**Staff:** Meg Van Schoorl (786-7105).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Agriculture & Natural Resources. Signed by 26 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist and P. Sullivan.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Anderson, Buri, Chandler, Dunn and Kretz.

**Staff:** Alicia Dunkin (786-7178).

### **Background:**

#### The Fish and Wildlife Commission, the Department, and Wildlife Rehabilitation

The Fish and Wildlife Commission and the Washington Department of Fish and Wildlife (Department) are charged with preserving, protecting, perpetuating, and managing the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. The Department has divided the state into six regions: (1) Eastern Washington; (2) North Central Washington; (3) South Central Washington; (4) North Puget Sound; (5) Southwest Washington; and (6) Coastal Washington.

Department administrative rules define:

- "Wildlife rehabilitation" as "the care and treatment of injured, diseased, oiled, or abandoned wildlife including but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild."
- A "wildlife rehabilitator" as "a person who conducts wildlife rehabilitation or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder." It is unlawful for any person to possess wildlife for the purpose of rehabilitation unless they have a valid wildlife rehabilitation permit issued by the Department or they are working under the supervision of a person who has a valid

wildlife rehabilitation permit. Some wildlife rehabilitators are independent business people, and some work under the auspices of centers.

- A "wildlife rehabilitation permit" as "a permit issued by the director or designee that authorizes a person or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation."

The Department is authorized to issue and condition wildlife rehabilitation permits. The permit is valid as long as the information in it remains current and the holder continues to meet the permit conditions and to follow the provisions of the rule. Permits may be revoked. A permit applicant must meet the requirements in the rule pertaining to experience, testing, and facility inspection, as well as required reporting and documentation.

The rule also includes requirements that must be met by rehabilitation permit holders for Department notifications, wildlife handling, release, disposal, facility conditions and inspections. Specific conditions for facilities involved in rehabilitation of oiled birds are detailed.

#### Personalized License Plate Fees

Applicants for personalized license plates must pay an initial purchase fee of \$40, in addition to regular fees and taxes. Holders of personalized plates must pay an annual renewal fee of \$30, in addition to regular fees and taxes. Of these amounts, \$30 of the initial purchase fee and \$20 of the renewal fee is deposited to the State Wildlife Fund "to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife." The remaining \$10 from the initial and renewal fees is deposited to the State Wildlife Fund to be "used for the management of resources associated with the nonconsumptive use of wildlife."

#### **Summary of Amended Bill:**

##### Wildlife Rehabilitation Program and Services Contracts

The Department Director (Director) must establish a Wildlife Rehabilitation Program to help support the work of licensed wildlife rehabilitators in capturing, testing for disease and caring for sick, injured and orphaned wildlife.

The Director must contract for wildlife rehabilitation services for a two year term with up to four licensed wildlife rehabilitators in each of the Department's six administrative regions. The Department must give priority to applications that provide for the rehabilitation of endangered or threatened species. Applicants may submit one request every two years. Applicants must:

- reside in the region for which they apply;
- be properly licensed in wildlife rehabilitation under state and federal law;
- furnish information concerning their identity, including fingerprints for submission to the Washington State Patrol for a national criminal background check; and
- pay for the cost of the criminal background check.

An applicant whose background check reveals a felony or gross misdemeanor conviction will be ineligible to receive funding.

A contractor must submit to the Department detailed quarterly reports accounting for expenditure of state funds. The Department may require the contractor's rehabilitation facility to have a compliance inspection. Permitted expenditures as they specifically relate to wildlife rehabilitation include:

- reimbursement for diagnostic and lab support services;
- purchase and maintenance of proper restraints and equipment;
- reimbursement of contracted veterinary services;
- reimbursement of costs of food, medication and other consumables; and
- reimbursement of cost of continuing education.

Funds may not be used to rehabilitate nonnative species or nuisance animals, which include but are not limited to: Eastern gray squirrels; opossum; raccoons; striped and spotted skunks; Eastern cottontail and domestic rabbits; European starlings; and house sparrows.

#### Wildlife Rehabilitation License Renewals

The Department is required to develop a process for renewing wildlife rehabilitation licenses. All licenses issued by the Department before January 1, 2006 must be renewed by January 1, 2010.

#### Personalized License Plate Fee Increase

Effective January 1, 2008, an additional \$2 fee is charged for applications and renewals of personalized license plates, with the receipts deposited into the Wildlife Rehabilitation Account created in this act. Expenditures may be made after appropriation only to support the Wildlife Rehabilitation Program created in this act.

#### Rule-making

The Department may adopt rules as necessary to carry out sections 4 and 5.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

#### **Staff Summary of Public Testimony:** (Agriculture & Natural Resources)

(In support) As urbanization has increased, the interface between humans and wildlife has also increased. In the past, a citizen needing help with wildlife could call the Department of Wildlife, the local police, county sheriff or a local wildlife rehabilitation volunteer. With budget cuts and the merging of the Department of Wildlife with the Department of Fisheries, we are not seeing as much proactivity, and other local resources are not available. That is the reason for proposing establishment of this narrowly scoped, small program. Examples of recent cases include a downed eagle and swans that eat lead. The program is not going to deal with squirrels or rabbits. I have assisted the Department for 20 years on many cases, donating my time, home, and property, I believe this is a well-structured bill that will be a positive

solution to protect public health and care for injured and orphaned wildlife. The Department is in support but we have a couple of concerns. Using license plate funds for new activities may erode funding over time and diminish the other programs for which license plate fees have been used. We would also like to delay the January 1, 2010, deadline for renewing wildlife rehabilitation licenses that were issued before January 1, 2006. We would like the deadline to be January 1, 2011, to spread out the workload. We would like to use some of the funds to get a coordinator to establish these grants, devise criteria, and monitor the funding and the rehabilitation centers.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations)

None.

**Persons Testifying:** (Agriculture & Natural Resources) Senator Haugen, prime sponsor; Sue Murphy; and Peggy Crain, Washington Department of Fish and Wildlife.

**Persons Testifying:** (Appropriations) None.

**Persons Signed In To Testify But Not Testifying:** (Agriculture & Natural Resources) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.