

HOUSE BILL REPORT

SB 5355

As Passed House:

April 6, 1995

Title: An act relating to claims for damages caused by deer or elk.

Brief Description: Providing for payment of claims for damages caused by deer or elk.

Sponsors: Senators Drew, Morton and Rasmussen.

Brief History:

Committee Activity:

Natural Resources: 3/22/95, 3/28/95 [DP].

Floor Activity:

Passed House: 4/6/95, 87-8.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Minority Report: Do not pass. Signed by 3 members: Representatives Pennington, Vice Chairman; Regala, Assistant Ranking Minority Member; and Jacobsen.

Staff: Pam Madson (786-7166).

Background: State law declares wildlife to be the property of the state. Persons who experience damage from deer and elk may submit claims to the Department of Fish and Wildlife. Claims must be submitted within 90 days of the damage occurrence. The director is authorized to settle and pay claims up to \$2,000. Claims that are not settled within six months of filing may be subject to arbitration at the request of the claimant or the director. Claims that are not settled within one year may be submitted to the Office of Risk Management in the Department of General Administration. Claims are evaluated by the Office of Risk Management and if payment is recommended, the claims are submitted to the Legislature. Approved claims are paid from funds appropriated for this purpose and are typically assessed against the state wildlife fund.

Historically, claims have been paid that were in excess of \$2,000. At the request of the former Director of the Department of Wildlife, the Attorney General issued an

opinion on the question of whether payment of a claim in excess of \$2,000 is authorized by statute where the claim is submitted to the Office of Risk Management and recommended to the Legislature for payment. The Attorney General concluded that the \$2,000 limit applies to any claim whether approved by the director or whether processed by the Office of Risk Management and submitted to the Legislature for payment.

The 1993-95 operating budget, including the 1994 supplemental operating budget, authorized payment of claims totalling \$134,096 to 10 individuals. The claims ranged from approximately \$8,000 to more than \$27,000. The Legislature authorized payment from the state wildlife fund.

Summary of Bill: Until January 1, 1996, the Legislature may authorize payment of damage claims exceeding \$2,000 that have been processed through the Department of Fish and Wildlife and the Office of Risk Management and have been presented to the Legislature for payment.

By December 1, 1995, the Department of Fish and Wildlife and the Natural Resources Committees of the Senate and the House of Representatives must present to the Legislature, long-term policy proposals regarding state compensation for damages caused by wildlife.

This act expires on January 1, 1996.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Damage caused by wildlife is a serious problem and it needs to be addressed. Under an opinion from the Attorney General, these damages are limited to \$2,000. This bill could allow continuation of the status quo allowing the Legislature to continue to approve payment of claims in excess of \$2,000. The Department of Fish and Wildlife is taking a comprehensive look at animal damage and is meeting with stakeholders in different parts of the state. Stakeholders are looking at ways to prevent damage. They do not look at compensation for damage as the most preferable solution. The statute currently addresses only damage caused by deer and elk.

Testimony Against: None.

Testified: Ed Manary, Washington Department of Fish and Wildlife; and Kent Lebsack, Washington Cattlemen's Association (all in favor).