

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1752

Chapter 274, Laws of 2001

57th Legislature
2001 Regular Legislative Session

WILDLIFE DAMAGE CLAIMS--RANGELAND--DOMESTIC LIVESTOCK

EFFECTIVE DATE: 7/1/01

Passed by the House April 17, 2001
Yeas 80 Nays 2

FRANK CHOPP
Speaker of the House of Representatives

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate April 12, 2001
Yeas 32 Nays 13

BRAD OWEN
President of the Senate

Approved May 11, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1752** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 11, 2001 - 10:06 a.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1752

AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Clements, Grant, G. Chandler, B. Chandler, Linville, Lisk, McMorris, Armstrong, Schoesler and Mulliken)

Read first time 03/07/2001. Referred to Committee on .

1 AN ACT Relating to wildlife damage claims on rangeland suitable for
2 grazing or browsing of domestic livestock; amending RCW 77.36.005,
3 77.36.010, and 77.36.080; adding a new section to chapter 43.131 RCW;
4 providing an effective date; providing an expiration date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 77.36.005 and 1996 c 54 s 1 are each amended to read
8 as follows:

9 The legislature finds that:

10 (1) As the number of people in the state grows and wildlife habitat
11 is altered, people will encounter wildlife more frequently. As a
12 result, conflicts between humans and wildlife will also increase.
13 Wildlife is a public resource of significant value to the people of the
14 state and the responsibility to minimize and resolve these conflicts is
15 shared by all citizens of the state.

16 (2) In particular, the state recognizes the importance of
17 commercial agricultural and horticultural crop production, rangeland
18 suitable for grazing or browsing of domestic livestock, and the value
19 of healthy deer and elk populations, which can damage such crops. The

1 legislature further finds that damage prevention is key to maintaining
2 healthy deer and elk populations, wildlife-related recreational
3 opportunities, ~~((and))~~ commercially productive agricultural and
4 horticultural crops, and rangeland suitable for grazing or browsing of
5 domestic livestock, and that the state, participants in wildlife
6 recreation, and private landowners and tenants share the responsibility
7 for damage prevention. Toward this end, the legislature encourages
8 landowners and tenants to contribute through their land management
9 practices to healthy wildlife populations and to provide access for
10 related recreation. It is in the best interests of the state for the
11 department of fish and wildlife to respond quickly to wildlife damage
12 complaints and to work with these landowners and tenants to minimize
13 and/or prevent damages and conflicts while maintaining deer and elk
14 populations for enjoyment by all citizens of the state.

15 (3) A timely and simplified process for resolving claims for
16 damages caused by deer and elk for commercial agricultural or
17 horticultural products, and rangeland used for grazing or browsing of
18 domestic livestock is beneficial to the claimant and the state.

19 **Sec. 2.** RCW 77.36.010 and 1996 c 54 s 2 are each amended to read
20 as follows:

21 ~~((Unless otherwise specified,))~~ The ((following)) definitions in
22 this section apply throughout this chapter((+)) unless the context
23 clearly requires otherwise.

24 (1) "Crop" means ~~((a commercially raised horticultural and/or~~
25 ~~agricultural product and includes growing or harvested product but does~~
26 ~~not include livestock))~~ (a) a growing or harvested horticultural and/or
27 agricultural product for commercial purposes; or (b) rangeland forage
28 on privately owned land used for grazing or browsing of domestic
29 livestock for at least a portion of the year for commercial purposes.
30 For the purposes of this chapter all parts of horticultural trees shall
31 be considered a crop and shall be eligible for claims.

32 (2) "Emergency" means an unforeseen circumstance beyond the control
33 of the landowner or tenant that presents a real and immediate threat to
34 crops, domestic animals, or fowl.

35 (3) "Immediate family member" means spouse, brother, sister,
36 grandparent, parent, child, or grandchild.

1 **Sec. 3.** RCW 77.36.080 and 1996 c 54 s 9 are each amended to read
2 as follows:

3 (1) The department may pay no more than thirty thousand dollars per
4 fiscal year from the general fund for claims under RCW 77.36.040 and
5 for assessment costs and compromise of claims unless the legislature
6 declares an emergency. Such money shall be used to pay animal damage
7 claims only if the claim meets the conditions of RCW 77.36.040 and the
8 damage occurred in a place where the opportunity to hunt was restricted
9 or prohibited by a county, municipality, or other public entity during
10 the season prior to the occurrence of the damage.

11 (2) The legislature may declare an emergency, defined for the
12 purposes of this section as any happening arising from weather, other
13 natural conditions, or fire that causes unusually great damage by deer
14 or elk to commercially raised agricultural or horticultural crops (~~by~~
15 ~~deer or elk~~), or rangeland forage on privately owned land used for
16 grazing or browsing of domestic livestock for at least a portion of the
17 year. In an emergency, the department may pay as much as may be
18 subsequently appropriated, in addition to the funds authorized under
19 subsection (1) of this section, for claims under RCW 77.36.040 and for
20 assessment and compromise of claims. Such money shall be used to pay
21 animal damage claims only if the claim meets the conditions of RCW
22 77.36.040 and the department has expended all funds authorized under
23 RCW 77.36.070 or subsection (1) of this section.

24 (3) Of the total funds available each fiscal year under subsection
25 (1) of this section and RCW 77.36.070, no more than one-third of this
26 total may be used to pay animal damage claims for rangeland forage on
27 privately owned land.

28 (4) Of the total funds available each fiscal year under subsection
29 (1) of this section and RCW 77.36.070 that remain unspent at the end of
30 the fiscal year, fifty percent shall be utilized as matching grants to
31 enhance habitat for deer and elk on public lands.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.131 RCW
33 to read as follows:

34 The joint legislative audit and review committee must conduct a
35 program review, as provided in this chapter, of the program to
36 reimburse landowners for damage to rangeland used for grazing or
37 browsing of domestic livestock caused by deer and elk, established in

1 sections 1 through 3, chapter . . ., Laws of 2001 (sections 1 through
2 3 of this act). The review must be completed by January 1, 2004.

3 NEW SECTION. **Sec. 5.** The following expire June 30, 2004:

4 (1) Section 1, chapter . . ., Laws of 2001 (section 1 of this act);

5 (2) Section 2, chapter . . ., Laws of 2001 (section 2 of this act);

6 and

7 (3) Section 3, chapter . . ., Laws of 2001 (section 3 of this act).

8 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 July 1, 2001.

Passed the House April 17, 2001.

Passed the Senate April 12, 2001.

Approved by the Governor May 11, 2001.

Filed in Office of Secretary of State May 11, 2001.