
SECOND SUBSTITUTE SENATE BILL 5193

State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Smith, Roach, Honeyford, and Delvin; by request of Department of Fish and Wildlife)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to large wild carnivore conflict management;
2 amending RCW 77.08.030, 77.36.100, 77.36.130, 46.17.220, and 46.68.425;
3 reenacting and amending RCW 77.36.010; adding new sections to chapter
4 77.36 RCW; creating a new section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The intent of the legislature is to
7 facilitate the transition of the state's efforts from gray wolf
8 recovery to management as wolf recovery objectives are reached.
9 Listing the gray wolf as a statutory "game species" does not negatively
10 impact the current endangered classification of the gray wolf by the
11 Washington department of fish and wildlife. Listing the gray wolf as
12 a "game species" positions Washington to use proven population control
13 management tools that have been utilized by our neighboring regions as
14 they have navigated through the wolf recovery process. The lessons
15 learned by other states and provinces have suggested it is better to
16 have a management framework in place before recovery objectives are
17 achieved. This allows for a more seamless transition to minimize
18 unnecessary losses to local industries, unwanted threats to public
19 safety, or negative impacts to wildlife populations and ecosystems.

1 **Sec. 2.** RCW 77.08.030 and 1980 c 78 s 11 are each amended to read
2 as follows:

3 As used in this title or rules of the commission, "big game" means
4 the following species:

Scientific Name	Common Name
Cervus canadensis	elk or wapiti
Odocoileus hemionus	blacktail deer or mule deer
Odocoileus virginianus	whitetail deer
Alces americana	moose
Oreamnos americanus	mountain goat
Rangifer caribou	<u>woodland</u> caribou
Ovis canadensis	mountain sheep
Antilocapra americana	pronghorn antelope
((Felis)) <u>Puma concolor</u>	cougar or mountain lion
((Euarctos americana)) <u>Ursus americanus</u>	black bear
Ursus horribilis	grizzly bear
<u>Canis lupus</u>	<u>gray wolf</u>

20 **Sec. 3.** RCW 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are
21 each reenacted and amended to read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

24 (1) "Claim" means an application to the department for compensation
25 under this chapter.

26 (2) "Commercial crop" means a horticultural or agricultural
27 product, including the growing or harvested product. For the purposes
28 of this chapter all parts of horticultural trees shall be considered a
29 commercial crop and shall be eligible for claims.

30 (3) "~~((Commercial))~~ Livestock" means cattle, sheep, and horses
31 ~~((held or raised by a person for sale))~~.

32 (4) "Compensation" means a cash payment, materials, or service.

33 (5) "Damage" means economic losses caused by wildlife interactions.

34 (6) "Immediate family member" means spouse, state registered

1 domestic partner, brother, sister, grandparent, parent, child, or
2 grandchild.

3 (7) "Owner" means a person who has a legal right to commercial
4 crops, (~~commercial~~) livestock, or other property that was damaged
5 during a wildlife interaction.

6 (8) "Wildlife interaction" means the negative interaction and the
7 resultant damage between wildlife and commercial crops, (~~commercial~~)
8 livestock, or other property.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.36 RCW
10 to read as follows:

11 (1) The department may pay no more than fifty thousand dollars per
12 fiscal year from the state wildlife account created in RCW 77.12.170
13 for claims and assessment costs for injury or loss of livestock caused
14 by wolves submitted under RCW 77.36.100.

15 (2) Notwithstanding other provisions of this chapter, the
16 department may also accept and expend money from other sources to
17 address injury or loss of livestock or other property caused by wolves
18 consistent with the requirements on that source of funding.

19 (3) If any wildlife account expenditures authorized under
20 subsection (1) of this section are unspent as of June 30th of a fiscal
21 year, the state treasurer shall transfer the unspent amount to the
22 wolf-livestock conflict account created in section 5 of this act.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.36 RCW
24 to read as follows:

25 (1) The wolf-livestock conflict account is created in the custody
26 of the state treasurer. Any transfers under section 4 of this act must
27 be deposited in the account. The department may also deposit into the
28 account any grants, gifts, or donations to the state for the purposes
29 of providing compensation for injury or loss of livestock caused by
30 wolves. Consistent with this chapter, expenditures from the account
31 may be used only for mitigation, assessment, and payments for injury or
32 loss of livestock caused by wolves. Only the director or the
33 director's designee may authorize expenditures from the account. The
34 account is subject to allotment procedures under chapter 43.88 RCW, but
35 an appropriation is not required for expenditures.

1 (2)(a) The department must maintain a list of claims submitted
2 under RCW 77.36.100, organized chronologically by the date wolf
3 predation is confirmed, for injury or loss of livestock caused by
4 wolves that have been approved for payment but not yet been fully paid
5 by the department. As funding becomes available to the department
6 under this section, section 4 of this act, or any other source, the
7 department must pay claims in the chronologic order they appear on the
8 list. The department must maintain, and is authorized to pay, claims
9 that appear on the list due to injury or loss that occurred in a
10 previous fiscal biennium.

11 (b) The payment of a claim included on the list maintained by the
12 department under this section is conditional on the availability of
13 specific funding for this purpose and is not a guarantee of
14 reimbursement.

15 **Sec. 6.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read
16 as follows:

17 (1)(a) Except as limited by RCW 77.36.070 (~~and~~), 77.36.080, and
18 sections 4 and 5 of this act, the department shall offer to distribute
19 money appropriated to pay claims to the owner of commercial crops for
20 damage caused by wild deer or elk or to the owners of (~~commercial~~)
21 livestock that has been killed by bears, wolves, or cougars, or injured
22 by bears, wolves, or cougars to such a degree that the market value of
23 the (~~commercial~~) livestock has been diminished. Payments for claims
24 for damage to (~~commercial~~) livestock are not subject to the
25 limitations of RCW 77.36.070 and 77.36.080, but may not, except as
26 provided in sections 4 and 5 of this act, exceed the total amount
27 specifically appropriated therefor.

28 (b) Owners of commercial crops or (~~commercial~~) livestock are only
29 eligible for a claim under this subsection if:

30 (i) The commercial crop owner satisfies the definition of "eligible
31 farmer" in RCW 82.08.855;

32 (ii) The conditions of RCW 77.36.110 have been satisfied; and

33 (iii) The damage caused to the commercial crop or (~~commercial~~)
34 livestock satisfies the criteria for damage established by the
35 commission under (c) of this subsection.

36 (c) The commission shall adopt and maintain by rule criteria that
37 clarifies the damage to commercial crops and (~~commercial~~) livestock

1 qualifying for compensation under this subsection. An owner of a
2 commercial crop or (~~commercial~~) livestock must satisfy the criteria
3 prior to receiving compensation under this subsection. The criteria
4 for damage adopted under this subsection must include, but not be
5 limited to, a required minimum economic loss to the owner of the
6 commercial crop or (~~commercial~~) livestock, which may not be set at a
7 value of less than five hundred dollars.

8 (2)(a) Subject to the availability of nonstate funds, nonstate
9 resources other than cash, or amounts appropriated for this specific
10 purpose, the department may offer to provide (~~noncash~~) compensation
11 (~~only~~) to offset wildlife interactions to a person who applies to the
12 department for compensation for damage to property other than
13 commercial crops or (~~commercial~~) livestock that is the result of a
14 mammalian or avian species of wildlife on a case-specific basis if the
15 conditions of RCW 77.36.110 have been satisfied and if the damage
16 satisfies the criteria for damage established by the commission under
17 (b) of this subsection.

18 (b) The commission shall adopt and maintain by rule criteria for
19 damage to property other than a commercial crop or (~~commercial~~)
20 livestock that is damaged by wildlife and may be eligible for
21 compensation under this subsection, including criteria for filing a
22 claim for compensation under this subsection.

23 (3)(a) To prevent or offset wildlife interactions, the department
24 may offer materials or services to a person who applies to the
25 department for assistance in providing mitigating actions designed to
26 reduce wildlife interactions if the actions are designed to address
27 damage that satisfies the criteria for damage established by the
28 commission under this (~~subsection~~) section.

29 (b) The commission shall adopt and maintain by rule criteria for
30 mitigating actions designed to address wildlife interactions that may
31 be eligible for materials and services under this section, including
32 criteria for submitting an application under this section.

33 (4) An owner who files a claim under this section may appeal the
34 decision of the department pursuant to rules adopted by the commission
35 if the claim:

36 (a) Is denied; or

37 (b) Is disputed by the owner and the owner disagrees with the
38 amount of compensation determined by the department.

1 (5) The commission shall adopt rules setting limits and conditions
2 for the department's expenditures on claims and assessments for
3 commercial crops, livestock, other property, and mitigating actions.

4 **Sec. 7.** RCW 77.36.130 and 2009 c 333 s 58 are each amended to read
5 as follows:

6 (1) Except as otherwise provided in this section and as limited by
7 RCW 77.36.100, 77.36.070, ~~((and))~~ 77.36.080, and sections 4 and 5 of
8 this act, the cash compensation portion of each claim by the department
9 under this chapter is limited to the lesser of:

10 (a) The value of the damage to the property by wildlife, reduced by
11 the amount of compensation provided to the claimant by any nonprofit
12 organizations that provide compensation to private property owners due
13 to financial losses caused by wildlife interactions ~~((, except that,~~
14 ~~subject to appropriation to pay compensation for damage to commercial~~
15 ~~livestock,))~~. The value of killed or injured ((commercial)) livestock
16 may be no more than ((two hundred dollars per sheep, one thousand five
17 hundred dollars per head of cattle, and one thousand five hundred
18 dollars per horse)) the market value of the lost livestock subject to
19 the conditions and criteria established by rule of the commission; or

20 (b) Ten thousand dollars.

21 (2) The department may offer to pay a claim for an amount in excess
22 of ten thousand dollars to the owners of commercial crops or
23 ~~((commercial))~~ livestock filing a claim under RCW 77.36.100 only if the
24 outcome of an appeal filed by the claimant under RCW 77.36.100
25 determines a payment higher than ten thousand dollars.

26 (3) All payments of claims by the department under this chapter
27 must be paid to the owner of the damaged property and may not be
28 assigned to a third party.

29 (4) The burden of proving all property damage, including damage to
30 commercial crops and ~~((commercial))~~ livestock, belongs to the claimant.

31 **Sec. 8.** RCW 46.17.220 and 2012 c 65 s 4 are each amended to read
32 as follows:

33 (1) In addition to all fees and taxes required to be paid upon
34 application for a vehicle registration in chapter 46.16A RCW, the
35 holder of a special license plate shall pay the appropriate special
36 license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
(e) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(f) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
(g) Endangered wildlife	\$ ((40.00)) <u>50.00</u>	\$ ((30.00)) <u>40.00</u>	RCW 46.68.425
(h) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
(i) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
(j) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
(k) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
(l) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(m) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
(n) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
(o) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(p) Ride share	\$ 25.00	N/A	RCW 46.68.030
(q) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
(r) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
(s) Square dancer	\$ 40.00	N/A	RCW 46.68.070
(t) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
(u) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
(v) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
(w) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
(x) Washington's national parks	\$ 40.00	\$ 30.00	RCW 46.68.420
(y) Washington's wildlife collection	\$ ((40.00)) <u>50.00</u>	\$ ((30.00)) <u>40.00</u>	RCW 46.68.425
(z) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
(aa) Wild on Washington	\$ ((40.00)) <u>50.00</u>	\$ ((30.00)) <u>40.00</u>	RCW 46.68.425

1 (2) After deducting administration and collection expenses for the
2 sale of baseball stadium license plates, the remaining proceeds must be
3 distributed to a county for the purpose of paying the principal and
4 interest payments on bonds issued by the county to construct a baseball
5 stadium, as defined in RCW 82.14.0485, including reasonably necessary
6 preconstruction costs, while the taxes are being collected under RCW
7 82.14.360. After this date, the state treasurer shall credit the funds
8 to the state general fund.

9 **Sec. 9.** RCW 46.68.425 and 2011 c 171 s 88 are each amended to read
10 as follows:

- 11 (1) The department shall:
- 12 (a) Collect special license plate fees established under RCW
13 46.17.220;
- 14 (b) Deduct an amount not to exceed twelve dollars for initial issue
15 and two dollars for renewal issue for administration and collection
16 expenses incurred by it; and
- 17 (c) Remit the remaining proceeds to the custody of the state
18 treasurer with a proper identifying detailed report.

19 (2) The state treasurer shall credit the proceeds to the motor
20 vehicle fund until the department determines that the state has been
21 reimbursed for the cost of implementing the special license plate.
22 Upon determination by the department that the state has been
23 reimbursed, the state treasurer shall credit the remaining special
24 license plate fees to the following accounts by special license plate
25 type:

26 SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
27 Armed forces	RCW 43.60A.140	N/A
28 Endangered wildlife	RCW 77.12.170	Must be used only for the department of 29 fish and wildlife's endangered wildlife 30 program activities and as specified under 31 <u>subsection (3) of this section</u>
32 Keep kids safe	RCW 43.121.100	((As specified in RCW 43.121.050)) <u>N/A</u>

1	Washington state parks	RCW 79A.05.059	Provide public educational opportunities
2			and enhancement of Washington state
3			parks
4	Washington's wildlife collection	RCW 77.12.170	<u>Must be used only</u> for the department of
5			fish and wildlife's game species
6			management activities <u>and as specified</u>
7			<u>under subsection (3) of this section</u>
8	Wild on Washington	RCW 77.12.170	((Dedicated to)) <u>Must be used only for</u> the
9			department of fish and wildlife's watchable
10			wildlife activities, as defined in RCW
11			77.32.560, <u>and as specified under</u>
12			<u>subsection (3) of this section</u>

13 (3) Ten dollars of the amount deposited to the state wildlife
14 account established under RCW 77.12.170 from each initial or renewal
15 issuance of an endangered wildlife, Washington's wildlife collection,
16 and Wild on Washington special license plate may only be used for the
17 department of fish and wildlife's wolf management efforts or payments
18 for livestock injury and loss caused by wolves under section 4 of this
19 act.

20 NEW SECTION. **Sec. 10.** Sections 8 and 9 of this act take effect
21 January 1, 2014.

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