

SENATE BILL 5193

State of Washington

63rd Legislature

2013 Regular Session

By Senators Smith, Roach, Honeyford, and Delvin; by request of Department of Fish and Wildlife

Read first time 01/23/13. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to large wild carnivore conflict management;
2 amending RCW 77.08.030, 77.36.100, 77.36.130, 46.18.200, 46.17.220,
3 46.68.425, and 46.18.060; reenacting and amending RCW 77.36.010 and
4 77.12.170; adding new sections to chapter 77.36 RCW; adding a new
5 section to chapter 46.04 RCW; and providing an effective date.

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

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

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

11	Scientific Name	Common Name
12	Cervus canadensis	elk or wapiti
13	Odocoileus hemionus	blacktail deer or mule deer
14	Odocoileus virginianus	whitetail deer
15	Alces americana	moose
16		

1	Oreamnos americanus	mountain goat
2	Rangifer caribou	<u>woodland</u> caribou
3	Ovis canadensis	mountain sheep
4	Antilocapra americana	pronghorn antelope
5	<del>((Felis))</del> <u>Puma concolor</u>	cougar or mountain lion
6	<del>((Euaretos americana))</del>	black bear
7	<u>Ursus americanus</u>	
8	Ursus horribilis	grizzly bear
9	<u>Canis lupus</u>	<u>gray wolf</u>

10       **Sec. 2.** RCW 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are  
11 each reenacted and amended to read as follows:

12       The definitions in this section apply throughout this chapter  
13 unless the context clearly requires otherwise.

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

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

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

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

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

24       (6) "Immediate family member" means spouse, state registered  
25 domestic partner, brother, sister, grandparent, parent, child, or  
26 grandchild.

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

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

33       NEW SECTION. **Sec. 3.** A new section is added to chapter 77.36 RCW  
34 to read as follows:

35       (1) The department may not pay more than fifty thousand dollars per

1 fiscal year from the state wildlife account created in RCW 77.12.170  
2 for claims and assessment costs for injury or loss of livestock  
3 submitted under RCW 77.36.100.

4 (2) The department may accept and expend money from other sources  
5 to address losses or damage to livestock or other property.

6 (3) The department may not expend any money deposited into the  
7 state wildlife account in RCW 77.12.170 that is received from the sale  
8 of Washington's wolves license plates in chapter 46.17 RCW for the  
9 purposes of lethal wolf management.

10 **Sec. 4.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read  
11 as follows:

12 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the  
13 department shall offer to distribute money appropriated to pay claims  
14 to the owner of commercial crops for damage caused by wild deer or elk  
15 (~~or to the owners of commercial livestock that has been killed by~~  
16 ~~bears, wolves, or cougars, or injured by bears, wolves, or cougars to~~  
17 ~~such a degree that the market value of the commercial livestock has~~  
18 ~~been diminished)). Payments for claims for damage to (~~commercial~~)  
19 livestock (~~are not subject to the limitations of RCW 77.36.070 and~~  
20 ~~77.36.080, but may not exceed the total amount specifically~~  
21 ~~appropriated therefor)) that have been killed or that have been injured  
22 by large wild carnivores to such a degree that the market value of the  
23 livestock has been diminished, are subject to the limitations of  
24 section 3(1) of this act and may not exceed the total amount  
25 specifically appropriated therefor.~~~~

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

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

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

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

34 (c) The commission shall adopt and maintain by rule criteria that  
35 clarifies the damage to commercial crops and (~~commercial~~) livestock  
36 qualifying for compensation under this subsection. An owner of a  
37 commercial crop or (~~commercial~~) livestock must satisfy the criteria

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

6 (2)(a) The department may offer to provide noncash compensation  
7 (~~only~~) to offset wildlife interactions to a person who applies to the  
8 department for compensation for damage to property other than  
9 commercial crops or (~~commercial~~) livestock that is the result of a  
10 mammalian or avian species of wildlife on a case-specific basis if the  
11 conditions of RCW 77.36.110 have been satisfied and if the damage  
12 satisfies the criteria for damage established by the commission under  
13 (b) of this subsection.

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

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

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

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

32 (a) Is denied; or

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

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

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

3       (1) Except as otherwise provided in this section and as limited by  
4 RCW 77.36.100, 77.36.070, ~~((and)) 77.36.080, and section 3(1) of this~~  
5 act, the cash compensation portion of each claim by the department  
6 under this chapter is limited to the lesser of:

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

16       (b) Ten thousand dollars.

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

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

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

27       **Sec. 6.** RCW 46.18.200 and 2012 c 65 s 1 are each amended to read  
28 as follows:

29       (1) Special license plate series reviewed and approved by the  
30 department:

31       (a) May be issued in lieu of standard issue or personalized license  
32 plates for vehicles required to display one and two license plates  
33 unless otherwise specified;

34       (b) Must be issued under terms and conditions established by the  
35 department;

36       (c) Must not be issued for vehicles registered under chapter 46.87  
37 RCW; and

1 (d) Must display a symbol or artwork approved by the department.  
2 (2) The department approves and shall issue the following special  
3 license plates:

4 LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
5 4-H	Displays the "4-H" logo.
6 Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
12 Endangered wildlife	Displays a symbol or artwork, approved by the special license plate review board and the legislature.
14 Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
15 Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
17 Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
18 Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
20 Music matters	Displays the "Music Matters" logo.
21 Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
24 Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
26 Ski & ride Washington	Recognizes the Washington snowsports industry.
27 State flower	Recognizes the Washington state flower.
28 Volunteer firefighters	Recognizes volunteer firefighters.
29 Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
32 Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.

1	Washington's national park fund	Builds awareness of Washington's national parks and
2		supports priority park programs and projects in
3		Washington's national parks, such as enhancing visitor
4		experience, promoting volunteerism, engaging
5		communities, and providing educational opportunities
6		related to Washington's national parks.
7	<u>Washington's wolves</u>	<u>Recognizes Washington's wolf population and their special</u>
8		<u>management needs.</u>
9	Washington's wildlife collection	Recognizes Washington's wildlife.
10	We love our pets	Recognizes an organization that assists local member
11		agencies of the federation of animal welfare and control
12		agencies to promote and perform spay/neuter surgery on
13		Washington state pets to reduce pet overpopulation.
14	Wild on Washington	Symbolizes wildlife viewing in Washington state.

15 (3) Applicants for initial and renewal professional firefighters  
16 and paramedics special license plates must show proof eligibility by  
17 providing a certificate of current membership from the Washington state  
18 council of firefighters.

19 (4) Applicants for initial volunteer firefighters special license  
20 plates must (a) have been a volunteer firefighter for at least ten  
21 years or be a volunteer firefighter for one or more years and (b) have  
22 documentation of service from the district of the appropriate fire  
23 service. If the volunteer firefighter leaves firefighting service  
24 before ten years of service have been completed, the volunteer  
25 firefighter shall surrender the license plates to the department on the  
26 registration renewal date. If the volunteer firefighter stays in  
27 service for at least ten years and then leaves, the license plate may  
28 be retained by the former volunteer firefighter and as long as the  
29 license plate is retained for use the person will continue to pay the  
30 future registration renewals. A qualifying volunteer firefighter may  
31 have no more than one set of license plates per vehicle, and a maximum  
32 of two sets per applicant, for their personal vehicles. If the  
33 volunteer firefighter is convicted of a violation of RCW 46.61.502 or  
34 a felony, the license plates must be surrendered upon conviction.

35 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.04 RCW  
36 to read as follows:

1 "Washington's wolves license plates" means special license plates  
2 issued under RCW 46.18.200 that display a symbol or artwork of a wolf.

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

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

9	PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
10	(a) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
11	(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
12	(c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
13	(d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this
14				section
15	(e) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
16	(f) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
17	(g) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
18	(h) Gonzaga University	\$ 40.00	\$ 30.00	RCW 46.68.420
19	alumni association			
20	(i) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
21	(j) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
22	(k) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
23	(l) Law enforcement	\$ 40.00	\$ 30.00	RCW 46.68.420
24	memorial			
25	(m) Military affiliate radio	\$ 5.00	N/A	RCW 46.68.070
26	system			
27	(n) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
28	(o) Professional firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
29	and paramedics			
30	(p) Ride share	\$ 25.00	N/A	RCW 46.68.030
31	(q) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
32	(r) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
33	(s) Square dancer	\$ 40.00	N/A	RCW 46.68.070
34	(t) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
35	(u) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420

1	(v) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
2	(w) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
3	(x) Washington's national	\$ 40.00	\$ 30.00	RCW 46.68.420
4	parks			
5	(y) <u>Washington's wolves</u>	<u>\$40.00</u>	<u>\$30.00</u>	<u>RCW 46.68.425</u>
6	<u>(z) Washington's wildlife</u>	\$ 40.00	\$ 30.00	RCW 46.68.425
7	collection			
8	<del>((z))</del> <u>(aa) We love our pets</u>	\$ 40.00	\$ 30.00	RCW 46.68.420
9	<del>((aa))</del> <u>(bb) Wild on</u>	\$ 40.00	\$ 30.00	RCW 46.68.425
10	Washington			

11 (2) After deducting administration and collection expenses for the  
12 sale of baseball stadium license plates, the remaining proceeds must be  
13 distributed to a county for the purpose of paying the principal and  
14 interest payments on bonds issued by the county to construct a baseball  
15 stadium, as defined in RCW 82.14.0485, including reasonably necessary  
16 preconstruction costs, while the taxes are being collected under RCW  
17 82.14.360. After this date, the state treasurer shall credit the funds  
18 to the state general fund.

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

21 (1) The department shall:

22 (a) Collect special license plate fees established under RCW  
23 46.17.220;

24 (b) Deduct an amount not to exceed twelve dollars for initial issue  
25 and two dollars for renewal issue for administration and collection  
26 expenses incurred by it; and

27 (c) Remit the remaining proceeds to the custody of the state  
28 treasurer with a proper identifying detailed report.

29 (2) The state treasurer shall credit the proceeds to the motor  
30 vehicle fund until the department determines that the state has been  
31 reimbursed for the cost of implementing the special license plate.  
32 Upon determination by the department that the state has been  
33 reimbursed, the state treasurer shall credit the remaining special  
34 license plate fees to the following accounts by special license plate  
35 type:

1	SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
2	Armed forces	RCW 43.60A.140	N/A
3	Endangered wildlife	RCW 77.12.170	Must be used only for the department of
4			fish and wildlife's endangered wildlife
5			program activities
6	Keep kids safe	RCW 43.121.100	((As specified in RCW 43.121.050)) N/A
7	Washington state parks	RCW 79A.05.059	Provide public educational opportunities
8			and enhancement of Washington state
9			parks
10	<u>Washington's wolves</u>	<u>RCW 77.12.170</u>	<u>Dedicated to the department of fish and</u>
11			<u>wildlife's management of wolves</u>
12	Washington's wildlife collection	RCW 77.12.170	Only for the department of fish and
13			wildlife's game species management
14			activities
15	Wild on Washington	RCW 77.12.170	Dedicated to the department of fish and
16			wildlife's watchable wildlife activities, as
17			defined in RCW 77.32.560

18       **Sec. 10.** RCW 46.18.060 and 2012 c 65 s 6 are each amended to read  
19 as follows:

20       (1) The department must review and either approve or reject special  
21 license plate applications submitted by sponsoring organizations.

22       (2) Duties of the department include, but are not limited to, the  
23 following:

24       (a) Review and approve the annual financial reports submitted by  
25 sponsoring organizations with active special license plate series and  
26 present those annual financial reports to the joint transportation  
27 committee;

28       (b) Report annually to the joint transportation committee on the  
29 special license plate applications that were considered by the  
30 department;

31       (c) Issue approval and rejection notification letters to sponsoring  
32 organizations, the executive committee of the joint transportation  
33 committee, and the legislative sponsors identified in each application.  
34 The letters must be issued within seven days of making a determination  
35 on the status of an application; and

1 (d) Review annually the number of plates sold for each special  
2 license plate series created after January 1, 2003. The department may  
3 submit a recommendation to discontinue a special plate series to the  
4 executive committee of the joint transportation committee.

5 (3) Except as provided in RCW 46.18.245, in order to assess the  
6 effects and impact of the proliferation of special license plates, the  
7 legislature declares a temporary moratorium on the issuance of any  
8 additional plates until July 1, 2013. During this period of time, the  
9 department is prohibited from accepting, reviewing, processing, or  
10 approving any applications. Additionally, a special license plate may  
11 not be enacted by the legislature during the moratorium, unless the  
12 proposed license plate has been approved by the former special license  
13 plate review board before February 15, 2005.

14 (4) The limitations under subsection (3) of this section do not  
15 apply to the following special license plates:

- 16 (a) 4-H license plates created under RCW 46.18.200;
- 17 (b) Music Matters license plates created under RCW 46.18.200;
- 18 (c) State flower license plates created under RCW 46.18.200;
- 19 (d) Volunteer firefighter license plates created under RCW  
20 46.18.200;
- 21 (e) Washington's wolves license plates created under RCW 46.18.200.

22 **Sec. 11.** RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and  
23 2011 c 171 s 112 are each reenacted and amended to read as follows:

24 (1) There is established in the state treasury the state wildlife  
25 account which consists of moneys received from:

- 26 (a) Rentals or concessions of the department;
- 27 (b) The sale of real or personal property held for department  
28 purposes, unless the property is seized or recovered through a fish,  
29 shellfish, or wildlife enforcement action;
- 30 (c) The assessment of administrative penalties;
- 31 (d) The sale of licenses, permits, tags, and stamps required by  
32 chapter 77.32 RCW, RCW 77.65.490, and application fees;
- 33 (e) Fees for informational materials published by the department;
- 34 (f) Fees for personalized vehicle, Wild on Washington, ~~(and)~~  
35 Endangered Wildlife, and Washington's wolves license plates and  
36 Washington's Wildlife license plate collection as provided in chapter  
37 46.17 RCW;

1 (g) Articles or wildlife sold by the director under this title;

2 (h) Compensation for damage to department property or wildlife  
3 losses or contributions, gifts, or grants received under RCW 77.12.320.  
4 However, this excludes fish and shellfish overages, and court-ordered  
5 restitution or donations associated with any fish, shellfish, or  
6 wildlife enforcement action, as such moneys must be deposited pursuant  
7 to RCW 77.15.425;

8 (i) Excise tax on anadromous game fish collected under chapter  
9 82.27 RCW;

10 (j) The department's share of revenues from auctions and raffles  
11 authorized by the commission;

12 (k) The sale of watchable wildlife decals under RCW 77.32.560;  
13 ((and))

14 (l) Moneys received from the recreation access pass account created  
15 in RCW 79A.80.090 must be dedicated to stewardship, operations, and  
16 maintenance of department lands used for public recreation purposes;  
17 and

18 (m) Donations received by the director under RCW 77.12.039.

19 (2) State and county officers receiving any moneys listed in  
20 subsection (1) of this section shall deposit them in the state treasury  
21 to be credited to the state wildlife account.

22 NEW SECTION. **Sec. 12.** Sections 6 through 10 of this act take  
23 effect January 1, 2014.

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