

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5193

63rd Legislature
2013 Regular Session

Passed by the Senate April 27, 2013
YEAS 43 NAYS 1

President of the Senate

Passed by the House April 25, 2013
YEAS 96 NAYS 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5193** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5193

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

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 gray wolf conflict management; amending RCW
2 77.36.100, 77.36.130, and 46.17.210; reenacting and amending RCW
3 77.36.010; adding new sections to chapter 77.36 RCW; and creating a new
4 section.

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

6 **Sec. 1.** RCW 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are
7 each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

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

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

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

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

1 (6) "Immediate family member" means spouse, state registered
2 domestic partner, brother, sister, grandparent, parent, child, or
3 grandchild.

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

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

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.36 RCW
11 to read as follows:

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

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

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

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

26 (1) The wolf-livestock conflict account is created in the custody
27 of the state treasurer. Any transfers under section 2 of this act must
28 be deposited in the account. The department may also deposit into the
29 account any grants, gifts, or donations to the state for the purposes
30 of providing compensation for injury or loss of livestock caused by
31 wolves. Consistent with this chapter, expenditures from the account
32 may be used only for mitigation, assessment, and payments for injury or
33 loss of livestock caused by wolves. Only the director or the
34 director's designee may authorize expenditures from the account. The
35 account is subject to allotment procedures under chapter 43.88 RCW, but
36 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 2 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. 4.** 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 2 and 3 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 2 and 3 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 (~~none~~) 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. 5.** 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 2 and 3 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. 6.** RCW 46.17.210 and 2011 c 171 s 57 are each amended to read
32 as follows:

33 In addition to all fees and taxes required to be paid upon
34 application for a vehicle registration under chapter 46.16A RCW, the
35 holder of a personalized license plate shall pay an initial fee of

1 ((~~forty-two~~) fifty-two dollars and ((~~thirty-two~~) forty-two dollars
2 for each renewal. The personalized license plate fee must be
3 distributed as provided in RCW 46.68.435.

4 NEW SECTION. **Sec. 7.** Section 6 of this act applies only to
5 vehicle registrations that are due or become due on or after October 1,
6 2013.

--- END ---