

1 1752-S2 AAS 04/12/01 S2683.3

2 **2SHB 1752** - S AMD 305

3 By Senators Rasmussen, Swecker, Jacobsen and Spanel

4 ADOPTED 04/12/01

5 Strike everything after the enacting clause and insert the
6 following:

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
20 legislature further finds that damage prevention is key to maintaining
21 healthy deer and elk populations, wildlife-related recreational
22 opportunities, ~~((and))~~ commercially productive agricultural and
23 horticultural crops, and rangeland suitable for grazing or browsing of
24 domestic livestock, and that the state, participants in wildlife
25 recreation, and private landowners and tenants share the responsibility
26 for damage prevention. Toward this end, the legislature encourages
27 landowners and tenants to contribute through their land management
28 practices to healthy wildlife populations and to provide access for
29 related recreation. It is in the best interests of the state for the
30 department of fish and wildlife to respond quickly to wildlife damage
31 complaints and to work with these landowners and tenants to minimize
32 and/or prevent damages and conflicts while maintaining deer and elk
33 populations for enjoyment by all citizens of the state.

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

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

3 (~~Unless otherwise specified,~~) The (~~following~~) definitions in
4 this section apply throughout this chapter(~~(+)~~) unless the context
5 clearly requires otherwise.

6 (1) "Crop" means (~~a commercially raised horticultural and/or~~
7 ~~agricultural product and includes growing or harvested product but does~~
8 ~~not include livestock~~) (a) a growing or harvested horticultural and/or
9 agricultural product for commercial purposes; or (b) rangeland forage
10 on privately owned land used for grazing or browsing of domestic
11 livestock for at least a portion of the year for commercial purposes.
12 For the purposes of this chapter all parts of horticultural trees shall
13 be considered a crop and shall be eligible for claims.

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

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

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

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

29 (2) The legislature may declare an emergency, defined for the
30 purposes of this section as any happening arising from weather, other
31 natural conditions, or fire that causes unusually great damage by deer
32 or elk to commercially raised agricultural or horticultural crops (~~by~~
33 ~~deer or elk~~), or rangeland forage on privately owned land used for
34 grazing or browsing of domestic livestock for at least a portion of the
35 year. In an emergency, the department may pay as much as may be
36 subsequently appropriated, in addition to the funds authorized under
37 subsection (1) of this section, for claims under RCW 77.36.040 and for
38 assessment and compromise of claims. Such money shall be used to pay
39 animal damage claims only if the claim meets the conditions of RCW

1 77.36.040 and the department has expended all funds authorized under
2 RCW 77.36.070 or subsection (1) of this section.

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

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

11 NEW SECTION. Sec. 4. A new section is added to chapter 43.131 RCW
12 to read as follows:

13 The joint legislative audit and review committee must conduct a
14 program review, as provided in this chapter, of the program to
15 reimburse landowners for damage to rangeland used for grazing or
16 browsing of domestic livestock caused by deer and elk, established in
17 sections 1 through 3, chapter . . . , Laws of 2001 (sections 1 through
18 3 of this act). The review must be completed by January 1, 2004.

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

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

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

22 and

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

24 NEW SECTION. Sec. 6. This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 July 1, 2001."

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30 ADOPTED 04/12/01

31 On page 1, line 2 of the title, after "livestock;" strike the
32 remainder of the title and insert "amending RCW 77.36.005, 77.36.010,
33 and 77.36.080; adding a new section to chapter 43.131 RCW; providing an

1 effective date; providing an expiration date; and declaring an
2 emergency."

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