
ENGROSSED 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 gray wolf conflict management; amending RCW
2 77.36.100, 77.36.130, 46.17.220, and 46.68.425; reenacting and amending
3 RCW 77.36.010; adding new sections to chapter 77.36 RCW; creating a new
4 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 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are
2 each reenacted and amended to read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

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

15 (6) "Immediate family member" means spouse, state registered
16 domestic partner, brother, sister, grandparent, parent, child, or
17 grandchild.

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

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

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

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

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

34 (3) If any wildlife account expenditures authorized under
35 subsection (1) of this section are unspent as of June 30th of a fiscal
36 year, the state treasurer shall transfer the unspent amount to the
37 wolf-livestock conflict account created in section 4 of this act.

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

3 (1) The wolf-livestock conflict account is created in the custody
4 of the state treasurer. Any transfers under section 3 of this act must
5 be deposited in the account. The department may also deposit into the
6 account any grants, gifts, or donations to the state for the purposes
7 of providing compensation for injury or loss of livestock caused by
8 wolves. Consistent with this chapter, expenditures from the account
9 may be used only for mitigation, assessment, and payments for injury or
10 loss of livestock caused by wolves. Only the director or the
11 director's designee may authorize expenditures from the account. The
12 account is subject to allotment procedures under chapter 43.88 RCW, but
13 an appropriation is not required for expenditures.

14 (2)(a) The department must maintain a list of claims submitted
15 under RCW 77.36.100, organized chronologically by the date wolf
16 predation is confirmed, for injury or loss of livestock caused by
17 wolves that have been approved for payment but not yet been fully paid
18 by the department. As funding becomes available to the department
19 under this section, section 3 of this act, or any other source, the
20 department must pay claims in the chronologic order they appear on the
21 list. The department must maintain, and is authorized to pay, claims
22 that appear on the list due to injury or loss that occurred in a
23 previous fiscal biennium.

24 (b) The payment of a claim included on the list maintained by the
25 department under this section is conditional on the availability of
26 specific funding for this purpose and is not a guarantee of
27 reimbursement.

28 **Sec. 5.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read
29 as follows:

30 (1)(a) Except as limited by RCW 77.36.070 (~~and~~), 77.36.080, and
31 sections 3 and 4 of this act, the department shall offer to distribute
32 money appropriated to pay claims to the owner of commercial crops for
33 damage caused by wild deer or elk or to the owners of (~~commercial~~)
34 livestock that has been killed by bears, wolves, or cougars, or injured
35 by bears, wolves, or cougars to such a degree that the market value of
36 the (~~commercial~~) livestock has been diminished. Payments for claims
37 for damage to (~~commercial~~) livestock are not subject to the

1 limitations of RCW 77.36.070 and 77.36.080, but may not, except as
2 provided in sections 3 and 4 of this act, exceed the total amount
3 specifically appropriated therefor.

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

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

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

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

12 (c) The commission shall adopt and maintain by rule criteria that
13 clarifies the damage to commercial crops and (~~commercial~~) livestock
14 qualifying for compensation under this subsection. An owner of a
15 commercial crop or (~~commercial~~) livestock must satisfy the criteria
16 prior to receiving compensation under this subsection. The criteria
17 for damage adopted under this subsection must include, but not be
18 limited to, a required minimum economic loss to the owner of the
19 commercial crop or (~~commercial~~) livestock, which may not be set at a
20 value of less than five hundred dollars.

21 (2)(a) Subject to the availability of nonstate funds, nonstate
22 resources other than cash, or amounts appropriated for this specific
23 purpose, the department may offer to provide (~~noncash~~) compensation
24 (~~only~~) to offset wildlife interactions to a person who applies to the
25 department for compensation for damage to property other than
26 commercial crops or (~~commercial~~) livestock that is the result of a
27 mammalian or avian species of wildlife on a case-specific basis if the
28 conditions of RCW 77.36.110 have been satisfied and if the damage
29 satisfies the criteria for damage established by the commission under
30 (b) of this subsection.

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

36 (3)(a) To prevent or offset wildlife interactions, the department
37 may offer materials or services to a person who applies to the
38 department for assistance in providing mitigating actions designed to

1 reduce wildlife interactions if the actions are designed to address
2 damage that satisfies the criteria for damage established by the
3 commission under this (~~subsection~~) section.

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

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

11 (a) Is denied; or

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

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

17 **Sec. 6.** RCW 77.36.130 and 2009 c 333 s 58 are each amended to read
18 as follows:

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

23 (a) The value of the damage to the property by wildlife, reduced by
24 the amount of compensation provided to the claimant by any nonprofit
25 organizations that provide compensation to private property owners due
26 to financial losses caused by wildlife interactions (~~(, except that,~~
27 ~~subject to appropriation to pay compensation for damage to commercial~~
28 ~~livestock,)).~~ The value of killed or injured ((commercial)) livestock
29 may be no more than ((two hundred dollars per sheep, one thousand five
30 hundred dollars per head of cattle, and one thousand five hundred
31 dollars per horse)) the market value of the lost livestock subject to
32 the conditions and criteria established by rule of the commission; or

33 (b) Ten thousand dollars.

34 (2) The department may offer to pay a claim for an amount in excess
35 of ten thousand dollars to the owners of commercial crops or
36 (~~commercial~~) livestock filing a claim under RCW 77.36.100 only if the

1 outcome of an appeal filed by the claimant under RCW 77.36.100
2 determines a payment higher than ten thousand dollars.

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

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

8 **Sec. 7.** RCW 46.17.220 and 2012 c 65 s 4 are each amended to read
9 as follows:

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

14

15	PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
16	(a) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
17	(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
18	(c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
19	(d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this
20				section
21	(e) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
22	(f) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
23	(g) Endangered wildlife	\$ (40.00) <u>50.00</u>	\$ (30.00) <u>40.00</u>	RCW 46.68.425
24	(h) Gonzaga University	\$ 40.00	\$ 30.00	RCW 46.68.420
25	alumni association			
26	(i) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
27	(j) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
28	(k) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
29	(l) Law enforcement	\$ 40.00	\$ 30.00	RCW 46.68.420
30	memorial			
31	(m) Military affiliate radio	\$ 5.00	N/A	RCW 46.68.070
32	system			
33	(n) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
34	(o) Professional firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
35	and paramedics			

1	(p) Ride share	\$ 25.00	N/A	RCW 46.68.030
2	(q) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
3	(r) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
4	(s) Square dancer	\$ 40.00	N/A	RCW 46.68.070
5	(t) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
6	(u) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
7	(v) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
8	(w) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
9	(x) Washington's national	\$ 40.00	\$ 30.00	RCW 46.68.420
10	parks			
11	(y) Washington's wildlife	\$ (40.00) <u>50.00</u>	\$ (30.00) <u>40.00</u>	RCW 46.68.425
12	collection			
13	(z) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
14	(aa) Wild on Washington	\$ (40.00) <u>50.00</u>	\$ (30.00) <u>40.00</u>	RCW 46.68.425

15 (2) After deducting administration and collection expenses for the
16 sale of baseball stadium license plates, the remaining proceeds must be
17 distributed to a county for the purpose of paying the principal and
18 interest payments on bonds issued by the county to construct a baseball
19 stadium, as defined in RCW 82.14.0485, including reasonably necessary
20 preconstruction costs, while the taxes are being collected under RCW
21 82.14.360. After this date, the state treasurer shall credit the funds
22 to the state general fund.

23 **Sec. 8.** RCW 46.68.425 and 2011 c 171 s 88 are each amended to read
24 as follows:

25 (1) The department shall:

26 (a) Collect special license plate fees established under RCW
27 46.17.220;

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

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

33 (2) The state treasurer shall credit the proceeds to the motor
34 vehicle fund until the department determines that the state has been
35 reimbursed for the cost of implementing the special license plate.
36 Upon determination by the department that the state has been

1 reimbursed, the state treasurer shall credit the remaining special
2 license plate fees to the following accounts by special license plate
3 type:

4 SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
5 Armed forces	RCW 43.60A.140	N/A
6 Endangered wildlife	RCW 77.12.170	Must be used only for the department of 7 fish and wildlife's endangered wildlife 8 program activities <u>and as specified under</u> 9 <u>subsection (3) of this section</u>
10 Keep kids safe	RCW 43.121.100	((As specified in RCW 43.121.050)) N/A
11 Washington state parks	RCW 79A.05.059	Provide public educational opportunities 12 and enhancement of Washington state 13 parks
14 Washington's wildlife collection	RCW 77.12.170	<u>Must be used only</u> for the department of 15 fish and wildlife's game species 16 management activities <u>and as specified</u> 17 <u>under subsection (3) of this section</u>
18 Wild on Washington	RCW 77.12.170	((Dedicated to)) <u>Must be used only for the</u> 19 department of fish and wildlife's watchable 20 wildlife activities, as defined in RCW 21 77.32.560, <u>and as specified under</u> 22 <u>subsection (3) of this section</u>

23 (3) Ten dollars of the amount deposited to the state wildlife
24 account established under RCW 77.12.170 from each initial or renewal
25 issuance of an endangered wildlife, Washington's wildlife collection,
26 and Wild on Washington special license plate may only be used for the
27 department of fish and wildlife's wolf management efforts or payments
28 for livestock injury and loss caused by wolves under section 3 of this
29 act.

30 NEW SECTION. Sec. 9. Sections 7 and 8 of this act take effect
31 January 1, 2014.

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