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HOUSE BILL 2517

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Blake, Kretz, and Buys

Read first time 01/20/14. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to wildlife conflict funding to encourage proactive  
2 measures; amending RCW 77.36.070, 77.36.080, and 77.36.100; and adding  
3 new sections to chapter 77.36 RCW.

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

5 **Sec. 1.** RCW 77.36.070 and 2009 c 333 s 59 are each amended to read  
6 as follows:

7 (1) The department may pay no more than one hundred twenty thousand  
8 dollars per fiscal year from the state wildlife account created in RCW  
9 77.12.170 for claims and assessment costs for damage to commercial  
10 crops caused by wild deer or elk submitted under RCW 77.36.100.

11 (2) If any money authorized for expenditure under subsection (1) of  
12 this section is unspent as of June 30th of a fiscal year, the state  
13 treasurer shall transfer the unexpended money to the wildlife conflict  
14 account created in section 4 of this act.

15 **Sec. 2.** RCW 77.36.080 and 2009 c 333 s 60 are each amended to read  
16 as follows:

17 (1) Unless the legislature declares an emergency under this  
18 section, the department may pay no more than thirty thousand dollars

1 per fiscal year from the general fund for claims and assessment costs  
2 for damage to commercial crops caused by wild deer or elk submitted  
3 under RCW 77.36.100.

4 (2) If any money authorized for expenditure under subsection (1) of  
5 this section is unspent as of June 30th of a fiscal year, the state  
6 treasurer shall transfer the unexpended money to the wildlife conflict  
7 account created in section 4 of this act.

8 (3)(a) The legislature may declare an emergency if weather, fire,  
9 or other natural events result in deer or elk causing excessive damage  
10 to commercial crops.

11 (b) After an emergency declaration, the department may pay as much  
12 as may be subsequently appropriated, in addition to the funds  
13 authorized under subsection (1) of this section, for claims and  
14 assessment costs under RCW 77.36.100. Such money shall be used to pay  
15 wildlife interaction claims only if the claim meets the conditions of  
16 RCW 77.36.100 and the department has expended all funds authorized  
17 under RCW 77.36.070 or subsection (1) of this section.

18 NEW SECTION. Sec. 3. A new section is added to chapter 77.36 RCW  
19 to read as follows:

20 (1) The department may pay no more than fifty thousand dollars per  
21 fiscal year from the general fund for mitigation, claims, and  
22 assessment costs for injury or loss of livestock caused by large  
23 carnivores submitted under RCW 77.36.100.

24 (2) The department may also accept and expend money from other  
25 sources to address injury or loss of property caused by wildlife  
26 consistent with the requirements on that source of funding.

27 (3) If any money authorized for expenditure under subsection (1) of  
28 this section is unspent as of June 30th of a fiscal year, the state  
29 treasurer shall transfer the unexpended money to the wildlife conflict  
30 account created in section 4 of this act.

31 NEW SECTION. Sec. 4. A new section is added to chapter 77.36 RCW  
32 to read as follows:

33 (1) The wildlife conflict account is created in the custody of the  
34 state treasurer. Any transfers of money under RCW 77.36.070,  
35 77.36.080, and section 3 of this act must be deposited in the account.  
36 The department may also deposit into the account any grants, gifts, or

1 donations to the state for the purposes of providing compensation for  
2 property damage. Consistent with this chapter, expenditures from the  
3 account may be used only for prevention, mitigation, assessment, and  
4 payments for injury or loss of property caused by deer, elk, or large  
5 carnivores. Only the director or the director's designee may authorize  
6 expenditures from the account. The account is subject to allotment  
7 procedures under chapter 43.88 RCW, but an appropriation is not  
8 required for expenditures.

9 (2)(a) The department must maintain a list of claims submitted  
10 under RCW 77.36.100 that have been approved for payment but not yet  
11 been fully paid by the department. The list of claims must be  
12 organized chronologically by the date the injury or loss of property  
13 caused by deer, elk, or large carnivores occurred. As funding becomes  
14 available to the department under this section, or from any other  
15 source, the department must pay claims in the chronologic order they  
16 appear on the list. The department must maintain, and is authorized to  
17 pay, claims that appear on the list due to injury or loss that occurred  
18 in a previous fiscal biennium.

19 (b) The payment of a claim included on the list maintained by the  
20 department under this section is conditional on the availability of  
21 specific funding for this purpose and is not a guarantee of  
22 reimbursement.

23 **Sec. 5.** RCW 77.36.100 and 2013 c 329 s 4 are each amended to read  
24 as follows:

25 (1)(a) Except as limited by RCW 77.36.070, 77.36.080, sections 2  
26 and 3, chapter 329, Laws of 2013, and section 3 of this act, the  
27 department shall offer to distribute money appropriated to pay claims  
28 to the owner of commercial crops for damage caused by wild deer or elk  
29 or to the owners of livestock that has been killed by bears, wolves, or  
30 cougars, or injured by bears, wolves, or cougars to such a degree that  
31 the market value of the livestock has been diminished. Payments for  
32 claims for damage to livestock are not subject to the limitations of  
33 RCW 77.36.070 and 77.36.080, but may not, except as provided in  
34 sections 2 and 3, chapter 329, Laws of 2013, exceed the total amount  
35 specifically appropriated therefor.

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

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

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

4 (iii) The damage caused to the commercial crop or livestock  
5 satisfies the criteria for damage established by the commission under  
6 (c) of this subsection.

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

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

24 (b) The commission shall adopt and maintain by rule criteria for  
25 damage to property other than a commercial crop or livestock that is  
26 damaged by wildlife and may be eligible for compensation under this  
27 subsection, including criteria for filing a claim for compensation  
28 under this subsection.

29 (3)(a) To prevent or offset wildlife interactions, the department  
30 may offer materials or services to a person who applies to the  
31 department for assistance in providing mitigating actions designed to  
32 reduce wildlife interactions if the actions are designed to address  
33 damage that satisfies the criteria for damage established by the  
34 commission under this section.

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

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

4           (a) Is denied; or

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

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

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