

**SUBSTITUTE SENATE BILL 5193**

**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Smith, Roach, Honeyford, and Delvin; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/18/13.

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	<b>Scientific Name</b>	<b>Common Name</b>
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> Puma concolor	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 pay no 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 caused  
3 by wolves submitted under RCW 77.36.100.

4 (2) The department may also accept and expend money from other  
5 sources to address injury or loss of livestock or other property caused  
6 by wolves consistent with the requirements on that source of funding.

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

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

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

24 (2)(a) The department must maintain a list of claims submitted  
25 under RCW 77.36.100, organized chronologically by the date wolf  
26 predation is confirmed, for injury or loss of livestock caused by  
27 wolves that have not been fully paid by the department. As funding  
28 becomes available to the department under this section, section 3 of  
29 this act, or any other source, the department must pay claims in the  
30 chronologic order they appear on the list. The department must  
31 maintain, and is authorized to pay, claims that appear on the list due  
32 to injury or loss that occurred in a previous fiscal biennium.

33 (b) The payment of a claim included on the list maintained by the  
34 department under this section is conditional on the availability of  
35 specific funding for this purpose and is not a guarantee of  
36 reimbursement.

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

3       (1)(a) Except as limited by RCW 77.36.070 (~~(and)~~), 77.36.080, and  
4 section 3 and 4 of this act, the department shall offer to distribute  
5 money appropriated to pay claims to the owner of commercial crops for  
6 damage caused by wild deer or elk or to the owners of commercial  
7 livestock that has been killed by bears, wolves, or cougars, or injured  
8 by bears, wolves, or cougars to such a degree that the market value of  
9 the commercial livestock has been diminished. Payments for claims for  
10 damage to commercial livestock are not subject to the limitations of  
11 RCW 77.36.070 and 77.36.080, but may not, except as provided in  
12 sections 3 and 4 of this act, exceed the total amount specifically  
13 appropriated therefor.

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

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

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

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

22       (c) The commission shall adopt and maintain by rule criteria that  
23 clarifies the damage to commercial crops and (~~commercial~~) livestock  
24 qualifying for compensation under this subsection. An owner of a  
25 commercial crop or (~~commercial~~) livestock must satisfy the criteria  
26 prior to receiving compensation under this subsection. The criteria  
27 for damage adopted under this subsection must include, but not be  
28 limited to, a required minimum economic loss to the owner of the  
29 commercial crop or (~~commercial~~) livestock, which may not be set at a  
30 value of less than five hundred dollars.

31       (2)(a) The department may offer to provide noncash compensation  
32 (~~only~~) to offset wildlife interactions to a person who applies to the  
33 department for compensation for damage to property other than  
34 commercial crops or (~~commercial~~) livestock that is the result of a  
35 mammalian or avian species of wildlife on a case-specific basis if the  
36 conditions of RCW 77.36.110 have been satisfied and if the damage  
37 satisfies the criteria for damage established by the commission under  
38 (b) of this subsection.

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

6 (3)(a) To prevent or offset wildlife interactions, the department  
7 may offer materials or services to a person who applies to the  
8 department for assistance in providing mitigating actions designed to  
9 reduce wildlife interactions if the actions are designed to address  
10 damage that satisfies the criteria for damage established by the  
11 commission under this (~~subsection~~) section.

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

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

19 (a) Is denied; or

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

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

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

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

31 (a) The value of the damage to the property by wildlife, reduced by  
32 the amount of compensation provided to the claimant by any nonprofit  
33 organizations that provide compensation to private property owners due  
34 to financial losses caused by wildlife interactions(~~, except that,~~  
35 ~~subject to appropriation to pay compensation for damage to commercial~~  
36 ~~livestock,~~). The value of killed or injured (~~commercial~~) livestock

1 may be no more than two hundred dollars per sheep, one thousand five  
2 hundred dollars per head of cattle, and one thousand five hundred  
3 dollars per horse; or

4 (b) Ten thousand dollars.

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

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

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

15 **Sec. 7.** RCW 46.18.200 and 2012 c 65 s 1 are each amended to read  
16 as follows:

17 (1) Special license plate series reviewed and approved by the  
18 department:

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

22 (b) Must be issued under terms and conditions established by the  
23 department;

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

26 (d) Must display a symbol or artwork approved by the department.

27 (2) The department approves and shall issue the following special  
28 license plates:

29 LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
30 4-H	Displays the "4-H" logo.

1	Armed forces collection	Recognizes the contribution of veterans, active duty
2		military personnel, reservists, and members of the national
3		guard, and includes six separate designs, each containing a
4		symbol representing a different branch of the armed forces
5		to include army, navy, air force, marine corps, coast guard,
6		and national guard.
7	Endangered wildlife	Displays a symbol or artwork, approved by the special
8		license plate review board and the legislature.
9	Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
10	Helping kids speak	Recognizes an organization that supports programs that
11		provide no-cost speech pathology programs to children.
12	Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
13	Law enforcement memorial	Honors law enforcement officers in Washington killed in
14		the line of duty.
15	Music matters	Displays the "Music Matters" logo.
16	Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who
17		are members of the Washington state council of
18		firefighters.
19	Share the road	Recognizes an organization that promotes bicycle safety
20		and awareness education.
21	Ski & ride Washington	Recognizes the Washington snowsports industry.
22	State flower	Recognizes the Washington state flower.
23	Volunteer firefighters	Recognizes volunteer firefighters.
24	Washington lighthouses	Recognizes an organization that supports selected
25		Washington state lighthouses and provides environmental
26		education programs.
27	Washington state parks	Recognizes Washington state parks as premier destinations
28		of uncommon quality that preserve significant natural,
29		cultural, historical, and recreational resources.
30	Washington's national park fund	Builds awareness of Washington's national parks and
31		supports priority park programs and projects in
32		Washington's national parks, such as enhancing visitor
33		experience, promoting volunteerism, engaging
34		communities, and providing educational opportunities
35		related to Washington's national parks.
36	<u>Washington's wolves</u>	<u>Recognizes Washington's wolf population and their special</u>
37		<u>management needs.</u>

1	Washington's wildlife collection	Recognizes Washington's wildlife.
2	We love our pets	Recognizes an organization that assists local member
3		agencies of the federation of animal welfare and control
4		agencies to promote and perform spay/neuter surgery on
5		Washington state pets to reduce pet overpopulation.
6	Wild on Washington	Symbolizes wildlife viewing in Washington state.

7           (3) Applicants for initial and renewal professional firefighters  
8 and paramedics special license plates must show proof eligibility by  
9 providing a certificate of current membership from the Washington state  
10 council of firefighters.

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

27           NEW SECTION.   **Sec. 8.** A new section is added to chapter 46.04 RCW  
28 to read as follows:

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

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

33           (1) In addition to all fees and taxes required to be paid upon  
34 application for a vehicle registration in chapter 46.16A RCW, the



1 holder of a special license plate shall pay the appropriate special  
2 license plate fee as listed in this section.

3	PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
4	(a) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
5	(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
6	(c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
7	(d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this
8				section
9	(e) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
10	(f) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
11	(g) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
12	(h) Gonzaga University	\$ 40.00	\$ 30.00	RCW 46.68.420
13	alumni association			
14	(i) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
15	(j) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
16	(k) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
17	(l) Law enforcement	\$ 40.00	\$ 30.00	RCW 46.68.420
18	memorial			
19	(m) Military affiliate radio	\$ 5.00	N/A	RCW 46.68.070
20	system			
21	(n) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
22	(o) Professional firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
23	and paramedics			
24	(p) Ride share	\$ 25.00	N/A	RCW 46.68.030
25	(q) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
26	(r) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
27	(s) Square dancer	\$ 40.00	N/A	RCW 46.68.070
28	(t) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
29	(u) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
30	(v) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
31	(w) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
32	(x) Washington's national	\$ 40.00	\$ 30.00	RCW 46.68.420
33	parks			
34	(y) <u>Washington's wolves</u>	<u>\$40.00</u>	<u>\$30.00</u>	<u>RCW 46.68.425</u>
35	(z) <u>Washington's wildlife</u>	\$ 40.00	\$ 30.00	RCW 46.68.425
36	collection			

1	<del>((z))</del> <u>(aa)</u> We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
2	<del>((aa))</del> <u>(bb)</u> Wild on	\$ 40.00	\$ 30.00	RCW 46.68.425
3	Washington			

4 (2) After deducting administration and collection expenses for the  
5 sale of baseball stadium license plates, the remaining proceeds must be  
6 distributed to a county for the purpose of paying the principal and  
7 interest payments on bonds issued by the county to construct a baseball  
8 stadium, as defined in RCW 82.14.0485, including reasonably necessary  
9 preconstruction costs, while the taxes are being collected under RCW  
10 82.14.360. After this date, the state treasurer shall credit the funds  
11 to the state general fund.

12 **Sec. 10.** RCW 46.68.425 and 2011 c 171 s 88 are each amended to  
13 read as follows:

14 (1) The department shall:

15 (a) Collect special license plate fees established under RCW  
16 46.17.220;

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

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

22 (2) The state treasurer shall credit the proceeds to the motor  
23 vehicle fund until the department determines that the state has been  
24 reimbursed for the cost of implementing the special license plate.  
25 Upon determination by the department that the state has been  
26 reimbursed, the state treasurer shall credit the remaining special  
27 license plate fees to the following accounts by special license plate  
28 type:

29	SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
30	Armed forces	RCW 43.60A.140	N/A
31	Endangered wildlife	RCW 77.12.170	Must be used only for the department of
32			fish and wildlife's endangered wildlife
33			program activities

1	Keep kids safe	RCW 43.121.100	((As specified in RCW 43.121.050)) N/A
2	Washington state parks	RCW 79A.05.059	Provide public educational opportunities
3			and enhancement of Washington state
4			parks
5	<u>Washington's wolves</u>	<u>RCW 77.12.170</u>	<u>Dedicated to the department of fish and</u>
6			<u>wildlife's nonlethal wolf management</u>
7			<u>efforts and payments for livestock injury</u>
8			<u>and loss under section 3 of this act</u>
9	Washington's wildlife collection	RCW 77.12.170	Only for the department of fish and
10			wildlife's game species management
11			activities
12	Wild on Washington	RCW 77.12.170	Dedicated to the department of fish and
13			wildlife's watchable wildlife activities, as
14			defined in RCW 77.32.560

15       **Sec. 11.** RCW 46.18.060 and 2012 c 65 s 6 are each amended to read  
16 as follows:

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

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

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

25       (b) Report annually to the joint transportation committee on the  
26 special license plate applications that were considered by the  
27 department;

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

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

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

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

12 (a) 4-H license plates created under RCW 46.18.200;

13 (b) Music Matters license plates created under RCW 46.18.200;

14 (c) State flower license plates created under RCW 46.18.200;

15 (d) Volunteer firefighter license plates created under RCW  
16 46.18.200;

17 (e) Washington's wolves license plates created under RCW 46.18.200.

18 **Sec. 12.** RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and  
19 2011 c 171 s 112 are each reenacted and amended to read as follows:

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

22 (a) Rentals or concessions of the department;

23 (b) The sale of real or personal property held for department  
24 purposes, unless the property is seized or recovered through a fish,  
25 shellfish, or wildlife enforcement action;

26 (c) The assessment of administrative penalties;

27 (d) The sale of licenses, permits, tags, and stamps required by  
28 chapter 77.32 RCW, RCW 77.65.490, and application fees;

29 (e) Fees for informational materials published by the department;

30 (f) Fees for personalized vehicle, Wild on Washington, ~~(and)~~  
31 Endangered Wildlife, and Washington's wolves license plates and  
32 Washington's Wildlife license plate collection as provided in chapter  
33 46.17 RCW;

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

35 (h) Compensation for damage to department property or wildlife  
36 losses or contributions, gifts, or grants received under RCW 77.12.320.  
37 However, this excludes fish and shellfish overages, and court-ordered

1 restitution or donations associated with any fish, shellfish, or  
2 wildlife enforcement action, as such moneys must be deposited pursuant  
3 to RCW 77.15.425;

4 (i) Excise tax on anadromous game fish collected under chapter  
5 82.27 RCW;

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

8 (k) The sale of watchable wildlife decals under RCW 77.32.560;  
9 (~~and~~)

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

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

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

18 NEW SECTION. **Sec. 13.** Sections 7 through 12 of this act take  
19 effect January 1, 2014.

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