

SENATE BILL REPORT

SB 6146

As Reported By Senate Committee On:
Natural Resources, January 25, 1996
Ways & Means, February 1, 1996

Title: An act relating to property damage by wildlife.

Brief Description: Revising procedures for minimizing property damage by wildlife.

Sponsors: Senators Loveland, Swecker, Drew and Oke; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources: 1/9/96, 1/25/96 [DPS-WM].
Ways & Means: 1/31/96, 2/1/96 [DP2S].

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

Staff: Vic Moon (786-7469)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6146 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Drew, Hargrove, Kohl, Long, McDonald, Moyer, Quigley, Roach, Sheldon, Snyder, Spanel, Sutherland, West, Winsley and Wojahn.

Staff: Steve Jones (786-7440)

Background: As the population in Washington grows, conflict between humans and wildlife increases. A public health and safety issue arises whenever sick animals or dangerous animals are in public places. These animals become a serious nuisance because they can cause commercial damage to crops and invade residences.

Damage claims in the state of Washington for damage to horticultural and agricultural crops has been increasing in the last ten years, and there has been an increased public and landowner dissatisfaction with the state's handling of human and wildlife conflicts.

The Department of Fish and Wildlife may pay damage claims up to \$2,000. Claims exceeding that amount are submitted to the Legislature through the sundry claims process. All claims are paid from the wildlife account.

The Legislature directed the Department of Fish and Wildlife to conduct a study with landowners and the general public to review other states' wildlife damage statutes, assess the problems in the state of Washington, and then prepare legislation for the 1997 legislative session. In the western states, Colorado, Idaho, Nevada, Utah, Washington and Wyoming have programs to deal with compensation for landowners. Amounts paid run from \$37,000 in Nevada in 1993, to a high of \$463,000 in Colorado. Some states, such as Arizona, California and Idaho, do not have damage claim statutes.

Summary of Second Substitute Bill: The Legislature finds that as the population of the state grows, and the habitat for wildlife is altered, people encounter wildlife more frequently. As a result, more damage from wildlife occurs. The Legislature specifically recognizes the damage to commercial, agricultural and horticultural crops, but also acknowledges that healthy deer and elk populations are important for wildlife related recreational opportunities.

The department works closely with landowners and tenants suffering game damage in order to control the damage without killing the animals when practical and to increase the harvest of damage-causing animals in hunting seasons. The Wildlife Commission is given authority to authorize special hunts to reduce damage from wildlife if there are recurring complaints.

The owner or owner's immediate family member or documented employees or tenants may trap or kill problem wildlife without the licenses required by statute if they meet standards established by the act. Except in emergency situations, deer, elk and protected wildlife may not be killed without a permit. In an emergency, the department may give verbal permission to trap or kill any deer, elk or protected wildlife. On privately-owned cattle ranching lands, the land owner or lessee may declare an emergency only when the department does not respond within 48 hours after being contacted by the landowner. In an emergency, the owner or lessee may trap or kill a deer, elk or other protected wildlife that is causing damage.

Except for coyotes and Columbian ground squirrels, wildlife trapped or killed under the statute remains the property of the state. The department is required to dispose of wildlife taken in three days. The department director is given authority to distribute monies appropriated to pay claims. The claims are the exclusive remedy against the state for damages caused by wildlife. The director is given authority to adopt rules. If a claimant does not notify the department within ten days of the discovery of damage, the director may not pay the claim. The claimant must present complete written information, and the department is given authority to assess and examine the damage upon notice. No payment is made if the crops are on lands leased from a public agency, or if the landowner or claimant restricted or prohibited public hunting opportunity without the department's approval of that restriction. No monies are paid if the director expends all of the funds appropriated for payment of the claims for the fiscal year. If the claims are covered by insurance, the department does not pay the claim. An appeal procedure is established and claims above \$10,000 are handled through the legislative sundry claim process under the Office of Risk Management. The department is restricted to pay no more than \$120,000 per fiscal year from the wildlife fund for claims on lands where hunting was allowed. The

department may pay no more than \$30,000 per fiscal year from the general fund for land which were closed to hunting unless the Legislature declares an emergency. The Legislature may declare an emergency and may appropriate monies to the department to pay as much as may be available. Emergency damages claims must meet the same requirements as other damage claims.

The act applies prospectively only and not retroactively. A section is included to allow claims to be paid prior to the effective date of the act, which is July 1, 1996. Five existing sections of the RCW are repealed.

Second Substitute Bill Compared to Substitute Bill: The reference to general fund moneys in emergency conditions is deleted.

Substitute Bill Compared to Original Bill: The language is clarified and a provision prohibiting payment of damage claims to future agriculture and horticulture landowners is deleted.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 1996.

Testimony For: The department and various groups have worked for a year to refine the wildlife damage statutes and program. There is general support for the legislation by all groups. Increased urbanization and population growth have contributed to the wildlife problem, as well as new intensive methods of growing tree fruit and other crops. The fiscal participation of the general fund reflects a shared responsibility among hunters and the nonhunting general population.

Testimony Against: None.

Testified: PRO: Paul Tvergyak, Chief Wenatchee Fruit; Jim Small, Washington Growers; Leo Sax, Jim Halstrom, Horticultural Association; Larry Popejoy, Dept. of Fish and Wildlife; Jeanne Wasserman, PAWS; Ray Shindler, Wheat Growers; Scott Merriman, WEC.