

SENATE BILL REPORT

SB 6622

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, February 1, 2010

Title: An act relating to mitigating damage to crops from migratory waterfowl.

Brief Description: Mitigating damage to crops caused by migrating waterfowl.

Sponsors: Senators Haugen, Morton and Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/27/10, 2/01/10 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6622 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: Compensation for Wildlife Damage. In 2009 the Legislature passed HB 1778, which made changes to the state program that provides compensation for deer and elk damage to crops. These changes take effect July 1, 2010. Under the new provisions, the Department of Fish and Wildlife (DFW) is required, subject to funding limits, to compensate owners of:

- commercial crops damaged by deer or elk; and
- commercial livestock that are killed or significantly injured by bears, cougars, or wolves.

Generally, each individual claim by a crop or livestock owner is eligible to be paid the value of the lost crop up to a maximum of \$10,000. For livestock, the compensation is \$200 for each lost sheep and \$1,500 for each lost head of cattle or horse. Total compensation for the owners of commercial crops damaged by deer and elk generally may not exceed \$120,000 from the wildlife account and \$30,000 from the general fund per year. Total compensation for the owners of commercial livestock may not exceed the amounts specifically appropriated for the purpose.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Property owners may not receive compensation from DFW if they have insurance that provides compensation for the crop loss. Also, they must first exhaust any available compensation offers from non-profit organizations and utilize all applicable legal and practicable self-help preventative measures. In addition, generally owners of commercial crops may only receive cash compensation if they have an annual gross sales or harvest value figure of at least \$10,000. DFW must adopt rules to implement the 2009 statutory changes.

Local Hotel/Motel Tax. Pursuant to RCW 67.28, counties and cities may levy taxes on charges for the furnishing of lodging. The revenue from lodging taxes may be used to pay for tourism promotion, acquisition of tourism-related facilities, or the operation of such facilities.

Summary of Bill (Recommended Substitute): Compensation for Wildlife Damage. The owners of commercial crops damaged by migratory waterfowl may be eligible for compensation from DFW. DFW may pay migratory waterfowl damage claims using amounts specifically appropriated for that purpose.

A new appropriated account is created to collect funds provided to compensate the owners of commercial crops for damage caused by migratory waterfowl, including voluntary donations and grants.

Local Hotel/Motel Tax. In addition to activities currently eligible for funding from lodging tax revenue, local governments may compensate landowners for commercial crops damaged by wildlife if the crops promoted tourism by providing wildlife habitat.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): The proposed substitute bill:

- specifies that DFW may only pay migratory waterfowl damage claims using amounts specifically appropriated for that purpose;
- creates an appropriated account to collect funds provided to compensate the owners of commercial crops for damage caused by migratory waterfowl; and
- authorizes local governments to use lodging tax revenue to compensate landowners for commercial crops damaged by wildlife if the crops promoted tourism by providing wildlife habitat.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill: PRO: Migratory birds, particularly snow geese, are having an impact on farmers. They need assistance from DFW to compensate them or help address these growing populations in other ways.

OTHER: DFW works cooperatively with the federal government to manage migratory birds, and recognizes increasing populations are impacting farmers. DFW is in the process of updating its wildlife damage program by rule as directed by the Legislature, and this proposal would severely impact the funding of this already strained program. DFW would like to work to find local solutions in the affected areas.

Persons Testifying: PRO: Senator Haugen, prime sponsor.

OTHER: Steve Pozzanghera, DFW.