
SUBSTITUTE SENATE BILL 5760

State of Washington

63rd Legislature

2013 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senator Parlette)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to providing compensation for commercial crop
2 damage caused by bighorn sheep; and amending RCW 77.36.070, 77.36.080,
3 and 77.36.100.

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 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 big horn sheep, deer, or elk submitted under RCW
11 77.36.100.

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

14 (1) Unless the legislature declares an emergency under this
15 section, the department may pay no more than thirty thousand dollars
16 per fiscal year from the general fund for claims and assessment costs
17 for damage to commercial crops caused by wild big horn sheep, deer, or
18 elk submitted under RCW 77.36.100.

1 (2)(a) The legislature may declare an emergency if weather, fire,
2 or other natural events result in big horn sheep, deer, or elk causing
3 excessive damage to commercial crops.

4 (b) After an emergency declaration, the department may pay as much
5 as may be subsequently appropriated, in addition to the funds
6 authorized under subsection (1) of this section, for claims and
7 assessment costs under RCW 77.36.100. Such money shall be used to pay
8 wildlife interaction claims only if the claim meets the conditions of
9 RCW 77.36.100 and the department has expended all funds authorized
10 under RCW 77.36.070 or subsection (1) of this section.

11 **Sec. 3.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read
12 as follows:

13 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the
14 department shall offer to distribute money appropriated to pay claims
15 to the owner of commercial crops for damage caused by wild big horn
16 sheep, deer, or elk or to the owners of commercial livestock that has
17 been killed by bears, wolves, or cougars, or injured by bears, wolves,
18 or cougars to such a degree that the market value of the commercial
19 livestock has been diminished. Payments for claims for damage to
20 commercial livestock are not subject to the limitations of RCW
21 77.36.070 and 77.36.080, but may not exceed the total amount
22 specifically appropriated therefor.

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

25 (i) The owner satisfies the definition of "eligible farmer" in RCW
26 82.08.855;

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

28 (iii) The damage caused to the commercial crop or commercial
29 livestock satisfies the criteria for damage established by the
30 commission under this subsection.

31 (c) The commission shall adopt and maintain by rule criteria that
32 clarifies the damage to commercial crops and commercial livestock
33 qualifying for compensation under this subsection. An owner of a
34 commercial crop or commercial livestock must satisfy the criteria prior
35 to receiving compensation under this subsection. The criteria for
36 damage adopted under this subsection must include, but not be limited

1 to, a required minimum economic loss to the owner of the commercial
2 crop or commercial livestock, which may not be set at a value of less
3 than five hundred dollars.

4 (d)(i) The department must maintain separate lists of claims for
5 compensation for damage to commercial crops and damage to commercial
6 livestock submitted under this section that have been approved for
7 payment but not yet fully paid. The lists must each be organized
8 chronologically based on the date the claim was received. As funding
9 becomes available under this chapter or from any other source, the
10 department must pay claims for which the funds are available in the
11 chronological order they appear on the appropriate list. The
12 department must retain and pay claims on the lists across fiscal years
13 and biennia.

14 (ii) The payment of a claim included on the lists maintained by the
15 department under this section is conditional on the availability of
16 specific funding for that purpose and is not a guarantee of
17 reimbursement.

18 (2)(a) The department may offer to provide noncash compensation
19 only to offset wildlife interactions to a person who applies to the
20 department for compensation for damage to property other than
21 commercial crops or commercial livestock that is the result of a
22 mammalian or avian species of wildlife on a case-specific basis if the
23 conditions of RCW 77.36.110 have been satisfied and if the damage
24 satisfies the criteria for damage established by the commission under
25 this subsection.

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

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

37 (b) The commission shall adopt and maintain by rule criteria for

1 mitigating actions designed to address wildlife interactions that may
2 be eligible for materials and services under this section, including
3 criteria for submitting an application under this section.

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

7 (a) Is denied; or

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

--- END ---