
SENATE BILL 5784

State of Washington

68th Legislature

2024 Regular Session

By Senators Van De Wege and Muzzall; by request of Department of Fish and Wildlife

Prefiled 12/04/23.

1 AN ACT Relating to deer and elk damage to commercial crops;
2 amending RCW 77.36.080, 77.36.100, and 77.36.130; and creating a new
3 section.

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

5 **Sec. 1.** RCW 77.36.080 and 2009 c 333 s 60 are each amended to
6 read as follows:

7 (1) Unless the legislature declares an emergency under this
8 section, the department may pay no more than (~~thirty thousand~~
9 ~~dollars~~) \$300,000 per fiscal year from the general fund for claims
10 and assessment costs for damage to commercial crops caused by wild
11 deer or elk submitted under RCW 77.36.100.

12 (2)(a) The legislature may declare an emergency if weather, fire,
13 or other natural events result in deer or elk causing excessive
14 damage to commercial crops.

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

1 **Sec. 2.** RCW 77.36.100 and 2013 c 329 s 4 are each amended to
2 read as follows:

3 (1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170,
4 and 77.36.180, the department shall offer to distribute money
5 appropriated to pay claims to the owner of commercial crops for
6 damage caused by wild deer or elk or to the owners of livestock that
7 has been killed by bears, wolves, or cougars, or injured by bears,
8 wolves, or cougars to such a degree that the market value of the
9 livestock has been diminished. Payments for claims for damage to
10 livestock are not subject to the limitations of RCW 77.36.070 and
11 77.36.080, but may not, except as provided in RCW 77.36.170 and
12 77.36.180, exceed the total amount specifically appropriated
13 therefor.

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

16 (i) The commercial crop owner satisfies the definition of
17 "eligible 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 livestock
20 satisfies the criteria for damage established by the commission under
21 (c) of this subsection.

22 (c) The commission shall adopt and maintain by rule criteria that
23 clarifies the damage to commercial crops and livestock qualifying for
24 compensation under this subsection. An owner of a commercial crop or
25 livestock must satisfy the criteria prior to receiving compensation
26 under this subsection. The criteria for damage adopted under this
27 subsection must include, but not be limited to, a required minimum
28 economic loss to the owner of the commercial crop or livestock, which
29 may not be set at a value of less than (~~five hundred dollars~~) \$500.

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

39 (b) The commission shall adopt and maintain by rule criteria for
40 damage to property other than a commercial crop or livestock that is

1 damaged by wildlife and may be eligible for compensation under this
2 subsection, including criteria for filing a claim for compensation
3 under this subsection.

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

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

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

17 ~~((a))~~ (i) Is denied; or

18 ~~((b))~~ (ii) Is disputed by the owner and the owner disagrees
19 with the amount of compensation determined by the department.

20 (b) An appeal of a decision of the department addressing deer or
21 elk damage to commercial crops is limited to \$30,000.

22 (5) The commission shall adopt rules setting limits and
23 conditions for the department's expenditures on claims and
24 assessments for commercial crops, livestock, other property, and
25 mitigating actions. Claims awarded after the effective date of this
26 section, that are unpaid due to being in excess of available funds in
27 the current fiscal year, are eligible for payment in the next state
28 fiscal year. If additional funds are not provided by the legislature
29 in the subsequent fiscal year, then no further payment may be made on
30 the claim.

31 **Sec. 3.** RCW 77.36.130 and 2013 c 329 s 5 are each amended to
32 read as follows:

33 (1) Except as otherwise provided in this section and as limited
34 by RCW 77.36.100, 77.36.070, 77.36.080, 77.36.170, and 77.36.180, the
35 cash compensation portion of each claim by the department under this
36 chapter is limited to the lesser of:

37 (a) The value of the damage to the property by wildlife, reduced
38 by the amount of compensation provided to the claimant by any
39 nonprofit organizations that provide compensation to private property

1 owners due to financial losses caused by wildlife interactions. The
2 value of killed or injured livestock may be no more than the market
3 value of the lost livestock subject to the conditions and criteria
4 established by rule of the commission; or

5 (b) (~~Ten thousand dollars~~) \$30,000.

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

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

14 (~~(4))~~ (3) The burden of proving all property damage, including
15 damage to commercial crops and livestock, belongs to the claimant.

16 NEW SECTION. **Sec. 4.** By December 1, 2024, the department of
17 fish and wildlife shall review crop and livestock wildlife damage
18 programs in other states and submit to the legislature a list of
19 recommendations for changes to Washington statutes.

--- END ---