

SENATE BILL REPORT

SB 5274

As of March 4, 2009

Title: An act relating to damage caused by wildlife.

Brief Description: Regarding damage caused by wildlife.

Sponsors: Senators Hatfield, Schoesler, Morton, Honeyford, Shin and Holmquist.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation:

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Karen Epps (786-7424)

Background: Currently, the Department of Fish and Wildlife (DFW) may compensate persons for horticultural or agricultural crop damage caused by wild deer or elk. Damages are limited to the value of the crops and are only paid to the owner.

DFW may assess the extent of the crop damage or DFW and the landowner may agree to have a third party assess the damage. DFW may generally pay up to \$10,000 per claim. For claims exceeding \$10,000 or if the landowner rejects DFW's decision, landowners must submit their claims to the Risk Management Division of the Office of Financial Management (OFM) which will recommend to the Legislature whether a claim should be paid.

An owner suffering crop damage must notify DFW within ten days of the damage. DFW may refuse to pay a claim on lands leased from any public agency, if the owner failed to follow procedures established by DFW, if the director has expended all funds appropriated for this purpose, or if the damage is covered by insurance.

Outside of emergency circumstances, DFW may pay no more than \$120,000 from the Wildlife Account and no more than \$30,000 from the General Fund for crop damage annually.

Summary of Bill: In addition to crop damage compensation, DFW may distribute money to reimburse the owner of commercial livestock for livestock killed or injured by predatory wildlife, including bears, wolves, and cougars. The term "commercial livestock" refers to cattle, sheep, and horses held or raised for sale, trade, or barter, and from which a person

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receives at least \$10,000 in annual income. In order for claims to be paid, monies must be used for livestock damage, and DFW must receive appropriations from either the state Wildlife Account in excess of \$120,000 or the General Fund in excess of \$30,000.

Owners may file a claim for each animal killed or injured, with compensation based on the fair market value of the killed or injured animal, up to \$200 for sheep and \$1500 for cattle and horses. Owners must notify DFW of damage caused by predatory wildlife within 72 hours of discovering the attack. Persons may submit claims for commercial livestock damaged or killed on land leased by a public agency.

DFW may assess the damage, and the Commercial Livestock Valuation Committee (Committee) may be convened to assist with the assessment. The Committee consists of seven members, each serving a four-year term, appointed by the Fish and Wildlife Commission: three members involved in sheep production; three members involved in cattle production; and one member involved in horse production. Committee members must have access to all documentation regarding a claim.

An alternative approach to valuation is for DFW and the claimant to agree to have a third party assess the damage. The Director of DFW can, on the Director's own initiative, convene the Committee to assist with the determination of livestock damages.

The Risk Management Division of OFM may likewise consult with the Committee when assessing the value of livestock claims seeking compensation from the Legislature.

Appropriation: None.

Fiscal Note: Requested on January 20, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.