

---

SENATE BILL 5079

---

State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Roach, Becker, Pearson, Benton, Schoesler, and Honeyford

Read first time 01/17/13. Referred to Committee on Natural Resources & Parks .

1            AN ACT Relating to providing compensation for damage to livestock  
2 caused by wolves; amending RCW 77.36.100 and 77.36.130; reenacting and  
3 amending RCW 77.36.010; and adding new sections to chapter 77.36 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 77.36 RCW  
6 to read as follows:

7            (1) The department may pay no more than fifty thousand dollars per  
8 fiscal year from the state general fund for claims and assessment costs  
9 for damage to livestock caused by wolves submitted under RCW 77.36.100.

10           (2) If any general fund expenditures authorized under subsection  
11 (1) of this section are unspent as of June 30th of a fiscal year, the  
12 state treasurer shall transfer the unspent amount to the wolf-livestock  
13 conflict account created in section 2 of this act. However, the state  
14 treasurer may only transfer that portion of the unspent amount  
15 necessary to achieve a balance of one hundred thousand dollars in the  
16 wolf-livestock conflict account.

17           (3) By August 1st of each year, the department shall provide the  
18 office of financial management and the appropriate committees of the  
19 senate and house of representatives with a brief update on wolf-

1 livestock conflicts including: Reported and confirmed wolf-livestock  
2 damage for the previous fiscal year; claims submitted and any amounts  
3 paid in the previous fiscal year; projected future wolf-livestock  
4 conflicts and claims; and, if applicable, any additional state general  
5 fund resources necessary to ensure compensation for past or predicted  
6 future damage to livestock caused by wolves.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.36 RCW  
8 to read as follows:

9 The wolf-livestock conflict account is created in the custody of  
10 the state treasurer. Any grants, gifts, or donations to the state for  
11 the purposes of providing compensation for livestock damage caused by  
12 wolves and any transfers under section 1 of this act must be deposited  
13 in the account. Expenditures from the account may be used only for  
14 mitigation, assessment, and payments for livestock damage caused by  
15 wolves consistent with this chapter. Only the director or the  
16 director's designee may authorize expenditures from the account. An  
17 appropriation is not required for expenditures from the account and the  
18 account is not subject to allotment procedures under chapter 43.88 RCW.

19 **Sec. 3.** RCW 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are  
20 each reenacted and amended to read as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

23 (1) "Claim" means an application to the department for compensation  
24 under this chapter.

25 (2) "Commercial crop" means a horticultural or agricultural  
26 product, including the growing or harvested product. For the purposes  
27 of this chapter all parts of horticultural trees shall be considered a  
28 commercial crop and shall be eligible for claims.

29 (3) "~~((Commercial))~~ Livestock" means cattle, sheep, and horses  
30 (~~((held or raised by a person for sale))~~).

31 (4) "Compensation" means a cash payment, materials, or service.

32 (5) "Damage" means economic losses caused by wildlife interactions.

33 (6) "Immediate family member" means spouse, state registered  
34 domestic partner, brother, sister, grandparent, parent, child, or  
35 grandchild.

1 (7) "Owner" means a person who has a legal right to commercial  
2 crops, (~~commercial~~) livestock, or other property that was damaged  
3 during a wildlife interaction.

4 (8) "Wildlife interaction" means the negative interaction and the  
5 resultant damage between wildlife and commercial crops, (~~commercial~~)  
6 livestock, or other property.

7 **Sec. 4.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read  
8 as follows:

9 (1)(a) (~~Except as limited by RCW 77.36.070 and 77.36.080,~~) The  
10 department shall offer to distribute money appropriated to pay claims  
11 to the owner of commercial crops for damage caused by wild deer or elk  
12 or to the owners of (~~commercial~~) livestock that has been killed by  
13 bears, wolves, or cougars, or injured by bears, wolves, or cougars to  
14 such a degree that the market value of the (~~commercial~~) livestock has  
15 been diminished.

16 (i) Payments for claims for damage to commercial crops are subject  
17 to the limitations of RCW 77.36.070 and 77.36.080.

18 (ii) Payments for claims for damage to (~~commercial~~) livestock  
19 caused by bears or cougars are not subject to the limitations of RCW  
20 77.36.070 and 77.36.080, but may not exceed the total amount  
21 specifically appropriated therefor.

22 (iii) Payments for claims for damage to livestock caused by wolves  
23 are not subject to the limitations of RCW 77.36.070 and 77.36.080 but  
24 may not exceed amounts available under sections 1 and 2 of this act.

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

27 (i) The owner satisfies the definition of "eligible farmer" in RCW  
28 82.08.855;

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

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

33 (c) The commission shall adopt and maintain by rule criteria that  
34 clarifies the damage to commercial crops and (~~commercial~~) livestock  
35 qualifying for compensation under this subsection. An owner of a  
36 commercial crop or (~~commercial~~) livestock must satisfy the criteria  
37 prior to receiving compensation under this subsection. The criteria

1 for damage adopted under this subsection must include, but not be  
2 limited to, a required minimum economic loss to the owner of the  
3 commercial crop or (~~commercial~~) livestock, which may not be set at a  
4 value of less than five hundred dollars.

5 (2)(a) The department may offer to provide noncash compensation  
6 only to offset wildlife interactions to a person who applies to the  
7 department for compensation for damage to property other than  
8 commercial crops or (~~commercial~~) livestock that is the result of a  
9 mammalian or avian species of wildlife on a case-specific basis if the  
10 conditions of RCW 77.36.110 have been satisfied and if the damage  
11 satisfies the criteria for damage established by the commission under  
12 (b) of this subsection.

13 (b) The commission shall adopt and maintain by rule criteria for  
14 damage to property other than a commercial crop or (~~commercial~~)  
15 livestock that is damaged by wildlife and may be eligible for  
16 compensation under this subsection, including criteria for filing a  
17 claim for compensation under this subsection.

18 (3)(a) To prevent or offset wildlife interactions, the department  
19 may offer materials or services to a person who applies to the  
20 department for assistance in providing mitigating actions designed to  
21 reduce wildlife interactions if the actions are designed to address  
22 damage that satisfies the criteria for damage established by the  
23 commission under this subsection.

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

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

31 (a) Is denied; or

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

34 **Sec. 5.** RCW 77.36.130 and 2009 c 333 s 58 are each amended to read  
35 as follows:

36 (1) Except as otherwise provided in this section and as limited by

1 RCW 77.36.100, 77.36.070, and 77.36.080, the cash compensation portion  
2 of each claim by the department under this chapter is limited to the  
3 lesser of:

4 (a) The value of the damage to the property by wildlife, reduced by  
5 the amount of compensation provided to the claimant by any nonprofit  
6 organizations that provide compensation to private property owners due  
7 to financial losses caused by wildlife interactions(~~(, except that,~~  
8 ~~subject to appropriation to pay compensation for damage to commercial~~  
9 ~~livestock,)).~~ The value of killed or injured (~~commercial~~) livestock  
10 may be no more than two hundred dollars per sheep, one thousand five  
11 hundred dollars per head of cattle, and one thousand five hundred  
12 dollars per horse; or

13 (b) Ten thousand dollars.

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

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

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

--- END ---