
SUBSTITUTE SENATE BILL 5165

State of Washington

69th Legislature

2025 Regular Session

By Senate Agriculture & Natural Resources (originally sponsored by Senators Short, Chapman, Dozier, Wagoner, and Warnick)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to compensation in frontier one counties for deer
2 and elk damage; and amending RCW 77.36.100.

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

4 **Sec. 1.** RCW 77.36.100 and 2024 c 264 s 3 are each amended to
5 read as follows:

6 (1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170,
7 and 77.36.180, the department shall offer to distribute money
8 appropriated to pay claims to the owner of commercial crops for
9 damage caused by wild deer or elk or to the owners of livestock that
10 has been killed by bears, wolves, or cougars, or injured by bears,
11 wolves, or cougars to such a degree that the market value of the
12 livestock has been diminished. Payments for claims for damage to
13 livestock are not subject to the limitations of RCW 77.36.070 and
14 77.36.080, but may not, except as provided in RCW 77.36.170 and
15 77.36.180, exceed the total amount specifically appropriated
16 therefor.

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

19 (i) The commercial crop owner satisfies the definition of
20 "eligible farmer" in RCW 82.08.855;

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

1 (iii) The damage caused to the commercial crop or livestock
2 satisfies the criteria for damage established by the commission under
3 (c) of this subsection.

4 (c) The commission shall adopt and maintain by rule criteria that
5 clarifies the damage to commercial crops and livestock qualifying for
6 compensation under this subsection. An owner of a commercial crop or
7 livestock must satisfy the criteria prior to receiving compensation
8 under this subsection. The criteria for damage adopted under this
9 subsection must include, but not be limited to, a required minimum
10 economic loss to the owner of the commercial crop or livestock, which
11 may not be set at a value of less than \$500.

12 (2)(a) Subject to the availability of nonstate funds, nonstate
13 resources other than cash, or amounts appropriated for this specific
14 purpose, the department may offer to provide compensation to offset
15 wildlife interactions to a person who applies to the department for
16 compensation for damage to property other than commercial crops or
17 livestock that is the result of a mammalian or avian species of
18 wildlife on a case-specific basis if the conditions of RCW 77.36.110
19 have been satisfied and if the damage satisfies the criteria for
20 damage established by the commission under (b) of this subsection.

21 (b) The commission shall adopt and maintain by rule criteria for
22 damage to property other than a commercial crop or livestock that is
23 damaged by wildlife and may be eligible for compensation under this
24 subsection, including criteria for filing a claim for compensation
25 under this subsection.

26 (3)(a) To prevent or offset wildlife interactions, the department
27 may offer materials or services to a person who applies to the
28 department for assistance in providing mitigating actions designed to
29 reduce wildlife interactions if the actions are designed to address
30 damage that satisfies the criteria for damage established by the
31 commission under this section.

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

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

39 (i) Is denied; or

1 (ii) Is disputed by the owner and the owner disagrees with the
2 amount of compensation determined by the department.

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

5 (5) (a) Consistent with this section, the commission shall adopt
6 rules setting limits and conditions for the department's expenditures
7 on claims and assessments for commercial crops, livestock, other
8 property, and mitigating actions.

9 (b) Claims awarded or agreed upon that are unpaid due to being in
10 excess of available funds in the current fiscal year are eligible for
11 payment in the next state fiscal year.

12 (c) If additional funds are not appropriated by the legislature
13 in the subsequent fiscal year specifically for unpaid claims, then no
14 further payment may be made on the claim.

15 (d) Claims awarded or agreed upon during a fiscal year must be
16 prioritized for payment based upon the highest percentage of loss,
17 calculated by comparing agreed-upon or awarded commercial crop
18 damages to the gross sales or harvested value of commercial crops for
19 the previous tax year.

20 (e) The payment of a claim under this section is conditional on
21 the availability of specific funding for this purpose and is not a
22 guarantee of reimbursement.

23 (6) At least 20 percent of the available funds for damage caused
24 to commercial crops by wild deer and elk must be awarded to claims
25 arising from frontier one counties, as that term is defined in RCW
26 43.160.020.

27 (a) If the value of claims submitted from frontier one counties
28 is insufficient to meet the requirements of this section, the
29 remaining available funds may be awarded to any eligible claimant.

30 (b) For the purposes of this subsection, a claimant is considered
31 to be located in a frontier one county if any portion of the farm
32 property where the damage occurred is located in a frontier one
33 county.

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