
**Agriculture & Natural Resources
Committee**

HB 1147

Brief Description: Concerning damage to livestock.

Sponsors: Representatives Kretz, B. Sullivan, Hinkle, Pettigrew, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong, Kessler, Wallace, Haigh, Moeller, Haler and Condotta.

Brief Summary of Bill

- Expands the wildlife damage crop compensation program to include damage done to livestock by cougars, wolves and bears.
- Directs the Department of Fish and Wildlife to contract out the responsibility of determining the cause of death or damage to livestock.
- Creates the Commercial Livestock Valuation Committee to determine the fair market value of killed or damaged livestock.

Hearing Date: 1/22/07

Staff: Jason Callahan (786-7117).

Background:

The owners of a commercial agricultural or horticultural crop may apply to the Department of Fish and Wildlife (WDFW) for payment of damages caused by the browsing of wild deer or elk. Payments are limited to the value of the crop, but are generally capped at \$10,000 per claim. Claims valued over \$10,000 must be filed with the Office of Financial Management, which will forward a recommendation on the claim to the Legislature. Only a landowner that opens his or her land to public hunting is eligible for compensation caused by deer or elk damage.

It is the responsibility of the WDFW to examine and assess the damage upon notification from the claimant, although the WDFW and the claimant can agree to have the damage assessed by a third

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party. The owner of the damaged crops must report the loss within 10 days of discovery. Any damage payments accepted by the owner represents the exclusive remedy against the state for wildlife-caused damages.

Summary of Bill:

The wildlife damage crop compensation program is expanded to include damage done to livestock by cougars, wolves and bears. The term "livestock" is defined as cattle, sheep, and horses. The owner of the livestock may receive the fair market value of an animal that is killed by predatory wildlife, or that is injured to such a degree that the commercial value of the animal is diminished, if the owner receives at least \$10,000 annually from the sale of livestock.

The responsibility for determining whether or not an animal was killed or injured by a bear, wolf, or cougar belongs to the WDFW. However, if the United States Department of Agriculture (USDA) is willing, and the WDFW receives the necessary funding, the WDFW must defer all determinations of animal death or damage to the USDA. If the WDFW has the necessary funding, and the USDA agrees, then the USDA will assume the exclusive jurisdiction over determining the cause of death or damage. If the WDFW is not provided with funding, or the USDA refuses to contract with the WDFW, then the WDFW may determine the cause of death or damage in consultation with the Washington State Department of Agriculture.

Once a cow, sheep, or horse is found to have been killed or injured by a bear, cougar, or wolf, then the fair market value must be determined. If the owner of the livestock and the WDFW agree on a fair compensation value with the help of a neutrally-accepted assessor, then the WDFW will provide the owner with the amount. However, if the WDFW and the livestock owner fail to agree, then the question of market value will be forwarded to the Commercial Livestock Valuation Committee (Valuation Committee). The Valuation Committee is a group of seven livestock professionals.

The Valuation Committee members are appointed by the Fish and Wildlife Commission, and must represent a mix of sheep, horse, and cattle producers. The Valuation Committee may request any necessary information and documentation relating to a claim, and the resulting market value determination becomes the final amount awarded to the owner of the killed or damaged livestock.

In order to qualify for a claim, the owner of the killed or injured livestock must notify the WDFW within 72 hours of discovering the attack on his or her animal. The owner of the livestock is not required to open his or her land for public hunting in order to be eligible for compensation.

The funding limitations, exclusive remedy provisions, and other administrative functions of the crop damage compensation program also apply to claims for livestock loss.

Appropriation: None.

Fiscal Note: Requested on January 17, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.