
**Agriculture & Natural Resources
Committee**

SSB 5760

Brief Description: Providing compensation for commercial crop damage caused by bighorn sheep.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senator Parlette).

Brief Summary of Substitute Bill

- Allows the owner of commercial crops to receive compensation for damage caused to the crops by big horn sheep.
- Directs the Department of Fish and Wildlife to pay crop damage compensation claims in the order they were received, even if the incident occurred in a previous biennium.

Hearing Date: 3/14/13

Staff: Jason Callahan (786-7117).

Background:

The Department of Fish and Wildlife (WDFW) is directed to, subject to funding limits, monetarily compensate the owners of commercial crops damaged by deer or elk and the owners of commercial livestock that are killed or significantly injured by bears, cougars, or wolves. Each individual claim by a crop or livestock owner is eligible to be paid the value of the lost crop less any payments received by a non-profit organization up to a maximum of \$10,000.

Total compensation for the owners of commercial crops generally may not exceed \$150,000 per year, and total compensation for the owners of commercial livestock may not exceed the amounts specifically appropriated for the purpose.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The owners of property that does not qualify as commercial crops or livestock may still apply to the WDFW for compensation for damage caused by mammals or birds. However, unlike compensation for crops and livestock, the WDFW is not required to provide compensation, and any compensation provided may not be in the form of monetary payments. Compensation for this class of damage must take the form of materials or services.

The Fish and Wildlife Commission has, pursuant to legislative direction, identified criteria that determines whether damage to property qualifies for compensation. Different criteria may apply to mandatory compensation claims and discretionary claims. For mandatory commercial crop and livestock claims, the criteria must provide for a minimum economic loss. The minimum loss must be set to at least \$500.

Property owners may not receive compensation from the WDFW if they have insurance that provides compensation for the crop loss. Also, they must first exhaust any available compensation offers from non-profit organizations and utilize all applicable legal and practicable self-help preventative measures. Self-help measures include non-lethal methods of damage prevention and materials and services provided by the WDFW.

Summary of Bill:

In addition to deer and elk damage, the owners of commercial crops may receive compensation from the Department for damage done to crops by big horn sheep. Compensation limits and rules that apply to crop damage done by deer and elk also apply to big horn sheep damage.

For all crop damage, regardless of source, the Department must maintain a discreet list of claims that have been approved but not yet paid. Payment must be made on those claims in the chronological order that they were received by the Department regardless if they were received in the current fiscal biennium. All claim payments are conditional on funding being available and a claim's appearance in the list is not a guarantee of payment.

Appropriation: None.

Fiscal Note: Available.

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