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**SENATE BILL 5165**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Short, Chapman, Dozier, Wagoner, and Warnick

Prefiled 01/08/25. Read first time 01/13/25. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to compensation in frontier counties for deer and  
2 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 (f) Twenty percent of the available funds must be available for  
24 claims arising from frontier counties, as that term is defined in RCW  
25 43.160.020.

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