CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5165

Chapter 185, Laws of 2025

69th Legislature
2025 Regular Session

CROP DAMAGE COMPENSATION—WILD DEER AND ELK—FRONTIER ONE COUNTIES

EFFECTIVE DATE: July 27, 2025

Passed by the Senate February 19, 2025
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 11, 2025
Yeas 96 Nays 0

LAURIE JINKINS

Speaker of the House of Representatives

Approved April 30, 2025 9:34 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5165** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 30, 2025

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5165

Passed Legislature - 2025 Regular Session

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Is denied; or

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

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

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

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

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

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

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

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

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

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

Passed by the Senate February 19, 2025.
Passed by the House April 11, 2025.
Approved by the Governor April 30, 2025.
Filed in Office of Secretary of State April 30, 2025.

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