

HOUSE BILL REPORT

SSB 5310

As Passed House
April 14, 1993

Title: An act relating to trespass or waste of public lands.

Brief Description: Modifying prosecutions for trespass or waste of public lands.

Sponsors: Senate Committee on Natural Resources (originally sponsored by Senator Owen).

Brief History:

Reported by House Committee on:

Natural Resources & Parks, March 30, 1993, DP;
Passed House, April 14, 1993, 98-0.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass. Signed by 11 members:
Representatives Pruitt, Chair; R. Johnson, Vice Chair;
Morton, Ranking Minority Member; Stevens, Assistant Ranking
Minority Member; Dunshee; Linville; Schoesler; Sheldon;
Thomas; Valle; and Wolfe.

Staff: Linda Byers (786-7129).

Background: Some public lands managed by the Department of Natural Resources have been damaged by vandalism. In other cases, persons have, without authorization, occupied and used public lands and/or taken valuable materials. Current law authorizes the state to bring a civil action to recover treble damages from a person who, without authorization, removes timber or Christmas trees from public lands. Current law does not authorize treble damages against a person who vandalizes public lands, or who takes valuable materials from public lands without authorization, or who uses or occupies public lands without authorization.

Summary of Bill: The Department of Natural Resources (DNR) is authorized to recover treble damages from a person who, without authorization, uses or occupies public lands, removes anything of value from public lands, or causes waste or damage to public lands. Liability is for single, rather than treble, damages if the department determines or the person proves that he or she did not know or have reason to know that he or she lacked authorization. In addition to

damages, the person is also liable for reimbursing the state for reasonable costs, including administrative costs, survey costs, and attorney fees.

This section of law does not apply in instances where liability for damages is provided under other statutes dealing with the unauthorized removal of timber and Christmas trees.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The state should receive restitution for damage to its lands. If the damage is intentional, the amount due the state should be treble. The incidence of public use and abuse on state lands is increasing. There is no preventive message in current law against trespassing on or damaging state lands, nor can the state collect any administrative and survey costs, beyond single damages. Public lands can't be closed in the same way private lands can be. DNR supports giving similar rights to private property owners, but this particular bill and bill title address public lands only.

Testimony Against: Private property owners should have these same rights regarding waste and trespass on their lands. Having this policy only on public lands creates a double standard.

Witnesses: Stan Biles, Department of Natural Resources (in favor); and Tim Boyd, Washington Forest Protection Association.