

HOUSE BILL REPORT

SB 6080

As Passed House - Amended
March 3, 1994

Title: An act relating to wrongful property damage to agricultural and forest lands.

Brief Description: Prohibiting wrongful property damage to agricultural and forest lands.

Sponsors: Senators Owen, Oke, Hargrove, Amondson, Haugen, Snyder, Morton, M. Rasmussen and Roach.

Brief History:

Reported by House Committee on:
Judiciary, February 25, 1994, DPA.
Passed House - Amended, March 3, 1994, 91-4.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 17 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Riley; Schmidt; Scott; Tate and Wineberry.

Staff: Bill Perry (786-7123).

Background: Under a law enacted in 1993, the Department of Natural Resources 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 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.

The law also does not apply to private property.

Summary of Bill: Civil damages provisions similar to those enacted in 1993 with respect to public lands are enacted with respect to all lands.

A person whose wrongful act causes injury to the land of another, or injury to personal property or improvements on that land, is liable to the injured party for treble the amount of injury caused. Wrongful acts for which treble damages may be recovered include wrongful removal of timber, crops, or minerals from the land, wrongful injury to personal property or improvements, and wrongful waste or injury to the land. Damages that may be trebled include damages for the market value of the things removed, as well as for the value of injury to the property, improvements, or land, including the costs of restoration. The person is also liable for reimbursing the injured party for the party's reasonable investigative and attorney fees and other litigation-related costs.

A person acts "wrongfully" if he or she intentionally and unreasonably commits an act while knowing or having reason to know that he or she lacks authority to so act.

The 1993 law with respect to public lands is amended to limit the kind of property removal of which leads to treble damages. Only removal of materials such as forest products, crops, stone, sand and peat. The 1993 law is also amended to allow treble damages for injury to personal property or improvements on public lands.

Fiscal Note: Not requested.

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

Testimony For: Vandalism and dumping, in particular, are increasingly serious problems for landowners.

Testimony Against: None.

Witnesses: Tim Boyd, Washington Forest Protection Association (pro); Monte Martinsen, Longview Fibre Company (pro); Bryon Loucks, Weyerhaeuser Company (pro); and Nels Hanson, Washington Farm Forestry Association (pro).