

SENATE BILL REPORT

SB 6080

AS PASSED SENATE, JANUARY 28, 1994

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

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

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Sellar, L. Smith, Snyder and Spanel.

Staff: Kari Guy (786-7464)

Hearing Dates: January 14, 1994

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

The incidence of property trespass and vandalism is increasing on forest and agricultural lands. Last year legislation was passed to establish liability for damages to Department of Natural Resources lands, to be compensated at treble damages. Currently, no similar provisions for private agricultural or forest lands exist.

SUMMARY:

Legislative findings are made that forest lands and agricultural lands are particularly vulnerable to wrongful property damage, especially vandalism and theft.

Every person who wrongfully uses or occupies agriculture or forest lands is liable to the injured party for treble the amount of damages caused by the use. Damages may include damages for the market value of the use, occupancy, or things removed; and for injury to the land, including the costs of restoration. The person is also liable for reimbursing the injured party for the party's reasonable investigative and litigation-related costs.

The act applies to all agricultural and timber land with current use classification, all forest land with forest land valuation, and any land designated as agricultural lands or forest lands under the Growth Management Act.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Illegal dumping and vandalism are causing increasing costs to private landowners. This bill would provide a deterrent for violators and help finance costs of cleanup.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Tim Boyd, WA Forest Protection Assn.; Steve Gano, Plum Creek Timber; Monty Martinson, Longview Fiber; Greg De Jarlais, Champion International Corp.; Dan Coyne, WA Dairy Federation, WA Council of Farmer Cooperatives

HOUSE AMENDMENT(S):

The coverage of the bill is expanded to any land, not just timber or agricultural land. "Occupying" or "using" land is removed as the basis for treble damages. Treble damages for property removal is limited to the removal of timber, crops, minerals, and other similar valuable property.

Provisions for liability for damages to public lands are amended to include damages to public property and improvements as well as public lands.