

# SENATE BILL REPORT

## HB 1137

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As of March 13, 2009

**Title:** An act relating to protecting landowners' investments in Christmas trees.

**Brief Description:** Protecting landowners' investments in Christmas trees.

**Sponsors:** Representatives Finn, Blake, Orcutt, Ormsby, McCune, Morrell, Van De Wege, Sullivan and Herrera.

**Brief History:** Passed House: 2/23/09, 97-0.

**Committee Activity:** Agriculture & Rural Economic Development: 3/16/09.

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### SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

**Staff:** Sam Thompson (786-7413)

**Background:** One of the oldest unrevised sections in the Revised Code of Washington authorizes plaintiffs to recover treble damages from persons injuring or removing timber without lawful authority. While this provision, enacted by the Territorial Legislature in 1881, has broad applicability, more specific later-enacted legislation limits recovery of damages from persons cutting, breaking, or removing Christmas trees without permission to \$1 per tree if payment is made immediately upon demand and \$3 per tree in a civil action.

**Summary of Bill:** Provisions are repealed that limit recovery of damages from persons cutting, breaking, or removing Christmas trees without permission to \$1 per tree if payment is made immediately upon demand and \$3 per tree in a civil action.

The provision authorizing plaintiffs to recover treble damages from persons injuring or removing timber without lawful authority is revised to specifically include Christmas trees within its scope.

A provision concerning liability for removing valuable material from public lands without authority and other offenses is revised to delete a reference to one of the repealed provisions. A provision specifying that trespass upon state public lands and injuring or removing timber constitutes theft under the criminal code is revised to include Christmas trees within its scope. A provision authorizing the state to recover treble damages from persons cutting or

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removing timber from state public lands without authority is revised to include Christmas trees within its scope.

A definition of "Christmas tree" is referenced: any evergreen trees or the top of the tree, including fir, pine, spruce, cedar, and other coniferous species.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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