

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5310**

Chapter 266, Laws of 1993

53rd Legislature  
1993 Regular Session

TRESPASS OR WASTE ON PUBLIC LANDS--LIABILITY AND DAMAGES FOR

EFFECTIVE DATE: 7/25/93

Passed by the Senate March 17, 1993  
YEAS 40 NAYS 9

JOEL PRITCHARD

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 14, 1993  
YEAS 98 NAYS 0

BRIAN EBERSOLE

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**Speaker of the  
House of Representatives**

Approved May 7, 1993

MIKE LOWRY

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5310** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

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**Secretary**

FILED

May 7, 1993 - 11:51 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5310**

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Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** Senate Committee on Natural Resources (originally sponsored by Senator Owen)

Read first time 02/23/93.

1            AN ACT Relating to trespass or waste of public lands; and amending  
2 RCW 79.01.760.

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

4            **Sec. 1.** RCW 79.01.760 and 1927 c 255 s 200 are each amended to  
5 read as follows:

6            (~~The commissioner of public lands~~) (1) Every person who, without  
7 authorization, uses or occupies public lands, removes anything of value  
8 from public lands, or causes waste or damage to public lands, is liable  
9 to the state for treble the amount of the damages. However, liability  
10 shall be for single damages if the department of natural resources  
11 determines, or the person proves upon trial, that the person, at time  
12 of the unauthorized act or acts, did not know, or have reason to know,  
13 that he or she lacked authorization. Damages recoverable under this  
14 section include, but are not limited to, the market value of the use,  
15 occupancy, or things removed, had the use, occupancy, or removal been  
16 authorized; and any damages caused by injury to the land, including the  
17 costs of restoration. In addition, the person is liable for  
18 reimbursing the state for its reasonable costs, including but not  
19 limited to, its administrative costs, survey costs to the extent they

1 are not included in damages awarded for restoration costs, and its  
2 reasonable attorneys' fees and other legal costs.

3 (2) This section does not apply in any case where liability for  
4 damages is provided under RCW 64.12.030, 79.01.756, or 79.40.070.

5 (3) The department of natural resources is authorized and directed  
6 to investigate all trespasses and wastes upon, and damages to, public  
7 lands of the state, and to cause prosecutions for, and/or actions for  
8 the recovery of, the same, to be commenced as is provided by law.

Passed the Senate March 17, 1993.

Passed the House April 14, 1993.

Approved by the Governor May 7, 1993.

Filed in Office of Secretary of State May 7, 1993.