

HOUSE BILL REPORT

HB 1137

As Passed House:

February 23, 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:

Committee Activity:

Agriculture & Natural Resources: 1/22/09, 1/30/09 [DP].

Floor Activity

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

Brief Summary of Bill

- Removes the provision that allows a victim of Christmas tree theft to only recover up to \$3 in damages.
- Includes Christmas trees in other existing provisions that assign penalties for tree theft.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Liias, McCoy, Nelson, Ormsby, Pearson, Van De Wege and Warnick.

Staff: Anna Jackson (786-7190)

Background:

Currently, an individual or the state may only recover \$1 for the cutting, breaking, or removal of a Christmas tree from his/her private property or from public lands. If it is necessary to file a civil suit to recover the value of the tree or trees, the plaintiff may recover treble (triple) damages on the basis of \$3 per tree.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

For other timber, however, the plaintiff may recover triple the value of the tree or timber cut, injured, or removed from the plaintiff's land. In addition, a person is guilty of theft if he/she intentionally trespasses on public lands of the state and cuts down, destroys, injures, or removes any tree, timber, or wood growing or lying on the land.

Summary of Bill:

The provision that allows victims of Christmas tree theft to recover \$1 upon demand or \$3 if it is necessary to file a civil suit to recover the value of the tree or trees is removed.

Christmas trees are included in existing tree theft statutes that permit a plaintiff to recover treble damages in a civil lawsuit when a person unlawfully cuts down, removes, or injures a tree or timber from the plaintiff's land. In addition, Christmas trees are included in an existing provision that makes it a crime to cut down, destroy, or injure any timber standing or growing on public lands of the state.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is fair and logical because it removes an anomaly that currently exists in the law for compensation for Christmas tree theft and brings Christmas tree theft in line with other timber theft laws.

(Opposed) None.

Persons Testifying: Representative Finn, prime sponsor; and Brad Tower, Washington Christmas Tree Growers.

Persons Signed In To Testify But Not Testifying: None.