

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass and Rescind the Subsequent Referral to the Committee on Ways and Means

Vote: 5 - 2 - 1

Yeas: Beyer, Krieger, Roblan, Schaufler, VanOrman

Nays: Gilliam, Wingard

Exc.: Clem

Prepared By: Cheyenne Ross, Administrator

Meeting Dates: 2/19, 4/16

WHAT THE MEASURE DOES: Allows Department of State Lands (DSL) to impose civil penalties for certain uses of certain state lands.

ISSUES DISCUSSED:

- Need for an intermediate tool, something in between doing nothing and filing criminal charges
- Criminal charges should be reserved for criminals, civil penalties for non-criminals
- Penalty assessment as an opportunity for contact between land user and DSL
- Penalty should be proportional/appropriate to circumstances; fact-specific
- Concern about conflict between DSL and people who claim ownership of the land
- Legitimate claim of ownership would be a defense to civil or criminal penalty
- DSL is aware of conflicting ownership claims

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Department of State Lands currently has authority to assess civil penalties for unauthorized uses of state-owned waterways, but not corresponding uplands. Civil penalties are an effective means to deter such uses and generate revenue for the Common School Fund.