



C.L. "BUTCH" OTTER

GOVERNOR

March 28, 2018

The Honorable Scott Bedke  
Speaker of the House  
State Capitol  
Boise, ID 83702

Dear Mr. Speaker,

I hereby advise you that I have transmitted to the Secretary of State the following House Bill, which was allowed to become law without my signature:

**H658aaS**

as prescribed by the Constitution.

I wholeheartedly support this legislation's goal of more rigorously protecting private property rights in Idaho. I applaud the Legislature's focus on consolidating and bringing more consistency to our scattered, piecemeal collection of trespass laws.

Yet there remain significant legal and practical concerns, the resolution of which is important to the success of these policy changes. Some of the most serious of the potential problems arise from:

- Subjecting innocent behavior to civil or criminal penalties – or both – with associated penalties that include large fines and payment of attorneys and investigative fees. For instance, under H658aaS even neighborly behavior that involves stepping onto someone else's property, if misconstrued or uninvited, could result in a \$500 fine plus fees for each time it happens.
- Failing to include land surveyors among the lawful activities exempted from trespass law. The list correctly includes police, firefighters, utility personnel, mail carriers and other logical and necessary categories. However, land surveyors are conspicuously absent despite routinely having to cross over property lines as part of their professional duties – including work to resolve boundary disputes.
- A need for clearer language expressly providing for treble damages for removing timber from public lands, including both U.S. Forest Service and Idaho's own endowment lands. Along with our reverence for private property, Idahoans love the freedom and opportunity that ready access to our public lands provides. We should not signal in our public policy that doing more to protect one means doing less to protect the other.

Once again, the concerns expressed and changes proposed to Idaho's trespass laws are warranted. The myriad problems and bad actors plaguing the agricultural community and other large landowners need to be addressed. This bill sends a strong message and undoubtedly will serve as a deterrent to those who brazenly disregard private property laws.

The Honorable Scott Bedke

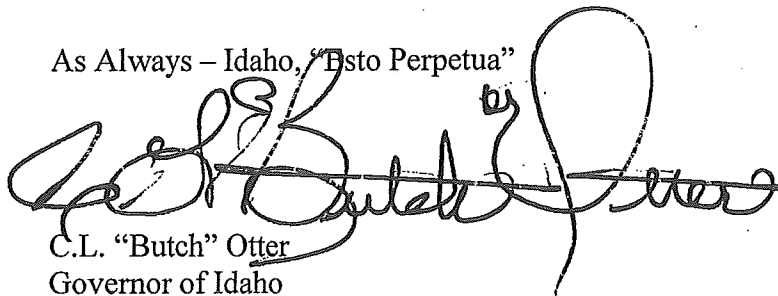
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However, this legislation laudably calling for a "renewal of the neighborly way" also could have a chilling effect on recreationists, sportsmen and other outdoor enthusiasts, and ironically even neighbors afraid of inadvertently subjecting themselves to strict trespass laws.

I offered to help legislators resolve these issues before their 2018 session adjourns sine die in order to bring about the stated goal of fostering "a new culture of respect" for private property in Idaho. Since that idea was rebuffed, it will fall to a future Legislature and Governor to address the identified concerns as they move from hypothetical to actual.

As Always – Idaho, "Esto Perpetua"

A handwritten signature in black ink, appearing to read "C.L. Butch Otter". The signature is stylized and cursive, with a large loop at the end.

C.L. "Butch" Otter  
Governor of Idaho