

# Committee Report

# CONSENT CALENDAR

February 10, 2021

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 193,

AN ACT relative to penalties for improper timber harvesting. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne Smith

FOR THE COMMITTEE

## COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 193
Title:	relative to penalties for improper timber harvesting.
Date:	February 10, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0157h

### STATEMENT OF INTENT

This bill does not increase or decrease the penalties for timber trespass. It does however amend RSA 227-J:8,I and RSA 227-J:8-a to clarify the responsibilities of all parties involved in the harvesting of timber relative to timber trespassing. It explicitly extends culpability to the landowner who may have provided erroneous information about property boundaries and thereby enabled the timber trespass to occur. It does not lessen the shared responsibility of the timber harvester to conduct his/her due diligence to ensure the correct location of all boundary lines. The amendment removes the word "or" in both statutes which provides better clarification of the bill's intent.

Vote 20-0.

Rep. Suzanne Smith  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Resources, Recreation and Development

**HB 193**, relative to penalties for improper timber harvesting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill does not increase or decrease the penalties for timber trespass. It does however amend RSA 227-J:8,I and RSA 227-J:8-a to clarify the responsibilities of all parties involved in the harvesting of timber relative to timber trespassing. It explicitly extends culpability to the landowner who may have provided erroneous information about property boundaries and thereby enabled the timber trespass to occur. It does not lessen the shared responsibility of the timber harvester to conduct his/her due diligence to ensure the correct location of all boundary lines. The amendment removes the word "or" in both statutes which provides better clarification of the bill's intent. **Vote 20-0.**

Original: House Clerk  
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Amendment to HB 193

1 Amend the bill by replacing sections 1 and 2 with the following:

2

3 1 Timber Harvesting; Trespass; Civil Penalty. Amend RSA 227-J:8, I to read as follows:

4 I. No person shall negligently cut, fell, destroy, injure, [or] carry away, *or cause to be cut,*  
5 *felled, destroyed, injured, or carried away*, any tree, timber, log, wood, pole, underwood, or bark  
6 which is on the land of another person, or aid in such actions without the permission of that person  
7 or the person's agent.

8 2 Timber Harvesting; Trespass; Criminal Penalty. Amend RSA 227-J:8-a, I to read as follows:

9 I. No person shall recklessly cut, fell, destroy, injure, [or] carry away, *or cause to be cut,*  
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12 or the person's agent.

Resources, Recreation and Development Committee

HB193 Committee Report ---- Suzanne Smith

Motion OTP/A Vote 20-0 Consent Calendar

This bill does not increase or decrease the penalties for timber trespass. It does however amend RSA 227-J:8,I and RSA 227-J:8-a to clarify the responsibilities of all parties involved in the harvesting of timber relative to timber trespassing. It explicitly extends culpability to the landowner who may have provided erroneous information about property boundaries and thereby enabled the timber trespass to occur. It does not lessen the shared responsibility of the timber harvester to conduct his/her due diligence to ensure the correct location of all boundary lines. The amendment removes the word "or" in both statutes which provides better clarification of the bill's intent.

# Voting Sheets

**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**EXECUTIVE SESSION on HB 193**

**BILL TITLE:** relative to penalties for improper timber harvesting.

**DATE:** February 3, 2021

**LOB ROOM:** Hybrid

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Suzanne Smith                      Seconded by Rep. Harb                      AM Vote: 20-0

Amendment # 2021-0157h

Moved by Rep. Suzanne Smith                      Seconded by Rep. Harb                      Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: HB 193

DATE: 02/03/21

LOB ROOM:

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MOTION: (Please check one box)

☒ OTP      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☒ Adoption of  
Amendment # 0157H  
(if offered)  
☐ Interim Study (2nd year)

Moved by Rep. Smith      Seconded by Rep. Harb      Vote: 28/0

MOTION: (Please check one box)

☐ OTP      ☐ OTP/A      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
(if offered)  
☐ Interim Study (2nd year)

Moved by Rep. Smith      Seconded by Rep. Harb      Vote: 20-0

MOTION: (Please check one box)

☐ OTP      ☐ OTP/A      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
(if offered)  
☐ Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

☐ OTP      ☐ OTP/A      ☐ ITL      ☐ Retain (1<sup>st</sup> year)      ☐ Adoption of  
Amendment # \_\_\_\_\_  
(if offered)  
☐ Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

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CONSENT CALENDAR: ☒ YES      ☐ NO

Minority Report? ☐ Yes      ☒ No      If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: \_\_\_\_\_

Juliet Harvey-Bolia  
Rep Juliet Harvey-Bolia, Clerk

## OFFICE OF THE HOUSE CLERK



1/22/2021 10:09:09 AM  
Roll Call Committee Registers  
Report

2021 SESSION

## Resources, Recreation and Development

Bill #: HB193A Motion: OTP AM #: 0157H Exec Session Date: 02/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Rung, Rosemarie			
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
	20	0	

OFFICE OF THE HOUSE CLERK



1/22/2021 10:09:09 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Resources, Recreation and Development

HB

0157H

Bill #:

~~HB 193A~~

Motion:

to pass

AM #:

~~193~~

Exec Session Date:

02/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Rung, Rosemarie			
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
	20	0	

Rep. Suzanne Smith, Graf. 8  
January 28, 2021  
2021-0157h  
05/10

Amendment to HB 193

1 Amend the bill by replacing sections 1 and 2 with the following:

2

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11 which is on the land of another person, or aid in such actions without the permission of that person  
12 or the person's agent.

# Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 193

**BILL TITLE:** relative to penalties for improper timber harvesting.

**DATE:** January 27, 2021

**LOB ROOM:** Hybrid                      **Time Public Hearing Called to Order:** 2:00 p.m.

**Time Adjourned:** 2:35 p.m.

**Committee Members:** Reps. Renzullo, Harb, Harvey-Bolia, Gould, Horgan, Creighton, Dodge, Healey, Mayville, Post, Suzanne Smith, Spang, Grassie, Gottling, Cohen, Connors, Vail, E. Kelley, Moran and Hall

**Bill Sponsors:**

Rep. Suzanne Smith  
Rep. Gould

Rep. Weston  
Sen. Giuda

Rep. Gordon  
Sen. Hennessey

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Smith, HB 193 prime sponsor, stated the bill makes the person responsible for the timber trespass liable for the timber harvesting penalties.

Rep Creighton asked Rep Smith about property lines.

Rep. Post asked Rep. Smith about intent to cut rules.

Rep Harb spoke to Rep. Smith adding an amendment to clarify the language of the bill.

Discussion about the words "negligent," "knowingly," etc.

Jasen Stock, Executive Dir. Of the Timberland Owners Assoc. spoke in favor HB 193 and stated that the bill adds continuity to the law and allows the forest rangers to pursue who is really at fault in a timber harvesting transgression.

Renzullo asked Stock to clarify elements of the current timber law.

Patrick Hackley, NH Division of Forests and Lands is in support of HB 193. This bill adds language that extends culpability to the landowner if the investigation warrants.

2:28pm Hearing was closed.

Rep. Harb discussed language changes to the bill as written.

Rep. Renzullo stated that an amendment is needed on the bill and that the executive session for HB 193. He read a list officials and members in support of the bill. He closed the hearing at 2:35pm.

Respectfully submitted,

Rep. Juliet Harvey-Bolia  
Clerk

HB 193

Opened at 2:03pm

Rep. Smith, HB 193 prime sponsor, stated the bill makes the person responsible for the timber trespass liable for the timber harvesting penalties.

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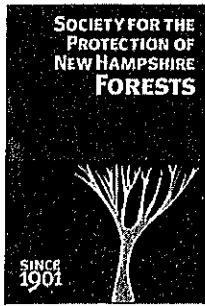
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# Testimony





January 27, 2021

54 Portsmouth Street  
Concord, NH 03301

Tel. 603.224.9945  
Fax 603.228.0423

Info@forestsociety.org  
www.forestsociety.org

The Honorable Andrew Renzullo, Chairman  
Committee on Resources, Recreation and Development  
New Hampshire House of Representatives  
Legislative Office Building, Room 305  
Concord, NH 03301

Dear Mr. Chairman:

Thank you for you for this opportunity to express the Forest Society's support for House Bill 193, a bill to clarify the state law regarding timber harvesting.

As you know, the Forest Society is a state-wide non-profit land trust founded in 1901 whose mission is to "perpetuate the forests of New Hampshire through their wise use and their complete reservation in places of special scenic beauty". As part of our efforts to carry out this mission, we own over 55,000 acres of land on 185 different properties around the state.

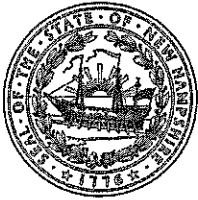
Unfortunately, we have experienced situations in which adjacent landowners to our properties, or parties hired by those landowners, have inappropriately harvested timber from our lands. In some of these cases, we were able to receive restitution. However, we believe the changes to RSA 227-J:8 proposed in this bill will increase the level of due care taken by anyone involved in a timber harvest by clarifying the line of responsibility. The result we hope will be lessen the likelihood of future violations of the timber harvesting laws.

The Forest Society supports sustainable forest management, including sustainable timber harvesting. This goal depends in part on ensuring everyone understands the goals of their fellow forestland owners. This recognition starts with knowing where the property line is.

We would encourage the Committee to pass House Bill 193. Thank you for your consideration.

Sincerely,

Matt Leahy, Public Policy Manager  
Society for the Protection of New Hampshire Forests



STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
DIVISION of FORESTS and LANDS

172 PEMBROKE ROAD CONCORD, NEW HAMPSHIRE 03301  
PHONE: (603) 271-2214 FAX: (603) 271-6488 WWW.NH.GOV/NHDFL

January 26, 2021

The Honorable Andrew Renzullo, Chairman  
New Hampshire House of Representatives  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03302

**Re: HB 193-relative to penalties for improper timber harvesting**

Dear Chairman Renzullo and Members of the Committee:

Thank you for the opportunity to testify regarding HB 193, relative to penalties for improper timber harvesting. The Department of Natural and Cultural Resources, Division of Forests and Lands *supports* this bill as written.

The Division of Forests and Lands is the state agency charged with the execution of "all matters pertaining to forestry, forest management, and forestlands within the jurisdiction of the state". We are also the primary agency responsible for the enforcement of timber harvesting laws.

We support this bill as it helps clarify the responsibilities of *all* parties involved in the harvesting of timber relative to timber trespassing. While the added language will not change how the current law is enforced, it more explicitly extends culpability to the landowner who may have provided erroneous information about property boundaries and thereby enabled the timber trespass to occur.

That said, the refined language does not lessen the shared responsibility of the timber harvester to conduct his/her own thorough due diligence to ensure the correct location of all boundary lines before commencing operations.

Thank you for the opportunity to testify. If I can provide any additional information, please let me know.

Respectfully,

Patrick D. Hackley  
Director, NH Division of Forests & Lands

cc: Sarah Stewart, Commissioner, DNCR

# Bill as Introduced

HB 193 - AS INTRODUCED

2021 SESSION

21-0302  
05/10

HOUSE BILL            **193**

AN ACT                relative to penalties for improper timber harvesting.

SPONSORS:           Rep. Suzanne Smith, Graf. 8; Rep. Weston, Graf. 8; Rep. Gordon, Graf. 9; Rep. Gould, Hills. 7; Sen. Giuda, Dist 2; Sen. Hennessey, Dist 1

COMMITTEE:        Resources, Recreation and Development

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ANALYSIS

This bill provides that any person who negligently or recklessly causes timber to be cut on the land of another shall be guilty of trespass under RSA 227-J, relative to timber harvesting.

.....

Explanation:        Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struck through]~~.  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                   relative to penalties for improper timber harvesting.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Timber Harvesting; Trespass; Civil Penalty. Amend RSA 227-J:8, I to read as follows:

2           I. No person shall negligently cut, fell, destroy, injure, or carry away, ***or cause to be cut,***  
3 ***felled, destroyed, injured, or carried away,*** any tree, timber, log, wood, pole, underwood, or bark  
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8 ***felled, destroyed, injured, or carried away,*** any tree, timber, log, wood, pole, underwood, or bark  
9 which is on the land of another person, or aid in such actions without the permission of that person  
10 or the person's agent.

11          3 Effective Date. This act shall take effect January 1, 2022.