Bill as Introduced

HB 193 - AS AMENDED BY THE HOUSE

24Feb2021... 0157h

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

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 struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0302 05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

1 2

3 4

5

6 7

8

9 10

11

relative to penalties for improper timber harvesting.

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

- 1 Timber Harvesting; Trespass; Civil Penalty. Amend RSA 227-J:8, I to read as follows:
 - I. No person shall negligently cut, fell, destroy, injure, [ex] carry away, or cause to be cut, felled, destroyed, injured, or carried away, any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.
 - 2 Timber Harvesting; Trespass; Criminal Penalty. Amend RSA 227-J:8-a, I to read as follows:
 - I. No person shall recklessly cut, fell, destroy, injure, [ex] carry away, or cause to be cut, felled, destroyed, injured, or carried away, any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.
 - 3 Effective Date. This act shall take effect January 1, 2022.

CHAPTER 7 HB 193 - FINAL VERSION

24Feb2021... 0157h

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

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 struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 7 HB 193 - FINAL VERSION

24Feb2021... 0157h

21-0302 05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

1

10

relative to penalties for improper timber harvesting.

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

7:1 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, [ex] carry away, or cause to be cut, felled, destroyed, injured, or carried away, any tree, timber, log, wood, pole, underwood, or bark 3 which is on the land of another person, or aid in such actions without the permission of that person 4 5 or the person's agent. 7:2 Timber Harvesting; Trespass; Criminal Penalty. Amend RSA 227-J:8-a, I to read as follows: 6 7 I. No person shall recklessly cut, fell, destroy, injure, [or] carry away, or cause to be cut, felled, destroyed, injured, or carried away, any tree, timber, log, wood, pole, underwood, or bark 8 9 which is on the land of another person, or aid in such actions without the permission of that person
 - 7:3 Effective Date. This act shall take effect January 1, 2022.

Approved: April 23, 2021

or the person's agent.

Effective Date: January 01, 2022

Committee Minutes

SENATE CALENDAR NOTICE **Energy and Natural Resources**

Sen Kevin Avard, Chair Sen Bob Giuda, Vice Chair Sen James Gray, Member Sen David Watters, Member Sen Rebecca Perkins Kwoka, Member

38.00

Date: March 16, 2021

00/00/0001

HEARINGS

Monday		03/22/2021		
(Day)		(Date)		
Energy and Natural Resources		REMOTE 000	1:00 p.m.	
(Name of Committee)		(Place)	(Time)	
1:00 p.m.	HB 529-FN	relative to cruelty to a wild animal, fish, or wild bird.		
1:15 p.m.	HB 342	relative to the taking of game by certain lever-action firearms and relative to the number of rounds permitted in a firearm used to take deer.		
1:30 p.m.	HB 192	relative to pistols permitted for the taking of deer.		
1:45 p.m.	HB 226	relative to the repeal of laws on produce safety.		
2:00 p.m. HB 193 relative to penalties for improper timber harves		ing.		

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

- 1. Link to Zoom Webinar: https://www.zoom.us/j/96840968683
- 2. To listen via telephone: Dial(for higher quality, dial a number based on your current location):
- 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
- 3. Or iPhone one-tap: US: +19292056099,,96840968683# or +13017158592,,96840968683#
- 4. Webinar ID: 968 4096 8683
- 5. To view/listen to this hearing on YouTube, use this link:

https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:

http://gencourt.state.nh.us/remotecommittee/senate.aspx

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors: **HB 529-FN**

Rep. Read Rep. Spillane

Rep. Toll Rep. Abrami Rep. Gay Rep. DeSimone Rep. Danielson Rep. Wall

Rep. K. Murray	Sen. Sherman	Sen. Watters	Sen. Bradley
HB 342			
Rep. Spillane	Rep. Pearl	Rep. Roy	Rep. Verville
Rep. Love			
HB 192			
Rep. J. MacDonald	Rep. Crawford	Rep. Avellani	Rep. Umberger
Rep. Deshaies		_	
HB 226			
Rep. Pearl	Rep. Lang	Rep. Moffett	
HB 193			
Rep. Suzanne Smith	Rep. Weston	Rep. Gordon	Rep. Gould
Sen. Giuda	Sen. Hennessey		

Griffin Roberge 271-3042

<u>Kevin A. Avard</u> Chairman

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

HB 193, relative to penalties for improper timber harvesting.

Hearing Date:

March 22, 2021.

Time Opened:

2:05 p.m.

Time Closed:

2:09 p.m.

Members of the Committee Present: Senators Avard, Giuda, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: None.

Bill 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.

Sponsors:

Rep. Suzanne Smith

Rep. Weston

Rep. Gordon

Rep. Gould

Sen. Giuda

Sen. Hennessey

Who supports the bill: Richard DeMark; Nicole Fordey; Ronald Garnett; Senator Bob Giuda, NH Senate District 2; Patrick Hackley, NH Department of Natural and Cultural Resources; Senator Erin Hennessey, NH Senate District 1; Lucinda Hope; Robert Johnson, II, NH Farm Bureau Federation; Ruth Larson; Matt Leahy, Society for the Protection of NH Forests; Representative Andrew Renzullo, Hillsborough - District 37; Representative Suzanne Smith, Grafton - District 8; Jasen Stock, NH Timberland Owners Association; Robin Vogt.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

 $Representative \ Suzanne \ Smith$

Grafton – District 8

- HB 193 is a reintroduction of HB 1414 (2020) as amended by the House. HB 1414 died on the Senate table due to the disruption of legislative activity because of the COVID-19 pandemic.
- NH is one of the most forested states in the country. NH takes timber trespass very seriously by penalizing those who cut trees on a landowner's property without that landowner's permission.
- Under current statute, when a logger is hired by a landowner and that landowner provides incorrect information on where their property boundary is, the logger can be prosecuted for timber trespass. HB 193 expands the timber trespass statute in RSA 227-J:8, I and RSA 227-J:8-a, I to include a landowner who may purposefully misstate where his or her property boundaries are located.
- HB 193 clarifies the responsibilities of all parties involved in timber harvesting relative to timber trespassing. While HB 193's proposed language will not change how the current law is enforced, the bill extends culpability to the landowner who may have provided erroneous information about property boundaries that enabled the timber trespass to occur.

- HB 193 neither lessens the shared responsibility of the timber harvester to conduct thorough due diligence to ensure the correct location of a landowner's boundary lines nor increases or decreases timber trespass penalties.
- HB 193 was recommended "ought to pass with amendment" by the House Resources, Recreation, and Development Committee by a vote of 20-0 and was placed on the House consent calendar. The full House adopted the committee's recommendation by a voice vote.
- Senator Watters clarified that HB 193 ensures that a landowner will do his or her due diligence in properly identifying their property lines. A logger may welcome HB 193's language to ensure the logger is not the only party that is punished for any timber trespass.
 - o Representative Smith agreed with Senator Watters.

Jasen Stock

Executive Director, NH Timberland Owners Association (NHTOA)

- HB 193 expands the culpability to not only the individual who cuts a tree in a timber trespass case, but the landowner who caused the tree to be cut in a timber trespass case.
- HB 193 aligns with the basal area and slash portions of state statute and brings some consistency.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

GJR

Date Hearing Report completed: March 22, 2021.

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB193 on 2021-03-22

Support: 14 Oppose: 0 Neutral: 0 Total to Testify: 2

<u>Name</u>	Email Address	Phone	<u>Title</u>	Representing	<u>Position</u>	Testifing	Signed Up
Stock, Jasen	jstock@nhtoa.org	603.224.9699	A Lobbyist	NH Timberland Owners Association	Support	Yes	3/19/2021 10:19 AM
Smith, Suzanne	zanne719@gmail.com	603.715.0086	An Elected Official	Grafton 8 - Prime sponsor	Support	Yes	3/17/2021 12:44 PM
Vogt, Robin	robin.w.vogt@gmail.com	603.969.5720	A Member of the Public	Myself	Support	No	3/18/2021 8:57 AM
Hennessey, Erin	erin.hennessey@leg.state.nh.us	603.271.4151	An Elected Official	SDI	Support	No	3/18/2021 1:47 PM
Giuda, Bob	bob.giuda@leg.state.nh.us	603-271-3042	An Elected Official	NH Senate District 2	Support	No	3/16/2021 7:40 PM
Larson, Ruth	ruthlarson@msn.com	Not Given	A Member of the Public	Myself	Support	No	3/20/2021 8:26 PM
Hackley, Patrick	patrick.d.hackley@dncr.nh.gov	(603) 545-98	State Agency Staff	NH Division of Forests & Lands	Support	No	3/22/2021 1:27 PM
Fordey, Nicole	nikkif610@gmail.com	Not Given	A Member of the Public	Myself	Support	No	3/21/2021 4:53 PM
Johnson, II, Robert	robj@nhfarmbureau.org	Not Given	A Lobbyist	NH Farm Bureau Federation	Support	No	3/22/2021 7:37 AM
garnett, ronald	soup31314@yahoo.com	603.236.1637	A Member of the Public	Myself	Support	No	3/20/2021 3:08 PM
Hope, Lucinda	lmhope46@gmail.com	Not Given	A Member of the Public	Myself	Support	No	3/21/2021 1:11 PM
DeMark, Richard	demarknhll4@gmail.com	603.520.5582	A Member of the Public	Myself	Support	No	3/22/2021 7:19 AM
Leahy, Matt	mleahy@forestsociety.org	224-9945, ex	A Lobbyist	Society for the Protection of NH Forests	Support	No	3/22/2021 8:13 AM
Renzullo, Andy	Not Given	Not Given	An Elected Official	House RRD Committee -Chair	Support	No	3/22/2021 11:28 AM

Testimony

Griffin Roberge

From: Matt Leahy <mleahy@forestsociety.org>

Sent: Saturday, March 20, 2021 8:58 AM

To: Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin

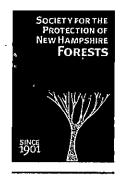
Roberge

Subject: HB 193

Attachments: Forest Society testimony-HB 193-Senate Energy and Natural Resources 3-22-2021.pdf

Members of the Committee: Please find attached testimony from the Forest Society in support of HB 193. Thank you.

Matt Leahy, Public Policy Manager Society for the Protection of NH Forests 54 Portsmouth Street Concord, NH 03301 mleahy@forestsociety.org 603-224-9945, ext. 355 603-731-8455



54 Portsmouth Street Concord, NH 03301

Tel. 603.224.9945 Fax 603.228.0423

info@forestsoclety.org www.forestsoclety.org March 22, 2012

The Honorable Kevin Avard, Chairman Committee on Energy and Natural Resources New Hampshire State Senate

Dear Mr. Chairman and Members of the Committee:

Concord, New Hampshire 03301

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 57,000 acres of land on 190 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

Griffin Roberge

From:

Hackley, Patrick < Patrick.D. Hackley@dncr.nh.gov>

Sent:

Monday, March 22, 2021 10:25 AM

To:

Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin

Roberge

Subject:

HB 193 - NHDFL Testimony

Attachments:

HB 193 senate testimony 3.19.21.pdf; HB193_amended_3-18.pdf

Dear Chairman Avard & Committee Members:

Please see my attached testimony related to HB 193 - An Act Relevant to Improper Timber Harvesting.

I will be available to answer any questions if requested at this afternoon's hearing.

Thank you,

Patrick D. Hackley
Director, NH Division of Forests & Lands
172 Pembroke Road
Concord, NH 03301
(603) 271-2214
www.nhdfl.org



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

March 19, 2021

The Honorable Kevin Avard, Chairman New Hampshire Senate Energy and Natural Resources Committee Senate Chamber Concord, NH 03302

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

Dear Chairman Avard 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 passed by the New Hampshire House of Representatives.

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

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill# HB 193 Hearing Date: 03/22/2021 Executive Session Date: 03/22/2021 Motion of: OTP Vote: 5-0 Committee Member Present Made by Second Committee Member

Sen. Avard, Chair

Sen. Giuda, Vice Chair

Son Grav Yes Sen. Gray
Sen. Watters Sen. Perkins Kwoka Motion of: _____ Vote: 5-0 Committee Member Present Made by Second Sen. Avard, Chair Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka Motion of:____ Vote: Present Made by Second Yes Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka Vote: Motion of: Committee Member Present Made by Second Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray

Sen. Watters

Sen. Perkins Kwoka Reported out by: _______ Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Monday, March 22, 2021

THE COMMITTEE ON Energy and Natural Resources

to which was referred HB 193

AN ACT

relative to penalties for improper timber harvesting.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator James Gray For the Committee

This bill amends RSA 227-J:8, I and RSA 227-J:8-a to clarify the responsibilities of all parties involved in timber harvesting relative to timber trespassing. These changes extend culpability to a landowner who has provided false information about property boundaries and enabled the timber trespass to occur. Nothing in this bill increases or decreases timber trespass penalties.

Griffin Roberge 271-3042

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

HB 193, relative to penalties for improper timber harvesting. Ought to Pass, Vote 5-0. Senator James Gray for the committee.

This bill amends RSA 227-J:8, I and RSA 227-J:8-a to clarify the responsibilities of all parties involved in timber harvesting relative to timber trespassing. These changes extend culpability to a landowner who has provided false information about property boundaries and enabled the timber trespass to occur. Nothing in this bill increases or decreases timber trespass penalties.

General Court of New Hampshire - Bill Status System

Docket of HB193

Docket Abbreviations

Bill Title: relative to penalties for improper timber harvesting.

Official Docket of HB193.:

Date	Body	Description
1/4/2021	Н	Introduced (in recess of) 01/06/2021 and referred to Resources, Recreation and Development HJ 2 P. 38
1/21/2021	Ή	Public Hearing: 01/27/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/99531020872 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/11/2021	Н	Committee Report: Ought to Pass with Amendment #2021-0157h (Vote 20-0; CC) HC 12 P. 11
2/24/2021	Н	Amendment #2021-0157h: AA VV 02/24/2021 HJ 3 P. 16
2/24/2021	Н	Ought to Pass with Amendment 2021-0157h: MA VV 02/24/2021 HJ 3 P. 16
3/4/2021	S	Introduced 03/04/2021 and Referred to Energy and Natural Resources; SJ 7
3/17/2021	S	Remote Hearing: 03/22/2021, 02:00 pm; Links to join the hearing can be found in the Senate Calendar; SC 16
3/23/2021	S	Committee Report: Ought to Pass, 04/01/2021; Vote 5-0; CC; SC 17
4/1/2021	S	Ought to Pass: RC 23Y-1N, MA; OT3rdg; 04/01/2021; SJ 10
4/12/2021	S	Enrolled RC 24Y-0N, MA, (In recess of 04/08/2021); SJ 12
4/12/2021	Н	Enrolled (in recess of) 04/09/2021 HJ 7 P. 99
4/26/2021	Н	Signed by Governor Sununu 04/23/2021; Chapter 7; Eff: 01/01/2022

NH House	NH Senate	

Other Referrals

Senate Inventory Checklist for Archives

Senate Committee:
ow and indicate the documents which have been
•
submissions handed in at the public hearing
the Senate Clerk's Office
J1
des)
g those not adopted): endment#
enument#endment#
enament#
g session (only if they are offered to the senate):
endment#
endment#
:e}
er off by all members. Include any new language propose
ni by an members, include any new language propose
:
<u>el</u>
as amended by the house
o the Senate Clerk's Office By:
Date
•