

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. Gould

Rep. Weston
Sen. Giuda

Rep. Gordon
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.
 - 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.