CHAPTER 117
HB 174 - FINAL VERSION

22Mar2023... 0761h

2023 SESSION

23-0563
08/10

HOUSE BILL *174*

AN ACT relative to the filing of notice of intent to cut timber.

SPONSORS: Rep. Harvey-Bolia, Belk. 3; Rep. Simon, Graf. 1; Rep. Pauer, Hills. 36; Rep. Wolf, Merr. 7; Sen. Lang, Dist 2; Sen. Pearl, Dist 17

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill enables a land owner to cut timber in certain cases where they have not received a response to the notice of intent to cut timber.

This bill also makes it a violation for assessing officials to fail to forward a notice to cut to the department of revenue administration in a timely fashion.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the filing of notice of intent to cut timber.

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

117:1 Notice of Intent to Cut. Amend RSA 79:10, I to read as follows:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut ***as*** provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. Except when a bond is required pursuant to RSA 79:3-a or RSA 79:10-a, II, a supplemental notice of intent shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

(b) Any intent received by a city, town, or unincorporated place shall, within 15 days, be assigned a number in accordance with the guidelines provided by the commissioner of revenue administration, and be signed by the assessing officials if all conditions for approval have been met. Notwithstanding RSA 91-A, the assessing officials may sign the intent to cut outside a public meeting. When a notice is to be signed by the assessing officials outside a public meeting, public notice shall be posted by the municipality at least 24 hours, excluding Sundays and holidays, before it is signed. The notice shall be posted in the 2 places where the municipality regularly posts notices of its governing body meetings. If the conditions for approval have not been met, the assessing officials shall send a letter to the owner or the person responsible for cutting, explaining the reason for the intent not being signed. The assessing officials shall [~~immediately~~] forward any signed intent to the commissioner of revenue administration ***within 5 business days*** and shall also supply a copy to the owner [~~upon request~~]. Failure of the assessing officials to forward signed intent to cut forms to the department of revenue administration shall constitute a violation.

(c) If the submitting owner has met all conditions for approval and the intent is not signed by the assessing officials within 15 days pursuant to subparagraph (b), and provided that the assessing officials have not communicated to the owner a reason why conditions for approval have not been met, the owner may commence the cutting operation after submitting a copy of the intent and providing the date of filing to the commissioner of revenue administration. If the assessing officials thereafter determine that the conditions for approval have not been met, the assessing officials shall notify the owner and the person responsible for the cutting explaining why the submitted intent does not meet the conditions for

signature. Upon delivery of such notice, the cutting operation shall cease until such conditions are met and the intent is signed.

[~~(c)~~] *(d)* The assessing officials shall, within 30 days of signing a notice of intent, notify the tax collector that an intent has been filed. The notice of intent shall serve as notice that the land is holden to taxes pursuant to RSA 79:6.

[~~(d)~~] *(e)* Upon receipt of an intent, the commissioner of revenue administration shall furnish, without cost to the owner, a certificate and a report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city, town, or unincorporated place. An owner may start an operation upon posting the certificate or upon posting, in a water proof covering in the same place and manner that the certificate will be posted upon receipt, a copy of the intent to cut form that was signed by the assessing officials. In lieu of a signed intent to cut form, a copy of the form as submitted by the owner to the assessing officials may be substituted for posting purposes when the owner, or the person responsible for the cut, has been notified that the intent to cut form has been signed *or is proceeding with a cut in accordance with subparagraph(c)*. The owner, or the person responsible for the cut, shall clearly print on the form the number assigned to it pursuant to subparagraph (b), and the date, time, and name of the municipal official or employee who provided the notification *and the date the intent to cut form was filed with the city, town, or unincorporated place*.

[~~(e)~~] *(f)* Starting or continuing an operation while the required certificate or intent to cut form is not posted in accordance with this section shall constitute a violation by the owner or any other person doing the cutting, or both.

[~~(f)~~] *(g)* Starting an operation before the original notice of intent to cut or supplemental intent to cut has been filed with the city or town and signed by the appropriate municipal officials*, unless such operation is proceeding in accordance with subparagraph (c),* shall constitute a violation by the owner or any other person doing the cutting, or both.

[~~(g)~~] *(h)* A copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of natural and cultural resources.

117:2 Notice of Intent to Cut and Report of Wood Cut. Amend RSA 227-J:5 to read as follows:

227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79:10 and 11, any owner, as defined in RSA 79:1, II, conducting a cutting operation shall file an intent to cut and a report of wood cut. Pursuant to RSA [~~79:10, I(d)~~] *79:10, I(e)*, the intent to cut form as signed or properly noted as being signed by the assessing officials [~~or~~] *completed in accordance with RSA 79:10, I(c)* or the certificate issued by the department of revenue administration shall be posted prior to starting a cutting operation. Failure to comply with these requirements and those contained in RSA 79 may result in penalties to the owner or any other person doing the cutting, or both, under RSA 79.

117:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 30, 2023
Effective Date: August 29, 2023