

SB 41 – AS INTRODUCED

2011 SESSION

11-0939

10/09

SENATE BILL **41**

AN ACT relative to enforcement of the timber tax and excavation tax by the department of revenue administration.

SPONSORS: Sen. Odell, Dist 8

COMMITTEE: Judiciary

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ANALYSIS

This bill provides that department of revenue administration officials entering upon the land of another to conduct enforcement of the timber tax under RSA 79 and the excavation tax under RSA 72-B may not be charged with criminal trespass.

This bill is a request of the department of revenue administration.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    relative to enforcement of the timber tax and excavation tax by the department of revenue administration.

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

1            1 New Paragraphs; Timber Tax; Enforcement; Authority to Enter. Amend RSA 79:28 by  
2 inserting after paragraph II the following new paragraphs:

3            III. Any official responsible for the enforcement of this chapter shall not be guilty of criminal  
4 trespass pursuant to RSA 635:2 when entering upon any lands for which an intent to cut has been  
5 signed or a certificate has been issued pursuant to RSA 79 or upon any lands that they believe may  
6 have an operation in violation of RSA 79, without the consent of the owner or tenant in possession,  
7 regardless of whether or not the property is designated a secured premises.

8            IV. The authority to enter private property without the consent of the owner or tenant in  
9 possession for enforcement of this chapter does not include the right to enter into any living quarters  
10 situated on private property.

11           2 New Paragraphs; Excavation Tax; Enforcement; Authority to Enter. Amend RSA 72-B:17 by  
12 inserting after paragraph II the following new paragraphs:

13           III. The commissioner’s agents responsible for the enforcement of this chapter shall not be  
14 guilty of criminal trespass pursuant to RSA 635:2 when entering upon any lands that they believe  
15 may have an excavation in violation of RSA 72-B for the purpose of collecting information that may  
16 be necessary to the purpose of this chapter without the consent of the owner or tenant in possession,  
17 regardless of whether or not the property is designated a secured premises.

18           IV. The authority to enter private property without the consent of the owner or tenant in  
19 possession for enforcement of this chapter does not include the right to enter into any living quarters  
20 situated on private property.

21           3 Effective Date. This act shall take effect 60 days after its passage.