

Amendment to HB 174

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Notice of Intent to Cut. Amend RSA 79:10, I to read as follows:

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

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

27 (c) ***If the submitting owner has met all conditions for approval and the intent is***
28 ***not signed by the assessing officials within 15 days pursuant to subparagraph (b), and***
29 ***provided that the assessing officials have not communicated to the owner a reason why***
30 ***conditions for approval have not been met, the owner may commence the cutting operation***
31 ***after submitting a copy of the intent and providing the date of filing to the commissioner of***
32 ***revenue administration. If the assessing officials thereafter determine that the conditions***

1 *for approval have not been met, the assessing officials shall notify the owner and the*
2 *person responsible for the cutting explaining why the submitted intent does not meet the*
3 *conditions for signature. Upon delivery of such notice, the cutting operation shall cease*
4 *until such conditions are met and the intent is signed.*

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

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

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

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

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

32 2 Notice of Intent to Cut and Report of Wood Cut. Amend RSA 227-J:5 to read as follows:

33 227-J:5 Notice of Intent to Cut and Report of Wood Cut. Pursuant to RSA 79:10 and 11, any
34 owner, as defined in RSA 79:1, II, conducting a cutting operation shall file an intent to cut and a
35 report of wood cut. Pursuant to RSA ~~[79:10, I(d)]~~ **79:10, I(e)**, the intent to cut form as signed or
36 properly noted as being signed by the assessing officials ~~[or]~~ ***completed in accordance with RSA***
37 ***79:10, I(c)*** or the certificate issued by the department of revenue administration shall be posted

Amendment to HB 174

- Page 3 -

1 prior to starting a cutting operation. Failure to comply with these requirements and those contained
2 in RSA 79 may result in penalties to the owner or any other person doing the cutting, or both, under
3 RSA 79.

4 3 Effective Date. This act shall take effect 60 days after its passage.