

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

**Bill Number:** H.854

**Name of Bill:** An act relating to timber trespass

**Agency/ Dept:** Vermont Agency of Transportation, PPAID, Operations

**Authors of Bill Review:** Hope Zabronsky, Gina Campoli, Craig Digiammarino

**Date of Bill Review:** 4/26/16

**Related Bills and Key Players** H. 584, S. 237, The Department of Forests Parks and Recreation

**Status of Bill: (check one):** ☐ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☒ As passed by both

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**Recommended Position:**

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

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**Analysis of Bill**

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**1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*

This bill proposes to amend the requirements related to timber trespass. The bill clarifies the right of a person to bring a civil action for damages due to the unlawful cutting of trees and establishes the unlawful cutting of timber as a crime. The bill repeals Judicial Bureau authority over timber trespass and the requirement that a timber harvester mark the boundaries of a harvest prior to harvest.

**2. Is there a need for this bill?** *Please explain why or why not.*

This bill was drafted out of a larger miscellaneous forestry bill, H. 584 and seeks to protect landowners from illegal timber harvesting. It is supported by the Agency of Natural Resources Department of Forests, Parks and Recreation.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

The Agency of Transportation, its representatives, or a railroad conducting vegetation management are exempt from civil action under section 3606 of this title or a criminal penalty under section 3606a of this title. This language was added by House Judiciary and remains in the current version.

VTrans would be able to more easily seek damages when trees are removed illegally on VTrans property.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

*Please return this bill review as a Microsoft Word document to [Jahala.Dudley@vermont.gov](mailto:Jahala.Dudley@vermont.gov) & [Jessica.Mishaan@vermont.gov](mailto:Jessica.Mishaan@vermont.gov)*

This bill provides clarity to the Department of Forests, Parks, and Recreation in prosecuting crimes related to illegal timber harvesting and trespass.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc.)**

Private landowners will support being able to seek damages from those cutting trees illegal on their land. Municipalities conducting brush removal and utilities conducting vegetation maintenance within the boundaries of the utility's established right-of-way are exempt from civil action under section 3606 of this title or a criminal penalty under section 3606a of this title. However, any individual who violates the terms of this bill could be subject to imprisonment or be fined.

**1. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** The Vermont Natural Resources Council and other conservation and forestry NGOs support measures to limit timber trespass and theft.

**6.2 Who else is likely to oppose the proposal and why?**

The Defender General's Office believes this crime already exists in laws relating to unlawful cutting of trees, grand larceny, and petty larceny and opposes this bill.

**2. Rationale for recommendation:**

VTrans supports this bill with the exemptions for the agency's and railroads' vegetation management activities. The agency works to not cut trees on private property without the owner's permission unless there is an imminent threat to public safety.

**3. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*  
None needed

**4. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**  
No

**Secretary/Commissioner has reviewed this document:** \_\_\_\_\_ **Date:** \_\_\_\_\_