

A CONCURRENT RESOLUTION establishing a Timber Theft and Trespass Reduction Task Force.

WHEREAS, both timber trespass, the unintentional unauthorized harvesting of trees, and timber theft, the intentional unauthorized harvesting of trees, continue to be common occurrences in the Commonwealth; and

WHEREAS, criminal and civil laws have been enacted to address timber theft and knowing timber trespass, yet prosecution of timber theft and recovery of damages for theft and trespass are problematic for a number of reasons, including absentee ownership of woodlands; indefinite, unmarked, and disputed property boundaries; and the prohibitive cost of civil actions to recover the value of lost timber and other monetary damages; and

WHEREAS, woodland owners, the forest products industry, and local and state government share a common goal of reducing timber trespass and timber theft and may work together to better address the problem through measures such as improved woodland owner education, evaluation and possible strengthening of existing criminal and civil laws, and improved coordination among agencies having oversight of timber harvesting; and

WHEREAS, legislative measures to address timber theft and trespass have been introduced for several sessions, yet no consensus has been achieved on these measures; and

WHEREAS, the General Assembly believes that the convening of a task force is an appropriate mechanism to evaluate measures to reduce timber theft and trespass;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The Legislative Research Commission is hereby directed to create a Timber Theft and Trespass Reduction Task Force that shall study and develop consensus

recommendations concerning improved woodland owner education, evaluation and possible strengthening of criminal and civil laws, improved coordination among other agencies having oversight over timber harvesting, and other measures that the task force believes would result in reduction of timber theft and timber trespass.

➔Section 2. The task force shall be composed of the following 19 members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

(1) One member of the House of Representatives who shall be appointed by the Speaker of the House of Representatives to serve as co-chair of the task force;

(2) One member of the Senate who shall be appointed by the President of the Senate to serve as co-chair of the task force;

(3) The president of the Kentucky Woodland Owners Association, or designee;

(4) The president of the Kentucky Forest Industries Association, or designee;

(5) An additional member of the Kentucky Forest Industries Association who is engaged in the business of logging, to be designated by the president of the Kentucky Forest Industries Association;

(6) The president of Kentucky Farm Bureau, or designee;

(7) The chair of the Kentucky-Tennessee Society of American Foresters, or designee who is a resident of Kentucky;

(8) The director of the Division of Forestry, or designee;

(9) The director of the Kentucky State Nature Preserves Commission, or designee;

(10) The commissioner of Kentucky State Parks, or designee;

(11) The forest supervisor of the Daniel Boone National Forest, or designee;

(12) The dean of the University of Kentucky College of Agriculture, or designee;

(13) The Attorney General, or designee;

(14) The president of the Kentucky Commonwealth Attorneys Association, or

designee;

(15) The president of the Kentucky County Attorneys Association, or designee;

(16) The president of the Kentucky Association of Professional Surveyors, or designee;

(17) The commissioner of the Department of Fish and Wildlife Resources, or designee; and

(18) Two nonindustrial woodland owners who have been victims of timber theft or trespass, one to be appointed by the President of the Senate and one to be appointed by the Speaker of the House of Representatives.

➔Section 3. The task force shall meet at least three times between the effective date of this Resolution and the date of completion of its final report.

➔Section 4. The task force shall submit its final report, along with recommendations and any proposed legislation, to the Legislative Research Commission for referral to the appropriate committee or committees by December 4, 2015.

➔Section 5. Provisions of this Resolution to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof and to designate a study completion date.