

1 HB471  
2 128158-1  
3 By Representative Newton (C)  
4 RFD: Agriculture and Forestry  
5 First Read: 07-APR-11

SYNOPSIS: This bill would further provide current criminal violations for unauthorized actions related to timber or other forest products by including the taking of timber or forest products by deceptive practices.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,  
2 the bill does not require approval of a local  
3 governmental entity or enactment by a 2/3 vote to  
4 become effective because it comes within one of the  
5 specified exceptions contained in the amendment.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Section 9-13-60, Code of Alabama 1975, as  
12 amended by Act 2010-704, 2010 Regular Session (Acts 2010, p.  
13 1706), to further provide the current criminal violations for  
14 unauthorized actions related to the removal of timber or other  
15 forest products to include deceptive practices; and in  
16 connection therewith would have as its purpose or effect the  
17 requirement of a new or increased expenditure of local funds  
18 within the meaning of Amendment 621 of the Constitution of  
19 Alabama of 1901, now appearing as Section 111.05 of the  
20 Official Recompilation of the Constitution of Alabama of 1901,  
21 as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 9-13-60, Code of Alabama 1975, as  
24 amended by Act 2010-704, 2010 Regular Session (Acts 2010, p.  
25 1706), is amended to read as follows:

26 "§9-13-60.

1           "(a) It is unlawful for any person or persons to do  
2 any of the following:

3           "(1) Willfully and knowingly cut, kill, destroy,  
4 girdle, chop, chip, saw or otherwise damage timber or forest  
5 products not his own or without authority of the legal owner.

6           "(2) Willfully and knowingly remove timber or other  
7 forest products other than his own or without authority of the  
8 legal owner.

9           "(3) Willfully and knowingly transport timber or  
10 other forest products which have been severed or removed in  
11 violation of subdivisions (1) or (2) of this section.

12           "(4) Willfully and knowingly purchase or contract to  
13 purchase or otherwise obtain timber or forest products  
14 severed, removed or transported in violation of subdivisions  
15 (1), (2) or (3) of this section.

16           "(5) Willfully and knowingly sell, contract to sell  
17 or otherwise dispose of logs, poles, piling, crossties,  
18 pulpwood, veneer bolts, staves or other unmanufactured or  
19 semimanufactured forest products not his or her own or without  
20 authority of the legal owner.

21           "(6) Alter or by any means cause a weight measuring  
22 device to give a false reading as to the actual or true weight  
23 of any forest products for the purpose of deceiving or  
24 defrauding any person, firm, or corporation.

25           "(7)a. Willfully and knowingly remove timber or  
26 other forest products of another by means of deception, as  
27 defined in Section 13A-8-1.

1           "b. During a pay-per-unit-type purchase, a purchaser  
2           willfully and knowingly fails to disclose to the owner the  
3           actual quantity or type of timber or other forest products  
4           harvested for the purpose of defrauding the owner and the  
5           owner is not paid or otherwise compensated for all the timber  
6           or other forest products harvested from the property.

7           "(b) A violation of subsection (a) is a Class A  
8           misdemeanor and shall be punished as provided by law.

9           "(c) This section shall not apply to any utility or  
10          corporation engaged in providing electric service. Nor shall  
11          it apply to the employees, contractors, agents, or  
12          representatives of a utility or corporation engaged in  
13          providing electric service where such employees, contractors,  
14          agents, or representatives are acting within the course and  
15          scope of their employment, contract, or agency."

16          Section 2. Although this bill would have as its  
17          purpose or effect the requirement of a new or increased  
18          expenditure of local funds, the bill is excluded from further  
19          requirements and application under Amendment 621, now  
20          appearing as Section 111.05 of the Official Recompilation of  
21          the Constitution of Alabama of 1901, as amended, because the  
22          bill defines a new crime or amends the definition of an  
23          existing crime.

24          Section 3. This act shall become effective on the  
25          first day of the third month following its passage and  
26          approval by the Governor, or its otherwise becoming law.