

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

1 ENGROSSED

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

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 9-13-60, Code of Alabama 1975, as
21 amended by Act 2010-704, 2010 Regular Session (Acts 2010, p.
22 1706), is amended to read as follows:

23 "§9-13-60.

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

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

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

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

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

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

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

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

26 "~~b. During a pay-per-unit-type purchase, a purchaser~~
27 ~~willfully and knowingly fails to disclose to the owner the~~

1 ~~actual quantity or type of timber or other forest products~~
2 ~~harvested for the purpose of defrauding the owner and the~~
3 ~~owner is not paid or otherwise compensated for all the timber~~
4 ~~or other forest products harvested from the property.~~

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

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

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

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Agriculture and
Forestry..... 07-APR-11

Read for the second time and placed
on the calendar 1 amendment 14-APR-11

Read for the third time and passed
as amended..... 21-APR-11

Yeas 88, Nays 0, Abstains 0

Greg Pappas
Clerk