

1 SB452
2 128158-1
3 By Senator Taylor
4 RFD: *Agriculture, Conservation, and Forestry*
5 First Read: 26-APR-11

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

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

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

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

A BILL

TO BE ENTITLED

AN ACT

To amend Section 9-13-60, Code of Alabama 1975, as amended by Act 2010-704, 2010 Regular Session (Acts 2010, p. 1706), to further provide the current criminal violations for unauthorized actions related to the removal of timber or other forest products to include deceptive practices; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§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.