

1 HB405
2 115913-1
3 By Representative Fincher
4 RFD: Agriculture and Forestry
5 First Read: 21-JAN-10

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8 SYNOPSIS: Under existing law, the unauthorized
9 cutting, removal, transportation, sale, or purchase
10 of timber and other forest products is a
11 misdemeanor.

12 This bill would specify that these offenses
13 are Class A misdemeanors.

14 This bill would also make it a crime to
15 alter a weight measuring device or otherwise cause
16 a weight measuring device to give a false reading
17 of forest products.

18 This bill would define forest products.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of the amendment. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in the amendment.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Section 9-13-60, Code of Alabama 1975, to
18 provide further for penalties related to crimes involving
19 timber and forest products; to make it a crime to cause a
20 weight measuring device to give a false reading of timber or
21 forest products; to define forest products; and in connection
22 therewith would have as its purpose or effect the requirement
23 of a new or increased expenditure of local funds within the
24 meaning of Amendment 621 of the Constitution of Alabama of
25 1901, now appearing as Section 111.05 of the Official
26 Recompilation of the Constitution of Alabama of 1901, as
27 amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 9-13-60, Code of Alabama 1975, is
3 amended to read as follows:

4 "§9-13-60.

5 "(a) Any It is unlawful for any person or persons
6 who shall to do any of the following:

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

10 "(2) Willfully and knowingly remove timber or other
11 forest products other than his own or without authority of the
12 legal owner~~;~~.

13 "(3) Willfully and knowingly transport timber or
14 other forest products which have been severed or removed in
15 violation of subdivisions (1) or (2) of this section~~;~~.

16 (4) Willfully and knowingly purchase or contract to
17 purchase or otherwise obtain timber or forest products
18 severed, removed or transported in violation of subdivisions
19 (1), (2) or (3) of this section~~;~~ and~~;~~.

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

25 "(6) Alter or by any means cause a weight measuring
26 device to give a false reading as to the actual or true weight

1 of any forest products for the purpose of deceiving or
2 defrauding any person, firm, or corporation.
3 ~~shall be deemed guilty of a misdemeanor and shall be punished~~
4 ~~by a fine of not less than \$10.00 nor more than \$1,000.00 and~~
5 ~~may also be imprisoned in the county jail or sentenced to hard~~
6 ~~labor for not less than 10 days nor more than 12 months~~

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

9 "(c) The term "forest products" includes, but is not
10 limited to, timber, trees, logs, lumber, pine straw, woody
11 biomass, or any other products in the forest which are located
12 on any land in this state, whether publicly or privately
13 owned."

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.