

By: Ashby, VanDeaver, Bailes,
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H.B. No. 1772

Substitute the following for H.B. No. 1772:

By: Cain

C.S.H.B. No. 1772

A BILL TO BE ENTITLED

AN ACT

relating to the documentation required for the purchase of certain
timber products; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter A, Chapter 151,
Natural Resources Code, is amended to read as follows:

SUBCHAPTER A. REQUIRED DOCUMENTATION [~~BILL OF SALE~~] FOR PURCHASE
OF TREES AND TIMBER

SECTION 2. Section 151.002(a), Natural Resources Code, is
amended to read as follows:

(a) The bill of sale, which may be filed of record in the
appropriate real property records, shall at a minimum include:

(1) the name of the:

(A) owner of the land from which the trees,
timber, logs, pulpwood, or in-woods chips were or are to be
obtained;

(B) seller, if the seller is not the owner of the
land; and

(C) purchaser;

(2) the name of the county containing the tract of land
from which the trees, timber, logs, pulpwood, or in-woods chips
were or are to be obtained and:

(A) a legal survey, abstract, and tract number of
that [~~description of the survey or~~] tract of land; [~~from which the~~

1 ~~trees, timber, logs, pulpwood, or in-woods chips were or are to be~~
2 ~~obtained,~~] or

3 (B) information from which the identity of that
4 tract of land may be ascertained, [~~but in any event~~] including the
5 property address or GPS coordinates [~~the county name~~];

6 (3) a general description of the trees, timber, logs,
7 pulpwood, or in-woods chips conveyed in the bill of sale; and

8 (4) representations and a warranty from the seller
9 that the seller is the lawful owner of all the trees, timber, logs,
10 pulpwood, or in-woods chips conveyed in the bill of sale and that
11 the trees, timber, logs, pulpwood, or in-woods chips are free and
12 clear of all liens, security agreements, encumbrances, claims,
13 demands, and charges.

14 SECTION 3. Section [151.003](#), Natural Resources Code, is
15 amended to read as follows:

16 Sec. 151.003. RETENTION OF BILL OF SALE. A person that
17 purchases trees, timber, logs, pulpwood, or in-woods chips shall
18 retain the bill of sale for not less than five [~~two~~] years following
19 the later of the date of execution of the bill of sale or the
20 expiration date referenced in the bill of sale.

21 SECTION 4. Subchapter [A](#), Chapter [151](#), Natural Resources
22 Code, is amended by adding Section 151.0035 to read as follows:

23 Sec. 151.0035. DOCUMENTATION OF DELIVERY REQUIRED FOR
24 CERTAIN PURCHASES. (a) A timber purchaser, as defined by Section
25 [151.101](#), who purchases timber on a pay-per-unit sale shall provide
26 documentation to the beneficiary described by Section [151.104](#) that
27 proves delivery for any product delivered to a mill, wood yard,

1 transfer yard, or storage yard.

2 (b) Documentation required under Subsection (a) must:

3 (1) include:

4 (A) a description of the delivered product;

5 (B) the name and location of the mill, wood yard,
6 transfer yard, or storage yard to which the product was delivered;

7 (C) the site identification number or scale
8 ticket number for the delivered product;

9 (D) the net weight of the delivered product;

10 (E) the name of the person delivering the
11 product; and

12 (F) the name of the person or entity receiving
13 payment for the product, if different from the person delivering
14 the product; and

15 (2) be provided on or before the 45th day after the
16 date the product is delivered.

17 SECTION 5. Section 151.004, Natural Resources Code, is
18 amended to read as follows:

19 Sec. 151.004. NOTICE CONCERNING SALE OR PURCHASE OF TREES
20 OR TIMBER. At each designated point of delivery for trees, timber,
21 logs, pulpwood, or in-woods chips, a wood yard, transfer yard, mill
22 site, or storage yard shall post the following written notice in
23 lettering not less than one inch:

24 NOTICE CONCERNING SALE OR PURCHASE OF TREES OR TIMBER

25 1. A seller or purchaser of trees, timber, logs, pulpwood,
26 or in-woods chips who knowingly fails to provide, obtain, or
27 retain a bill of sale as provided in Chapter 151, Natural

1 Resources Code, is guilty of a misdemeanor and on conviction
2 is subject to a fine of not more than \$500 for each offense.

3 2. A person, firm, partnership, or corporation adjudged
4 guilty of theft or fraud in connection with the sale or
5 purchase of trees or timber will be punished as provided by
6 the Penal Code.

7 3. A timber purchaser who knowingly fails to provide
8 documentation as required by Section 151.0035, Natural
9 Resources Code, or a timber purchaser or person acting on
10 behalf of a timber purchaser who knowingly provides false
11 information in documentation required by that section will be
12 punished as provided by Section 151.005, Natural Resources
13 Code.

14 4. The Texas A&M Forest Service Timber Theft Hotline is
15 1-800-364-3470.

16 SECTION 6. Section 151.005, Natural Resources Code, is
17 amended by adding Subsections (c), (d), and (e) to read as follows:

18 (c) A timber purchaser, as defined by Section 151.101, who
19 knowingly fails to provide the documentation required by Section
20 151.0035 in the manner provided by that section is guilty of a
21 misdemeanor and on conviction is subject to a fine of not more than
22 \$500 for each offense.

23 (d) Except as otherwise provided by this section, a timber
24 purchaser, as defined by Section 151.101, or a firm, partnership,
25 or agent acting on behalf of a timber purchaser, who knowingly
26 provides false information in documentation required by Section
27 151.0035 is guilty of a misdemeanor and on conviction is subject to

1 a fine of not more than \$500 for each offense. If an offense
2 described by this subsection was committed to conceal or to attempt
3 to conceal an offense under Section 151.052 or 151.105, the offense
4 under this subsection is:

5 (1) a state jail felony if it is shown on the trial of
6 the offense that the value of the timber purchased is at least \$500
7 but less than \$20,000;

8 (2) a felony of the third degree if it is shown on the
9 trial of the offense that the value of the timber purchased is at
10 least \$20,000 but less than \$100,000;

11 (3) a felony of the second degree if it is shown on the
12 trial of the offense that the value of the timber purchased is at
13 least \$100,000 but less than \$200,000; or

14 (4) a felony of the first degree if it is shown on the
15 trial of the offense that the value of the timber purchased is at
16 least \$200,000.

17 (e) A seller or a firm, partnership, or agent acting on
18 behalf of the seller who knowingly provides in the bill of sale
19 required by Section 151.001 false information that is required by
20 Section 151.002 is guilty of a misdemeanor and on conviction is
21 subject to a fine of not more than \$500 for each offense. If an
22 offense described by this subsection was committed to conceal or to
23 attempt to conceal an offense under Section 151.052 or 151.105, the
24 offense is:

25 (1) a state jail felony if it is shown on the trial of
26 the offense that the value of the timber purchased is at least \$500
27 but less than \$20,000;

1 (2) a felony of the third degree if it is shown on the
2 trial of the offense that the value of the timber purchased is at
3 least \$20,000 but less than \$100,000;

4 (3) a felony of the second degree if it is shown on the
5 trial of the offense that the value of the timber purchased is at
6 least \$100,000 but less than \$200,000; or

7 (4) a felony of the first degree if it is shown on the
8 trial of the offense that the value of the timber purchased is at
9 least \$200,000.

10 SECTION 7. Section [151.003](#), Natural Resources Code, as
11 amended by this Act, applies only to the bill of sale for a
12 transaction for which the date of execution of the bill of sale or
13 the expiration date referenced in the bill of sale occurs on or
14 after the effective date of this Act.

15 SECTION 8. This Act takes effect September 1, 2023.