

By: Ashby

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. Subchapter A, Chapter 151, Natural Resources Code, is amended by adding Section 151.0035 to read as follows:

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

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

(1) include:

(A) a description of the delivered product;

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

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

(D) the net weight of the delivered product;

1 (E) the name of the person delivering the
2 product; and

3 (F) the name of the person or entity receiving
4 payment for the product, if different from the person delivering
5 the product; and

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

8 SECTION 3. Section 151.004, Natural Resources Code, is
9 amended to read as follows:

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

15 NOTICE CONCERNING SALE OR PURCHASE OF TREES OR TIMBER

16 1. A seller or purchaser of trees, timber, logs, pulpwood,
17 or in-woods chips who knowingly fails to provide, obtain, or
18 retain a bill of sale as provided in Chapter 151, Natural
19 Resources Code, is guilty of a misdemeanor and on conviction
20 is subject to a fine of not more than \$500 for each offense.

21 2. A person, firm, partnership, or corporation adjudged
22 guilty of theft or fraud in connection with the sale or
23 purchase of trees or timber will be punished as provided by
24 the Penal Code.

25 3. A timber purchaser who knowingly fails to provide
26 documentation as required by Section 151.0035, Natural
27 Resources Code, or a timber purchaser or person acting on

1 behalf of a timber purchaser who knowingly provides false
2 information in documentation required by that section will be
3 punished as provided by Section 151.005, Natural Resources
4 Code.

5 4. The Texas Forest Service Timber Theft Hotline is
6 1-800-364-3470.

7 SECTION 4. Section 151.005, Natural Resources Code, is
8 amended by adding Subsections (c) and (d) to read as follows:

9 (c) A timber purchaser, as defined by Section 151.101, who
10 knowingly fails to provide the documentation required by Section
11 151.0035 in the manner provided by that section is guilty of a
12 misdemeanor and on conviction is subject to a fine of not more than
13 \$500 for each offense.

14 (d) Except as otherwise provided by this section, a timber
15 purchaser, as defined by Section 151.101, or a firm, partnership,
16 or agent acting on behalf of a timber purchaser, who knowingly
17 provides false information in documentation required by Section
18 151.0035 is guilty of a misdemeanor and on conviction is subject to
19 a fine of not more than \$500 for each offense. If an offense
20 described by this subsection was committed to conceal or to attempt
21 to conceal an offense under Section 151.052 or 151.105, the offense
22 under this subsection is:

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

26 (2) a felony of the third degree if it is shown on the
27 trial of the offense that the value of the timber purchased is at

1 least \$20,000 but less than \$100,000;

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

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

8 SECTION 5. This Act takes effect September 1, 2023.