

1-1 By: Ashby, et al. (Senate Sponsor - Nichols) H.B. No. 1772
 1-2 (In the Senate - Received from the House April 24, 2023;
 1-3 May 2, 2023, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 9, 2023, reported favorably by the
 1-5 following vote: Yeas 5, Nays 3; May 9, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14		X		
1-15		X		
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the documentation required for the purchase of certain
 1-20 timber products; creating a criminal offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Subchapter A, Chapter 151,
 1-23 Natural Resources Code, is amended to read as follows:

1-24 SUBCHAPTER A. REQUIRED DOCUMENTATION [~~BILL OF SALE~~] FOR PURCHASE
 1-25 OF TREES AND TIMBER

1-26 SECTION 2. Section 151.002(a), Natural Resources Code, is
 1-27 amended to read as follows:

1-28 (a) The bill of sale, which may be filed of record in the
 1-29 appropriate real property records, shall at a minimum include:

1-30 (1) the name of the:

1-31 (A) owner of the land from which the trees,
 1-32 timber, logs, pulpwood, or in-woods chips were or are to be
 1-33 obtained;

1-34 (B) seller, if the seller is not the owner of the
 1-35 land; and

1-36 (C) purchaser;

1-37 (2) the name of the county containing the tract of land
 1-38 from which the trees, timber, logs, pulpwood, or in-woods chips
 1-39 were or are to be obtained and:

1-40 (A) a legal survey, abstract, and tract number of
 1-41 that [~~description of the survey or~~] tract of land; [~~from which the~~
 1-42 ~~trees, timber, logs, pulpwood, or in-woods chips were or are to be~~
 1-43 ~~obtained,~~] or

1-44 (B) information from which the identity of that
 1-45 tract of land may be ascertained, [~~but in any event~~] including the
 1-46 property address or GPS coordinates [~~the county name~~];

1-47 (3) a general description of the trees, timber, logs,
 1-48 pulpwood, or in-woods chips conveyed in the bill of sale; and

1-49 (4) representations and a warranty from the seller
 1-50 that the seller is the lawful owner of all the trees, timber, logs,
 1-51 pulpwood, or in-woods chips conveyed in the bill of sale and that
 1-52 the trees, timber, logs, pulpwood, or in-woods chips are free and
 1-53 clear of all liens, security agreements, encumbrances, claims,
 1-54 demands, and charges.

1-55 SECTION 3. Section 151.003, Natural Resources Code, is
 1-56 amended to read as follows:

1-57 Sec. 151.003. RETENTION OF BILL OF SALE. A person that
 1-58 purchases trees, timber, logs, pulpwood, or in-woods chips shall
 1-59 retain the bill of sale for not less than five [~~two~~] years following
 1-60 the later of the date of execution of the bill of sale or the
 1-61 expiration date referenced in the bill of sale.

2-1 SECTION 4. Subchapter A, Chapter 151, Natural Resources
 2-2 Code, is amended by adding Section 151.0035 to read as follows:

2-3 Sec. 151.0035. DOCUMENTATION OF DELIVERY REQUIRED FOR
 2-4 CERTAIN PURCHASES. (a) A timber purchaser, as defined by Section
 2-5 151.101, who purchases timber on a pay-per-unit sale shall provide
 2-6 documentation to the beneficiary described by Section 151.104 that
 2-7 proves delivery for any product delivered to a mill, wood yard,
 2-8 transfer yard, or storage yard.

2-9 (b) Documentation required under Subsection (a) must:

2-10 (1) include:

2-11 (A) a description of the delivered product;

2-12 (B) the name and location of the mill, wood yard,
 2-13 transfer yard, or storage yard to which the product was delivered;

2-14 (C) the site identification number or scale
 2-15 ticket number for the delivered product;

2-16 (D) the net weight of the delivered product;

2-17 (E) the name of the person delivering the
 2-18 product; and

2-19 (F) the name of the person or entity receiving
 2-20 payment for the product, if different from the person delivering
 2-21 the product; and

2-22 (2) be provided on or before the 45th day after the
 2-23 date the product is delivered.

2-24 SECTION 5. Section 151.004, Natural Resources Code, is
 2-25 amended to read as follows:

2-26 Sec. 151.004. NOTICE CONCERNING SALE OR PURCHASE OF TREES
 2-27 OR TIMBER. At each designated point of delivery for trees, timber,
 2-28 logs, pulpwood, or in-woods chips, a wood yard, transfer yard, mill
 2-29 site, or storage yard shall post the following written notice in
 2-30 lettering not less than one inch:

2-31 NOTICE CONCERNING SALE OR PURCHASE OF TREES OR TIMBER

2-32 1. A seller or purchaser of trees, timber, logs, pulpwood,
 2-33 or in-woods chips who knowingly fails to provide, obtain, or
 2-34 retain a bill of sale as provided in Chapter 151, Natural
 2-35 Resources Code, is guilty of a misdemeanor and on conviction
 2-36 is subject to a fine of not more than \$500 for each offense.

2-37 2. A person, firm, partnership, or corporation adjudged
 2-38 guilty of theft or fraud in connection with the sale or
 2-39 purchase of trees or timber will be punished as provided by
 2-40 the Penal Code.

2-41 3. A timber purchaser who knowingly fails to provide
 2-42 documentation as required by Section 151.0035, Natural
 2-43 Resources Code, or a timber purchaser or person acting on
 2-44 behalf of a timber purchaser who knowingly provides false
 2-45 information in documentation required by that section will be
 2-46 punished as provided by Section 151.005, Natural Resources
 2-47 Code.

2-48 4. The Texas A&M Forest Service Timber Theft Hotline is
 2-49 1-800-364-3470.

2-50 SECTION 6. Section 151.005, Natural Resources Code, is
 2-51 amended by adding Subsections (c), (d), and (e) to read as follows:

2-52 (c) A timber purchaser, as defined by Section 151.101, who
 2-53 knowingly fails to provide the documentation required by Section
 2-54 151.0035 in the manner provided by that section is guilty of a
 2-55 misdemeanor and on conviction is subject to a fine of not more than
 2-56 \$500 for each offense.

2-57 (d) Except as otherwise provided by this section, a timber
 2-58 purchaser, as defined by Section 151.101, or a firm, partnership,
 2-59 or agent acting on behalf of a timber purchaser, who knowingly
 2-60 provides false information in documentation required by Section
 2-61 151.0035 is guilty of a misdemeanor and on conviction is subject to
 2-62 a fine of not more than \$500 for each offense. If an offense
 2-63 described by this subsection was committed to conceal or to attempt
 2-64 to conceal an offense under Section 151.052 or 151.105, the offense
 2-65 under this subsection is:

2-66 (1) a state jail felony if it is shown on the trial of
 2-67 the offense that the value of the timber purchased is at least \$500
 2-68 but less than \$20,000;

2-69 (2) a felony of the third degree if it is shown on the

3-1 trial of the offense that the value of the timber purchased is at
3-2 least \$20,000 but less than \$100,000;

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

3-6 (4) a felony of the first degree if it is shown on the
3-7 trial of the offense that the value of the timber purchased is at
3-8 least \$200,000.

3-9 (e) A seller or a firm, partnership, or agent acting on
3-10 behalf of the seller who knowingly provides in the bill of sale
3-11 required by Section 151.001 false information that is required by
3-12 Section 151.002 is guilty of a misdemeanor and on conviction is
3-13 subject to a fine of not more than \$500 for each offense. If an
3-14 offense described by this subsection was committed to conceal or to
3-15 attempt to conceal an offense under Section 151.052 or 151.105, the
3-16 offense is:

3-17 (1) a state jail felony if it is shown on the trial of
3-18 the offense that the value of the timber purchased is at least \$500
3-19 but less than \$20,000;

3-20 (2) a felony of the third degree if it is shown on the
3-21 trial of the offense that the value of the timber purchased is at
3-22 least \$20,000 but less than \$100,000;

3-23 (3) a felony of the second degree if it is shown on the
3-24 trial of the offense that the value of the timber purchased is at
3-25 least \$100,000 but less than \$200,000; or

3-26 (4) a felony of the first degree if it is shown on the
3-27 trial of the offense that the value of the timber purchased is at
3-28 least \$200,000.

3-29 SECTION 7. Section 151.003, Natural Resources Code, as
3-30 amended by this Act, applies only to the bill of sale for a
3-31 transaction for which the date of execution of the bill of sale or
3-32 the expiration date referenced in the bill of sale occurs on or
3-33 after the effective date of this Act.

3-34 SECTION 8. This Act takes effect September 1, 2023.

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