ENGROSSED HOUSE
BILL NO. 3028

By: Fields of the House

and

Wilkerson of the Senate

An Act relating to agriculture; amending Sections 7 and 8, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1995, Sections 1301-310.4 and 1301-310.5), which relate to logging and timber harvesting operations; requiring certain bills of sale, deeds, contracts, memoranda or consents to be maintained for certain period; restricting access to certain records to law enforcement personnel; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 7, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1995, Section 1301-310.4), is amended to read as follows:

Section 1301-310.4 A. Except as otherwise provided by subsection B of this section, any owner or operator of a logging or timber harvesting operation shall maintain at all times during such operation, for inspection purposes by law enforcement personnel, a written bill of sale, timber deed or timber contract, recording memorandum, or written consent of the timber owner for the timber being harvested.

B. The provisions of subsection A of this section shall not apply to any owner or operator of a logging or timber harvesting operation if a timber deed, written bill of sale or timber contract or written consent, recording or memorandum is recorded in the records of the county clerk of the county in which the timber is harvested or to be harvested.

C. Any deed, written bill of sale, contract or written consent for logging or timber harvesting operation pursuant to this section shall include:

1. A description of the timber to be removed;

2. The date of execution and expiration of the contract or consent, bill of sale, or deed;

3. The name and address of the timber owner and the timber purchaser; and

4. The legal description of the real property upon which the timber is harvested.

D. Any written bill of sale, timber deed or timber contract, recording memorandum or written consent of the timber owner required by subsection A of this section shall be preserved by the owner or operator of a logging or timber harvesting operation for at least a period of three (3) years.

SECTION 2. AMENDATORY Section 8, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1995, Section 1301-310.5), is amended to read as follows:

Section 1301-310.5 A. 1. Except as otherwise provided by this section, it shall be the duty of any sawmill owner or operator or other person purchasing timber for resale, from a timber owner or owner or operator of a logging or timber harvesting operation to obtain from the timber owner or owner or operator of a logging or timber harvesting operation a bill of sale for the same or other evidence of ownership which shall be preserved by the purchaser for

a period of three (3) years and shall be available for inspection ~~to any person concerned in such timber~~ by law enforcement personnel.

2. The bill of sale shall include:

a. the name and address of the seller and purchaser,

b. a legal description of the land from which the timber was harvested,

c. a description of timber delivered,

d. the date delivered,

e. the printed name of the person delivering the timber, and

f. the date and signature of the person delivering the timber with language declaring ownership of the timber or naming the person to whom the person delivering the timber is an agent.

B. In lieu of the bill of sale required by subsection A of this section, the purchaser may provide for proof of timber ownership through a written purchase contract which provides language declaring ownership of timber delivered for purchase to the purchaser by the timber owner. Such declaration shall be signed by the timber owner or by designee pursuant to a written authorization signed by the timber owner. Such written authorization shall be retained by the designee.

C. A violation of this section is a misdemeanor.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate