

1 HB310
2 190539-1
3 By Representatives Chesteen, Tuggle, Williams (JW), Hanes
4 and Wilcox
5 RFD: Agriculture and Forestry
6 First Read: 25-JAN-18

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8 SYNOPSIS: This bill would authorize the Alabama
9 Forestry Commission to adopt rules concerning state
10 forests and other lands it controls and would
11 provide penalties for violations.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Relating to the Alabama Forestry Commission; to add
11 Section 9-13-10.2 to the Code of Alabama 1975; to authorize
12 the commission to adopt rules concerning state forests and
13 other land it controls; to provide penalties; and in
14 connection therewith to have as its purpose or effect the
15 requirement of a new or increased expenditure of local funds
16 within the meaning of Amendment 621 of the Constitution of
17 Alabama of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of Alabama of 1901,
19 as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 9-13-10.2 is added to the Code of
22 Alabama 1975, to read as follows:

23 §9-13-10.2.

24 (a) (1) The State Forestry Commission may adopt,
25 alter, amend, or repeal rules governing the preservation,
26 protection, and use of state forests and any other lands
27 owned, leased, or otherwise controlled by the commission.

1 (2) Any person who violates a rule adopted pursuant
2 to this act shall be guilty of a Class C misdemeanor and shall
3 be fined not less than fifty dollars (\$50) nor more than five
4 hundred dollars (\$500) for each offense, and may be required
5 to pay all costs of the proceedings.

6 (3) When collected, all fines shall be paid to the
7 Office of the State Forester to be delivered to the State
8 Treasurer and placed in the Alabama Forestry Commission Fund.

9 (b) The State Forester and any employee of the State
10 Forestry Commission so designated by the State Forester shall
11 have and is vested with the authority to prefer charges and
12 issue a citation against a person for violating a rule adopted
13 pursuant to this act or for the violation of any other
14 provision of this article.

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill defines a new crime or amends the definition of an
22 existing crime.

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.