

1 SB203  
2 164467-1  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 10-MAR-15

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8 SYNOPSIS: Under existing law, the State Forestry  
9 Commission is an independent agency of the state,  
10 with the power to appoint the State Forester who is  
11 responsible for managing everyday operations of the  
12 commission.

13 This bill would rename the Department of  
14 Agriculture and Industries to the Department of  
15 Agriculture, Forestry, and Consumer Services.

16 This bill would create the Division of State  
17 Forestry within the Department of Agriculture,  
18 Forestry, and Consumer Services.

19 This bill would transfer the duties,  
20 responsibilities, papers, funds, property, and  
21 other effects of the State Forestry Commission to  
22 the Division of State Forestry.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1                   To amend Sections 2-3-1, 2-3-2, 9-3-1, 9-3-4, 9-3-5,  
2                   9-3-6, 9-3-7, 9-3-8, 9-3-9, 9-3-10, 9-3-10.1, 9-3-11, 9-3-12,  
3                   9-3-13, 9-3-14, 9-3-15, 9-3-17, 9-3-19, 9-8A-3, 9-10A-4,  
4                   9-13-1, 9-13-3, 9-13-4, 9-13-5, 9-13-6, 9-13-8, 9-13-9,  
5                   9-13-10, 9-13-10.1, 9-13-11, 9-13-24, 9-13-40, 9-13-41,  
6                   9-13-42, 9-13-43, 9-13-44, 9-13-45, 9-13-46, 9-13-47, 9-13-49,  
7                   9-13-50, 9-13-63, 9-13-64, 9-13-65, 9-13-80, 9-13-84,  
8                   9-13-103, 9-13-104, 9-13-122, 9-13-124, 9-13-125, 9-13-126,  
9                   9-13-140, 9-13-141, 9-13-161, 9-13-162, 9-13-163, 9-13-164,  
10                  9-13-166, 9-13-167, 9-13-181, 9-13-182, 9-13-185, 9-13-189,  
11                  9-13-190, 9-13-192, 9-13-193, 9-13-194, 9-13-195, 9-13-196,  
12                  9-13-201, 9-13-225, 9-13-226, 9-13-272, 9-13-273, 9-15-3,  
13                  9-15-30, 9-15-82, 11-84-2, 23-1-293, 31-9C-2, 32-6-272,  
14                  32-6-410, 32-6-411, 32-6-413, 36-16-11, 36-21-8, 36-27-59,  
15                  36-30-1, 36-30-2, 36-32-1, 40-7-25.1, 41-4-33.1, 41-6A-8, and  
16                  41-23-141 of the Code of Alabama 1975, related to the State  
17                  Forestry Commission; to rename the Department of Agriculture  
18                  and Industries as the Department of Agriculture, Forestry, and  
19                  Consumer Services; to create a Division of State Forestry  
20                  within the Department of Agriculture, Forestry, and Consumer  
21                  Services; to transfer the duties, responsibilities, papers,  
22                  funds, property, and other effects of the State Forestry  
23                  Commission to the Division of State Forestry; and to repeal  
24                  Sections 9-3-2, 9-3-3, and 9-3-16 of the Code of Alabama 1975.  
25                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26                         Section 1. Sections 2-3-1, 2-3-2, 9-3-1, 9-3-4,  
27                         9-3-5, 9-3-6, 9-3-7, 9-3-8, 9-3-9, 9-3-10, 9-3-10.1, 9-3-11,

1 9-3-12, 9-3-13, 9-3-14, 9-3-15, 9-3-17, 9-3-19, 9-8A-3,  
2 9-10A-4, 9-13-1, 9-13-3, 9-13-4, 9-13-5, 9-13-6, 9-13-8,  
3 9-13-9, 9-13-10, 9-13-10.1, 9-13-11, 9-13-24, 9-13-40,  
4 9-13-41, 9-13-42, 9-13-43, 9-13-44, 9-13-45, 9-13-46, 9-13-47,  
5 9-13-49, 9-13-50, 9-13-63, 9-13-64, 9-13-65, 9-13-80, 9-13-84,  
6 9-13-103, 9-13-104, 9-13-122, 9-13-124, 9-13-125, 9-13-126,  
7 9-13-140, 9-13-141, 9-13-161, 9-13-162, 9-13-163, 9-13-164,  
8 9-13-166, 9-13-167, 9-13-181, 9-13-182, 9-13-185, 9-13-189,  
9 9-13-190, 9-13-192, 9-13-193, 9-13-194, 9-13-195, 9-13-196,  
10 9-13-201, 9-13-225, 9-13-226, 9-13-272, 9-13-273, 9-15-3,  
11 9-15-30, 9-15-82, 11-84-2, 23-1-293, 31-9C-2, 32-6-272,  
12 32-6-410, 32-6-411, 32-6-413, 36-16-11, 36-21-8, 36-27-59,  
13 36-30-1, 36-30-2, 36-32-1, 40-7-25.1, 41-4-33.1, 41-6A-8, and  
14 41-23-141, of the Code of Alabama 1975, are amended to read as  
15 follows:

16           "§2-3-1.

17           "There shall be a State Board of Agriculture,  
18 Forestry, and Industries Consumer Services composed of ~~11~~ 14  
19 members which shall consist of the Governor as ex officio  
20 chairman, the Commissioner of Agriculture and Industries, ~~the~~  
21 ~~Director of the Cooperative Extension Service of Auburn~~  
22 ~~University,~~ the Administrative Head of Agriculture and  
23 Director of the Agricultural Experiment Station of Auburn  
24 University, the Administrative Head of Forestry of Auburn  
25 University, four five outstanding farmers ~~and, three~~  
26 ~~outstanding leaders of industry~~ three forest landowners, and  
27 two licensed and registered foresters.

1                   "§2-3-2.

2                   "The ~~four~~ five farmer members shall be appointed by  
3 the Governor from a list of qualified candidates provided by  
4 the Alabama Farmers Federation (ALFA), and confirmed by the  
5 Senate; and the five forestry members and the three industry  
6 ~~members~~ shall be appointed by the Governor from a list of  
7 qualified candidates provided by the Alabama Forestry  
8 Association, and confirmed by the Senate; provided, that no  
9 two of the farmer members shall reside in the same  
10 congressional district of the state; ~~provided further, that~~  
11 ~~no two of the industry members shall reside in the same~~  
12 ~~congressional district of the state.~~ The members of said State  
13 Board of Agriculture, Forestry, and Consumer Services and  
14 ~~Industries~~ appointed by the Governor shall hold office for and  
15 only during the tenure of office of the Governor making the  
16 appointment and until their successors are appointed and  
17 qualified.

18                   "§9-3-1.

19                   "(a) There is hereby created and established ~~a State~~  
20 ~~Forestry Commission, hereinafter referred to as commission,~~  
21 ~~which commission shall be composed of seven members to be~~  
22 ~~appointed by the Governor with the advice and consent of the~~  
23 ~~Senate. Two members shall be appointed for a period of one~~  
24 ~~year, two for a period of two years, two for a period of four~~  
25 ~~years and the remaining member for a period of five years.~~  
26 ~~Upon the expiration of said terms, appointments thereafter~~  
27 ~~shall be for a period of five years and until their respective~~

1 ~~successors in office have been appointed and qualified. At all~~  
2 ~~times at least two of such members shall be licensed and~~  
3 ~~registered foresters under the laws of Alabama. At all times~~  
4 ~~at least three of such members shall be owners of timberland~~  
5 ~~in Alabama~~ within the Alabama Department of Agriculture,  
6 Forestry, and Consumer Services the Division of State  
7 Forestry.

8 "§9-3-4.

9 "The functions and duties of the ~~commission~~ Division  
10 of State Forestry shall be as follows:

11 "(1) To protect, conserve and increase the timber  
12 and forest resources of this state and to administer all laws  
13 relating to timber and forestry and the protection,  
14 conservation and increase of such resources;

15 "(2) To make recommendations on exploration,  
16 surveys, studies and reports concerning the timber and forest  
17 resources and to assist in publication of results, publish  
18 such thereof as will be of general interest;

19 "(3) To maintain, supervise, operate and control all  
20 state forests;

21 "(4) To cooperate with and enter into cooperative  
22 agreements and stipulations with the Secretary of Agriculture  
23 of the United States or any other federal officer or  
24 department, board, bureau, commission, agency or office  
25 thereunto authorized with respect to the protection of  
26 timbered and forest-producing land from fire, insects and  
27 disease, the acquisition of forest lands to be developed,

1 administered and managed as state forests, the production,  
2 procurement and distribution of forest trees and shrub  
3 planting stock, the carrying on of an educational program in  
4 connection therewith, the assistance of the owners of farms in  
5 establishing, improving and renewing wood lots, shelter belts,  
6 windbreaks and other valuable forest growths, the growing and  
7 renewing of useful timber crops and the collection and  
8 publication of data with respect to the timber and forest  
9 resources or any other matters committed to the ~~commission~~  
10 Division of State Forestry by this title;

11 "(5) To make and enforce all regulations and  
12 restrictions required for such cooperation, agreements or  
13 stipulations;

14 "(6) To carry on a program of education and public  
15 enlightenment with respect to the timber and forest and other  
16 natural resources of Alabama;

17 "(7) To make an annual report to the Governor and  
18 Commissioner of Agriculture and Industries concerning the  
19 activities and accomplishments of the ~~commission~~ Division of  
20 State Forestry for the preceding fiscal year;

21 "(8) To make recommendations ~~to the Legislature such~~  
22 to the Commissioner and State Forester on legislation as may  
23 be needed further to protect, conserve, increase or to make  
24 available or useful the timber and forests and other natural  
25 resources of Alabama; and

1           "(9) To advise the Commissioner of Agriculture and  
2 Industries and State Forester on general forestry matters in  
3 Alabama.

4           ~~"(9) To supervise, direct and manage all activities~~  
5 ~~of the forestry Commission and its staff and employees.~~

6           "§9-3-5.

7           "The present State Forester shall continue to serve  
8 at the pleasure of the Commissioner of Agriculture and  
9 Industries or until he otherwise separates from service. Upon  
10 the transfer of the present State Forester to the Department  
11 of Agriculture, Forestry, and Consumer Services, the  
12 Commissioner of Agriculture and Industries shall set the  
13 salary for the present State Forester. Upon the position being  
14 vacated, the State Forester shall be appointed by the  
15 Governor, based upon the recommendation of three of the five  
16 forestry board members. The State Forester appointed under the  
17 provisions of this section shall be subject to the provisions  
18 of the State Merit System and must have earned a minimum of a  
19 bachelor of science degree in forestry and must be licensed  
20 and registered under the forestry laws of Alabama with  
21 considerable experience in the forestry field.

22           ~~"It shall be the duty of the Alabama Forestry~~  
23 ~~Commission to appoint with the advice and consent of the~~  
24 ~~Governor a State Forester who shall serve as the executive~~  
25 ~~secretary and administrative officer for the commission. The~~  
26 ~~person so appointed as the State Forester must have earned a~~  
27 ~~minimum of a bachelor of science degree in forestry and must~~



1 be licensed and registered under the forestry laws of Alabama  
2 with considerable experience in the forestry field. The State  
3 Forester shall receive a salary as fixed by the commission and  
4 shall serve at the pleasure of the commission and shall  
5 receive actual expenses when traveling on official business of  
6 the commission. Until otherwise provided for by the  
7 commission, the present State Forester of the Division of  
8 Forestry of the Department of Conservation and Natural  
9 Resources shall continue to serve as the State Forester under  
10 the commission. The State Forester shall devote his full time  
11 to the duties of his office. He shall be required to take the  
12 oath of office and give bond in the sum of \$50,000.00.

13 "§9-3-6.

14 "The present Assistant State Forester shall continue  
15 to serve at the pleasure of the Commissioner of Agriculture  
16 and Industries or until he otherwise separates from the  
17 service. Upon the transfer of the present Assistant State  
18 Forester to the Department of Agriculture, Forestry, and  
19 Consumer Services, the Commissioner of Agriculture and  
20 Industries shall set the salary for the present Assistant  
21 State Forester. Upon the position being vacated, the Assistant  
22 State Forester shall be appointed by the Commissioner of  
23 Agriculture and Industries. The Assistant State Forester  
24 appointed under the provisions of this section shall be  
25 subject to the provisions of the State Merit System and must  
26 have earned a minimum of a bachelor of science degree in  
27 forestry with considerable forestry experience.

1           ~~"The commission shall also appoint, with the advice~~  
2           ~~and consent of the Governor, an Assistant State Forester, who~~  
3           ~~shall hold at least a bachelor degree in forestry with~~  
4           ~~considerable forestry experience. The Assistant State Forester~~  
5           ~~shall serve as the chief assistant to the State Forester. The~~  
6           ~~Assistant State Forester's salary shall be set by the~~  
7           ~~commission, and he shall be paid his actual expenses when~~  
8           ~~traveling on official business of the commission.~~

9           "§9-3-7.

10           ~~"The commission~~ Division of State Forestry shall  
11           have its main offices in the City of Montgomery; provided,  
12           that ~~it~~ the Commissioner may establish other district or  
13           subdistrict offices throughout the state in such places as ~~it~~  
14           he or she may deem advisable or necessary.

15           "§9-3-8.

16           ~~"No member of the~~ State Board of Agriculture,  
17           Forestry, and Consumer Services ~~commission,~~ during the tenure  
18           of his or her office or within two years thereafter, shall be  
19           eligible for appointment as State Forester or for any  
20           employment ~~under in the commission~~ Division of State Forestry.

21           "§9-3-9.

22           ~~"The commission~~ Department of Agriculture, Forestry,  
23           and Consumer Services, with consent of the State Board of  
24           Agriculture, Forestry, and Consumer Services, shall have the  
25           power to adopt and promulgate rules and regulations pertaining  
26           to all phases of forestry within this state, which rules and  
27           regulations when adopted shall have the force and effect of

1 law. All rules and regulations of the ~~Division of Forestry of~~  
2 ~~the Department of Conservation and Natural Resources~~ State  
3 Forestry Commission heretofore promulgated shall continue in  
4 effect until repealed or amended by the ~~commission~~ Department  
5 of Agriculture, Forestry, and Consumer Services, with consent  
6 of the State Board of Agriculture, Forestry, and Consumer  
7 Services.

8 "§9-3-10.

9 "(a) There is hereby created a fund in the State  
10 Treasury to be known as the Alabama Forestry ~~Commission~~ Fund.  
11 All money derived by the ~~commission~~ Division of State Forestry  
12 shall be deposited to the credit of said fund for the use of  
13 the Department of Agriculture, Forestry, and Consumer Services  
14 in maintaining, supervising, operating, and controlling all  
15 state forests, and for any other purpose not inconsistent with  
16 the provisions of this act. The Comptroller shall establish a  
17 Forestry Program under the Department of Agriculture,  
18 Forestry, and Consumer Services. All proceeds of the Alabama  
19 Forestry Fund shall be exclusively designated for this  
20 program.

21 "(b) After the effective date of this act, all funds  
22 remaining in the Alabama Forestry Commission Fund #0312 shall  
23 be transferred into the Alabama Forestry Fund established by  
24 this section.

25 "§9-3-10.1.

26 "(a) There is hereby established an Emergency Forest  
27 Fire, Insect and Disease Fund into which there is

1 automatically appropriated \$180,000.00 annually at the  
2 beginning of each state fiscal year. The state Comptroller  
3 shall transfer said moneys from the General Fund to such  
4 emergency fund annually at the beginning of each state fiscal  
5 year. Said emergency fund shall not exceed a total accumulated  
6 amount of \$1,000,000.00. The moneys in said fund may be  
7 expended from time to time to meet emergency forest fire,  
8 insect and disease needs as deemed necessary by the  
9 Commissioner of Agriculture and Industries, State Forester,  
10 and Governor. The moneys expended from said fund for such  
11 emergency needs shall be automatically replenished and are  
12 hereby appropriated from the General Fund annually to the  
13 extent of \$180,000.00 per year at the beginning of each state  
14 fiscal year until the said \$1,000,000.00 ceiling is reached.  
15 The state Comptroller shall make the transfer to replenish the  
16 funds within a period of one week following the commencement  
17 of each state fiscal year.

18 "(b) The moneys appropriated herein may be expended  
19 for salaries, capital expenditures or any other category of  
20 expenditures deemed necessary by the State Forester and  
21 Commissioner of Agriculture and Industries for emergency  
22 forest fire, insect and disease suppression and control. This  
23 money shall be conditional upon approval of the Governor.

24 "(c) After the effective date of this act, all funds  
25 remaining in the Emergency Forest Fire Fund #0311 shall be  
26 transferred to the Emergency Forest Fire, Insect and Disease  
27 Fund established by this section.

1                   "§9-3-11.

2                   "The Commissioner of Agriculture and Industries and  
3 the State Forester ~~is~~ are hereby authorized and required to  
4 create a steering committee to represent rural community fire  
5 departments.

6                   "§9-3-12.

7                   "Said steering committee shall be composed of 13  
8 members; one from each of the 10 administrative districts  
9 established by the Division of State Forestry ~~of the Alabama~~  
10 ~~Forestry Commission~~, one member from the Alabama Association  
11 of Volunteer Fire Departments, one member from the Alabama  
12 Association of Fire Chiefs and one member from the Alabama  
13 Firemen's Association. The President of the Alabama  
14 Association of Fire Chiefs shall appoint one member of his  
15 association to serve on the committee, the President of the  
16 Alabama Association of Volunteer Fire Departments shall  
17 appoint one member of his association to serve on the  
18 committee, and the President of the Alabama Firemen's  
19 Association shall appoint a member of his association to serve  
20 on the committee. The Commissioner and the State Forester  
21 shall appoint the remaining committee members from each  
22 administrative district of the ~~Alabama Forestry Commission~~  
23 Division of State Forestry, with each such member being a  
24 volunteer fireman. All members shall serve at the pleasure of  
25 their appointing authority. Vacancies on the committee shall  
26 be filled by the same appointing authority who appointed the  
27 vacating member.

1                   "§9-3-13.

2                   "The steering committee shall make recommendations  
3 to the Commissioner of Agriculture and Industries and State  
4 Forester regarding how to improve the rural community fire  
5 program and how to solve immediate problems including parts  
6 exchange, training and financial assistance through federal  
7 grants.

8                   "§9-3-14.

9                   "The committee shall meet semiannually, with the  
10 members of the committee setting the date. The State Forester  
11 and Commissioner of Agriculture and Industries shall have the  
12 authority to call special meetings. A majority of members  
13 shall constitute a quorum.

14                   "§9-3-15.

15                   "Members of the committee shall not be compensated  
16 for their services, but each shall be entitled to  
17 reimbursement for travel expenses in the same manner and  
18 amount that state employees are reimbursed. Such expenses  
19 shall be paid out of ~~forestry commission~~ Division of State  
20 Forestry funds.

21                   "§9-3-17.

22                   "(a) The term "volunteer fire department" shall  
23 apply to and be used to define an organized group of area  
24 residents who meet the following requirements for personnel,  
25 training and equipment:

26                   "(1) The group shall be organized and incorporated  
27 under the laws of the State of Alabama as a nonprofit

1 organization or as an authority of a legal subdivision. All  
2 persons who are members of said group shall be known as  
3 "volunteer fire fighters," and shall have been qualified as  
4 such by participating in organized fire protection and  
5 suppression training programs. All fire fighters must attend  
6 regularly scheduled meetings, drill, and training classes  
7 within the department and same shall be documented and kept on  
8 file at the department location for one year.

9 "(2) A "volunteer fire department" shall have no  
10 less than 80 percent unsalaried membership.

11 "(3) Each volunteer fire department shall have as a  
12 minimum of fire fighting apparatus the following:

13 "a. One tanker truck capable of carrying and pumping  
14 no less than 500 gallons of water with adequate nozzle  
15 pressure to suppress wildfire, structural fire and other  
16 fires.

17 "b. Motorized apparatus shall be equipped with the  
18 following minimum required equipment:

19 "1. One booster reel with 150 feet of 3/4 or one  
20 inch rubber hose with suitable nozzle attached; or

21 "2. 150 feet of pre-connected 1 1/2 inch fire hose  
22 with suitable fog/stream nozzle attached.

23 "c. In areas where a sufficient number of fire  
24 hydrants are provided, the tanker shall also carry 200 feet of  
25 2 1/2 inch fire hose together with a 2 1/2 to 1 1/2 inch wye  
26 connector for use with smaller hose and other equipment.

1                    "d. One 24 foot extension ladder with a 12 foot roof  
2 ladder.

3                    "e. Hand tools - spanner wrenches, axes, pike pole,  
4 bolt cutter, flashlights, a first aid kit and one each  
5 pressure water and a chemical fire extinguisher.

6                    "(4) An alerting system must be set up and  
7 maintained, which will be capable of alerting the greatest  
8 number of fire fighters in the shortest possible time.

9                    "(5) Communications between the tanker and other  
10 units, including the base station are to be installed at the  
11 earliest possible time; however, the use of citizen band radio  
12 equipment is not recommended.

13                    "(6) Housing for motorized equipment shall be  
14 provided at the department location of such type and size as  
15 to provide virtually freezeproof conditions for vehicles. A  
16 training room should also be provided at the earliest possible  
17 time.

18                    "(b) All of the aforementioned items shall  
19 consummately define a "volunteer fire department," for  
20 purposes of legal recognition, but are not to be construed as  
21 standards set for any insurance classification by insurance  
22 services office or any other local, state or other agency.

23                    "(c) The ~~Alabama Forestry Commission~~ Division of  
24 State Forestry may assist any fire department needing  
25 additional equipment to meet the standards for certification.

26                    "(d) The ~~Alabama Forestry Commission~~ Division of  
27 State Forestry shall be the state ~~agency~~ entity delegated as



1 certifying authority under this section and shall certify all  
2 departments which are cooperators with ~~that commission~~ the  
3 division.

4 "(e) All noncooperating departments which request  
5 certification shall be reviewed by the Alabama Association of  
6 Volunteer Fire Departments and a recommendation for  
7 certification shall be made by the association to the ~~Alabama~~  
8 ~~Forestry Commission~~ Division of State Forestry.

9 "(f) The provisions of this section shall supersede  
10 and take precedence over any local law or municipal ordinance  
11 in conflict herewith. All laws or parts of laws in conflict  
12 herewith are hereby repealed.

13 "§9-3-19.

14 "(a) As used in this section, the term "fire control  
15 or fire rescue equipment" includes, but is not limited to, a  
16 motor vehicle, fire fighting tools, protective gear, breathing  
17 equipment, and other vehicles, supplies, and tools used in  
18 fire fighting or fire rescue.

19 "(b) Any person, corporation, partnership,  
20 association, or governmental entity may donate or give away  
21 used or obsolete fire control or fire rescue equipment to the  
22 ~~Alabama Forestry Commission~~ Department of Agriculture,  
23 Forestry, and Consumer Services for its use or for  
24 distribution to certified volunteer fire departments. Any  
25 person, corporation, partnership, association, or governmental  
26 entity that donates fire control or fire rescue equipment  
27 shall not be liable for civil damages for personal injury,

1 property damage, or death resulting from a defect in the  
2 equipment, if the property was donated in good faith and the  
3 defect was unknown to the person making the donation. The  
4 ~~Alabama Forestry Commission~~ Department of Agriculture,  
5 Forestry, and Consumer Services and its Commissioners and  
6 other officers and employees shall not be liable for civil  
7 damages for personal injury, property damage, or death  
8 resulting from a defect in equipment sold, loaned, donated, or  
9 otherwise made available in good faith by the ~~commission~~  
10 Department of Agriculture, Forestry, and Consumer Services to  
11 certified volunteer fire departments pursuant to this section.  
12 A breathing apparatus that is donated to the ~~commission~~  
13 Department of Agriculture, Forestry, and Consumer Services  
14 shall be recertified to the manufacturer's specifications by a  
15 technician certified by the manufacturer before it is made  
16 available to a volunteer fire department. Any cost incurred by  
17 the ~~commission~~ department in recertifying a breathing  
18 apparatus shall be reimbursed to ~~the commission~~ it by the  
19 volunteer fire department which received the breathing  
20 apparatus.

21 "§9-8A-3.

22 "(a) The members of the commission shall consist of  
23 the Governor; the Commissioner of Agriculture and Industries;  
24 the President of the Alabama Farmers Federation; the President  
25 of the Alabama Cattlemen's Association; the Chair of the State  
26 Soil and Water Conservation Committee; a member of the ~~Alabama~~  
27 ~~Forestry Commission~~ State Board of Agriculture, Forestry, and

1        Consumer Services designated by the Governor; the President of  
2        the Alabama Association of Conservation Districts; and two  
3        citizens of the state of good reputation who are active  
4        farmers or timberland owners or involved in environmental  
5        protection appointed by the Governor. Each voting member of  
6        the commission, except the two citizens appointed by the  
7        Governor, may appoint a designee to represent him or her at  
8        all commission meetings. The members of the commission may  
9        request that a member replace his or her designee if the  
10       designee has been absent from three or more consecutive  
11       meetings without good cause. The Chair of the Senate  
12       Agriculture, Conservation and Forestry Committee, the Chair of  
13       the House Agriculture and Forestry Committee, two members of  
14       the House, and two members of the Senate appointed by the  
15       Speaker of the House and the Lieutenant Governor,  
16       respectively, shall also serve as nonvoting ex officio members  
17       of the commission and as an oversight committee to review and  
18       report to the Legislature respecting the programs and  
19       activities of the commission. The members of the commission  
20       appointed by the Governor shall be appointed at the beginning  
21       of each organizational session of the Legislature to serve  
22       until the next organizational session of the Legislature;  
23       provided, however, that the initial appointed members will be  
24       appointed promptly following ratification by the qualified  
25       electors of the state of the amendment to the Constitution of  
26       Alabama of 1901 that was proposed by House Bill 10 introduced  
27       at that special session of the Legislature that convened on

1 January 23, 1985. Each member shall hold office for the term  
2 of his or her appointment, if he or she is appointed, or as  
3 long as he or she serves in one of the positions listed above,  
4 and until his or her successor shall have been appointed and  
5 qualified.

6 "(b) The Governor shall serve as chair of the  
7 commission and the commission shall elect from among its  
8 members a vice-chair, a secretary, and such other officers as  
9 it may determine. The State Treasurer of Alabama shall serve  
10 as treasurer of the commission.

11 "(c) If at any time there is a vacancy among the  
12 appointed members of the commission, a successor member shall  
13 be appointed to serve for the unexpired term applicable to the  
14 vacancy. The appointment of each appointed member of the  
15 commission, other than those initially appointed, whether for  
16 a full term or to complete an unexpired term, shall be made by  
17 the same officer of the state who appointed the member of the  
18 commission whose term has expired or is to expire or in whose  
19 position on the commission the vacancy otherwise exists. The  
20 appointment shall be made not earlier than 30 days prior to  
21 the date on which the member of the commission is to take  
22 office. Each appointed member of the commission shall hold  
23 office from the effective date of his or her appointment until  
24 the expiration of the term, or portion thereof, for which he  
25 or she was appointed, and if the term of any member of the  
26 commission expires prior to the reappointment of the member of  
27 the commission or prior to the appointment of his or her

1 successor, the member of the commission shall continue to  
2 serve until his or her successor is appointed, and if the  
3 member of the commission is reappointed for a new term after  
4 the expiration of the immediately preceding term which he or  
5 she has been serving, his or her new term of office shall be  
6 deemed to have commenced at noon on the date on which the  
7 immediately preceding term shall have expired. Members of the  
8 commission shall be eligible for reappointment without limit  
9 as to the number of terms previously served.

10 "(d) Each member of the commission shall, at the  
11 time of his or her appointment or otherwise becoming a member  
12 and at all times during his or her term of office, be a  
13 qualified elector of the state, and a failure by any member of  
14 the commission to remain so qualified during the term shall  
15 cause a vacancy of the office of the member of the commission.  
16 Any member of the commission may be impeached and removed from  
17 office as a member of the commission in the same manner and on  
18 the same grounds provided in Section 173 of the Constitution  
19 of Alabama of 1901, or successor provision thereof, and the  
20 general laws of the state for impeachment and removal of the  
21 officers of the state subject to Section 173 or successor  
22 provision thereof. The Governor and the Commissioner of  
23 Agriculture and Industries may not be impeached and removed  
24 from office as members of the commission apart from their  
25 impeachment and removal from the respective offices by virtue  
26 of which, ex officio, they serve as members of the commission.

1           "(e) Regular meetings of the commission shall be  
2 held at the time and place fixed by resolution or by law of  
3 the commission. Special meetings of the commission shall be  
4 held at the call of the chair or whenever three members of the  
5 commission so request, in each case upon two days' notice to  
6 each member of the commission given in person or by registered  
7 letter or telegram. The notice to each member of the  
8 commission may be waived by the member of the commission,  
9 either before or after the meeting with respect to which  
10 notice would otherwise be required. A majority of the voting  
11 members of the commission shall constitute a quorum for the  
12 transaction of business, and decisions shall be made and  
13 resolutions adopted on the basis of a majority of the quorum  
14 then present and voting, with each voting member of the  
15 commission having a single vote. No vacancy in the membership  
16 of the commission or the voluntary disqualification or  
17 abstention of any member of the commission shall impair the  
18 right of a quorum to exercise all of the powers and duties of  
19 the commission. No member or officer of the commission shall  
20 receive any salary therefor, but may be reimbursed for  
21 necessary travel and the reasonable expenses of performing the  
22 duties of office. All proceedings of the commission shall be  
23 reduced to writing by the secretary, signed by the chair and  
24 at least three members of the commission, recorded in a  
25 substantially bound book, and filed in the office of the  
26 commission. All proceedings of the commission shall be open to  
27 the public, except that executive or secret sessions may be

1 held when the character or good name of a person is involved,  
2 and all records of the commission shall be subject to public  
3 inspection during business hours. Copies of the proceedings,  
4 when certified by the secretary under the seal of the  
5 commission, shall be received in all courts as prima facie  
6 evidence of the matters and things therein certified.

7 "(f) No member, office, or employee of the  
8 commission shall be personally liable for the obligations or  
9 acts of the commission.

10 "(g) The commission may allow for telephone and  
11 video conferencing for meetings to constitute a quorum.

12 "§9-10A-4.

13 "Any management guidelines developed by watershed  
14 management authorities to protect forested watersheds shall  
15 follow the best management practices established by the  
16 Alabama Forestry Commission Division of State Forestry of the  
17 Department of Agriculture, Forestry, and Consumer Services as  
18 they pertain to forested watersheds.

19 "§9-13-1.

20 "The Governor may, upon the recommendation of the  
21 State Forestry Commission the Commissioner of Agriculture and  
22 Industries, accept gifts of land to the state, the same to be  
23 held and administered by the State Forestry Commission  
24 Department of Agriculture, Forestry, and Consumer Services as  
25 state forests and to be so used as to demonstrate the  
26 practical utility of timber culture. Such gifts must be  
27 absolute, except the mineral and mining rights over and under

1 said lands (but no reservation of any timber rights in  
2 connection therewith) may be reserved and except for a  
3 stipulation that they be held and administered as state  
4 forests; and the Attorney General shall see that all deeds of  
5 gift or other grants to the state of land mentioned above are  
6 properly executed and convey good title before the gift is  
7 accepted.

8 "§9-13-3.

9 "(a) The ~~commission~~ Division of State Forestry shall  
10 give such advice, assistance and cooperation as may be  
11 practicable to private landowners and promote, so far as it  
12 may be able, a proper appreciation in this state among all  
13 classes of the population of the benefits to be derived from  
14 forest culture, preservation and use.

15 "(b) The ~~commission~~ Division of State Forestry may  
16 take such measures as may be reasonable and practicable to  
17 prevent and suppress forest fires and other influences harmful  
18 to forest growth and may apply such parts of the forestry fund  
19 and other funds accruing to it as may be necessary to such  
20 purposes and to providing such systems of control as it may  
21 establish, either independently or in cooperation with the  
22 federal government and other agencies, public or private.

23 "(c) The ~~commission~~ Department of Agriculture,  
24 Forestry, and Consumer Services shall be the sole cooperating  
25 agency in joint work in the promotion and development of  
26 forestry and other matters and interests devolving upon it by  
27 law, among all classes of land ownership in the state, in



1 which both the state and the federal government may have  
2 financial or administrative participation.

3 "(d) The ~~commission~~ Department of Agriculture,  
4 Forestry, and Consumer Services, for the purpose of  
5 establishing, developing and maintaining state forests,  
6 administrative headquarters sites, tower sites and other areas  
7 necessary for its efficient operation, may acquire land by  
8 donation, purchase, condemnation or lease, and for these  
9 purposes may use such funds as may be available to it and not  
10 otherwise obligated and may enter into agreements with the  
11 federal government or other agencies and private landowners  
12 for acquiring by lease, purchase or otherwise such lands as in  
13 its judgment are desirable or necessary.

14 "When lands are acquired or leased under this  
15 section, the ~~commission~~ Department of Agriculture, Forestry,  
16 and Consumer Industries is authorized to make expenditures  
17 from any funds not otherwise obligated for the management,  
18 development and utilization of such areas, to sell or  
19 otherwise dispose of products from such lands, to have sole  
20 charge of all state forests and other lands that have been  
21 acquired hereunder and to have authority to make such rules  
22 and regulations for the management, administration, occupancy  
23 and use of said lands and all property and things of  
24 whatsoever nature therein or thereon as it shall find  
25 necessary.

26 "The ~~commission~~ Department of Agriculture, Forestry,  
27 and Consumer Services shall have full power and authority to

1 sell, exchange or lease lands under its jurisdiction when in  
2 its judgment it is advantageous to the state to do so in the  
3 orderly development and management of state forests and other  
4 designated areas; provided, however, that said sale, lease or  
5 exchange shall not be contrary to the terms of any contract  
6 which it has entered into. In the event any state forest lands  
7 or assets are sold, proceeds shall be deposited in the Alabama  
8 Forestry Fund.

9 "(e) The ~~commission~~ Department of Agriculture,  
10 Forestry, and Consumer Services may employ such officers,  
11 assistants and employees as may be necessary and, as to  
12 persons employed wholly or in part in carrying out the  
13 provisions of cooperative agreements with the federal  
14 government or other agencies, for such compensation heretofore  
15 or hereafter paid may use such contributions or receipts as  
16 may be derived from the United States or from any private or  
17 philanthropic source.

18 "§9-13-4.

19 "There shall be a fund known as the Alabama Forestry  
20 ~~Commission~~ Fund. This fund shall consist of all occupational  
21 licenses and privilege taxes imposed by the state for engaging  
22 in any business dealing with timber or timber products and all  
23 fines and forfeitures arising under the provisions of this  
24 chapter, and all appropriations made by the State of Alabama  
25 from its General Funds in furtherance of the purposes of this  
26 chapter shall be paid into said Alabama Forestry ~~Commission~~  
27 Fund. There shall also be paid into said Alabama Forestry

1 ~~Commission~~ Fund all sums accruing to the ~~State Forestry~~  
2 ~~Commission~~ Division of State Forestry from whatsoever source.  
3 This fund shall be used and expended by the ~~State Forestry~~  
4 ~~Commission~~ Department of Agriculture, Forestry, and Consumer  
5 Services in accordance with the terms of the gift, bequest,  
6 appropriation or donation from which said moneys are derived  
7 and, in absence of any such terms, shall be expended by the  
8 ~~State Forestry Commission~~ Department of Agriculture, Forestry,  
9 and Consumer Services, Division of State Forestry in  
10 furtherance of any of the provisions of this chapter. All  
11 necessary expenses of the ~~State Forestry Commission~~ Division  
12 of State Forestry shall be payable out of said fund on the  
13 requisition of the State Forester; provided, that nothing  
14 herein contained shall be construed to require the diversion  
15 of any funds from any particular purpose for which they were  
16 collected, allotted or budgeted if the effect of such  
17 diversion would penalize the state in retaining or securing  
18 any federal funds or federal assistance, and no funds shall be  
19 withdrawn nor expended for any purpose whatsoever unless the  
20 same shall have been allotted and budgeted in accordance with  
21 the provisions of Article 4 of Chapter 4 of Title 41 of this  
22 Code and only in the amounts and for the purposes provided by  
23 the Legislature in the general appropriation bill.

24 "§9-13-5.

25 "All sheriffs, deputy sheriffs, constables, marshals  
26 and such other persons as may be designated or appointed by  
27 the Governor, ~~or by the~~ Commissioner of Agriculture and

1 Industries, or State Forester are hereby declared to be forest  
2 wardens, and they shall report to the ~~said~~ Commissioner, State  
3 Forester, ~~and to the~~ district attorney for the county in which  
4 the same occur any violations of any provisions of this  
5 chapter.

6 "§9-13-6.

7 "The Commissioner of Agriculture and Industries and  
8 State Forester shall have the power to appoint any person in  
9 any area of the state who is skilled in forestry work or fire  
10 prevention as a forest fire warden, on a volunteer status,  
11 whose duties shall be to prevent and suppress forest fires in  
12 his respective locale. All persons so appointed shall receive  
13 a duly executed commission signed by the ~~State Forester~~  
14 appointing authority and stating on the face thereof the  
15 appointee's name and title.

16 "§9-13-8.

17 "At the discretion of the Commissioner of  
18 Agriculture and Industries or State Forester, such forest fire  
19 wardens may be issued fire-fighting equipment from such  
20 equipment as may be available for such purposes to the ~~State~~  
21 ~~Forestry Commission~~ Division of State Forestry, and any such  
22 equipment so issued may be used only for the suppression of  
23 forest fires.

24 "§9-13-9.

25 "The ~~State Forester~~ Commissioner of Agriculture and  
26 Industries, with the approval of the state merit board, shall  
27 have the power to provide for the compensation to be received

1 by such forest fire wardens if, in his or her judgment, ~~he~~  
2 ~~deems~~ such compensation is deemed necessary; provided, that  
3 ~~they~~ the forest fire wardens shall receive compensation only  
4 for such hours as are spent on fire fighting and for any  
5 actual expenses incurred by them in the performance of such  
6 duties.

7 "§9-13-10.

8 "All employees of the ~~State Forestry Commission~~  
9 Department of Agriculture, Forestry, and Consumer Services  
10 appointed as forest law enforcement officers by the  
11 Commissioner of Agriculture and Industries or State Forester  
12 are hereby constituted peace officers of the State of Alabama  
13 with full police power and may exercise such powers anywhere  
14 within the state. They are hereby authorized to carry firearms  
15 or other weapons when they are actually in the discharge of  
16 their duties as such officers as provided by law. They shall  
17 be clothed with the power to arrest with or without warrant  
18 any person who shall violate any of the laws of the State of  
19 Alabama or any rule or regulation of the ~~Alabama Forestry~~  
20 ~~Commission~~ Department of Agriculture, Forestry, and Consumer  
21 Services and take him or her before a proper court for trial.  
22 All employees of the ~~State Forestry Commission~~ Department of  
23 Agriculture, Forestry, and Consumer Services, who are  
24 appointed as forest law enforcement officers, and all duly  
25 appointed officers of the United States whose duty it is to  
26 prevent and suppress forest fires are empowered to enter any  
27 lands and to construct thereon fire lines, fire lanes or fire

1 breaks, to set back fires thereon if necessary to prevent the  
2 further spread of fire then actually burning and to do all  
3 other work necessary in the performance of their duties,  
4 including the right to enter any lands for the purpose of  
5 making investigations for the cause or causes of fires,  
6 without liability for trespass or damage therefrom.

7 "§9-13-10.1.

8 "All state agencies, in the performance of their  
9 duties and responsibilities to the people of Alabama, are  
10 authorized to aid and assist the ~~State Forestry Commission~~  
11 Division of State Forestry in the control and suppression of  
12 wildfires, on request of the Governor of Alabama, with such  
13 requested resources that are reasonably available and needed  
14 to cope with the specific situation.

15 "§9-13-11.

16 "(a) It shall be a Class C felony for every person,  
17 firm, association, or corporation to do either of the  
18 following:

19 "(1) Willfully, maliciously or intentionally burns,  
20 sets fire to, attempts to set fire to, or causes to be burned  
21 or any fire to be set to any forest, grass, woodlands, or  
22 other inflammable vegetation on any lands not owned, leased,  
23 controlled, or in the lawful possession of the person, firm,  
24 association, or corporation setting the fire or burning such  
25 lands or causing the fire to be set or lands to be burned.

26 "(2) Shall have in his or her possession or shall  
27 set, throw or place any device, instrument, or other

1 incendiary paraphernalia, including any time-delay incendiary  
2 device, in or adjacent to any forest, grass, woodlands, or  
3 other inflammable vegetation, which forest, grass, woodland or  
4 other inflammable vegetation is not owned, leased, controlled,  
5 or in the lawful possession of the person possessing such  
6 device, instrument, or paraphernalia.

7 "(b) It shall be a Class B misdemeanor for any  
8 person, firm, association, or corporation:

9 "(1) Who recklessly or with wanton disregard for the  
10 safety of persons or property allows a fire to escape from  
11 land owned, leased, or controlled by him or her, whereby any  
12 property of another is injured or destroyed;

13 "(2) Who shall burn any brush, stumps, logs,  
14 rubbish, fallen timber, grass, stubble, or debris of any sort,  
15 whether on one's own land or that of another, without taking  
16 reasonably necessary precautions, both before lighting the  
17 fire and all times thereafter to prevent the escape thereof;

18 "(3) Who shall set fire to any brush, stumps, logs,  
19 rubbish, fallen timber, grass, stubble, or debris of any sort  
20 within or near any forest or woodland, unless the area  
21 surrounding said material to be burned shall be cleared of all  
22 inflammable material for a reasonably safe distance in all  
23 directions and maintained free of all inflammable material so  
24 long as such fire shall continue to burn;

25 "(4) Who shall set a fire within or near any forest,  
26 woodland, or grassland without clearing the ground immediately  
27 around it free from material which will carry fire, or shall

1 leave such fire before it is totally extinguished or start a  
2 fire in any forest, woodland, or grassland by throwing away a  
3 lighted cigar, cigarette, match or by the use of firearms or  
4 in any other manner and leave the same unextinguished;

5 "(5) Who shall destroy, remove, injure, or deface  
6 any fire warning or notices or deface any inscription or  
7 devices comprising such notices;

8 "(6) Who shall burn any new ground, field,  
9 grasslands, or woodlands, or adjoining woodlands or grasslands  
10 of another within any area which has been placed under  
11 organized forest fire protection by the ~~State Forestry~~  
12 ~~Commission~~ Division of State Forestry without first obtaining  
13 verbal authorization from the ~~State Forestry Commission~~  
14 Division of State Forestry by obtaining a burning permit  
15 number.

16 "(c) It shall be a Class A misdemeanor for any  
17 person to recklessly or with wanton disregard for the safety  
18 of persons or property burn, set fire to, attempt to set fire  
19 to, or cause to be burned or any fire to be set to any forest,  
20 grass, woodlands, or other inflammable vegetation on any lands  
21 not owned, leased, controlled, or in the lawful possession of  
22 the person setting the fire or burning such lands or causing  
23 the fire to be set or lands to be burned without the  
24 permission of the lawful owner.

25 "(d) (1) Burning permits may be obtained from the  
26 district operations center when the center is in active  
27 operation. The following criteria must be met:



1           "a. The person requesting the permit must have  
2 adequate tools, equipment, and manpower to stay with and  
3 control the fire during the entire burning period.

4           "b. The person requesting the permit is responsible  
5 to keep the fire confined.

6           "c. In no case will the person requesting the permit  
7 allow the fire to be unattended until it is dead out.

8           "(2) Burning permits will be issued if the  
9 individual requesting the permit states that the above  
10 criteria will be met unless the State Forester shall declare a  
11 fire alert. Under fire alert conditions the State Forester may  
12 allow issuance of permits at his or her discretion, taking  
13 into account the number of fires burning in the district,  
14 current and projected weather conditions, the ability of the  
15 person seeking the permit to contain the fire and that  
16 individual's knowledge of fire behavior, and other factors  
17 which may affect fires and fire behavior. A fire alert will be  
18 issued by the State Forester for any district or portion of a  
19 district that in the opinion of the State Forester, has  
20 existing conditions which produce extraordinary danger from  
21 fire or smoke.

22           "(3) If subsequent to issuance of a permit a  
23 lawfully authorized fire escapes to the lands of another and  
24 an investigation reveals that the permit holder did not meet  
25 all the criteria as set forth above, the fire will be treated  
26 as if no legal authorization had been obtained.

1           "(4) A burning permit once issued may be revoked if  
2 the person requesting the permit fails to comply with proper  
3 burning procedures or if weather conditions develop which may  
4 result in erratic fire or smoke behavior.

5           "(e) An area shall be deemed legally placed under  
6 organized forest fire protection by the ~~State Forestry~~  
7 ~~Commission~~ Division of State Forestry of the ~~State of Alabama~~  
8 Department of Agriculture, Forestry, and Consumer Services  
9 upon proclamation of the State Forester. Such proclamation  
10 shall describe the lands placed in said area and shall be  
11 published once a week for two consecutive weeks in a newspaper  
12 published in the county where the lands composing said area  
13 are located. If there are no newspapers published in the  
14 county where said lands are located, then said proclamation  
15 shall be published in a newspaper of an adjoining county. In  
16 the event the lands composing said area are located in more  
17 than one county, such proclamation shall be so published in a  
18 newspaper in each county where said lands are located.  
19 Beginning with the twelfth day after the first publication of  
20 said proclamation in said newspaper or newspapers, the lands  
21 described in the proclamation shall be deemed in an area under  
22 organized forest fire protection. Upon the trial of any  
23 person, firm, or corporation for the violation of any  
24 provision of this section, a certified copy of said  
25 proclamation executed by the State Forester shall be  
26 admissible in evidence and shall be conclusive evidence of the  
27 fact that the lands described in said proclamation constitute

1 an area under organized forest fire protection within the  
2 meaning of this section.

3 "(f) All moneys collected for any violation of this  
4 section as fines, forfeitures, etc., shall go to the Alabama  
5 Forestry ~~Commission~~ Fund and shall be used in defraying the  
6 expense of the administration of ~~such State Forestry~~  
7 ~~Commission~~ the Division of State Forestry.

8 "§9-13-24.

9 "When an arrest for a violation of the provisions of  
10 the forestry laws is made by a salaried officer or salaried  
11 employee of the ~~State Forestry Commission~~ Department of  
12 Agriculture, Forestry, and Consumer Services and the defendant  
13 is convicted, there shall be taxed as costs the same fee as  
14 the sheriff in this state is entitled to for similar services  
15 and, if collected from the defendant, shall be immediately  
16 remitted by the trial court directly to the ~~State Forester~~  
17 Commissioner of Agriculture and Industries, and said fee shall  
18 be used for the purpose of the administration of the ~~State~~  
19 ~~Forestry Commission~~ Division of State Forestry. If the person  
20 making the arrest shall be a nonsalaried officer or not an  
21 employee of the ~~State Forestry Commission~~ Department of  
22 Agriculture, Forestry, and Consumer Services and if said fee  
23 is collected from the defendant, such person shall be entitled  
24 to said fee and shall receive in addition thereto an  
25 informer's fee of one-half the fine in each case where the  
26 information furnished by him results in a conviction and the  
27 fine is collected and paid into court; provided, however, that

1 in no case shall the amount paid to the informant or party  
2 making the affidavit as to the ~~commission~~ Division of State  
3 Forestry of any offense embraced in this chapter exceed the  
4 sum of \$25.00. All amounts in excess of \$25.00 shall be  
5 remitted to the ~~State Forester~~ Commissioner of Agriculture and  
6 Industries as provided in this section. No fee shall be  
7 allowed in cases of acquittal.

8 "§9-13-40.

9 "It is the declared policy of the state to encourage  
10 reforestation of cutover lands and timber culture generally;  
11 and to that end and in consideration of the public benefits  
12 arising therefrom, the timber growing on lands which shall  
13 hereafter be designated by the ~~State Forestry Commission~~  
14 Division of State Forestry as auxiliary state forests under  
15 the provision of this article shall not be taxable or assessed  
16 for taxation by any authority from the time that said lands  
17 are so designated until they are withdrawn as auxiliary state  
18 forests, and only the land on which said timber grows may be  
19 taxed or assessed for taxation as if the ownership of the  
20 timber growing thereon had been severed from the ownership of  
21 the land, and the valuation of the timber growing on auxiliary  
22 state forests shall not be included in the valuation of the  
23 shares of stock in any domestic corporation owning such timber  
24 in arriving at the valuation of the shares of stock of such  
25 corporation for taxation; provided, that said land shall be  
26 appraised jointly by the Department of Revenue and the ~~State~~  
27 ~~Forestry Commission~~ Division of State Forestry with view to

1 its use for timber production purposes, such appraisal being  
2 made with due regard to the fact that the timber yields from  
3 such lands require a considerable period of years for maturing  
4 and that the valuation determined by such appraisal for the  
5 purposes of taxation of the land independently of the timber  
6 shall not be increased during the continuance of such land as  
7 auxiliary state forests; and provided further, that when the  
8 land embraced within an auxiliary state forest does not exceed  
9 160 acres, the land shall not be taxed or assessed for  
10 taxation.

11 "§9-13-41.

12 "Any owner of lands desiring to devote the same to  
13 forest culture and to have the same designated as auxiliary  
14 state forests shall file with the ~~State Forestry Commission~~  
15 Division of State Forestry an application in writing, which  
16 shall be signed by such owner, describing the lands which said  
17 owner desires to have designated as auxiliary state forests,  
18 stating his willingness to enter into the contract provided  
19 for in this article and such other information as the ~~State~~  
20 ~~Forestry Commission~~ Division of State Forestry may require and  
21 praying that such lands shall be designated by the ~~State~~  
22 ~~Forestry Commission~~ Division of State Forestry as auxiliary  
23 state forests.

24 "§9-13-42.

25 "The ~~State Forestry Commission~~ Division of State  
26 Forestry may, in its discretion, require the applicant to  
27 furnish an abstract of title of said lands showing ~~him~~ the

1 applicant to be the owner in fee thereof or other satisfactory  
2 proof of title, and all rights of dower or homestead in said  
3 lands, as against the operation of said contract, shall be  
4 released before the same is approved.

5 "§9-13-43.

6 "Upon the filing of such application, the ~~State~~  
7 ~~Forestry Commission~~ Division of State Forestry shall, as soon  
8 as practicable, inspect the said land or cause the same to be  
9 inspected by the State Forester or some other competent and  
10 suitable person; and, if the ~~State Forestry Commission~~  
11 Division of State Forestry shall find said lands to be suited  
12 for forest culture, it shall certify that fact, together with  
13 a copy of said application to the Governor, who shall, if he  
14 deems it advisable to do so, thereupon cause the contract  
15 provided for in this article to be drawn by the Attorney  
16 General, and, upon the execution of the same, by the owner of  
17 the land, the Governor shall execute the same for and on  
18 behalf of and in the name of the State of Alabama.

19 Said contract shall be executed in quadruplicate.  
20 One copy shall be filed with the ~~State Forestry Commission~~  
21 Division of State Forestry and one with the Department of  
22 Revenue or body exercising its jurisdiction and powers. One  
23 copy shall be delivered to the owner of the land, and the  
24 fourth shall be filed by the State Forester for record in the  
25 probate office of the county or counties in which said land is  
26 situated, at the cost of the owner. The Attorney General shall  
27 approve the execution of said contracts.

1                   "§9-13-44.

2                   "The Governor may, at his discretion, upon  
3 designation of any lands as auxiliary state forests, under the  
4 provisions of this article, on behalf of and in the name of  
5 the State of Alabama, enter into a contract by and with the  
6 owner of said land and the successors and assigns of said  
7 owner, the said covenant to run with the land that, in  
8 consideration of the devotion of said land to reforestation  
9 and of the public benefits arising therefrom, the timber  
10 growing on said land shall not be taxable nor assessed for  
11 taxation, directly or indirectly, or by any authority, until  
12 said lands are withdrawn as auxiliary state forests and that  
13 only the land upon which said timber is grown may be taxed or  
14 assessed for taxation during said period and that, if said  
15 land is taxed or assessed for taxation, it shall be assessed  
16 and valued as if the ownership of the timber had been severed  
17 from the ownership of the land; provided, that said land shall  
18 be appraised jointly by the Department of Revenue and the  
19 ~~State Forestry Commission~~ Division of State Forestry, such  
20 appraisal being made with due regard to the fact that the  
21 timber yields from such lands require a considerable period of  
22 years for maturing and that the valuation determined by such  
23 appraisal for the purposes of taxation of the land  
24 independently of the timber shall be the valuation of such  
25 lands upon and from the effective date of the approval of the  
26 contract and shall not be increased during the continuance of  
27 such lands as auxiliary state forests and that, if the land

1 included under the contract does not exceed 160 acres, the  
2 land shall not be taxed or assessed for taxation.

3 "It shall be agreed in said contract that the owner  
4 of said land will devote the same to forest culture and that  
5 no use shall be made of said land that will militate against  
6 the growth of the timber thereon; that the owner will use  
7 diligence in protecting the same against fire in accordance  
8 with rules established by the ~~State Forestry Commission~~  
9 Department of Agriculture, Forestry, and Consumer Services and  
10 that the owner will not withdraw said lands as auxiliary state  
11 forests for a period of five years after the same are entered  
12 as such and will not cut, turpentine or otherwise utilize the  
13 timber thereon before the withdrawal of the same as auxiliary  
14 state forests, except in accordance with rules formulated by  
15 the ~~State Forestry Commission~~ Department of Agriculture,  
16 Forestry, and Consumer Services, which rules and other rules  
17 mentioned in this article it is authorized and directed to  
18 make.

19 "Upon application of any owner of land comprised  
20 within auxiliary state forests heretofore established under  
21 contract of current effect, provisions authorized in this  
22 section but not included in the original contract may, with  
23 the approval of the Governor, be included in a supplemental  
24 contract modifying the terms of the original contract.

25 "§9-13-45.

26 "If any owner or the successor in title of any such  
27 owner shall violate the provisions of his contract, the



1 Governor may, in his discretion, abrogate the same by a  
2 written order to be filed with the Department of Revenue, the  
3 ~~State Forestry Commission~~ Division of State Forestry and the  
4 said owner or his successor in title. Upon such abrogation,  
5 the privilege tax provided for in this article shall at once  
6 become due and payable in all respects as if said lands had  
7 been legally withdrawn as auxiliary state forests.

8 "§9-13-46.

9 "(a) Any owner of land designated as auxiliary state  
10 forests may, after the lapse of five years from the  
11 designation of the said lands as such, file with the ~~State~~  
12 ~~Forestry Commission~~ Division of State Forestry an application  
13 in writing to withdraw the same or any part thereof, and  
14 thereupon the value of the timber on the land desired to be  
15 withdrawn shall be appraised and the privilege tax thereon  
16 computed as provided for in this article; and, on the payment  
17 of said privilege tax, the ~~State Forestry Commission~~ Division  
18 of State Forestry shall make an order withdrawing the same as  
19 an auxiliary state forest, a copy of which shall be filed with  
20 the Department of Revenue, a copy entered in a book to be kept  
21 for that purpose by the ~~State Forestry Commission~~ Division of  
22 State Forestry, a copy delivered to the said owner and a copy  
23 filed by the ~~State Forestry Commission~~ Division of State  
24 Forestry at the cost of the owner in the probate office in the  
25 county or counties in which said land is situated.

26 "(b) The owner of such lands shall have the right to  
27 harvest or otherwise use parts of said timber without

1 withdrawing the land under the rules which ~~said State Forestry~~  
2 ~~Commission~~ the Department of Agriculture, Forestry, and  
3 Consumer Services is directed to make.

4 "(c) In either event, the privilege tax provided for  
5 in this article shall be paid on the value of the timber  
6 withdrawn or harvested at the time of said withdrawal or  
7 harvesting.

8 "§9-13-47.

9 "Upon withdrawal of said lands or any part thereof  
10 as auxiliary state forests or harvesting or other use of parts  
11 of timber on said land without withdrawing the land, the value  
12 of the timber thereon shall be appraised separately in each  
13 county where such timber is located by the Department of  
14 Revenue and the ~~State Forestry Commission~~ Division of State  
15 Forestry as of the date of such withdrawal or harvesting,  
16 whereupon the owner of such timber shall pay as a privilege  
17 tax for the entry and withdrawal of such lands as auxiliary  
18 state forests or for the harvesting of the timber on such  
19 lands a sum of money equal to eight percent of the appraised  
20 value of the timber.

21 "§9-13-49.

22 "Said privilege tax shall be paid to the ~~State~~  
23 ~~Forestry Commission~~ Alabama Forestry Fund for use by Division  
24 of State Forestry of the Department of Agriculture, Forestry,  
25 and Consumer Services and by it reported to the Comptroller  
26 and paid into the Treasury, whereupon the Comptroller shall  
27 draw and transmit to the tax collector of each county wherein

1 such timber has been appraised and with respect to which such  
2 tax has been paid a warrant payable to such tax collector for  
3 the full amount of tax paid as to such county. Thereupon the  
4 tax collector shall treat and consider the payments so made to  
5 himself as if he had collected the same for and on account of  
6 state and county taxes duly assessed by the tax assessor upon  
7 the timber appraised as provided in this article and shall  
8 proceed to apportion, distribute and pay the same as if such  
9 taxes were ad valorem taxes assessed against the owner of the  
10 timber, after deducting therefrom for himself a commission of  
11 two percent upon the amount of such taxes and paying also the  
12 tax assessor a commission of two percent thereon. In all  
13 counties in which officials are paid on a salary basis, the  
14 commissions authorized in this section shall by said officials  
15 be paid into the treasury of said county.

16 "§9-13-50.

17 "The ~~State Forestry Commission~~ Division of State  
18 Forestry shall keep a book in which shall be recorded all  
19 applications for the designation of lands as auxiliary state  
20 forests, contracts entered into upon such applications and  
21 withdrawals or forfeitures thereof.

22 "§9-13-63.

23 "Any person, firm, or corporation buying,  
24 contracting to buy, or otherwise acquiring logs, poles,  
25 piling, crossties, pulpwood, veneer bolts, stave bolts, or  
26 other unmanufactured or semimanufactured forest products shall  
27 keep a written record in this state of every such purchase.

1 The record shall contain the name of the person or persons  
2 from whom the product was acquired, the county from which the  
3 timber or other forest product was severed, the amount thereof  
4 and the date of delivery, which information shall be obtained  
5 from the person or persons from whom the product was acquired.  
6 This record shall be a true, accurate, and correct statement  
7 of the transaction as provided for in this section. Any person  
8 who knowingly gives false information to the purchaser of the  
9 product or who willfully misstates the facts with intent to  
10 defraud is guilty of a misdemeanor and shall be punished by a  
11 fine of not less than \$100 nor more than \$1000, or a jail  
12 sentence of not less than 10 days nor more than one year or  
13 both fine and imprisonment. The purchaser shall be entitled to  
14 rely upon the information furnished by the seller. The  
15 information given under this section shall be kept by the  
16 person or persons acquiring the forest products and shall be  
17 available, during business hours, to a duly authorized agent  
18 or employee of the ~~State Forestry Commission~~ Division of State  
19 Forestry. The record shall be kept available for a period of  
20 not less than three years. Any person, firm, or corporation  
21 failing to keep the record or in any manner falsifying it is  
22 guilty of a misdemeanor and shall be punished by a fine of not  
23 less than nor more than \$1000, or a jail sentence of not less  
24 than 10 days nor more than a year or both fine and  
25 imprisonment.

26 "§9-13-64.

1           "All employees of the ~~State Forestry Commission~~  
2           Division of State Forestry, and other employees of the  
3           Department of Agriculture, Forestry, and Consumer Services, as  
4           designated by the Commissioner of Agriculture and Industries,  
5           shall have the powers of peace officers in the enforcing of  
6           the provisions of this article. They shall be allowed to enter  
7           any lands and to do any work necessary in the performance of  
8           their duties without liability for trespass or damage  
9           therefrom.

10           "§9-13-65.

11           "All fines collected from violations of Sections  
12           9-13-60 and 9-13-63 shall go to the Alabama Forestry  
13           ~~Commission~~ Fund.

14           "§9-13-80.

15           "The following words, terms and phrases, when used  
16           in this article, shall have the meanings ascribed to them in  
17           this section, except where the context clearly indicates a  
18           different meaning:

19           "(1) PERSON. Such term includes any individual,  
20           firm, copartnership, association, corporation, receiver,  
21           trustee or any other group or combination acting as a unit.

22           "~~(2) DEPARTMENT. The Department of Revenue of the~~  
23           ~~State of Alabama.~~

24           "~~(3)~~ (2) TAXPAYER. Any person liable for taxes under  
25           this article.

26           "~~(4)~~ (3) PRODUCER. Any person engaging or continuing  
27           to engage in this state in the business of severing timber or

1 any other forest products from the soil, whether as owner,  
2 lessee, concessionaire or contractor. Such definition shall  
3 also include any person who assembles or causes to be  
4 assembled any forest product for shipment out of the State of  
5 Alabama in an unmanufactured condition.

6 ~~"(5)~~ (4) FOREST PRODUCTS. Logs, timber, pulpwood,  
7 chemical wood, bolts, crossties and switch ties, mine ties,  
8 coal mine props, ore mine props, poles, piles, turpentine  
9 (crude gum) and stumpwood (tarwood).

10 ~~"(6)~~ (5) SEVER. To fell, cut or otherwise separate  
11 from the soil; provided, that for the purpose of this article,  
12 any person who is the owner or lessee of timber and is also  
13 the processor thereof or a manufacturer of products derived  
14 therefrom shall be deemed the person engaged in severing such  
15 timber from the soil, notwithstanding the fact that the  
16 severance is made by an independent contractor or otherwise.

17 ~~"(7) COMMISSIONER. The Commissioner of Revenue of  
18 the State of Alabama.~~

19 ~~"(8)~~ (6) MANUFACTURER. As applied to forest products  
20 suitable for manufacture into lumber, the person who operates  
21 the sawmill or plant in which such products are so  
22 manufactured into lumber; as applied to pulpwood, chemical  
23 wood and bolts, the person who operates the paper mill,  
24 chemical plant or other plant in which such forest products  
25 are processed; as applied to crossties, switch ties, mine  
26 ties, props, poles and piles, the person who purchases from  
27 the producer; as applied to turpentine, the person who

1 processes or cooks the crude gum; as applied to stumpwood, the  
2 person who operates the plant or retort in which such product  
3 is processed.

4 "~~(9)~~ (7) CONCENTRATION YARD. A place where lumber is  
5 brought or received within the State of Alabama in a green or  
6 rough form or condition for manufacturing or for processing or  
7 for resale.

8 "§9-13-84.

9 "(a) The taxes imposed by this article, and any  
10 other taxes imposed on the severance of forest products, shall  
11 be due and payable quarterly to the State Department of  
12 Revenue and shall, when collected, be paid by such department  
13 into the State Treasury. When so paid into the State Treasury,  
14 all such taxes shall be credited by the Treasurer to a special  
15 fund which is hereby created and which shall be known as the  
16 Special State Forestry Fund of the State of Alabama, which  
17 fund shall be disbursed under the supervision of the ~~State~~  
18 ~~Forester~~ Commissioner of Agriculture and Industries, subject  
19 to the restrictions embodied in this article, for the purpose  
20 of carrying out the statewide forestry program as provided by  
21 law and for no other or different purposes. Not less than 85  
22 percent of the taxes collected under and by virtue of this  
23 article shall be expended for forest protection. No portion of  
24 such fund shall revert to the General Fund of the state at the  
25 end of any fiscal year, and any surplus shall be allowed to  
26 accumulate from year to year and be disbursed as exigencies of  
27 the statewide forestry program may require.

1           " There is hereby continuously appropriated the  
2 receipts from the taxes levied in this article to the ~~State~~  
3 ~~Forestry Commission~~ Department of Agriculture, Forestry, and  
4 Consumer Services for the use of the ~~State Forestry Commission~~  
5 Division of State Forestry. Such amount of money as shall be  
6 appropriated for each fiscal year by the Legislature to the  
7 Department of Revenue with which to pay the salaries, the cost  
8 of operation and the management of the said department shall  
9 be deducted, as a first charge thereon, from the taxes  
10 collected under and pursuant to said article; provided,  
11 however, that the expenditure of said sum so appropriated  
12 shall be budgeted and allotted pursuant to Article 4 of  
13 Chapter 4, Title 41 and limited to the amount appropriated to  
14 defray the expenses of operating said department for each  
15 fiscal year; ~~provided further, however, that for the fiscal~~  
16 ~~years ending September 30, 1989, and September 30, 1990, the~~  
17 ~~portion of the receipts allocated to the Forestry Commission~~  
18 ~~is hereby appropriated for use in their fire control program.~~

19           "(b) After the effective date of this act, all funds  
20 remaining in the current special State Forestry Fund #0332 of  
21 the State Forestry Commission shall be transferred to the  
22 Special State Forestry Fund of the Department of Agriculture,  
23 Forestry, and Consumer Services, Division of State Forestry.

24           "§9-13-103.

25           "If the ~~department~~ Department of Revenue finds that  
26 a person liable for taxes under any provisions of this article  
27 designs quickly to depart from the state or to remove his



1 property therefrom, or to conceal himself or his property  
2 therein or to do any other act tending to prejudice or to  
3 render wholly or partly ineffectual proceedings to collect  
4 such tax unless such proceedings are brought without delay,  
5 the ~~department~~ Department of Revenue shall cause notice of  
6 such finding to be given such person together with a demand  
7 for an immediate return and immediate payment of such taxes.  
8 Thereupon such taxes shall become immediately due and payable.  
9 If such person is not in default in making such return or  
10 paying any taxes prescribed by this article and furnishes  
11 evidence satisfactory to the ~~department~~ Department of Revenue  
12 under regulations to be prescribed by the ~~department~~  
13 Department of Revenue that he will duly return and pay the  
14 taxes to which the ~~department's~~ Department of Revenue's  
15 finding relates, then such tax shall not be payable prior to  
16 the time otherwise fixed for payment. If such person fails to  
17 appear and make such showing, then the ~~department~~ Department  
18 of Revenue shall make such assessment final and execution may  
19 immediately issue as is provided in this article.

20 "§9-13-104.

21 "When requested by the ~~commissioner~~ Commissioner of  
22 Revenue, all transporters of forest products out of, within or  
23 across the State of Alabama shall be required to furnish said  
24 commissioner, under oath and upon forms prescribed by him, any  
25 and all information relative to the transportation of such  
26 forest products, and such reports shall contain, in addition  
27 to other required information, the name of the shipper, the

1 date of shipment, the quantity and type or character of such  
2 forest products, stated in units or measurements applicable to  
3 such forest products, the point of receipt or shipment and the  
4 point of destination; provided, that in the case of common  
5 carriers using bills of lading or way bills prescribed or  
6 approved by the interstate commerce commission, such common  
7 carriers shall only be required to keep the usual records at  
8 the office or offices in this state where such records are  
9 usually kept.

10 "§9-13-122.

11 "Whenever the State Forester determines that there  
12 exists an infestation or infection injurious to timber of  
13 forest growth on privately owned lands and that said  
14 infestation or infection is of such a nature as to be a menace  
15 to the timber on forestlands of adjacent owners, the State  
16 Forester, with the approval of the ~~State Forestry Commission~~  
17 Commissioner of Agriculture and Industries, may declare the  
18 existence of a control zone and describe and fix the control  
19 zone boundaries.

20 "§9-13-124.

21 "Whenever the ~~State Forestry Commission~~ State  
22 Forester determines that insect or disease control work within  
23 the designated control zone is no longer necessary or  
24 feasible, then ~~the he or she State Forestry Commission~~ shall  
25 ~~instruct the state forester by~~ issue a written order to  
26 dissolve the control zone.

27 "§9-13-125.

1            "In order to accomplish the suppression, eradication  
2 and destruction of such tree infestation or infection as  
3 outlined in this article, the ~~State Forestry Commission~~  
4 Commissioner of Agriculture and Industries may enter into  
5 cooperative agreements with the federal government and other  
6 public or private agencies and with forest landowners using  
7 any such funds as may be pledged in such agreements for the  
8 suppression of infestation or infection in forest trees.

9            "§9-13-126.

10           "There is hereby created in the State Treasury a  
11 special fund to be known as the "Control of Forest Tree  
12 Insects and Diseases Fund." Such fund shall consist of all  
13 moneys appropriated thereto by the Legislature; all revenues  
14 collected under the provisions of this article; and any moneys  
15 paid into the ~~State Forestry Commission~~ Department of  
16 Agriculture, Forestry, and Consumer Services or the Division  
17 of State Forestry by the federal government or any agency  
18 thereof to be used for the purpose of this article. All such  
19 funds are hereby appropriated to the ~~State Forestry Commission~~  
20 Department of Agriculture, Forestry, and Consumer Services,  
21 Division of State Forestry, to be used to carry out the  
22 purposes of this article. No portion of such fund shall revert  
23 to the General Fund of the State at the end of any fiscal  
24 year, and any surplus shall be allowed to accumulate from year  
25 to year and be disbursed as exigencies of the state's insect  
26 infestation or disease infection programs may require.

27           "§9-13-140.

1           "Whenever conditions exist in any county or counties  
2 in this state which produce extraordinary danger from fire,  
3 the ~~State Forestry Commission~~ Commissioner of Agriculture and  
4 Industries, with approval of the Governor, may by regulation  
5 declare a drought emergency condition in such county or  
6 counties.

7           "§9-13-141.

8           "At such time as the ~~State Forestry Commission~~  
9 Commissioner of Agriculture and Industries has declared by  
10 regulation a drought emergency in any county or counties, it  
11 shall be unlawful in such county or counties for any person to  
12 set fire to any forest, grass, woods, wildlands or marshes or  
13 to build a campfire or bonfire or to burn trash or other  
14 material that may cause a forest, grass or woods fire. This  
15 prohibition does not apply to any backfire set by an official  
16 representative or agent of the ~~State Forestry Commission~~  
17 Department of Agriculture, Forestry, and Consumer Services.  
18 Nor does this prohibition apply when a backfire is set by any  
19 person for the purpose of saving life or property; provided,  
20 that such person shall have the burden of proving the  
21 necessity for setting such backfire if he claims same as a  
22 defense.

23           "§9-13-161.

24           "For the purpose of receiving the financial and  
25 supervisory cooperation of the ~~State Forestry Commission~~  
26 Division of State Forestry of the ~~State of Alabama~~ Department  
27 of Agriculture, Forestry, and Consumer Services in forest

1 protection, any county commission is empowered, authorized and  
2 required to assess and levy a special annual tax not to exceed  
3 \$.04 per acre against the forested acreage of the county  
4 subject to the conditions set forth in Section 9-13-163.

5 "§9-13-162.

6 "The ~~State Forestry Commission~~ State Forester is  
7 hereby empowered and directed to establish and designate such  
8 forest protection areas prior to the submission of the  
9 petition provided for in Section 9-13-163.

10 "§9-13-163.

11 "For the purpose of receiving the financial and  
12 supervisory cooperation of the ~~State Forestry Commission~~  
13 Division of State Forestry of the ~~State of Alabama~~ Department  
14 of Agriculture, Forestry, and Consumer Services in forest  
15 protection, the county commission is required to make, assess  
16 and levy a special annual tax upon all said lands in the  
17 county, or any definitely described portion thereof,  
18 immediately upon receipt of a petition so requesting, signed  
19 by a majority of the freeholders of the county, or any  
20 definitely described portion thereof, said area to be known as  
21 a forest protection area.

22 "§9-13-164.

23 "The ~~State Forestry Commission~~ State Forester is  
24 hereby empowered and directed to furnish to the county  
25 commission of the county in which it is proposed to establish  
26 a forest protection area a list of the landowners within said  
27 proposed forest protection area, said list to show the total

1 amount of forestland owned by each landowner subject to the  
2 forest protection tax within said forest protection area.

3 "§9-13-166.

4 "The tax so assessed shall be collected as other  
5 taxes are collected and remitted to the state Treasurer and  
6 placed in a "Forest Protection Fund" to be expended by the  
7 ~~State Forestry Commission~~ Division of State Forestry of the  
8 ~~State of Alabama~~ Department of Agriculture, Forestry, and  
9 Consumer Services for forest fire protection in the county, or  
10 any definitely described portion thereof, against which the  
11 tax has been assessed.

12 "§9-13-167.

13 "The tax provided for in Section 9-13-161 shall  
14 remain the same from year to year, except that it may be  
15 changed or discontinued upon receipt of a petition so  
16 requesting, signed by a majority of the freeholders of the  
17 county, or any definitely described portion thereof, involved  
18 or by the ~~State Forestry Commission of the State of Alabama~~  
19 Commissioner of Agriculture and Industries.

20 "§9-13-181.

21 "The county commission of any county in this state  
22 is authorized, when the need therefor exists, to provide in  
23 the manner specified in this division protection against  
24 forest fires in such county by participating in the ~~State~~  
25 ~~Forestry Commission's~~ Division of State Forestry's fire  
26 protection program.

27 "§9-13-182.

1           "Any county commission which provides forest fire  
2 protection to the persons and property of its county by  
3 participating in the ~~State Forestry Commission's~~ Division of  
4 State Forestry's fire protection program may in the manner  
5 specified in this division assess the whole or any part of the  
6 cost of such fire protection program, not in excess of \$.05  
7 per acre, to the owners of forestland in the county; provided,  
8 that such assessment is not greater than the benefit accruing  
9 to such forestland due to the availability of such fire  
10 protection.

11           "§9-13-185.

12           "All moneys accruing to any county from the  
13 assessments as provided in this division shall be placed in  
14 the county treasury or depository, as the case may be, to the  
15 credit of a special fire protection fund, which fund shall be  
16 used or disbursed by said county commission only in  
17 participating in the ~~State Forestry Commission's~~ Division of  
18 State Forestry's fire protection program within such county  
19 under such procedures and policies as may be prescribed by the  
20 ~~State Forestry Commission and~~ Department of Agriculture,  
21 Forestry, and Consumer Services. Any unexpended balance in  
22 said fund at the end of any fiscal year shall remain therein  
23 for use during the ensuing fiscal year.

24           "§9-13-189.

25           "As used in this article, the following words shall  
26 have the meanings stated below, unless the context requires  
27 otherwise:

1           "~~(1) COMMISSION. The Alabama Forestry Commission.~~  
2           DEPARTMENT. The Department of Agriculture, Forestry, and  
3           Consumer Services.

4           "(2) FOREST LAND. Any land which supports a forest  
5           growth or which is being used or reserved for any forest  
6           purpose and is classified as Class III forest property in  
7           Section 40-8-1(b) (1), but excludes land within the city limits  
8           of any incorporated municipality.

9           "(3) OWNER. Any person who is engaged in and has an  
10          economic risk in the business of producing or causing to be  
11          produced, for market, forest or timber products.

12          "(4) PERSON. Any individual, partnership,  
13          corporation, company, society, or association, or other  
14          business entity.

15          "(5) LESSEE. Any person who leases land for a period  
16          over five years for the purpose of producing or causing to be  
17          produced, for market, forest or timber products.

18          "§9-13-190.

19          "The forestry and fire prevention program provided  
20          for in this article shall be administered by the ~~Alabama~~  
21          ~~Forestry Commission~~ Division of State Forestry. The commission  
22          and Department of Agriculture, Forestry, and Consumer Services  
23          shall have the authority to adopt such rules and regulations  
24          as it deems necessary to effectuate the purposes of this  
25          article.

26          "§9-13-192.



1           "The charge, fee, or assessment will be levied and  
2 collected in the same manner as ad valorem taxes are levied  
3 and collected. All revenues or moneys collected under the  
4 provisions of this article shall be distributed by the office  
5 of the county tax collector, or person charged with the  
6 collection of taxes, to the ~~commission~~ department's Division  
7 of State Forestry. The first assessment and collection of the  
8 levy provided for herein shall be during and for the fiscal  
9 (tax) year beginning October 1 next following the satisfaction  
10 of all prerequisites required herein for imposition of the  
11 levy herein provided.

12           "§9-13-193.

13           "(a) The ~~commission~~ department shall authorize a  
14 referendum among owners or lessees of forest land to determine  
15 whether an assessment shall be levied upon said owners or  
16 lessees to offset, in whole or in part, the cost of forestry  
17 and forest fire protection programs.

18           "(b) The assessment levied against each owner or  
19 lessee under this article shall be ten cents per acre of  
20 forest land owned.

21           "(c) All affected owners or lessees of forest land  
22 shall be entitled to vote in any such referendum. The  
23 ~~commission~~ department shall determine any questions of  
24 eligibility to vote and shall establish rules and regulations  
25 pertaining to the vote.

26           "(d) If a majority of those voting at the referendum  
27 vote in favor of the assessment, then the charge, fee or

1 assessment shall be collected from the owners or lessees of  
2 forest land. The finance charge, fee or assessment levied by  
3 this article shall not be effective until a majority vote is  
4 obtained according to guidelines established by the ~~commission~~  
5 department.

6 "(e) The finance charge, fee or assessment shall be  
7 due and payable at the same time as county ad valorem taxes.  
8 The assessments collected in each county under this article  
9 shall be promptly remitted to the ~~commission~~ department under  
10 such terms and conditions as the State Forester and  
11 Commissioner of Agriculture and Industries shall deem  
12 necessary to ensure that such assessments are used in a sound  
13 forestry program and for the prevention of and protection  
14 against forest fire.

15 "(f) With respect to any referendum conducted under  
16 the provisions of this article, the duly certified  
17 organization shall, not less than 30 days before the date of  
18 such referendum, cause to be published at least once a week  
19 for three weeks in a newspaper of county-wide circulation the  
20 date, hours, polling places and rules for voting in the  
21 referendum, the amount and basis of the assessment proposed to  
22 be collected, the means by which such assessment shall be  
23 collected, and the general purposes to which said amount so  
24 collected shall be expended and applied. Such notice shall be  
25 published by the certified organization through the medium of  
26 an established forestry publication and written notice  
27 therefor shall be given to each county agent and ~~Alabama~~

1 ~~Forestry Commission~~ Division of State Forestry supervisor in  
2 this state.

3 "§9-13-194.

4 "The arrangements for the place, time and management  
5 of any referendum held under this article shall be under the  
6 direction of the ~~commission~~ department. The ~~commission~~  
7 department shall bear all expenses incurred in conducting the  
8 referendum, including the furnishing of ballots and arranging  
9 for the necessary poll holders.

10 "§9-13-195.

11 "In the event the referendum conducted under this  
12 article fails to receive the required number of affirmative  
13 votes, the ~~commission~~ department may call another referendum  
14 after the expiration of two years.

15 "§9-13-196.

16 "(a) An owner or lessee of forest land who fails to  
17 pay, upon reasonable notice, any assessment levied under this  
18 article shall, in addition to the assessment, be subject to a  
19 per acre penalty as established by the department's  
20 ~~commission's~~ rules and regulations.

21 "(b) Any finance charge, fee, or assessment levied  
22 shall constitute a lien on the property against which it is  
23 levied. In case of default in the payment of such finance  
24 charge, fee, or assessment, the subject land may be sold in  
25 the same manner and under the same conditions that lands are  
26 sold for the satisfaction of liens for county ad valorem  
27 taxes, provided, however, no sale of the subject land may

1 occur within three years from the date of said default, and  
2 redemption from such sale may be effected in the same manner  
3 as is provided by law for redemption where land is sold for  
4 nonpayment of ad valorem taxes.

5 "§9-13-201.

6 "The expenses incurred by the ~~advisory committee~~  
7 Department of Agriculture, Forestry, and Consumer Services in  
8 attending meetings of the Southeastern Interstate Forest Fire  
9 Protection Compact shall be payable out of the Alabama  
10 Forestry ~~Commission~~ Fund. Such expenses shall include travel  
11 costs and other necessary expenses of the advisory committee  
12 members of the State of Alabama to and from meetings of the  
13 compact or its duly constituted sections or committees.

14 "§9-13-225.

15 "When any judgment of condemnation or forfeiture is  
16 made in any case filed under the provisions of this section,  
17 the judge making such judgment shall order and direct that  
18 said vehicle and equipment be forfeited or awarded to the  
19 ~~State Forester~~ Commissioner of Agriculture and Industries to  
20 be sold or used by him in the enforcement of the law.

21 "~~And said~~ The order provided for herein, in the  
22 event that no appeal is taken within 15 days from the  
23 rendition thereof, shall be carried out and executed. The  
24 court, at its discretion, shall direct in said judgment that  
25 the cost of the proceedings be paid by the person(s) in whose  
26 possession said vehicle and equipment were found when seized,  
27 or by any party or parties that claim to own said vehicle and

1 equipment, or any interest therein, and who contested the  
2 condemnation and forfeiture thereof. The ~~State Forester~~  
3 Commissioner of Agriculture and Industries shall keep a  
4 permanent record of all such vehicles and equipment awarded to  
5 him as provided for herein, to be accounted for as other  
6 public property.

7 "§9-13-226.

8 "In the event the seized items are sold, the  
9 proceeds from the sale shall be used, first, for payment of  
10 all proper expenses of the proceedings for forfeiture and  
11 sale, including expenses of seizure, maintenance or of  
12 custody, advertising and court costs; and the remaining  
13 proceeds from such sale shall be in the property of the  
14 ~~Alabama Forestry Commission~~ Department of Agriculture,  
15 Forestry, and Consumer Services or other entities whose law  
16 enforcement agencies or departments are determined by the  
17 ~~Alabama Forestry Commission~~ Commissioner of Agriculture and  
18 Industries to have been participants in the investigation  
19 resulting in the seizure. Such award and distribution shall be  
20 made on the basis of the percentage(s) as determined by the  
21 ~~State Forester~~ Commissioner of Agriculture and Industries  
22 which the respective agencies or departments contributed to  
23 the police work resulting in the seizure.

24 "§9-13-272.

25 "As used in this article, the following words shall  
26 have the following meanings:

1           "(1) CERTIFIED PRESCRIBED BURN MANAGER. An  
2 individual who successfully completes a certification program  
3 approved by the ~~Alabama Forestry Commission and~~ Division of  
4 State Forestry of the Department of Agriculture, Forestry, and  
5 Consumer Services.

6           "(2) PRESCRIBED BURNING. The controlled application  
7 of fire to naturally occurring vegetative fuels for  
8 ecological, silvicultural, agricultural and wildlife  
9 management purposes under specified environmental conditions  
10 and the following of appropriate precautionary measures which  
11 cause the fire to be confined to a predetermined area and  
12 accomplishes the planned land management objectives.

13           "(3) PRESCRIPTION. A written plan for starting and  
14 controlling a prescribed burn to accomplish the ecological,  
15 silvicultural, and wildlife management objectives.

16           "§9-13-273.

17           "(a) No property owner or his or her agent,  
18 conducting a prescribed burn in compliance with this article,  
19 shall be liable for damage or injury caused by fire or  
20 resulting smoke unless it is shown that the property owner or  
21 his or her agent failed to act within that degree of care  
22 required of others similarly situated.

23           "(b) Prescribed burning conducted in compliance with  
24 this article shall be considered in the public interest if it  
25 meets all of the following requirements:

1           "(1) It is accomplished only when at least one  
2 certified prescribed burn manager is supervising the burn or  
3 burns that are being conducted.

4           "(2) A written prescription is prepared and  
5 witnessed or notarized prior to prescribed burning.

6           "(3) A burning permit is obtained from the ~~Alabama~~  
7 ~~Forestry Commission~~ Division of State Forestry.

8           "(4) It is conducted pursuant to state law and rules  
9 applicable to prescribed burning.

10          "(c) The ~~Alabama Forestry Commission~~ and Department  
11 of Agriculture, Forestry, and Consumer Services may promulgate  
12 rules for the certification of prescribed burn managers and  
13 guidelines for a prescribed burn prescription.

14          "(d) The ~~Alabama Forestry Commission~~ Division of  
15 State Forestry may charge and collect fees and other payments  
16 from persons applying for certification or training as a  
17 prescribed burn manager as may be necessary to provide  
18 training required for certification as a prescribed burn  
19 manager and to carry out other administrative aspects of this  
20 article; however the expenditure of any fees charged by the  
21 ~~Forestry Commission~~ Division of State Forestry under this  
22 subsection shall be budgeted and allotted pursuant to the  
23 Budget Management Act and Article 4 of Chapter 4 of Title 41.

24           "§9-15-3.

25           "It shall be the duty of the Department of  
26 Conservation and Natural Resources as to all unused lands  
27 owned absolutely by the state to determine which of said lands

1 are most suitable to be devoted to forest culture and to make  
2 a list of such lands and file the same in the office of the  
3 Department of Finance, and the lands, as shown on such list,  
4 shall thereafter, at the direction of the Governor, be devoted  
5 to forest culture or to the purposes of state parks under the  
6 administration of the ~~State Forestry Commission~~ Division of  
7 State Forestry of the Department of Agriculture, Forestry, and  
8 Consumer Services or the Division of Parks, Department of  
9 Conservation and Natural Resources, as state forests or state  
10 parks.

11 "§9-15-30.

12 "(a) Title to all lands of the swamp and overflowed  
13 category or swamp and overflowed indemnity lands, which are,  
14 subsequent to September 5, 1951, patented to the State of  
15 Alabama by the federal government and recorded in the office  
16 of the Secretary of State, shall be vested in the Division of  
17 Lands of the Department of Conservation and Natural Resources.

18 "(b) The Commissioner of Conservation and Natural  
19 Resources shall utilize such lands for the purpose or purposes  
20 which he deems to be most expedient and beneficial. He is  
21 hereby authorized to practice forestry upon such lands and may  
22 lease such lands for the exploration or extraction of oil, gas  
23 or other minerals. Said land shall be supervised and managed  
24 in the same manner as other lands which are under the  
25 supervision of the Department of Conservation and Natural  
26 Resources are managed.



1           "(c) The Commissioner of Conservation and Natural  
2 Resources shall have the authority, with the approval of the  
3 Governor, to sell, lease, exchange or otherwise dispose of  
4 these lands as he may deem advisable.

5           "(d) The revenue derived from the sale, lease,  
6 management or utilization of such lands shall be covered into  
7 the State Treasury by the Commissioner of Conservation and  
8 Natural Resources to the credit of either the State Lands  
9 Fund, the Alabama Forestry ~~Commission~~ Fund or State Park Fund  
10 as the Commissioner of Conservation and Natural Resources  
11 deems appropriate and for the best interest of the Department  
12 of Conservation and Natural Resources.

13           "(e) This section is not intended to and does not  
14 transfer or affect title to those lands of this category or  
15 nature which have been previously patented to the state and  
16 which have been recorded in the office of the Secretary of  
17 State. Such titles shall remain vested in the institution or  
18 department in which they are at present vested.

19           "§9-15-82.

20           "(a) This article shall not apply to the transfers  
21 of real property between departments, boards, bureaus,  
22 commissions, institutions, corporations, or agencies of the  
23 state. These transfers may be made by mutual agreements  
24 between the chief executive officers of the respective  
25 departments with the approval of the Governor. This article  
26 shall not apply to the leasing or sale of timber from unused  
27 lands under Section 9-15-1 et seq.; to the leasing or sale of

1 timber from school lands and swamp and overflowed lands under  
2 Section 9-15-30 et seq.; to the leasing of oil, gas, and other  
3 minerals under Section 9-17-60 et seq.; real property sold by  
4 the Department of Revenue under tax sales and redemptions; to  
5 the sale of property by the Alabama Historical Commission  
6 under Section 41-9-249(7); to reversions made under Section  
7 31-4-18; to the sale or conveyance of real property by the  
8 Alabama Housing Finance Authority; to the sale or lease of any  
9 interest in real property owned for investment purposes by any  
10 trust fund administered by the Division of Risk Management; or  
11 to property traded in right of way negotiations or sales of  
12 excess right of way or uneconomic remnants by the State  
13 Department of Transportation. Notwithstanding any other  
14 provisions of this article, the ~~Alabama Forestry Commission~~  
15 Division of State Forestry of the Department of Agriculture,  
16 Forestry, and Consumer Services shall have the authority to  
17 conduct real property sales in accordance with this article  
18 without going through the Lands Division. In so doing, the  
19 ~~Alabama Forestry Commission~~ Division of State Forestry shall  
20 comply with all other provisions of this article. This article  
21 shall not apply to the granting of easements, rights-of-way  
22 for utilities, roads, streets, and sidewalks where there is no  
23 competitive market. Notwithstanding any other provision of  
24 this article, institutions and systems of higher education  
25 with separately constituted boards of trustees or those  
26 institutions of higher education subject to the supervision  
27 and authority of the State Board of Education that have

1 written policies and procedures governing transfers of  
2 interest in real property have the authority to conduct real  
3 property sales and leases by public auction or publicly sought  
4 sealed bid in accordance with procedures in the article for  
5 advertising and receiving bids, without going through the  
6 Lands Division of the state Department of Conservation and  
7 Natural Resources. Furthermore, in those cases in which it can  
8 be economically justified and it is deemed to be in the best  
9 interest of the institution or system and the State of Alabama  
10 to offer an interest in real property for sale or lease  
11 through a listing with a duly licensed real estate broker who  
12 shall publicize the offer in accordance with customary  
13 practices or through negotiation after publicly announced  
14 requests for proposals to sell or lease the property are made,  
15 rather than through a procedure otherwise described in this  
16 article, the institution or system may do so, provided that a  
17 written declaration setting forth the specific reasons why it  
18 is deemed to be in the best interest of the institution or  
19 system and the State of Alabama to make specific sale or lease  
20 in question in such manner is made by an agent of the  
21 institution authorized by the board of trustees or the State  
22 Board of Education, and subsequently ratified by the board of  
23 trustees or the State Board of Education and the document  
24 shall be retained and made a part of the permanent file and  
25 shall be open to public inspection. Sales and leases  
26 transacted as described in this section shall be deemed to be  
27 in compliance with all provisions of this article. Ground

1 leases and leases of facilities by institutions of higher  
2 education to social or professional organizations, faculty  
3 members, employees, or for institution-related purposes which  
4 are designed to enhance the operation of the institution and  
5 are declared to be in the best interest of the institution by  
6 the board of trustees or the State Board of Education, are  
7 exempt from the provisions of this article. Such declaration  
8 shall be maintained as aforesaid.

9 "(b) Except as set out hereinafter, nothing herein  
10 contained shall be construed to apply in any manner to the  
11 sale or lease of any real property or any interest therein  
12 owned in whole or in part by any county or municipal board of  
13 education, any county or municipal government or any of their  
14 respective boards, agencies, departments, corporations, or  
15 instrumentalities including corporations and/or boards in  
16 regard to which any county or municipal governing body is a  
17 determining or appointing authority. Provided that nothing  
18 herein contained shall be construed to apply in any manner to  
19 the sale or lease of any real property or interest therein  
20 owned by the State of Alabama and the departments, boards,  
21 bureaus, commissions, instrumentalities, corporations, and  
22 agencies of the state to the United States government, any  
23 county or municipal board of education, any county or  
24 municipal governing body or any of their respective boards,  
25 agencies, departments, corporations, or instrumentalities  
26 including corporations and/or boards in regard to which any  
27 county or municipal governing body is a determining or

1 appointing authority, subject to the condition that such  
2 property or any interest therein is not resold, leased, or  
3 otherwise transferred in whole or in part, within three years,  
4 to any private person, firm, or corporation without compliance  
5 with the provisions of this article. Provided, however, that  
6 if the property is to be sold within three years from the date  
7 it was acquired, the state shall have the right to repurchase  
8 the property at the price it was sold by the state. Provided,  
9 further, that all such transactions between the United States  
10 government, any county or municipal board of education, any  
11 county or municipal government, or any of their respective  
12 boards, agencies, departments, corporations, or  
13 instrumentalities including corporations or boards and the  
14 state or any department, board, bureau, commissions,  
15 instrumentalities, corporations, and agencies of the state  
16 shall have the approval of the Governor and written notice of  
17 such transaction shall be given to the Lands Division of the  
18 Department of Conservation and Natural Resources at least 30  
19 days before the closing of such transaction.

20 "(c) Notwithstanding any other provision of this  
21 article, this article shall not apply to lease-leaseback  
22 transactions entered into by institutions and systems of  
23 higher education with separately constituted boards of  
24 trustees provided that any such institution or system of  
25 higher education shall at all times remain the owner of any  
26 real property the subject of any such lease-leaseback  
27 transaction.

1           "(d) Notwithstanding any other provision of this  
2 article, this section shall not apply to the sale, lease, or  
3 transfer of any property owned by a municipal commercial  
4 development authority subject to Article 6, commencing with  
5 Section 11-54-170, of Chapter 54 of Title 11.

6           "§11-84-2.

7           "~~The State Forestry Commission~~ Division of State  
8 Forestry of the Department of Agriculture, Forestry, and  
9 Consumer Services is hereby authorized and it shall have the  
10 power to supply from its forest tree nursery or nurseries such  
11 forest tree seedlings and transplants as may be necessary and  
12 suitable for reforesting any part or all of any lands so  
13 acquired or now owned and so administered by any such county,  
14 city, or town and to furnish such technical assistance and  
15 supervision as ~~the said State Forestry Commission~~ it may deem  
16 necessary for the proper management and administration of such  
17 lands and forest thereon free of cost to the counties, cities,  
18 and towns; provided, that the respective counties, cities, and  
19 towns shall agree to administer such lands in accordance with  
20 the practices and principles of scientific forestry as  
21 determined by ~~said State Forestry Commission~~ the Division of  
22 State Forestry.

23           "§23-1-293.

24           "(a) The Designating Committee shall consist of a  
25 state legislator to be appointed by the Governor, a state  
26 Senator appointed by the President Pro Tempore of the Senate,  
27 a member of the House of Representatives appointed by the

1 Speaker of the House, and the heads, or their official  
2 designees, of the following seven departments:

3 "(1) The Alabama State Department of Transportation.

4 "(2) The Alabama Bureau of Tourism and Travel.

5 "(3) The Alabama Historical Commission.

6 "(4) The Alabama Council on the Arts.

7 "(5) The Alabama Department of Economic and  
8 Community Affairs.

9 "(6) The Alabama Department of Conservation and  
10 Natural Resources.

11 "(7) The Alabama ~~Forestry Commission~~ Department of  
12 Agriculture, Forestry, and Consumer Services, Division of  
13 State Forestry.

14 "(b) The Designating Committee shall perform the  
15 following duties:

16 "(1) Designate as scenic byways from the highways  
17 recommended to it by the Advisory Council, as provided in  
18 subsection (d) of Section 23-1-294.

19 "(2) Advise the Governor and the Legislature of each  
20 designation.

21 "(3) Adopt procedures for the administration of  
22 designating and managing scenic byways.

23 "(4) Remove the designation of a highway as a scenic  
24 byway where it deems appropriate.

25 "§31-9C-2.

26 "(a) There is created the Alabama First Responder  
27 Wireless Commission, which shall be responsible for promoting

1 the efficient use of public resources to ensure that law  
2 enforcement, fire and rescue services, and essential public  
3 health and emergency support personnel have effective  
4 communication services available in emergency situations, and  
5 to ensure the rapid restoration of such communication services  
6 in the event of disruption caused by natural disaster,  
7 terrorist attack, or other public emergency.

8 "(b) The commission shall consist of the following  
9 members:

10 "(1) The Governor or his or her designee.

11 "(2) The Director of the Alabama Department of  
12 Transportation or his or her designee.

13 "(3) The Director of the Alabama Department of  
14 Public Safety or his or her designee.

15 "(4) The Director of the Alabama Department of  
16 Economic and Community Affairs or his or her designee.

17 "(5) The Director of the Alabama Emergency  
18 Management Agency or his or her designee.

19 "(6) The Director of the Alabama Department of  
20 Homeland Security or his or her designee.

21 "(7) The Director of the Alabama Department of  
22 Corrections or his or her designee.

23 "(8) The Director of the Alabama Department of  
24 Finance or his or her designee.

25 "(9) The Director of the Alabama Department of  
26 Public Health or his or her designee.



1                   "(10) The President of the Alabama Sheriff's  
2 Association or his or her designee.

3                   "(11) The President of the Alabama Association of  
4 Chiefs of Police or his or her designee.

5                   "(12) The President of the Alabama Association of  
6 Volunteer Fire Departments or his or her designee.

7                   "(13) The Adjutant General of the Alabama National  
8 Guard or his or her designee.

9                   "(14) The Commissioner of the Alabama Department of  
10 Conservation and Natural Resources or his or her designee.

11                   "(15) The Administrator of the Alabama Alcoholic  
12 Beverage Control Board or his or her designee.

13                   "(16) The President of the Alabama Association of  
14 Emergency Managers or his or her designee.

15                   "(17) The President of the Alabama Association of  
16 Fire Chiefs or his or her designee.

17                   "(18) The President of the Alabama Chapter of the  
18 National Emergency Number Association or his or her designee.

19                   "(19) The President of the Association of County  
20 Commissions of Alabama or his or her designee.

21                   "(20) The President of the Alabama League of  
22 Municipalities or his or her designee.

23                   "(21) The Tribal Chair of the Poarch Band of Creek  
24 Indians or his or her designee.

25                   "(22) The President of the Alabama Association of  
26 9-1-1 Districts or his or her designee.

1           "(23) The President of the Alabama Association of  
2 Rescue Squads or his or her designee.

3           "~~(24) The Chairperson of the Alabama Forestry~~  
4 ~~Commission~~ State Forester or his or her designee.

5           "(25) The Chairperson of the Federal Communication  
6 Commission Region 1 700 Mhz Regional Planning Committee or his  
7 or her designee.

8           "(26) The Statewide Interoperability Coordinator for  
9 Alabama or his or her designee.

10          "(27) The Alabama State Fire Marshall or his or her  
11 designee.

12          "(28) The Director of the Alabama Department of  
13 Agriculture, Forestry, and ~~Industries~~ Consumer Services or his  
14 or her designee.

15          "(c) The members of the commission shall serve a  
16 term of not less than two years.

17          "(d) By October 1, 2013, the Director of the Alabama  
18 Department of Homeland Security shall call a meeting of the  
19 commission in the City of Montgomery, Alabama, to elect from  
20 its membership a chair, vice chair, and other officers as the  
21 director deems necessary. The commission shall adopt rules to  
22 govern its proceedings but shall meet at least quarterly. A  
23 majority of the membership of the commission shall constitute  
24 a quorum for all meetings. A written record shall be  
25 maintained of all meetings.

26          "(e) Members of the commission shall receive  
27 reimbursement for travel expenses when approved by the chair

1 and incurred in the performance of their duties but no other  
2 compensation.

3 "(f) The commission may employ or contract for an  
4 executive director, who shall serve at the pleasure of the  
5 commission and who shall be responsible directly to the  
6 commission for the general supervision and execution of the  
7 work of the commission. The commission shall fix his or her  
8 compensation, with the approval of the Governor, and shall  
9 further designate his or her duties and authority.

10 "(g) The commission may employ, on a part-time or  
11 full-time basis, such engineers, attorneys, laborers,  
12 technicians, or administrative employees and supervisory or  
13 professional personnel as may be necessary or advisable to  
14 carry out in the most efficient and beneficial manner the  
15 purposes and provisions of this chapter. All permanent  
16 full-time employees, other than the executive director, shall  
17 be subject to the state Merit System.

18 "§32-6-272.

19 "(a) The distinctive license plates here provided  
20 for shall be prepared by the Commissioner of Revenue and shall  
21 be issued through the judge of probate, license commissioner,  
22 or other license issuing official of the several counties of  
23 the state in like manner as are other motor vehicle license  
24 plates or tags and such officers shall be entitled to their  
25 regular fees for such service.

26 "(b) The ~~Alabama Forestry Commission~~ Division of  
27 State Forestry of the Department of Agriculture, Forestry, and

1 Consumer Services shall prepare a list of all members of  
2 certified volunteer fire departments and the Firefighters'  
3 Personnel Standards and Education Commission shall prepare a  
4 list of all members of paid or part-paid fire departments. The  
5 ~~Alabama Forestry Commission~~ Division of State Forestry shall  
6 also add to the list any retired volunteer firefighter retired  
7 from a volunteer fire department in another state who submits  
8 proof to the ~~commission~~ division of eligibility pursuant to  
9 this division. The ~~Forestry Commission~~ Division of State  
10 Forestry and the Firefighters' Personnel Standards and  
11 Education Commission shall submit to the judge of probate,  
12 license commissioner, or other license issuing official of  
13 each county by December 1 of each year the lists of members of  
14 fire departments.

15 "(c) An applicant for a distinctive plate shall  
16 present to the issuing official proof of his or her  
17 identification, and the firefighter shall be issued the  
18 requested number of distinctive license plates or tags upon  
19 the payment of the regular license fee for tags, as provided  
20 by law, but shall not be required to pay the three dollar (\$3)  
21 fee. The distinctive license plates or tags so issued shall be  
22 used only upon and for personally-owned, private, passenger  
23 vehicles, to include station wagons and pick-up trucks,  
24 registered in the name of the firefighter making application  
25 therefor, and when so issued to the applicant shall be used  
26 upon the vehicle for which issued in lieu of the standard

1 license plates or license tags normally issued for such  
2 vehicle.

3 "(d) Any person who joins a volunteer, paid, or  
4 part-paid fire department after December 1 of any year or any  
5 person who is mistakenly omitted from the lists prepared as  
6 described above may obtain a distinctive plate by presenting  
7 to the license issuing official proof of his or her membership  
8 in a fire department by means of a certificate signed by the  
9 chief of the department on a form prescribed by the ~~Alabama~~  
10 ~~Forestry Commission~~ Division of State Forestry.

11 "(e) Anyone who is proven to have either falsely  
12 obtained or certified an individual to obtain a distinctive  
13 firefighter license plate shall be guilty of a Class C  
14 misdemeanor, and upon conviction, shall be punished according  
15 to law.

16 "(f) A distinctive license plate shall be provided,  
17 upon written request, to a widow or widower of either of a  
18 paid, part-paid, or a volunteer firefighter who dies in the  
19 line of duty. For purposes of this subsection, a death in the  
20 line of duty is determined by a circumstance in which a  
21 municipal firefighter's death would result in a death benefit  
22 under Section 11-43-144.

23 "§32-6-410.

24 "Upon application to the judge of probate or license  
25 commissioner, compliance with motor vehicle registration and  
26 licensing laws, payment of regular fees required by law for  
27 license tags or plates for private passenger or pleasure motor

1 vehicles, and payment of an additional fee of fifty dollars  
2 (\$50), owners of motor vehicles who are residents of Alabama  
3 shall be issued distinctive "Alabama Forests" license tags and  
4 plates. These tags or plates shall be valid for five years,  
5 and shall then be replaced with either conventional or  
6 personalized tags or plates. Payment of required license fees  
7 and taxes for the years during which a new tag or plate is not  
8 issued shall be evidenced as provided for in Section 32-6-63.  
9 The distinctive "Alabama Forests" license tags or plates shall  
10 be produced and designed by the Alabama Department of Revenue  
11 with the advice and consent of the ~~Alabama Forestry Commission~~  
12 Division of State Forestry of the Department of Agriculture,  
13 Forestry, and Consumer Services. The tags or plates shall be  
14 issued, printed, and processed like other distinctive and  
15 personalized tags or plates provided for in this chapter.

16 "§32-6-411.

17 "(a) There is hereby established a separate special  
18 revenue trust fund in the State Treasury to be known as the  
19 "Forest Stewardship Education Fund," whose purpose is to  
20 promote the professional management of trees and related  
21 resources and to educate the general public regarding the  
22 contribution that trees and related resources make to the  
23 economy and environmental quality of this state.

24 "(b) Proceeds from the additional revenues generated  
25 by the fifty dollars (\$50) for the "Alabama Forests" tags or  
26 plates, less administrative costs, shall be submitted monthly  
27 by the Alabama state Comptroller to the Forest Stewardship

1 Education Fund. Receipts collected under the provisions of  
2 this division are to be deposited in this fund and used only  
3 to carry out the provisions of this division. Such receipts  
4 shall be disbursed only by warrant of the state Comptroller  
5 upon the State Treasurer, upon itemized vouchers approved by  
6 the State Forester; provided that no funds shall be withdrawn  
7 or expended except as budgeted and allotted according to the  
8 provisions of Sections 41-4-80 through 41-4-96 and 41-19-1  
9 through 41-19-12, and only in amounts as stipulated in the  
10 general appropriations bill or other appropriation bills. The  
11 additional fees represent a charitable contribution from the  
12 purchaser to the ~~Alabama Forestry Commission~~ Division of State  
13 Forestry of the Department of Agriculture, Forestry, and  
14 Consumer Services. The funds may be used by the ~~Alabama~~  
15 ~~Forestry Commission~~ Division of State Forestry of the  
16 Department of Agriculture, Forestry, and Consumer Services or  
17 may be used through grants from the ~~Alabama Forestry~~  
18 ~~Commission~~ Department of Agriculture, Forestry, and Consumer  
19 Services to other organizations.

20 "(c) After the effective date of this act, all funds  
21 remaining in the Forest Stewardship Education Fund #0798 shall  
22 be transferred to the Forest Stewardship Education Fund of the  
23 Department of Agriculture, Forestry, and Consumer Services, as  
24 established by this section.

25 "§32-6-413.

26 "(a) The Alabama Forest Stewardship Education Fund  
27 shall be administered by the Alabama Forest Stewardship

1 Education Committee. The committee shall be appointed by the  
2 ~~Alabama Forestry Commission~~ Commissioner of Agriculture and  
3 Industries, upon advice from the State Forester, and composed  
4 of the following members:

5 "(1) One member of the Alabama Association of  
6 Consulting Foresters.

7 "(2) One member of the Alabama Treasure Forest  
8 Landowners Association.

9 "(3) One member of the Urban Forestry Association.

10 "(4) One member of the Society of American  
11 Foresters.

12 "(5) One member of the Alabama Farmer's Federation.

13 "(6) One member of the Alabama Forest Owners  
14 Association.

15 "(7) The chair of the Board of Registration for  
16 Foresters, or his or her designee.

17 "(8) The Dean of the Auburn University School of  
18 Forestry, or his or her designee.

19 "(9) The Executive Director of the Alabama Forestry  
20 Association, or his or her designee.

21 "(10) The State Forester, or his or her designee,  
22 who shall serve as chair of the committee.

23 "(b) The first six members who are appointed to the  
24 committee shall initially serve two-year terms. At the  
25 expiration of the two-year terms, the members will serve  
26 staggered three-year terms as designated by the chair of the  
27 committee. Each of the members appointed from the association,



1 society, or federation listed in subdivisions (1) through (6)  
2 of subsection (a) shall be appointed by the ~~Alabama Forestry~~  
3 ~~Commission~~ Commissioner of Agriculture and Industries from a  
4 list of three names submitted by the State Forester.

5 "§36-16-11.

6 "There is hereby expressly exempt from Sections  
7 36-16-8 to 36-16-10, inclusive, all livestock, animals, farm  
8 and agricultural products and property owned or used by, or in  
9 connection with, or under control of, all public schools,  
10 universities, colleges, trade schools, Alabama Institute for  
11 Deaf and Blind, State Library Service, and all fire control or  
12 fire rescue equipment acquired by the ~~Alabama Forestry~~  
13 ~~Commission~~ Division of State Forestry of the Department of  
14 Agriculture, Forestry, and Consumer Services from sources  
15 other than state agencies and subsequently donated to  
16 volunteer fire departments pursuant to Section 9-3-19;  
17 provided, Sections 36-16-8 to 36-16-10, inclusive, shall not  
18 apply to the Alabama hospitals for the insane and the Partlow  
19 State School and Hospital.

20 "§36-21-8.

21 "Any person who, at the time of retirement, is in  
22 good standing and employed by the Department of Conservation  
23 and Natural Resources, the Alcoholic Beverage Control Board,  
24 the ~~State Forestry Commission~~ Division of State Forestry of  
25 the Department of Agriculture, Forestry, and Consumer  
26 Services, the Alabama Criminal Justice Information Center, the  
27 Public Service Commission, campus police at a state

1 institution, or any other state agency which requires its  
2 officers to be Peace Officers' Standards and Training  
3 Commission certified as a law enforcement officer or  
4 investigator, or by the Department of Public Safety as a State  
5 Capitol Police Officer shall receive, as part of his or her  
6 retirement benefits, without cost, his or her badge and  
7 pistol.

8 "§36-27-59.

9 "(a) When used in this section, the following terms  
10 shall have the following meanings, unless the context clearly  
11 indicates otherwise:

12 "(1) CORRECTIONAL OFFICER. A full-time correctional  
13 officer who is certified as a correctional officer by the  
14 Alabama Peace Officers' Standards and Training Commission.

15 "(2) FIREFIGHTER. A full-time firefighter employed  
16 with the State of Alabama, a municipal fire department, or a  
17 fire district who has a level one minimum standard  
18 certification by the Firefighters Personnel Standards and  
19 Education Commission, or a firefighter employed by the ~~Alabama~~  
20 ~~Forestry Commission~~ Division of State Forestry of the  
21 Department of Agriculture, Forestry, and Consumer Services who  
22 has been certified by the State Forester as having met the  
23 wild land firefighter training standard of the National  
24 Wildfire Coordinating Group.

25 "(3) LAW ENFORCEMENT OFFICER. A full-time law  
26 enforcement officer, not covered as a state policeman,  
27 employed with any state agency, department, board, commission,

1 or institution or a full-time law enforcement officer employed  
2 by a local unit of the Employees' Retirement System under  
3 Section 36-27-6 who is certified as a law enforcement officer  
4 by the Alabama Peace Officers' Standards and Training  
5 Commission.

6 "(b) (1) Any firefighter, law enforcement officer, or  
7 correctional officer covered under the Employees' Retirement  
8 System or the Teachers' Retirement System as a Tier I plan  
9 member, upon attainment of the requisite years of creditable  
10 service or who otherwise qualifies for service or disability  
11 retirement, shall be awarded one year of hazardous duty time  
12 for every five years of service as a firefighter, a law  
13 enforcement officer, or a correctional officer provided that  
14 the person has made the additional contribution provided in  
15 subdivision (2) or paid the additional contribution required  
16 in subsection (c) for each year of service used in determining  
17 hazardous duty time for the person. Proportional credit shall  
18 be awarded for any period of service less than five years.

19 "(2) Effective January 1, 2001, and each pay period  
20 thereafter, each active employee who is a firefighter, law  
21 enforcement officer, or correctional officer, as defined in  
22 subsection (a), shall contribute to the Teachers' or  
23 Employees' Retirement System of Alabama six percent of his or  
24 her earnable compensation. For all pay dates beginning on or  
25 after October 1, 2011, each active employee who is a  
26 firefighter, law enforcement officer, or correctional officer,  
27 as defined in subsection (a), except those employees

1 participating pursuant to Section 36-27-6, shall contribute to  
2 the Teachers' or Employees' Retirement System of Alabama eight  
3 and one-quarter percent (8.25%) of his or her earnable  
4 compensation. For all pay dates beginning on or after October  
5 1, 2012, each active employee who is a Tier I plan member and  
6 who is a firefighter, law enforcement officer, or correctional  
7 officer, as defined in subsection (a), except those employees  
8 participating pursuant to Section 36-27-6, shall contribute to  
9 the Teachers' or Employees' Retirement System of Alabama eight  
10 and one-half percent (8.5%) of his or her earnable  
11 compensation. Any employer participating under Section  
12 36-27-6, by adoption of a resolution, may elect for the  
13 increases in employee contributions provided by Act 2011-676  
14 to be withheld from the earnable compensation of employees of  
15 the employer.

16 "(c) Any member of the Employees' Retirement System  
17 or the Teachers' Retirement System eligible under subsection  
18 (b) may receive credit for his or her eligible prior service  
19 provided the member pays to the Secretary-Treasurer of the  
20 Employees' Retirement System or the Secretary-Treasurer of the  
21 Teachers' Retirement System one percent of his or her current  
22 annual earnable compensation or previous year's annual  
23 earnable compensation, whichever is higher, for each year of  
24 claimed credit within two years of January 1, 2001, except  
25 that any firefighter employed by the ~~Alabama Forestry~~  
26 ~~Commission~~ Division of State Forestry of the Department of  
27 Agriculture, Forestry, and Consumer Services shall make such

1 payment within two years of December 28, 2001. Any member  
2 participating in the Employees' Retirement System under  
3 Section 36-27-6, who has eligible prior service under this  
4 section and who also had no prior eligibility to purchase  
5 prior service credit under this subsection, may purchase prior  
6 service credit under this section at the same rate provided in  
7 subsection (b) within one year of the effective date of his or  
8 her enrollment with the Employees' Retirement System or within  
9 one year of August 1, 2004. The member may purchase his or her  
10 claimed credit in increments of five years, unless the total  
11 service credit is less than five years, in which case the  
12 service shall be purchased in its entirety. The member shall  
13 provide certification from each employing agency, on forms  
14 prescribed by the Teachers' or Employees' Retirement System,  
15 of each year of claimed service, as a prerequisite to payment  
16 under this section.

17 "(d) The provisions of this section shall not apply  
18 to any Tier II plan member.

19 "§36-30-1.

20 "(a) For the purposes of this chapter, the following  
21 words and phrases shall have the following meanings:

22 "(1) AWARDING AUTHORITY. The State Board of  
23 Adjustment, created and existing pursuant to Article 4,  
24 Chapter 9 of Title 41.

25 "(2) COMPENSATION. The money benefits paid on  
26 account of injury or death which occurred during the course of

1 employment or activity as a peace officer or firefighter and  
2 is in the nature of workers' compensation.

3 "(3) DEPENDENT CHILD. An unmarried child under the  
4 age of 18 years, or one over the age of 18 who is physically  
5 or mentally incapacitated from earning.

6 "(4) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK  
7 OR STROKE. Death resulting from a heart attack or stroke  
8 caused by engaging or participating in a situation while on  
9 duty involving nonroutine stressful or strenuous physical law  
10 enforcement, fire suppression, rescue, hazardous material  
11 response, emergency medical service, prison security, disaster  
12 relief, other emergency medical response activity, or  
13 participation in a training exercise which involved nonroutine  
14 stressful or strenuous physical activity; and the heart attack  
15 or stroke is suffered while still on that duty after so  
16 engaging or participating or not more than 24 hours after so  
17 engaging or participating.

18 "(5) FIREFIGHTER or FIREFIGHTERS. A member or  
19 members of a paid or volunteer fire department of a city,  
20 town, county, or other subdivision of the state or of a public  
21 corporation organized for the purpose of providing water,  
22 water systems, fire protection services, or fire protection  
23 facilities in the state; and shall include the chief,  
24 assistant chief, wardens, engineers, captains, firefighters,  
25 and all other officers and employees of such departments who  
26 actually engage in fire fighting or in rendering first aid in  
27 case of drownings or asphyxiation at the scene of action.

1           "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,  
2           constables, municipal police officers, municipal policemen,  
3           state and town marshals, members of the highway patrol, state  
4           troopers, Alcoholic Beverage Control Board Enforcement  
5           Division agents, enforcement officers of the Public Service  
6           Commission, revenue agents, and persons who are required by  
7           law to comply with the provisions of the Peace Officers'  
8           Minimum Standards, employees of the Board of Corrections,  
9           highway camp guards, law enforcement officers of the  
10          Department of Conservation and Natural Resources, all law  
11          enforcement officers of the ~~Alabama Forestry Commission~~  
12          Division of State Forestry of the Department of Agriculture,  
13          Forestry, and Consumer Services, livestock theft investigators  
14          of the Department of Agriculture, Forestry, and ~~Industries~~  
15          Consumer Services, Capitol security guards, narcotic agents  
16          and inspectors of the State Board of Health, any other state,  
17          county, or municipal officer engaged in quelling a riot, or  
18          civil disturbance, and university police officers.

19               "(b) For the purposes of this chapter, the following  
20               described persons shall be conclusively presumed to be wholly  
21               dependent:

22               "(1) Spouse, unless it be shown that the spouse was  
23               voluntarily living apart from the peace officer or firefighter  
24               at the time of death, or unless it be shown that the peace  
25               officer or firefighter was not in any way contributing to the  
26               spouse's support and had not in any way contributed to the

1 spouse's support for more than 12 months next preceding the  
2 occurrence of the injury causing death.

3 "(2) Minor children under the age of 18 years and  
4 those over 18 if physically and mentally incapacitated from  
5 earning.

6 "(3) Spouse, child, mother, father, grandmother,  
7 grandfather, sister, brother, mother-in-law, and father-in-law  
8 who were wholly supported by a deceased peace officer or  
9 firefighter at the time of his or her death and for a  
10 reasonable period of time prior thereto shall be considered  
11 his or her dependents and payment of compensation may be made  
12 to them as hereinafter authorized.

13 "(c) If a paid or volunteer firefighter, peace  
14 officer, certified police officer, or reserve law enforcement  
15 officer is killed while engaged in the performance of his or  
16 her duties and there are no designated beneficiaries, then the  
17 compensation shall be paid to his or her dependents or partial  
18 dependents in the manner prescribed by Section 36-30-3, and if  
19 there are none, the compensation shall be paid to his or her  
20 non-dependent children, and if there are none, the  
21 compensation shall be paid to his or her parents, and if there  
22 are none, the compensation shall be paid to the estate of the  
23 deceased.

24 "(d) Any member of the class named in subdivision  
25 (3) of subsection (b) who regularly derived part of his or her  
26 support from the earnings of the deceased peace officer or the  
27 deceased firefighter, as the case may be, at the time of his



1 or her death and for a reasonable time immediately prior  
2 thereto shall be considered his or her partial dependent and  
3 payment of compensation may be made to such partial dependent  
4 as hereinafter authorized.

5 "§36-30-2.

6 "(a) In the event a peace officer, or a firefighter,  
7 or a volunteer firefighter, who is a member of an organized  
8 volunteer fire department registered with the ~~Alabama Forestry~~  
9 ~~Commission~~ Division of State Forestry of the Department of  
10 Agriculture, Forestry, and Consumer Services, is killed,  
11 either accidentally or deliberately, or dies as a result of  
12 injuries received while engaged in the performance of his or  
13 her duties, or dies as a direct and proximate result of a  
14 heart attack or stroke, his or her beneficiaries or dependents  
15 shall be entitled to compensation in the amount of one hundred  
16 thousand dollars (\$100,000) to be paid from the State Treasury  
17 as provided in Section 36-30-3, unless such death was caused  
18 by the willful misconduct of the officer or was due to his or  
19 her own intoxication or his or her willful failure or refusal  
20 to use safety appliances provided by his or her employer or  
21 his or her willful refusal or neglect to perform a statutory  
22 duty or any other willful violation of a law or his or her  
23 willful breach of a reasonable rule or regulation governing  
24 the performance of his or her duties or his or her employment  
25 of which rule or regulation he or she had knowledge. Any peace  
26 officer, or any firefighter, or volunteer firefighter whose  
27 death results proximately from an injury received while

1 performing his or her duties shall, for the purposes of this  
2 article, be deemed to have been killed while in the  
3 performance of such duties. If the State Health Officer  
4 determines from all available evidence that a volunteer  
5 firefighter, who is a member of an organized volunteer fire  
6 department registered with the ~~Alabama Forestry Commission~~  
7 Division of State Forestry of the Department of Agriculture,  
8 Forestry, and Consumer Services, has become totally disabled  
9 as a result of any injury received while engaged in the  
10 performance of his or her fire-fighting duties and the  
11 disability is likely to continue for more than 12 months from  
12 the date the injury is incurred, then the firefighter shall be  
13 entitled to receive disability compensation in the amount of  
14 one hundred thousand dollars (\$100,000) to be paid from the  
15 State Treasury as provided in Section 36-30-3. The term total  
16 disability shall be interpreted to mean that the injured party  
17 is medically disabled to the extent that he or she cannot  
18 perform the duties of the job occupation or profession in  
19 which he or she was engaging at the time the injury was  
20 sustained. The State Health Officer may seek the assistance of  
21 any state agency in making the determination of disability and  
22 the state agencies shall cooperate with the State Health  
23 Officer in such regard. The State Health Officer shall render  
24 a decision within 30 days of the time a claim is filed. If  
25 such volunteer firefighter disagrees with any officer, he or  
26 she may appeal the determination to the State Board of

1 Adjustment in accordance with such board's procedures for such  
2 appeals.

3 "(b) Beginning in calendar year 2009, the  
4 compensation amounts payable under this section shall be  
5 adjusted on January 1 of each year to reflect any increase  
6 during the preceding calendar year in the consumer price index  
7 as published by the U.S. Department of Labor, Bureau of Labor  
8 Statistics. The adjustment shall equal the percentage change  
9 in the consumer price index during the preceding calendar  
10 year.

11 "§36-32-1.

12 "For the purpose of this chapter, the following  
13 words and phrases shall have the following meanings,  
14 respectively, unless the context clearly indicates the  
15 contrary:

16 "(1) ALABAMA FIRE COLLEGE. The independent public  
17 institution of postsecondary education established by this  
18 chapter and operated under the general control and supervision  
19 of the Alabama Firefighters' Personnel Standards and Education  
20 Commission for the purposes of educating, training, and  
21 certifying firefighters and trainees in fire prevention and  
22 suppression, emergency medical services, and related fields.  
23 All assets owned by the Alabama Fire College and the Alabama  
24 Firefighters' Personnel Standards and Education Commission,  
25 upon passage of Act 2012-207, shall remain the property of the  
26 state and shall be titled in the name of the Alabama  
27 Firefighters' Personnel Standards and Education Commission.

1                   "(2) COMMISSION. The Alabama Firefighters' Personnel  
2 Standards and Education Commission established by this  
3 chapter.

4                   "(3) COMMITTEE. The Joint Legislative Oversight  
5 Committee of the Alabama Firefighters' Personnel Standards and  
6 Education Commission established by this chapter.

7                   "(4) FIRE-FIGHTING AGENCY. Any agency charged with  
8 the responsibility of detecting, combating, and preventing  
9 damage to property and lives by fires, but excluding the  
10 ~~Alabama State Forestry Commission~~ Division of State Forestry  
11 of the Department of Agriculture, Forestry, and Consumer  
12 Services.

13                   "(5) FIRE PROTECTION PERSONNEL and FIREFIGHTER. Any  
14 person permanently employed in fire administration, fire  
15 prevention, fire suppression, fire education, arson  
16 investigation, and emergency medical services, but excluding  
17 employees of the ~~Alabama State Forestry Commission~~ Division of  
18 State Forestry of the Department of Agriculture, Forestry, and  
19 Consumer Services.

20                   "(6) VOLUNTEER FIREFIGHTER. Any person who is not  
21 permanently employed as fire protection personnel or  
22 firefighter but who otherwise engages in fire administration,  
23 fire prevention, fire suppression, fire education, arson  
24 investigation, and emergency medical services.

25                   "(7) TRAINEE. A firefighter who has not been  
26 certified by the commission as having met the minimum basic

1 training as set forth by Section 36-32-7 and by the rules and  
2 regulations adopted by the commission.

3 "(8) SCHOOL. Any school located within the State of  
4 Alabama whether privately or publicly owned which offers a  
5 course in fire protection training or related subjects and  
6 which has been approved by the commission.

7 "(9) STATE. The State of Alabama.

8 "§40-7-25.1.

9 "(a) For ad valorem tax years beginning on and after  
10 October 1, 1978, with respect to taxable property defined in  
11 Section 40-8-1, as amended, as Class III property and upon  
12 request by the owner of such property as hereinafter provided,  
13 the assessor shall base his appraisal of the value of such  
14 property on its current use on October 1 in any taxable year  
15 and not on its fair and reasonable market value. Failure of an  
16 owner of Class III property to request appraisal at current  
17 use value shall mean that the property shall be valued on its  
18 fair and reasonable market value as otherwise provided in this  
19 title until such time as the owner thereof shall request  
20 valuation on the basis of current use value. As used in this  
21 chapter, "current use value" shall be deemed to be the value  
22 of eligible taxable property based on the use being made of  
23 that property on October 1 of any taxable year; provided, that  
24 no consideration shall be taken of the prospective value such  
25 property might have if it were put to some other possible use.  
26 It is not the intent of the Legislature to establish in this  
27 section any presumption as to the fair and reasonable market

1 value of any property, or any minimum such value. This section  
2 shall govern only determination of the current use value of  
3 eligible property with respect to which a timely request for  
4 appraisal at current use value shall have been made.

5 "(b) In determining the current use value, on and  
6 after October 1, 1981, of eligible taxable property the owner  
7 of which shall elect current use valuation of such property  
8 hereunder, the assessor shall utilize the standard value  
9 method of current use valuation outlined herein. (No new  
10 application form need be filed under Section 40-7-25.2 in  
11 order for this method to be utilized with respect to property  
12 the owner of which, prior to October 1, 1981, shall have  
13 elected to have had assessed at the ratio of its assessed  
14 value to its current use value, and which property was in fact  
15 so assessed; however, the tax assessor of the county in which  
16 the property is located may request of the owner such  
17 additional information as may be required to compute current  
18 use value hereunder.) To utilize the standard value method of  
19 current use valuation, the tax assessor shall first determine  
20 the character of the property with respect to which current  
21 use valuation is elected as agricultural (which  
22 characterization shall cover all of the types of real property  
23 described in subdivision (3) of subsection (b) of Section  
24 40-8-1 with the exception of real property used for the  
25 growing and sale of timber and forest products), forest  
26 (meaning real property used for the growing and sale of timber  
27 and forest products), residential (as defined in subdivision

1 (2) of subsection (b) of Section 40-8-1, or historic building  
 2 and site (as defined in subdivision (6) of subsection (b) of  
 3 Section 40-8-1). With respect to Class III property consisting  
 4 of parcels of five acres or less, the owners of which shall  
 5 have elected current use valuation respecting those parcels,  
 6 the tax assessor may require the submission of additional data  
 7 as may be necessary to establish that the use being made of  
 8 the parcels of property in question is agricultural, forest,  
 9 or residential or historic building and site, as the case may  
 10 be; such data may include site management plans from the  
 11 ~~Alabama Forestry Commission~~ Division of State Forestry of the  
 12 Department of Agriculture, Forestry, and Consumer Services,  
 13 photographs and surveys, or verification of use from the  
 14 county farm agent or the U.S. Soil Conservation Service.

15 "(c) With respect to agricultural and forest prop-  
 16 erty, the tax assessor shall determine, utilizing the soil  
 17 groups defined herein, the productivity rating or ratings ap-  
 18 plicable to such property based on the following schedule:

Soil Group	Agricultural Productivity Rating	Forest Productivity Rat- ing
1	Good	Good
2	Good	Good
3	Average	Average
4	Average	Average
5	Average	Average

	Soil Group	Agricultural Productivity Rating	Forest Productivity Rating
1	6	Poor	Average
2	7	Nonproductive	Poor
3	8	Good	Good
4	9	Poor	Average
5	10	Nonproductive	Nonproductive

6                    "The soil groups of agricultural and forest property  
7 shall be determined using the following general definitions  
8 (to fall within a particular soil group property need not  
9 exhibit all the general characteristics described herein for  
10 that group, but must generally be describable by a  
11 preponderance of those characteristics; the Department of  
12 Revenue prior to issuing any regulations further defining soil  
13 groups hereunder shall consult with the U.S. Soil Conservation  
14 Service and the Alabama Cooperative Extension Service):

15                    "(1) SOIL GROUP #1. Nearly level soils on uplands;  
16 mostly deep and well drained (zero to two percent slopes).  
17 Soils in this group have no limitations that significantly  
18 restrict their use for agriculture. They are well suited to a  
19 wide range of plants and may be used for cultivated crops,  
20 small grains, hay crops, pasture, or woodland. They have  
21 moderate to high available water capacity and are responsive  
22 to fertilization.



1           "(2) SOIL GROUP #2. Nearly level soils on uplands;  
2 mostly deep, imperfectly drained (zero to two percent slopes).  
3 Soils in this group have a wetness limitation that restricts  
4 their use for agriculture. The choice of plants may be  
5 restricted on some soils but as a group they are suited for  
6 cultivated crops, small grains, hay crops, pasture, or  
7 woodland. The wetness limitation can be partially overcome by  
8 drainage. The soils have high available water capacity and are  
9 responsive to fertilization.

10           "(3) SOIL GROUP #3. Nearly level soils on uplands;  
11 mostly deep, well drained with thick sandy surface layers  
12 (zero to five percent slopes). Soils in this group have a low  
13 available water capacity that restricts their use for  
14 agriculture. The choice of plants is restricted and the soils  
15 require special considerations when used for cultivated crops  
16 and small grains. Most soils in this group are well suited for  
17 hay crops, pasture, and woodland. Special practices must be  
18 used to prevent deterioration of soils and to maintain yields  
19 if used for cultivated crops. Most soils in this group have  
20 low fertility levels that are not easily corrected by  
21 fertilization.

22           "(4) SOIL GROUP #4. Gently sloping to sloping soils  
23 on uplands (two to six percent slopes). Soils in this group  
24 have moderate limitations that restrict their use for  
25 agriculture. The choice of plants may be restricted on some  
26 soils but as a group they are well suited for cultivated  
27 crops, small grains, hay crops, pasture, or woodland.

1 Limitations can be overcome by conventional practices but the  
2 soils require careful management to prevent deterioration and  
3 maintain maximum crop yields. Limitations include one or more  
4 of the following: Slopes of about two to six percent, a  
5 somewhat restricted rooting zone, very slow permeability of  
6 the subsoil, and low available water capacity. Most soils in  
7 this group are responsive to fertilization.

8 "(5) SOIL GROUP #5. Sloping to strongly sloping  
9 soils on uplands (six to 10 percent slopes). Soils in this  
10 group have severe limitations that restrict their use for  
11 agriculture. The choice of plants is restricted and the soils  
12 require special considerations when used for cultivated crops  
13 and small grains. Most soils in this group are well suited for  
14 hay crops, pasture, and woodland. Special practices must be  
15 used to prevent deterioration of the soils and to maintain  
16 yields if used for cultivated crops. Limitations include one  
17 or more of the following: Slopes of about six to 10 percent,  
18 very slow permeability of the subsoil, shallow rooting zone,  
19 and low available water capacity. Some sandy soils in this  
20 group have low fertility levels that are not easily corrected  
21 by fertilization.

22 "(6) SOIL GROUP #6. Moderately steep soils on  
23 uplands (10 to 15 percent slopes). Soils in this group have  
24 very severe limitations that restrict their use for  
25 agriculture. The choice of plants is restricted and very  
26 careful management is required to prevent soil deterioration,  
27 protect crops, and to maintain crop yields. Soils in this

1 group are generally poorly suited for row crops and small  
2 grains. They are suited to pasture and woodland but steep  
3 slopes restrict their use for hay crops. Limitations include  
4 one or more of the following: slopes of about 10 to 15  
5 percent, shallow rooting depth, low available water capacity,  
6 and surface stoniness that interferes with tillage. Some sandy  
7 soils in this group have low fertility levels that are not  
8 easily corrected by fertilization.

9 "(7) SOIL GROUP #7. Steep soils on uplands (15+  
10 percent slopes). Soils in this group have very severe  
11 limitations that make them unsuited for cultivated crops,  
12 small grains, or hay crops. They are suited for pasture only  
13 to a limited extent and are used mainly for woodland.  
14 Limitations include one or more of the following: Slopes  
15 greater than 15 percent, shallow rooting depth, low available  
16 water capacity, and surface stoniness that seriously  
17 interferes with or prohibits tillage.

18 "(8) SOIL GROUP #8. Bottomland soils that are well  
19 suited for cultivated crops, hay crops, and pasture. Subject  
20 to occasional water overflow with only slight damage to crops.  
21 Soil wetness is normally correctable by surface drainage.  
22 Soils in this group are well suited for woodland.

23 "(9) SOIL GROUP #9. Bottomland soils subject to  
24 frequent overflow with severe crop damage. Excessive wetness  
25 that persists after drainage restricts the use of these soils  
26 to mainly pasture and woodland. Woodland growth potential is

1 excellent but equipment limitations and seedling mortality  
2 limit intensive forest management.

3 "(10) SOIL GROUP #10. Soils in this group have such  
4 severe limitations that they are capable of only limited  
5 production of vegetative growth. It includes soils that are  
6 normally covered with water, soils that are saline, soils that  
7 are severely gullied, and have extensive rock outcrops.

8 "(d) The tax assessor shall then use, on and after  
9 October 1, 1981, the following formulas and methods to  
10 determine the assessed value of each type of Class III  
11 property, with respect to which a current use valuation  
12 election has been made:

13 "(1) AGRICULTURAL PROPERTY. The current use standard  
14 value for agricultural property in the state shall be  
15 determined in the following manner. The owner of agricultural  
16 property desiring to elect current use valuation shall submit  
17 to the assessor satisfactory evidence indicating the soil  
18 group or groups, as defined herein, applicable to the property  
19 in question. Such evidence may, with respect to property  
20 located in counties for which countywide soil survey maps are  
21 not available from the U.S. Soil Conservation Service, include  
22 a soil survey map describing the soils of the property in  
23 question prepared by the U.S. Soil Conservation Service or  
24 other governmental or private soil mapping agency. The  
25 Department of Revenue, utilizing statistics from the Alabama  
26 Crop and Livestock Reporting Service, the Alabama Cooperative  
27 Extension Service and the Alabama Agricultural Experiment

1 Station, shall determine annually not later than November 15  
2 (except that, for the tax year beginning October 1, 1981, the  
3 determination shall be made 30 days after April 20, 1982), for  
4 use in assessing property for taxation as of the immediately  
5 preceding October 1, the current use standard value for  
6 agricultural property as follows:

7 "a. The state's top three crops in terms of acreage  
8 harvested (not including hay of all types) for the most recent  
9 calendar year for which statistics are available shall be  
10 determined;

11 "b. Total crop production in the state of the three  
12 crops shall be multiplied by the seasonal average price  
13 received for these crops in each of the 10 most recent  
14 calendar years since 1973 for which statistics are available,  
15 and divided by the acreage harvested for each crop for each  
16 year, giving the gross return per year per crop (provided,  
17 that if corn is determined to be one of the three crops for  
18 which such calculation is made, the same formula shall be  
19 followed, but utilizing southeastern United States statistics  
20 in determining average yields per acre);

21 "c. From the gross return figures thus obtained,  
22 costs of production for each crop (determined for each crop  
23 using U.S. Department of Agriculture cost of production data  
24 [excluding land costs and general farm overhead costs] or such  
25 similar data as may be available to the department) shall be  
26 subtracted, giving the net return to land per year per crop;

1            "d. The net return per year to land per crop shall  
2 be totalled, the total being weighted to give effect to the  
3 average number of acres of each crop being harvested in the  
4 state in the 10 most recent calendar years since 1973 for  
5 which statistics are available, such total yielding income  
6 flow per acre; and

7            "e. Income flow per acre shall be capitalized by  
8 dividing it by the average of the annual effective interest  
9 rates on new federal land bank loans (determined in the same  
10 manner as the effective interest rates utilized under Section  
11 2032A(e) (7) (A) (ii) of the Internal Revenue Code of 1954, as  
12 presently determined pursuant to regulation Section  
13 20.2032A-4(e) issued by the U.S. Department of the Treasury)  
14 charged by the New Orleans District Federal Land Bank for the  
15 10 most recent calendar years since 1973 for which figures are  
16 available as of October 1 of each tax year, such rate to be  
17 reduced by four and one-half percent for determinations made  
18 for the first tax year to which the provisions of this chapter  
19 shall apply; with respect to tax years thereafter, the income  
20 flow per acre shall be divided by the average of said annual  
21 effective interest rates determined for the 10 most recent  
22 calendar years since 1973 for which figures are available,  
23 such rate to be reduced by the lesser of four and one-half  
24 percent or the difference between such rate and two percent.

25            "The figure obtained using this formula, increased  
26 by 20 percent with respect to property having a productivity  
27 rating of good, decreased by 30 percent with respect to

1 property having a productivity rating of poor, and by 75  
2 percent with respect to property having productivity rating of  
3 nonproductive, and unchanged with respect to property having a  
4 productivity rating of average, shall be the current use  
5 standard values per acre of property in agricultural use in  
6 the state with respect to which current use valuation is  
7 elected by the owner thereof; provided, however, that such  
8 current use standard values per acre as computed hereunder  
9 shall, for the first tax year for which values are computed  
10 pursuant to the standard value method provided herein, be  
11 computed without utilizing any statistics or interest rates  
12 available for the calendar year 1981, and all calculations  
13 hereunder for the tax year beginning October 1, 1981, shall be  
14 made as if such 1981 statistics and interest rates were not  
15 available; and provided further that for each tax year  
16 following the first tax year for which values are computed  
17 pursuant to the standard value method provided herein, with  
18 respect to property of each productivity rating, the current  
19 use standard values per acre shall be adjusted so that such  
20 standard values shall not be less than 100 percent of such  
21 standard values as computed for the first tax year for which  
22 values are computed hereunder, and shall not be more than 100  
23 percent of such standard values as computed for the first tax  
24 year for which values are computed hereunder plus, with  
25 respect to each such value, amounts equal to three percent of  
26 such values multiplied by the number of tax years elapsed  
27 since the tax year beginning October 1, 1981. Utilizing the

1 department's determination of standard values, the tax  
2 assessor shall enter the standard value or values per acre  
3 determined hereunder, multiplied by the number of acres of  
4 agricultural property of each productivity rating included in  
5 the property with respect to which a current use valuation  
6 election is in effect, on his records and proceed to assess  
7 the property at that value for ad valorem tax purposes  
8 utilizing the assessment ratio or ratios then applicable to  
9 Class III property. In making the annual determination  
10 provided for in this subparagraph (1), the statistics utilized  
11 by the Department of Revenue shall be (except as otherwise  
12 provided herein) those most current statistics available to  
13 the department (including preliminary statistics) at the time  
14 such determinations are made as required herein; the  
15 determinations so made by the department shall not be subject  
16 to change solely because such statistics are later revised,  
17 corrected, or otherwise altered by the Alabama Crop and  
18 Livestock Reporting Service, the Alabama Cooperative Extension  
19 Service, the Alabama Agricultural Experiment Station, the U.S.  
20 Department of Agriculture or the New Orleans District Federal  
21 Land Bank.

22 "(2) FOREST PROPERTY. The current use standard value  
23 for forest property in the state shall be determined in the  
24 following manner. The owner of timberland desiring to elect  
25 current use valuation shall submit to the assessor  
26 satisfactory evidence indicating the soil group or groups, as  
27 defined herein, applicable to the property in question. Such



1 evidence may, with respect to property located in counties for  
2 which county-wide soil survey maps are not available from the  
3 U.S. Soil Conservation Service, include a soil survey map  
4 describing the soils of the property in question prepared by  
5 the U.S. Soil Conservation Service or other governmental or  
6 private soil mapping agency. For each calendar year  
7 immediately preceding October 1 in each year the ~~Alabama~~  
8 ~~Forestry Commission~~ Division of State Forestry of the  
9 Department of Agriculture, Forestry, and Consumer Services  
10 shall determine the average pulpwood price per cord received  
11 by timber growers in the state by estimating the average pine  
12 pulpwood price per cord and the average hardwood pulpwood  
13 price per cord received in the state during such year and  
14 determining the weighted average of those two average prices,  
15 weighting those prices on the basis of the ratio that the  
16 approximate number of cords of each of those two types of  
17 pulpwood harvested in Alabama bears to the total cords of both  
18 of such types of pulpwood harvested in Alabama, and provide  
19 that information to the Department of Revenue. The Department  
20 of Revenue shall utilize timber yields of 1.38 cords per acre  
21 per year, 1.05 cords per acre per year, .75 cords per acre per  
22 year and .6 cords per acre per year for land having good,  
23 average, poor, and nonproductive productivity ratings  
24 respectively to establish annual yields per acre in cords and  
25 multiply the yield per acre of timber property of each rating  
26 by the average pulpwood price per cord as provided by the  
27 ~~Alabama Forestry Commission~~ Division of State Forestry. From

1 the products thus obtained, 15 percent thereof shall be  
2 subtracted therefrom for expenses of ownership and management,  
3 and the result of that subtraction shall equal imputed  
4 timberland net income per acre for property of each  
5 productivity rating. The imputed net income per acre figures  
6 for property of each productivity rating shall then be divided  
7 by the average of the annual effective interest rates charged  
8 on new federal land bank loans (determined as in subsection  
9 (d)(1)e. of this section) by the New Orleans District Federal  
10 Land Bank for the 10 most recent calendar years since 1973 for  
11 which figures are available as of October 1 of each tax year,  
12 such rate to be reduced by four and one-half percent for  
13 determinations made for the first tax year to which the  
14 provisions of this act shall apply; with respect to tax years  
15 thereafter, the imputed net income per acre figures shall be  
16 divided by the average of said annual effective interest rates  
17 for the 10 most recent calendar years since 1973 for which  
18 figures are available, such rate to be reduced by the lesser  
19 of four and one-half percent or the difference between such  
20 rate and two percent. The results thus obtained shall be the  
21 current use standard values per acre for property of each of  
22 the timber productivity ratings with respect to which current  
23 use valuation is elected by the owner thereof; provided,  
24 however, that for each tax year following the first tax year  
25 for which values are computed hereunder, with respect to  
26 property of each productivity rating, the current use standard  
27 values per acre shall (a) be adjusted so that such standard

1 values shall not be less than 100 percent of such standard  
2 values as computed for the first tax year for which values are  
3 computed hereunder, and (b) not be more than 100 percent of  
4 such standard values as computed for the first tax year for  
5 which values are computed hereunder plus, with respect to each  
6 such value, amounts equal to three percent of such values  
7 multiplied by the number of tax years elapsed since the tax  
8 year beginning October 1, 1981. Utilizing the department's  
9 determination of standard values, the tax assessor shall enter  
10 such standard values per acre, multiplied by the number of  
11 acres of forest property of each productivity rating with  
12 respect to which a current use valuation election is in  
13 effect, on his records and proceed to assess the property at  
14 that value for ad valorem tax purposes utilizing the  
15 assessment ratio or ratios then applicable to Class III  
16 property. In making the annual determinations provided for in  
17 this subparagraph (2), the statistics utilized by the ~~Alabama~~  
18 ~~Forestry Commission~~ Division of State Forestry and the  
19 Department of Revenue shall be (except as otherwise provided  
20 herein) those most current statistics available to the  
21 ~~commission~~ Division of State Forestry and the department  
22 (including preliminary statistics) at the time such  
23 determinations are made as required herein; the determinations  
24 so made by the commission and the department shall not be  
25 subject to change solely because such statistics are later  
26 revised, corrected, or otherwise altered by the sources

1       thereof, including the ~~commission~~ Division of State Forestry  
2       and the New Orleans District Federal Land Bank.

3               "(3) RESIDENTIAL PROPERTY AND HISTORIC BUILDINGS AND  
4       SITES. The current use standard values for individual parcels  
5       of residential property and historic buildings and sites in  
6       each county in the state shall be determined by each county  
7       tax assessor annually utilizing comparative fair and  
8       reasonable market values of comparable residential or historic  
9       building and site property located in the county, which  
10      property cannot ordinarily be used other than as residential  
11      property or as an historic building or site, the tax assessor  
12      to presume that there is no possibility of the property being  
13      used for any other purpose than as residential property or an  
14      historic building and site, as if there were a legal  
15      prohibition against its use for any other purpose. The  
16      Department of Revenue shall promulgate appropriate regulations  
17      and orders for use by tax assessors in determining such  
18      comparable values. The tax assessor shall enter the standard  
19      values so determined on his records concerning property with  
20      respect to which a current use valuation election is in effect  
21      and proceed to assess the property at that value for ad  
22      valorem tax purposes utilizing the assessment ratio or ratios  
23      then applicable to Class III property.

24              "(e) Following notice to the owners of Class III  
25      property who shall request appraisal of such property at its  
26      current use value of the current use values thereof computed  
27      using the current use standard values provided for herein,

1 those owners may, within 30 days after receipt of such notice,  
2 submit to the assessor a statement outlining any errors  
3 asserted by the owner to have been made in such appraisal. The  
4 assessor shall review such statement and determine whether the  
5 value contained in the appraisal as submitted satisfactorily  
6 represents the current use value of the property with respect  
7 to which it is submitted, and he shall promptly forward the  
8 statement to the county board of equalization with his written  
9 determination and recommendation with respect thereto, for use  
10 by the board in carrying out its duties under Section 40-3-16  
11 and hearing any properly filed objection to the current use  
12 valuation of any parcel of property computed using the  
13 standard current use value formulas provided in this section.  
14 Such objections shall be filed and heard, and final  
15 determinations of the board respecting such objections and  
16 assessments based on current use value appealed from, in the  
17 same manner as that provided in Section 40-3-19 regarding  
18 assessments, and objections filed with respect thereto, based  
19 on fair and reasonable market value.

20 "§41-4-33.1.

21 "(a) All surplus property owned by the state to be  
22 disposed of by sale at auction by the Finance Department shall  
23 first be screened by the ~~Forestry Commission~~ Division of State  
24 Forestry of the Department of Agriculture, Forestry, and  
25 Consumer Services to determine if such property may be of use  
26 by volunteer fire departments for specific use in fire  
27 suppression activities. If the ~~Forestry Commission~~ Division of

1     State Forestry finds such property to be useful for such  
2     purposes, then, with the approval of the state Finance  
3     Director, such property shall be transferred to the ~~Forestry~~  
4     ~~Commission~~ Division of State Forestry. All such property shall  
5     be loaned to the volunteer fire departments.

6             "(b) Any property transferred to a volunteer fire  
7     department under the provisions of this section shall be used  
8     exclusively for fire protection purposes. The use of any such  
9     property other than on the business of the volunteer fire  
10    department is expressly prohibited. Any violation of the  
11    provision of this section shall be a Class A misdemeanor  
12    punishable as provided under Title 13A.

13            "(c) Final disposition of all properties loaned by  
14    the ~~Forestry Commission~~ Division of State Forestry as a result  
15    of this section shall rest with the Finance Department of the  
16    state.

17            "§41-6A-8.

18            "(a) There is hereby created and established the  
19    Energy Advisory Council. For the purposes of this chapter the  
20    term "council" means the "Energy Advisory Council." The  
21    council shall be composed of the following:

22            "(1) Two members of the state Senate designated by  
23    the President of the Senate;

24            "(2) Two members of the state House of  
25    Representatives designated by the Speaker of the House of  
26    Representatives;

1           "(3) Four representatives from state institutions of  
2 higher learning designated by the Governor, provided, however,  
3 that no two representatives shall be from the same  
4 institution, and provided, further, that one representative  
5 shall be from an historically black institution;

6           "(4) Three representatives of the citizens of the  
7 state, one designated by the Governor, one by the President of  
8 the Senate and one by the Speaker of the House of  
9 Representatives;

10           "All other members will be appointed by the Governor  
11 from nominations submitted as follows:

12           "(5) One representative of the Oil and Gas Board  
13 designated by the board;

14           "(6) One representative of the Public Service  
15 Commission designated by the commission;

16           "(7) One representative of the natural gas industry,  
17 designated by the Governor;

18           "(8) One representative of the petroleum industry,  
19 designated by the Governor;

20           "(9) One representative from the private  
21 investor-owned electric utility industry and one  
22 representative from the rural electric cooperatives;

23           "(10) One representative of the coal industry,  
24 designated by the Governor;

25           "(11) One representative of agriculture to be  
26 designated by the Commissioner of Agriculture and Industries  
27 and one representative of private, nonindustrial forestry to

1 be designated by the ~~Alabama Forestry Commission~~ Commissioner  
2 of Agriculture and Industries;

3 "(12) One representative of the manufacturing  
4 industry, designated by the Associated Industries of Alabama;

5 "(13) One representative of city government to be  
6 designated by the Alabama League of Municipalities;

7 "(14) One representative of county government to be  
8 designated by the Association of County Commissioners of  
9 Alabama;

10 "(15) One representative of registered professional  
11 engineers nominated by the Joint Engineers Council of Alabama,  
12 Inc.;

13 "(16) One representative of the Alabama Homebuilders  
14 Association to be nominated by the association;

15 "(17) One representative from an Alabama technical  
16 college which offers a coal mine technology program; and

17 "(18) One representative of the State Department of  
18 Education.

19 "(b) The advisory committee shall set up such  
20 subcommittees as it deems necessary.

21 "(c) The director of the department shall serve ex  
22 officio as secretary to the council. The council shall meet as  
23 soon as practicable after May 19, 1980, and shall choose from  
24 among its members a chairman and a vice-chairman. The council  
25 shall meet at least twice annually, at the call of the  
26 chairman, or when at least seven members of the council



1 officially and in writing request the secretary of the council  
2 to call a meeting.

3 "(d) Members of the council shall serve without  
4 compensation.

5 "(e) Members of the council shall serve at the  
6 pleasure of the official responsible for designating them  
7 members, but in no case shall the term of any member exceed  
8 four years unless such member is redesignated in accordance  
9 with subsection (a) of this section.

10 "§41-23-141.

11 "(a) There shall also be created within the Alabama  
12 Department of Economic and Community Affairs an Alabama Trails  
13 Commission Advisory Board which shall advise the commission in  
14 the execution of the Alabama Trails Commission's powers and  
15 duties under this article. The advisory board of directors  
16 shall be composed of the following:

17 "(1) Two Senators appointed by the Lieutenant  
18 Governor.

19 "(2) Two members of the House of Representatives  
20 appointed by the Speaker of the House.

21 "(3) Three members of the Alabama Recreational  
22 Trails Advisory Board.

23 "(4) One member representing a university in this  
24 state appointed by the Governor.

25 "(5) One member appointed by the State ~~Forestry~~  
26 ~~Commission~~ Forester.

1                   "(6) One member appointed by the Commissioner of  
2                   Agriculture and Industries.

3                   "(7) One member appointed by the State Health  
4                   Officer.

5                   "(8) One member appointed by the Executive Director  
6                   of the Retirement Systems of Alabama.

7                   "(9) One member appointed by the U.S. Forest  
8                   Service.

9                   "(10) One member who shall be a representative of  
10                  the power industry appointed by the Alabama Power Company and  
11                  the Tennessee Valley Authority. Membership shall alternate  
12                  between the Alabama Power Company and the Tennessee Valley  
13                  Authority every two years.

14                  "(11) One member appointed by the Alabama Farmers  
15                  Federation.

16                  "(12) One member appointed by the Army Corps of  
17                  Engineers.

18                  "(13) One member appointed by the Natural Resources  
19                  Conservation Services.

20                  "(b) The term of all Alabama Trails Commission  
21                  Advisory Board appointees shall be for two years unless  
22                  otherwise specified. The appointees of the Governor, the  
23                  Lieutenant Governor, and the Speaker of the House of  
24                  Representatives may be reappointed for no more than two  
25                  consecutive terms. The members of the Alabama Trails  
26                  Commission Advisory Board shall serve until a successor is  
27                  appointed.

1           "(c) A vacancy on the advisory board shall be filled  
2 for the remainder of the unexpired term in the same manner as  
3 the original appointment. Members whose terms have expired may  
4 continue to serve until replaced or reappointed."

5           Section 2. (a) On the effective date of this act,  
6 the Department of Agriculture and Industries and State Board  
7 of Agriculture and Industries shall be renamed the Department  
8 of Agriculture, Forestry and Consumer Services and State Board  
9 of Agriculture, Forestry, and Consumer Services.

10           (b) Notwithstanding any other provision of law,  
11 whenever any act, section of the Code of Alabama 1975, or any  
12 other provision of law makes reference, either direct or in  
13 context, to the Department of Agriculture and Industries or  
14 State Board of Agriculture and Industries, it shall be deemed  
15 a reference to the Department of Agriculture, Forestry, and  
16 Consumer Services or State Board of Agriculture, Forestry, and  
17 Consumer Services.

18           Section 3. (a) The Commissioner of Agriculture and  
19 Industries, as chief executive officer of the Department of  
20 Agriculture, Forestry, and Consumer Services is hereby  
21 empowered and directed to establish the Division of State  
22 Forestry within the Department of Agriculture, Forestry, and  
23 Consumer Services and to carry out all other provisions of  
24 this act.

25           (b) Unless specifically prohibited or otherwise  
26 provided for by this act, the functions and duties of the

1 Commissioner of Agriculture and Industries, with respect to  
2 this act, shall be as follows:

3 (1) To protect, conserve and increase the timber  
4 and forest resources of this state and to administer all laws  
5 relating to timber and forestry and the protection,  
6 conservation and increase of such resources;

7 (2) To make recommendations on exploration, surveys,  
8 studies and reports concerning the timber and forest resources  
9 and to publish such thereof as will be of general interest;

10 (3) To maintain, supervise, operate and control all  
11 state forests;

12 (4) To cooperate with and enter into cooperative  
13 agreements and stipulations with the Secretary of Agriculture  
14 of the United States or any other federal officer or  
15 department, board, bureau, commission, agency or office  
16 thereunto authorized with respect to the protection of  
17 timbered and forest-producing land from fire, insects and  
18 disease, the acquisition of forest lands to be developed,  
19 administered and managed as state forests, the production,  
20 procurement and distribution of forest trees and shrub  
21 planting stock, the carrying on of an educational program in  
22 connection therewith, the assistance of the owners of farms in  
23 establishing, improving and renewing wood lots, shelter belts,  
24 windbreaks and other valuable forest growths, the growing and  
25 renewing of useful timber crops and the collection and  
26 publication of data with respect to the timber and forest  
27 resources or any other matters as provided in this act;

1           (5) To make and enforce all regulations and  
2 restrictions required for such cooperation, agreements or  
3 stipulations;

4           (6) To carry on a program of education and public  
5 enlightenment with respect to the timber and forest and other  
6 natural resources of Alabama;

7           (7) To recommend to the Legislature such legislation  
8 as may be needed further to protect, conserve, increase or to  
9 make available or useful the timber and forests and other  
10 natural resources of Alabama; and

11           (8) To supervise, direct and manage all activities  
12 of the Division of State Forestry and its staff and employees.

13           Section 4. (a) On the effective date of this act,  
14 all powers, duties, and functions and all related records,  
15 property, equipment of, employees of, and all contractual  
16 rights, obligations of, and unexpended balances of  
17 appropriations and other funds or allocations to the State  
18 Forestry Commission shall be transferred to the Department of  
19 Agriculture, Forestry, and Consumer Services.

20           (b) Except as otherwise provided herein, all persons  
21 employed on the effective date of this act with the State  
22 Forestry Commission and transferred to the Department of  
23 Agriculture, Forestry, and Consumer Services shall not receive  
24 a decrease in salary, benefits, or seniority or otherwise  
25 receive a decrease in classification as a result of the  
26 transfer to the Department of Agriculture, Forestry, and  
27 Consumer Services.

1 (c) Unless otherwise specified, whenever any act,  
2 Section of the Code of Alabama 1975, or any other provision of  
3 law, including any local law and Amendment 511 of the  
4 Constitution of Alabama 1901, makes reference, either direct  
5 or in context, to the "Alabama Forestry Commission" or "State  
6 Forestry Commission", it shall be deemed a reference to the  
7 Division of State Forestry of the Department of Agriculture,  
8 Forestry, and Consumer Services.

9 (d) There shall be full cooperation of the State  
10 Forestry Commission, Department of Agriculture and Industries,  
11 all other state agencies and departments, and their officers,  
12 directors, and employees, to carry out the provisions of this  
13 act. The State Forester shall cooperate with the Commissioner  
14 of Agriculture and Industries in developing a staffing plan  
15 during the interim period after passage of this act and before  
16 the effective date described in Section 6 of this act.

17 Section 5. Sections 9-3-2, 9-3-3, and 9-3-16 of the  
18 Code of Alabama 1975, is hereby repealed.

19 Section 6. This act shall become effective on  
20 October 1, 2015 following its passage and approval by the  
21 Governor, or its otherwise becoming law.