

**HB267 ENROLLED**



1 HB267  
2 YMVPEN6-3  
3 By Representative Sells  
4 RFD: Agriculture and Forestry  
5 First Read: 15-Jan-26



## HB267 Enrolled

1 Enrolled, An Act,

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4 Relating to the State Forestry Commission; to amend  
5 Sections 9-3-5, 9-3-7, 9-13-3, 9-13-10, 9-13-11, 9-13-12,  
6 9-13-140, 9-13-141, 9-13-142, 9-13-221, and 9-13-225, Code of  
7 Alabama 1975, and to add Sections 9-3-5.1 and 9-13-11.1 to the  
8 Code of Alabama 1975; to authorize the State Forester to earn  
9 sick and annual leave and receive reimbursement from travel;  
10 to remove the ability of the commission to appoint forest law  
11 enforcement officers; to refine the procedure for obtaining a  
12 burn permit; to provide penalties for conducting a prescribed  
13 burn without a permit; to provide penalties for violations of  
14 fire prevention measures in drought conditions; to require  
15 seized vehicles and equipment to be delivered to the State  
16 Forester or his or her designee; and to repeal Sections  
17 9-13-5, 9-13-6, 9-13-7, 9-13-8, 9-13-9, 9-13-13, 9-13-14,  
18 9-13-15, 9-13-24, 9-13-64, 9-13-223, and 9-13-226, Code of  
19 Alabama 1975, which govern forest fire wardens and provide  
20 procedures and penalties for the violation of certain fire  
21 prevention measures.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 9-3-5, 9-3-7, 9-13-3, 9-13-10,  
24 9-13-11, 9-13-12, 9-13-140, 9-13-141, 9-13-142, 9-13-221, and  
25 9-13-225, Code of Alabama 1975, are amended to read as  
26 follows:

27 "§9-3-5

28 It shall be the duty of the Alabama Forestry Commission



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29 to appoint with the advice and consent of the Governor a State  
30 Forester who shall serve as the executive secretary and  
31 administrative officer for the commission. The ~~person~~  
32 ~~se~~individual appointed as the State Forester must have earned  
33 a minimum of a bachelor of science degree in forestry and must  
34 be licensed and registered under the forestry laws of Alabama  
35 with considerable experience in the forestry field. The State  
36 Forester shall receive a salary as fixed by the commission and  
37 shall serve at the pleasure of the commission ~~and shall~~  
38 ~~receive actual expenses.~~ Notwithstanding any other provisions  
39 of law, the State Forester shall earn and use annual and sick  
40 leave and receive reimbursement when traveling on official  
41 business of the commission, as if he or she were an employee  
42 in the classified or unclassified service of the state. The  
43 State Forester shall in no other way be subject to or receive  
44 benefits of the state Merit System. ~~Until otherwise provided~~  
45 ~~for by the commission, the present State Forester of the~~  
46 ~~Division of Forestry of the Department of Conservation and~~  
47 ~~Natural Resources shall continue to serve as the State~~  
48 ~~Forester under the commission.~~ The State Forester shall devote  
49 his or her full time to the duties of ~~his~~the office. He or she  
50 shall be required to take the oath of office and give bond in  
51 the sum of fifty thousand dollars (\$50,000) ~~00.~~"

52 "§9-3-7

53 (a) The commission shall have its main offices in the  
54 City of Montgomery; ~~provided, that it.~~ The commission may  
55 establish other district or subdistrict offices and facilities  
56 throughout the state in such places as it may deem as the



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57 commission deems advisable or necessary.

58 (b) Notwithstanding any other provisions of law, no  
59 construction or maintenance projects involving commission  
60 offices or facilities shall be subject to the jurisdiction or  
61 oversight of the Division of Construction Management within  
62 the Department of Finance unless the cost of the project  
63 exceeds seven hundred fifty thousand dollars (\$750,000). The  
64 Division of Construction Management shall retain its authority  
65 to adopt a uniform minimum building standards code that will  
66 apply to such projects costing seven hundred fifty thousand  
67 dollars (\$750,000) or less."

68 "§9-13-3

69 (a) The commission shall give ~~such~~ advice, assistance,  
70 and cooperation as may be practicable to private landowners  
71 and promote, so far as it may be able, a proper appreciation  
72 in this state among all classes of the population of the  
73 benefits to be derived from forest culture, preservation, and  
74 use.

75 (b) The commission may take ~~such~~ reasonable and  
76 practicable measures ~~as may be reasonable and practicable~~ to  
77 prevent and suppress forest fires and other influences harmful  
78 to forest growth and may ~~apply such parts of the forestry~~  
79 ~~fund~~ expend monies from the Special State Forestry Fund and  
80 other funds accruing to ~~it~~ the commission as may be necessary  
81 to implement such purposes and to ~~providing~~ provide such  
82 systems of control as ~~it~~ the commission may establish, either  
83 independently or in cooperation with the federal government  
84 and other agencies, public or private.



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85 (c) The commission shall be the sole cooperating agency  
86 in joint work in the promotion and development of forestry and  
87 other matters and interests devolving upon it by law, among  
88 all classes of land ownership in the state, in which both the  
89 state and the federal government may have financial or  
90 administrative participation.

91 (d) (1) The commission, for the purpose of establishing,  
92 developing, and maintaining state forests, ~~administrative~~  
93 ~~headquarters sites~~ sites for offices or facilities, tower  
94 sites, and other areas necessary for its efficient operation,  
95 may acquire land by donation, purchase, condemnation, or  
96 lease, and for these purposes may ~~use~~ expend such funds ~~as may~~  
97 ~~be~~ available to it the commission and not otherwise obligated,  
98 and may enter into agreements with the federal government or  
99 other agencies and private landowners for acquiring by lease,  
100 purchase, or otherwise such lands as ~~in its judgment are~~ the  
101 commission deems desirable or necessary.

102 (2) When lands are acquired or leased under this  
103 section, the commission ~~is authorized to make expenditures~~  
104 ~~from~~ may expend any funds available to the commission and not  
105 otherwise obligated, for the management, development, and  
106 utilization of such ~~areas~~ lands, to sell or otherwise dispose  
107 of products from such lands, to have sole charge of all state  
108 forests and other lands that have been acquired hereunder, and  
109 to ~~have authority to make such~~ adopt rules and regulations for  
110 the management, administration, occupancy, and use of ~~said~~  
111 ~~lands and all property and things of whatsoever nature therein~~  
112 ~~or thereon as it shall find necessary~~ property in state forests



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113 and lands acquired by the commission.

114 (3) The commission shall have full power and authority  
115 to may sell, exchange, or lease lands under its jurisdiction  
116 when in its judgment it is advantageous to the state to do so  
117 in the orderly development and management of state forests and  
118 other designated areas; provided, however, that said sale,  
119 lease or exchange shall not be contrary to the terms of any  
120 contract which it has entered into. Any sale or lease of lands  
121 by the commission is subject to Article 3 of Chapter 15 of  
122 Title 9 except for the sale or lease of land that has an  
123 appraised or assessed value not exceeding fifty thousand  
124 (\$50,000).

125 (e) The commission may employ such officers,  
126 assistants, and employees as may be necessary and, as to  
127 ~~persons~~ individuals employed wholly or in part in carrying out  
128 the provisions of cooperative agreements with the federal  
129 government or other agencies, ~~for such compensation heretofore~~  
130 ~~or hereafter paid~~ may use ~~such~~ the contributions or receipts ~~as~~  
131 ~~may be derived from the United States or from any private or~~  
132 ~~philanthropic source to pay the compensation of these~~  
133 individuals."

134 "§9-13-10

135 ~~All employees of the State Forestry Commission~~  
136 ~~appointed as forest law enforcement officers by the State~~  
137 ~~Forester are hereby constituted peace officers of the State of~~  
138 ~~Alabama with full police power and may exercise such powers~~  
139 ~~anywhere within the state. They are hereby authorized to carry~~  
140 ~~firearms or other weapons when they are actually in the~~



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141 ~~discharge of their duties as such officers as provided by law.~~  
142 ~~They shall be clothed with the power to arrest with or without~~  
143 ~~warrant any person who shall violate any of the laws of the~~  
144 ~~State of Alabama or any rule or regulation of the Alabama~~  
145 ~~Forestry Commission and take him before a proper court for~~  
146 ~~trial.~~ All employees of the State Forestry Commission and all  
147 duly appointed officers of the United States whose duty it is  
148 to prevent and suppress forest fires are empowered to enter  
149 any lands and to construct ~~thereon~~ fire lines, fire lanes, or  
150 ~~fire breaks~~ firebreaks, to set back fires ~~thereon~~ if necessary  
151 to prevent the further spread of fire then actually burning, and  
152 and to do all other work necessary in the performance of their  
153 duties, ~~including the right to enter any lands for the purpose~~  
154 ~~of making investigations for the cause or causes of fires,~~  
155 without liability for trespass or damage ~~therefrom.~~"

156 "§9-13-11

157 (a) It shall be a Class C felony for ~~every~~ any person, ~~firm,~~  
158 ~~association, or corporation~~ to do either of the  
159 following:

160 (1) Willfully, maliciously, or intentionally ~~burns~~ burn,  
161 ~~sets~~ set fire to, ~~attempts~~ attempt to set fire to, or  
162 ~~causes~~ cause to be burned or any fire to be set to any forest,  
163 grass, woodlands, or other inflammable vegetation on any lands  
164 not owned, leased, controlled, or in the lawful possession of  
165 the person, ~~firm, association, or corporation~~ setting the fire  
166 or burning such lands or causing the fire to be set or lands  
167 to be burned.

168 (2) ~~Shall have~~ Have in his or her possession or ~~shall~~



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169 set, throw, or place any device, instrument, or other  
170 incendiary paraphernalia, including any time-delay incendiary  
171 device, in or adjacent to any forest, grass, woodlands, or  
172 other inflammable vegetation, ~~which~~ if the forest, grass,  
173 woodland, or other inflammable vegetation is not owned,  
174 leased, controlled, or in the lawful possession of the person  
175 possessing ~~such~~ the device, instrument, or paraphernalia.

176 (b) It shall be a Class B misdemeanor for any person, ~~firm,~~  
177 ~~association, or corporation~~ to do any of the following:

178 (1) ~~Who recklessly~~ Recklessly or with wanton disregard  
179 for the safety of persons or property ~~allows~~ allow a fire to  
180 escape from land owned, leased, or controlled by him or her,  
181 whereby any property of another is injured or destroyed ~~+~~ .

182 (2) ~~Who shall burn~~ Burn any brush, stumps, logs,  
183 rubbish, fallen timber, grass, stubble, or debris of any sort,  
184 whether on one's own land or that of another, without taking  
185 reasonably necessary precautions, both before lighting the  
186 fire and all times thereafter to prevent the escape thereof ~~+~~ .

187 (3) ~~Who shall set~~ Set fire to any brush, stumps, logs,  
188 rubbish, fallen timber, grass, stubble, or debris of any sort  
189 within or near any forest or woodland, unless the area  
190 surrounding said material to be burned ~~shall be~~ is cleared of  
191 all inflammable material for a reasonably safe distance in all  
192 directions and maintained free of all inflammable material so  
193 long as such fire ~~shall continue~~ continues to burn ~~+~~ .

194 (4) ~~Who shall set~~ Set a fire within or near any forest,  
195 woodland, or grassland without clearing the ground immediately  
196 around it free from material ~~which~~ that will carry fire ~~+~~ or



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197 ~~shall leave~~ such fire before ~~it~~the fire is totally  
198 extinguished, or start a fire in any forest, woodland, or  
199 grassland by throwing away a lighted cigar, cigarette, or  
200 match or by the use of firearms or in any other manner and  
201 leave the same unextinguished~~;~~.

202 (5) ~~Who shall destroy~~Destroy, remove, injure, or deface  
203 any fire warning or notices or deface any inscription or  
204 devices comprising such notices~~;~~.

205 (6) ~~Who shall burn any new ground, field, grasslands,~~  
206 ~~or woodlands, or adjoining woodlands or grasslands of another~~  
207 ~~within any area which has been placed under organized forest~~  
208 ~~fire protection by the State Forestry Commission~~Conduct any  
209 prescribed burning, as defined in 9-13-272(2), without first  
210 obtaining ~~verbal authorization~~a burn permit from the State  
211 Forestry Commission ~~by obtaining a burning permit number.~~

212 (c) It shall be a Class A misdemeanor for any person to  
213 recklessly or with wanton disregard for the safety of persons  
214 or property burn, set fire to, attempt to set fire to, or  
215 cause to be burned or any fire to be set to any forest, grass,  
216 woodlands, or other inflammable vegetation on any lands not  
217 owned, leased, controlled, or in the lawful possession of the  
218 person setting the fire or burning such lands or causing the  
219 fire to be set or lands to be burned without the permission of  
220 the lawful owner.

221 ~~(d) (1) Burning permits may be obtained from the~~  
222 ~~district operations center when the center is in active~~  
223 ~~operation. The following criteria must be met:~~

224 a. ~~The person requesting the permit must have adequate~~



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225 ~~tools, equipment, and manpower to stay with and control the~~  
226 ~~fire during the entire burning period.~~

227 ~~b. The person requesting the permit is responsible to~~  
228 ~~keep the fire confined.~~

229 ~~c. In no case will the person requesting the permit~~  
230 ~~allow the fire to be unattended until it is dead out.~~

231 ~~(2) Burning permits will be issued if the individual~~  
232 ~~requesting the permit states that the above criteria will be~~  
233 ~~met unless the State Forester shall declare a fire alert.~~  
234 ~~Under fire alert conditions the State Forester may allow~~  
235 ~~issuance of permits at his or her discretion, taking into~~  
236 ~~account the number of fires burning in the district, current~~  
237 ~~and projected weather conditions, the ability of the person~~  
238 ~~seeking the permit to contain the fire and that individual's~~  
239 ~~knowledge of fire behavior, and other factors which may affect~~  
240 ~~fires and fire behavior. A fire alert will be issued by the~~  
241 ~~State Forester for any district or portion of a district that~~  
242 ~~in the opinion of the State Forester, has existing conditions~~  
243 ~~which produce extraordinary danger from fire or smoke.~~

244 ~~(3) If subsequent to issuance of a permit a lawfully~~  
245 ~~authorized fire escapes to the lands of another and an~~  
246 ~~investigation reveals that the permit holder did not meet all~~  
247 ~~the criteria as set forth above, the fire will be treated as~~  
248 ~~if no legal authorization had been obtained.~~

249 ~~(4) A burning permit once issued may be revoked if the~~  
250 ~~person requesting the permit fails to comply with proper~~  
251 ~~burning procedures or if weather conditions develop which may~~  
252 ~~result in erratic fire or smoke behavior.~~



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253           ~~(e) An area shall be deemed legally placed under~~  
254           ~~organized forest fire protection by the State Forestry~~  
255           ~~Commission of the State of Alabama upon proclamation of the~~  
256           ~~State Forester. Such proclamation shall describe the lands~~  
257           ~~placed in said area and shall be published once a week for two~~  
258           ~~consecutive weeks in a newspaper published in the county where~~  
259           ~~the lands composing said area are located. If there are no~~  
260           ~~newspapers published in the county where said lands are~~  
261           ~~located, then said proclamation shall be published in a~~  
262           ~~newspaper of an adjoining county. In the event the lands~~  
263           ~~composing said area are located in more than one county, such~~  
264           ~~proclamation shall be so published in a newspaper in each~~  
265           ~~county where said lands are located. Beginning with the~~  
266           ~~twelfth day after the first publication of said proclamation~~  
267           ~~in said newspaper or newspapers, the lands described in the~~  
268           ~~proclamation shall be deemed in an area under organized forest~~  
269           ~~fire protection. Upon the trial of any person, firm, or~~  
270           ~~corporation for the violation of any provision of this~~  
271           ~~section, a certified copy of said proclamation executed by the~~  
272           ~~State Forester shall be admissible in evidence and shall be~~  
273           ~~conclusive evidence of the fact that the lands described in~~  
274           ~~said proclamation constitute an area under organized forest~~  
275           ~~fire protection within the meaning of this section.~~

276           ~~(f)~~ (d) All ~~moneys~~monies collected for any violation of  
277           this section as fines, or forfeitures, ~~etc.~~, shall ~~go to be~~  
278           deposited into the Alabama Forestry Commission Fund and shall  
279           be used in defraying the expense of the administration of  
280           ~~such~~the State Forestry Commission."



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281 "§9-13-12

282 Any fire burning uncontrolled on any forested, cutover,  
283 brushland, or grassland area is ~~hereby declared to be~~ a public  
284 nuisance by reason of its menace to life and property. Any  
285 person, ~~firm, association or corporation~~ responsible either  
286 for the starting or the existence of ~~such~~a fire is ~~hereby~~  
287 ~~required to~~shall make a reasonable effort to control or  
288 extinguish ~~it~~the fire as soon as he or she has knowledge  
289 thereof, and if such person, ~~firm, association or corporation~~  
290 ~~shall refuse or neglect to do so, any~~of the fire. Any  
291 organized fire suppression force may suppress the nuisance  
292 ~~thus constituted~~ by controlling and extinguishing the fire,  
293 and the cost ~~thereof~~ may be recovered from ~~said~~the person,  
294 ~~firm, association or corporation~~ responsible for the starting  
295 or existence of ~~such~~the fire."

296 "§9-13-140

297 Whenever conditions exist in any county or counties in  
298 this state which produce extraordinary danger from fire, the  
299 State Forestry Commission, with approval of the Governor, may  
300 by ~~regulation declare~~order, declare a ~~drought~~wildfire  
301 emergency condition in ~~such~~the county or counties."

302 "§9-13-141

303 At such time as the State Forestry Commission has  
304 ~~declared by regulation~~ a ~~drought~~wildfire emergency in any  
305 county or counties, it shall be unlawful in ~~such~~the county or  
306 counties for any person to set fire to any forest, grass,  
307 woods, wildlands, or marshes or to build a campfire or bonfire  
308 or to burn trash or other material that may cause a forest,



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309 grass, or woods fire. This prohibition does not apply to any  
310 backfire set by an official representative or agent of the  
311 State Forestry Commission. Nor does this prohibition apply  
312 when a backfire is set by any person for the purpose of saving  
313 life or property, provided, that ~~such~~the person shall have  
314 the burden of proving the necessity for setting ~~such~~the  
315 backfire if he or she claims same as a defense."

316 "§9-13-142

317 Any person violating any provision of this article  
318 shall be guilty of a Class B misdemeanor ~~and, upon conviction~~  
319 ~~thereof, shall be fined not less than \$250.00 nor more than~~  
320 ~~\$500.00 and, at the discretion of the court, may be sentenced~~  
321 ~~to the county jail for a period not exceeding six months."~~

322 "§9-13-221

323 (a) It shall be the duty of any sheriff, ~~policeman,~~  
324 ~~forestry officer,~~ police officer, or other peace officer or law  
325 enforcement officer in the State of Alabama, who is arresting  
326 any person ~~who is~~ charged with violating or attempting to  
327 violate Section 9-13-60 or any felony laws of the State of  
328 Alabama involving timber or forest products or transactions  
329 pertaining thereto, to seize any vehicle and equipment used,  
330 which is in the possession or under control of the person or  
331 persons charged with violating the laws, and to deliver ~~any~~  
332 ~~such~~the seized vehicle and equipment, to the ~~regional forester~~  
333 ~~of the forestry region in which the arrest is made~~ State  
334 Forester or his or her designee. The person receiving any  
335 vehicle and equipment from the arresting officer shall keep  
336 ~~it~~ the vehicle and equipment in a safe place and in as good



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337 condition as when received, until disposed of ~~as hereinafter~~  
338 ~~provided.~~

339 (b) The seizure of vehicles and equipment provided in  
340 this section is authorized only when the arrest is for a crime  
341 involving the theft of timber harvesting equipment or the  
342 parts thereof, the harvesting, removal, transportation, or  
343 disposal of any forest products, or any other transactions  
344 related to forest products or timber harvesting equipment or  
345 any part or parts from timber harvesting equipment."

346 "§9-13-222

347 Within five days after the arrest or final conviction  
348 of any person for violating Section 9-13-60 or any felony laws  
349 ~~of the State of Alabama outlined~~ described in this  
350 ~~article~~ Section 9-13-221, the person ~~receiving possession of~~ who  
351 seizes any vehicle and equipment, ~~seized as aforesaid~~ as  
352 required by Section 9-13-221, shall report the seizure and  
353 detention of the vehicle and equipment to the district  
354 attorney or other prosecuting official, giving a full  
355 description of ~~such~~ the vehicle and equipment, any  
356 identification number, make and model ~~thereof~~, the name of the  
357 person in whose possession ~~it~~ the vehicle or equipment was  
358 found when seized, the person, if any, making claim to ~~same~~ the  
359 vehicle or equipment or any interest ~~therein~~ in the vehicle or  
360 equipment if the name can be ascertained or is known, ~~and~~ the  
361 date and place of the seizure, and a statement of the  
362 circumstances surrounding the seizing of the property."

363 "§9-13-225

364 (a) When any judgment of condemnation or forfeiture is



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365 made in any case filed under ~~the provisions of~~ this section,  
366 the judge making ~~such~~the judgment shall order and direct that  
367 ~~said~~the seized vehicle and equipment be forfeited or awarded  
368 to the State Forester to be ~~sold or used by him in the~~  
369 ~~enforcement of the law~~the Alabama Forestry Commission or sold  
370 pursuant to Section 9-3-22.

371 ~~(b) And said order, in the event that~~If no appeal is  
372 taken within 15 days ~~from the rendition thereof,~~after the  
373 order is made, the order shall be carried out and executed.  
374 The court, at its discretion, shall direct ~~in said judgment~~  
375 that the cost of the proceedings be paid by the  
376 ~~person(s)~~person or persons in whose possession ~~said~~the vehicle  
377 and equipment were found when seized, or by any party or  
378 parties that claim to own ~~said~~the vehicle and equipment, or  
379 any interest therein, and who contested the condemnation and  
380 forfeiture ~~thereof~~. The State Forester shall keep a permanent  
381 record of all ~~such~~ vehicles and equipment forfeited and  
382 awarded to him as provided for herein, tothe State Forester  
383 and the vehicles and equipment shall be accounted for as other  
384 public property."

385 Section 2. Sections 9-3-5.1 and 9-13-11.1 are added to  
386 the Code of Alabama 1975, to read as follows:

387 §9-3-5.1

388 The State Forester may declare, by order, a wildfire  
389 alert whenever, in his or her opinion, existing weather or  
390 other conditions produce a heightened level of danger from  
391 fire or smoke. The wildfire alert may be issued for the  
392 entirety of the state or for designated portions of the state.



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393 §9-13-11.1

394 (a) For the purposes of this section, the term  
395 "prescribed burn" shall have the same meaning as defined in  
396 Section 9-13-272.

397 (b) No person shall conduct any prescribed burn without  
398 first obtaining a burn permit from the State Forestry  
399 Commission. Burn permits shall be issued in the manner  
400 determined by rule of the State Forester. This may include  
401 issuing permits electronically.

402 (c) A person may obtain a burn permit only if the  
403 requesting individual makes a declaration that the following  
404 criteria are met:

405 (1) The person requesting the permit has adequate  
406 tools, equipment, manpower, and other resources to stay with  
407 and control the fire during the entire burning period.

408 (2) The person requesting the permit is sufficiently  
409 skilled and responsibly able to keep the fire controlled.

410 (3) The person requesting the permit may not allow the  
411 fire to be unattended until the fire is fully contained,  
412 meaning that the fire, and any burning or smoldering material  
413 from the fire, must be entirely within established or natural  
414 firebreaks.

415 (d) The State Forester may decline to issue a requested  
416 burn permit under any of the following circumstances:

417 (1) The person requesting the burn permit has in the  
418 past demonstrated reckless or irresponsible conduct while  
419 conducting prescribed burns. Reckless or irresponsible conduct  
420 includes, but is not limited to, the person allowing multiple



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421 prescribed burns to escape containment and cause material  
422 damage to adjacent land or require the State Forestry  
423 Commission or fire department to respond to or suppress the  
424 fire.

425 (2) The person requesting the burn permit is seeking to  
426 conduct a prescribed burn in any area for which the State  
427 Forester has issued a wildfire alert. Under these  
428 circumstances, the State Forester shall take into account the  
429 current number of wildfires in the area and the state  
430 generally, current and projected weather conditions, the  
431 knowledge, training, and ability of the person seeking the  
432 burn permit to control and contain the prescribed burn, and  
433 any other factors relevant to determining whether issuing the  
434 requested burn permit might create an unreasonable risk of  
435 injury to individuals or property.

436 (e) If it is determined that a burn permit was issued  
437 by the State Forestry Commission based on any false  
438 declaration by the person who requested the burn permit, any  
439 prescribed burn conducted pursuant to the false declaration  
440 and permit shall be treated as if no legal authorization has  
441 been obtained.

442 (f) If it is determined that a burn permit was issued  
443 based on any false declaration by the person who requested the  
444 burn permit, the burn permit may be revoked by the State  
445 Forestry Commission.

446 (g) A burn permit that has already been issued may be  
447 revoked at any time by the State Forestry Commission if any  
448 person conducting a prescribed burn fails to comply with



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449 proper prescribed burning procedures.

450 (h) Regardless of the conduct of any person conducting  
451 a prescribed burn pursuant to an issued burn permit, the State  
452 Forestry Commission may revoke a burn permit at any time if  
453 weather or other conditions develop which may produce erratic  
454 fire or smoke behavior or other circumstances that may create  
455 an unreasonable risk of injury to individuals or property.

456 (i) If a burn permit is revoked by the State Forestry  
457 Commission, any continuation of a prescribed burn conducted  
458 pursuant to the burn permit, except actions by the person  
459 conducting the prescribed burn to contain, suppress, or  
460 otherwise control a prescribed burn that was commenced before  
461 the burn permit was revoked, shall be treated as if no legal  
462 authorization had been obtained.

463 (j) The State Forestry Commission may adopt rules and  
464 forms to implement and administer this chapter.

465 Section 3. Sections 9-13-5, 9-13-6, 9-13-7, 9-13-8, and  
466 9-13-9, Code of Alabama 1975, providing for the appointment,  
467 duties, and compensation of forest fire wardens; Sections  
468 9-13-13, 9-13-14, and 9-13-15, Code of Alabama 1975,  
469 prohibiting certain conduct as a precaution against the spread  
470 of fire; and Sections 9-13-24, 9-13-64, 9-13-223, and  
471 9-13-226, Code of Alabama 1975, establishing the powers and  
472 duties of employees, fees for arresting officers, and  
473 procedures regarding the reporting of and award of property  
474 after timber theft, are repealed.

475 Section 4. This act shall become effective on October  
476 1, 2026.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 05-Feb-26, as amended.

John Treadwell  
Clerk

Senate

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**01-Apr-26**

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Passed