

HB267 ENGROSSED



1 HB267
2 YMPEN6-2
3 By Representative Sells
4 RFD: Agriculture and Forestry
5 First Read: 15-Jan-26



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A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 9-3-5, 9-3-7, 9-13-3, 9-13-10,



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9-13-11, 9-13-12, 9-13-140, 9-13-141, 9-13-142, 9-13-221, and 9-13-225, Code of Alabama 1975, are amended to read as follows:

"§9-3-5

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



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"§9-3-7

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

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

"§9-13-3

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

(b) The commission may take ~~such~~ reasonable and practicable measures ~~as may be reasonable and practicable~~ to prevent and suppress forest fires and other influences harmful to forest growth and may ~~apply such parts of the forestry fund~~ expend monies from the Special State Forestry Fund and



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85 other funds accruing to ~~it~~the commission as may be necessary
86 to implement such purposes and to ~~providing~~provide such
87 systems of control as ~~it~~the commission may establish, either
88 independently or in cooperation with the federal government
89 and other agencies, public or private.

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

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

107 (2) When lands are acquired or leased under this
108 section, the commission ~~is authorized to make expenditures~~
109 ~~from~~may expend any funds available to the commission and not
110 otherwise obligated, for the management, development, and
111 utilization of such ~~areas~~lands, to sell or otherwise dispose
112 of products from such lands, to have sole charge of all state



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forests and other lands that have been acquired hereunder, and to ~~have authority to make such~~adopt rules and regulations for the management, administration, occupancy, and use of ~~said~~ lands and all property and things of whatsoever nature therein ~~or thereon as it shall find necessary~~property in state forests and lands acquired by the commission.

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

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

"§9-13-10

~~All employees of the State Forestry Commission~~



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appointed as forest law enforcement officers by the State Forester are hereby constituted peace officers of the State of Alabama with full police power and may exercise such powers anywhere within the state. They are hereby authorized to carry firearms or other weapons when they are actually in the discharge of their duties as such officers as provided by law. They shall be clothed with the power to arrest with or without warrant any person who shall violate any of the laws of the State of Alabama or any rule or regulation of the Alabama Forestry Commission and take him before a proper court for trial. All employees of the State Forestry Commission and all duly appointed officers of the United States whose duty it is to prevent and suppress forest fires are empowered to enter any lands and to construct ~~thereon~~ fire lines, fire lanes, or ~~fire breaks~~ firebreaks, to set back fires ~~thereon~~ if necessary to prevent the further spread of fire then actually burning, and to do all other work necessary in the performance of their duties, ~~including the right to enter any lands for the purpose of making investigations for the cause or causes of fires,~~ without liability for trespass or damage ~~therefrom~~."

"§9-13-11

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

(1) Willfully, maliciously, or intentionally ~~burns~~ burn, ~~sets~~ set fire to, ~~attempts~~ attempt to set fire to, or ~~causes~~ cause to be burned or any fire to be set to any forest, grass, woodlands, or other inflammable vegetation on any lands



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not owned, leased, controlled, or in the lawful possession of the person, ~~firm, association, or corporation~~ setting the fire or burning such lands or causing the fire to be set or lands to be burned.

(2) ~~Shall have~~Have in his or her possession or ~~shall~~ set, throw, or place any device, instrument, or other incendiary paraphernalia, including any time-delay incendiary device, in or adjacent to any forest, grass, woodlands, or other inflammable vegetation, ~~which if the~~if the forest, grass, woodland, or other inflammable vegetation is not owned, leased, controlled, or in the lawful possession of the person possessing ~~such the~~the device, instrument, or paraphernalia.

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

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

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

(3) ~~Who shall set~~Set fire to any brush, stumps, logs, rubbish, fallen timber, grass, stubble, or debris of any sort within or near any forest or woodland, unless the area surrounding said material to be burned ~~shall be~~is cleared of all inflammable material for a reasonably safe distance in all



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197 directions and maintained free of all inflammable material so
198 long as such fire ~~shall continue~~continues to burn~~+~~.

199 (4) ~~Who shall set~~Set a fire within or near any forest,
200 woodland, or grassland without clearing the ground immediately
201 around it free from material ~~which~~that will carry fire~~+~~, or
202 ~~shall leave~~ such fire before ~~it~~the fire is totally
203 extinguished~~,~~, or start a fire in any forest, woodland, or
204 grassland by throwing away a lighted cigar, cigarette, or
205 match or by the use of firearms or in any other manner and
206 leave the same unextinguished~~+~~.

207 (5) ~~Who shall destroy~~Destroy, remove, injure, or deface
208 any fire warning or notices or deface any inscription or
209 devices comprising such notices~~+~~.

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

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



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the lawful owner.

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

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

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

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

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

~~(3) If subsequent to issuance of a permit a lawfully authorized fire escapes to the lands of another and an investigation reveals that the permit holder did not meet all the criteria as set forth above, the fire will be treated as~~



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~~if no legal authorization had been obtained.~~

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

~~(c) An area shall be deemed legally placed under organized forest fire protection by the State Forestry Commission of the State of Alabama upon proclamation of the State Forester. Such proclamation shall describe the lands placed in said area and shall be published once a week for two consecutive weeks in a newspaper published in the county where the lands composing said area are located. If there are no newspapers published in the county where said lands are located, then said proclamation shall be published in a newspaper of an adjoining county. In the event the lands composing said area are located in more than one county, such proclamation shall be so published in a newspaper in each county where said lands are located. Beginning with the twelfth day after the first publication of said proclamation in said newspaper or newspapers, the lands described in the proclamation shall be deemed in an area under organized forest fire protection. Upon the trial of any person, firm, or corporation for the violation of any provision of this section, a certified copy of said proclamation executed by the State Forester shall be admissible in evidence and shall be conclusive evidence of the fact that the lands described in said proclamation constitute an area under organized forest fire protection within the meaning of this section.~~



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

286 "§9-13-12

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

301 "§9-13-140

302 Whenever conditions exist in any county or counties in
303 this state which produce extraordinary danger from fire, the
304 State Forestry Commission, with approval of the Governor, may
305 by ~~regulation declare~~order, declare a ~~drought~~wildfire
306 emergency condition in ~~such~~the county or counties."

307 "§9-13-141

308 At such time as the State Forestry Commission has



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declared ~~by regulation~~ a ~~drought~~wildfire emergency in any county or counties, it shall be unlawful in ~~such~~the county or counties for any person to set fire to any forest, grass, woods, wildlands, or marshes or to build a campfire or bonfire or to burn trash or other material that may cause a forest, grass, or woods fire. This prohibition does not apply to any backfire set by an official representative or agent of the State Forestry Commission. Nor does this prohibition apply when a backfire is set by any person for the purpose of saving life or property ~~+~~, provided, that ~~such~~the person shall have the burden of proving the necessity for setting ~~such~~the backfire if he or she claims same as a defense."

"§9-13-142

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

"§9-13-221

(a) It shall be the duty of any sheriff, ~~policeman,~~ forestry officer, police officer, or other peace officer or law enforcement officer in the State of Alabama ~~who is~~ who is arresting any person ~~who is~~ charged with violating or attempting to violate Section 9-13-60 or any felony laws of the State of Alabama involving timber or forest products or transactions pertaining thereto, to seize any vehicle and equipment used, which is in the possession or under control of the person or persons charged with violating the laws, and to deliver ~~any~~



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337 ~~such~~the seized vehicle and equipment, to the ~~regional forester~~
338 ~~of the forestry region in which the arrest is made~~State
339 Forester or his or her designee. The person receiving any
340 vehicle and equipment from the arresting officer shall keep
341 ~~it~~the vehicle and equipment in a safe place and in as good
342 condition as when received, until disposed of ~~as hereinafter~~
343 ~~provided~~.

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

351 "§9-13-222

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



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equipment if the name can be ascertained or is known, ~~and the~~
date and place of the seizure, and a statement of the
circumstances surrounding the seizing of the property."

"§9-13-225

(a) When any judgment of condemnation or forfeiture is
made in any case filed under ~~the provisions of~~ this section,
the judge making ~~such~~ the judgment shall order and direct that
~~said~~ the seized vehicle and equipment be forfeited or awarded
to the State Forester to be ~~sold or~~ used by ~~him in the~~
~~enforcement of the law~~ the Alabama Forestry Commission or sold
pursuant to Section 9-3-22.

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

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

§9-3-5.1



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

§9-13-11.1

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

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

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

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

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

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

(d) The State Forester may decline to issue a requested



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burn permit under any of the following circumstances:

(1) The person requesting the burn permit has in the past demonstrated reckless or irresponsible conduct while conducting prescribed burns. Reckless or irresponsible conduct includes, but is not limited to, the person allowing multiple prescribed burns to escape containment and cause material damage to adjacent land or require the State Forestry Commission or fire department to respond to or suppress the fire.

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

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

(f) If it is determined that a burn permit was issued based on any false declaration by the person who requested the



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burn permit, the burn permit may be revoked by the State Forestry Commission.

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

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

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

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

Section 3. Sections 9-13-5, 9-13-6, 9-13-7, 9-13-8, and 9-13-9, Code of Alabama 1975, providing for the appointment, duties, and compensation of forest fire wardens; Sections 9-13-13, 9-13-14, and 9-13-15, Code of Alabama 1975, prohibiting certain conduct as a precaution against the spread of fire; and Sections 9-13-24, 9-13-64, 9-13-223, and 9-13-226, Code of Alabama 1975, establishing the powers and



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477 duties of employees, fees for arresting officers, and
478 procedures regarding the reporting of and award of property
479 after timber theft, are repealed.

480 Section 4. This act shall become effective on October
481 1, 2026.



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House of Representatives

485 Read for the first time and referred15-Jan-26
486 to the House of Representatives
487 committee on Agriculture and
488 Forestry
489
490 Read for the second time and placed21-Jan-26
491 on the calendar:
492 0 amendments
493
494 Read for the third time and passed05-Feb-26
495 as amended
496 Yeas 101
497 Nays 0
498 Abstains 1
499
500
501 John Treadwell
502 Clerk
503