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3 SENATE F&TG COMMITTEE SUBSTITUTE FOR SB411
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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 Industries.

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

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 9-3-1, 9-3-2, 9-3-4, 9-3-5,
27 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,

1 9-3-13, 9-3-14, 9-3-15, 9-3-17, 9-3-19, 9-8A-3, 9-10A-4,
2 9-13-1, 9-13-3, 9-13-4, 9-13-5, 9-13-6, 9-13-8, 9-13-9,
3 9-13-10, 9-13-10.1, 9-13-11, 9-13-24, 9-13-40, 9-13-41,
4 9-13-42, 9-13-43, 9-13-44, 9-13-45, 9-13-46, 9-13-47, 9-13-49,
5 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 "§9-3-1.

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

1 registered foresters under the laws of Alabama. At all times
2 at least three of such members shall be owners of timberland
3 in Alabama.

4 "(b) Those persons heretofore appointed as members
5 of the State Forestry Commission shall constitute the State
6 Forestry Commission established by this section until the
7 expiration of their respective terms or vacancy in their
8 respective positions, at which times such positions shall be
9 filled in accordance with this section.

10 "§9-3-2.

11 "The commission shall, upon its first meeting, which
12 shall be called by the Governor within 60 days after
13 appointment of the membership, elect from its membership a
14 chairman and vice-chairman who shall serve for a period of one
15 year. The vice-chairman shall act in the place of the chairman
16 in his absence or disability. The commission shall meet at
17 such times as designated by the commission or the chairman at
18 the State Capitol or at other places as it deems necessary or
19 convenient, but the chairman of the commission must call a
20 meeting two times each year, one meeting in the month of
21 January and one meeting in the month of July. The chairman of
22 the commission may also call a special meeting at any time he
23 deems it advisable or necessary. A quorum shall be four
24 members present, and all matters coming before the commission
25 shall be voted on by the commission. The commission will keep
26 or cause to be kept a record of all transactions discussed or
27 voted on at its meeting. Commission members shall be entitled

1 to a salary of \$25.00 per day when in attendance at a meeting
2 or on official business of the commission, together with their
3 expenses, as provided by Article 2 of Chapter 7 of Title 36.
4 Such compensation and expenses shall be paid from funds of the
5 ~~commission~~ Division of State Forestry.

6 "§9-3-4.

7 "The functions and duties of the commission shall be
8 as follows:

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

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

17 "(3) To maintain, supervise, operate and control all
18 state forests;

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

1 planting stock, the carrying on of an educational program in
2 connection therewith, the assistance of the owners of farms in
3 establishing, improving and renewing wood lots, shelter belts,
4 windbreaks and other valuable forest growths, the growing and
5 renewing of useful timber crops and the collection and
6 publication of data with respect to the timber and forest
7 resources or any other matters committed to the commission by
8 this title;

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

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

15 "(7) To make an annual report to the Governor and
16 Commissioner of Agriculture and Industries concerning the
17 activities and accomplishments of the commission for the
18 preceding fiscal year;

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

24 "(9) To advise the Commissioner of Agriculture and
25 Industries and State Forester on general forestry matters in
26 Alabama.

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

3 ~~"§9-3-5.~~

4 ~~"It shall be the duty of the Alabama Forestry~~
5 ~~Commission to appoint with the advice and consent of the~~
6 ~~Governor a State Forester who shall serve as the executive~~
7 ~~secretary and administrative officer for the commission. The~~
8 ~~person so appointed as the State Forester must have earned a~~
9 ~~minimum of a bachelor of science degree in forestry and must~~
10 ~~be licensed and registered under the forestry laws of Alabama~~
11 ~~with considerable experience in the forestry field. The State~~
12 ~~Forester shall receive a salary as fixed by the commission and~~
13 ~~shall serve at the pleasure of the commission and shall~~
14 ~~receive actual expenses when traveling on official business of~~
15 ~~the commission. Until otherwise provided for by the~~
16 ~~commission, the present State Forester of the Division of~~
17 ~~Forestry of the Department of Conservation and Natural~~
18 ~~Resources shall continue to serve as the State Forester under~~
19 ~~the commission. The State Forester shall devote his full time~~
20 ~~to the duties of his office. He shall be required to take the~~
21 ~~oath of office and give bond in the sum of \$50,000.00.~~

22 ~~"The State Forester of Alabama shall be appointed by~~
23 ~~the Commissioner of Agriculture and Industries, the Governor~~
24 ~~of Alabama, and the President of the Alabama Forestry~~
25 ~~Association, or majority of them, from the list of qualified~~
26 ~~applicants who have passed the official examination and who~~
27 ~~have been certified to the aforesaid appointing authorities by~~

1 the State Personnel Department. The State Forester appointed
2 under the provisions of this section shall be subject to the
3 provisions of the Merit System, and his or her salary shall be
4 fixed by the State Personnel Board, upon recommendation of the
5 Commissioner of Agriculture and Industries with approval of
6 the State Board of Agriculture and Industries, which salary
7 shall be paid out of the appropriation provided by law for
8 payment of salaries and expenses of the employees of the
9 Department of Agriculture and Industries. The State Forester
10 appointed under this section must have earned a minimum of a
11 bachelor of science degree in forestry and must be licensed
12 and registered under the forestry laws of Alabama with
13 considerable experience in the forestry field. The State
14 Forester shall exercise all the powers vested in the
15 Commissioner of Agriculture and Industries in the
16 administration and enforcement of the provisions of the state
17 forestry laws.

18 "§9-3-6.

19 "The ~~commission shall~~ Commissioner of Agriculture
20 and Industries, with approval of the State Forestry
21 Commission, may also appoint, with the advice and consent of
22 the Governor, an Assistant State Forester, who shall hold at
23 least a bachelor degree in forestry with considerable forestry
24 experience. ~~The~~ If so appointed, the Assistant State Forester
25 shall serve as the chief assistant to the State Forester. The
26 Assistant State Forester's salary shall be set by the
27 ~~commission,~~ Commissioner of Agriculture and Industries and he

1 or she shall be paid ~~his~~ actual expenses when traveling on
2 official business of the ~~commission~~ Department of Agriculture,
3 Forestry, and Industries. Until otherwise provided for by the
4 commission and the Commissioner of Agriculture and Industries,
5 the present Assistant State Forester shall continue to serve
6 under the Commissioner of Agriculture and Industries.

7 "§9-3-7.

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

13 "§9-3-8.

14 "No member of the State Forestry Commission
15 ~~commission,~~ during the tenure of his or her office or within
16 two years thereafter, shall be eligible for appointment as
17 State Forester or for any employment ~~under~~ in the ~~commission~~
18 Division of State Forestry.

19 "§9-3-9.

20 "The ~~commission~~ Department of Agriculture, Forestry,
21 and Industries, with consent of the State Forestry Commission,
22 shall have the power to adopt and promulgate rules and
23 regulations pertaining to all phases of forestry within this
24 state, which rules and regulations when adopted shall have the
25 force and effect of law. All rules and regulations of the
26 ~~Division of Forestry of the Department of Conservation and~~
27 ~~Natural Resources~~ State Forestry Commission heretofore

1 promulgated shall continue in effect until repealed or amended
2 by the ~~commission~~ Department of Agriculture, Forestry, and
3 Industries, with consent of the State Forestry Commission.

4 "§9-3-10.

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

16 "(b) After the effective date of this act, all funds
17 remaining in the Alabama Forestry Commission Fund #0312 shall
18 be transferred into the Alabama Forestry Fund established by
19 this section.

20 "§9-3-10.1.

21 "(a) There is hereby established an Emergency Forest
22 Fire, Insect and Disease Fund into which there is
23 automatically appropriated \$180,000.00 annually at the
24 beginning of each state fiscal year. The state Comptroller
25 shall transfer said moneys from the General Fund to such
26 emergency fund annually at the beginning of each state fiscal
27 year. Said emergency fund shall not exceed a total accumulated

1 amount of \$1,000,000.00. The moneys in said fund may be
2 expended from time to time to meet emergency forest fire,
3 insect and disease needs as deemed necessary by the
4 Commissioner of Agriculture and Industries, State Forester,
5 and Governor. The moneys expended from said fund for such
6 emergency needs shall be automatically replenished and are
7 hereby appropriated from the General Fund annually to the
8 extent of \$180,000.00 per year at the beginning of each state
9 fiscal year until the said \$1,000,000.00 ceiling is reached.
10 The state Comptroller shall make the transfer to replenish the
11 funds within a period of one week following the commencement
12 of each state fiscal year.

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

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

23 "§9-3-11.

24 "The Commissioner of Agriculture and Industries and
25 the State Forester ~~is~~ are hereby authorized and required to
26 create a steering committee to represent rural community fire
27 departments.

1 "§9-3-12.

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

23 "§9-3-13.

24 "The steering committee shall make recommendations
25 to the Commissioner of Agriculture and Industries and State
26 Forester regarding how to improve the rural community fire
27 program and how to solve immediate problems including parts

1 exchange, training and financial assistance through federal
2 grants.

3 "§9-3-14.

4 "The committee shall meet semiannually, with the
5 members of the committee setting the date. The State Forester
6 and Commissioner of Agriculture and Industries shall have the
7 authority to call special meetings. A majority of members
8 shall constitute a quorum.

9 "§9-3-15.

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

16 "§9-3-17.

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

21 "(1) The group shall be organized and incorporated
22 under the laws of the State of Alabama as a nonprofit
23 organization or as an authority of a legal subdivision. All
24 persons who are members of said group shall be known as
25 "volunteer fire fighters," and shall have been qualified as
26 such by participating in organized fire protection and
27 suppression training programs. All fire fighters must attend

1 regularly scheduled meetings, drill, and training classes
2 within the department and same shall be documented and kept on
3 file at the department location for one year.

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

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

8 "a. One tanker truck capable of carrying and pumping
9 no less than 500 gallons of water with adequate nozzle
10 pressure to suppress wildfire, structural fire and other
11 fires.

12 "b. Motorized apparatus shall be equipped with the
13 following minimum required equipment:

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

16 "2. 150 feet of pre-connected 1 1/2 inch fire hose
17 with suitable fog/stream nozzle attached.

18 "c. In areas where a sufficient number of fire
19 hydrants are provided, the tanker shall also carry 200 feet of
20 2 1/2 inch fire hose together with a 2 1/2 to 1 1/2 inch wye
21 connector for use with smaller hose and other equipment.

22 "d. One 24 foot extension ladder with a 12 foot roof
23 ladder.

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

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

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

8 "(6) Housing for motorized equipment shall be
9 provided at the department location of such type and size as
10 to provide virtually freezeproof conditions for vehicles. A
11 training room should also be provided at the earliest possible
12 time.

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

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

21 "(d) The ~~Alabama Forestry Commission~~ Division of
22 State Forestry shall be the state ~~agency~~ entity delegated as
23 certifying authority under this section and shall certify all
24 departments which are cooperators with ~~that commission~~ the
25 division.

26 "(e) All noncooperating departments which request
27 certification shall be reviewed by the Alabama Association of

1 Volunteer Fire Departments and a recommendation for
2 certification shall be made by the association to the ~~Alabama~~
3 ~~Forestry Commission~~ Division of State Forestry.

4 "(f) The provisions of this section shall supersede
5 and take precedence over any local law or municipal ordinance
6 in conflict herewith. All laws or parts of laws in conflict
7 herewith are hereby repealed.

8 "§9-3-19.

9 "(a) As used in this section, the term "fire control
10 or fire rescue equipment" includes, but is not limited to, a
11 motor vehicle, fire fighting tools, protective gear, breathing
12 equipment, and other vehicles, supplies, and tools used in
13 fire fighting or fire rescue.

14 "(b) Any person, corporation, partnership,
15 association, or governmental entity may donate or give away
16 used or obsolete fire control or fire rescue equipment to the
17 ~~Alabama Forestry Commission~~ Department of Agriculture,
18 Forestry, and Industries for its use or for distribution to
19 certified volunteer fire departments. Any person, corporation,
20 partnership, association, or governmental entity that donates
21 fire control or fire rescue equipment shall not be liable for
22 civil damages for personal injury, property damage, or death
23 resulting from a defect in the equipment, if the property was
24 donated in good faith and the defect was unknown to the person
25 making the donation. The ~~Alabama Forestry Commission~~
26 Department of Agriculture, Forestry, and Industries and its
27 Commissioners and other officers and employees shall not be

1 liable for civil damages for personal injury, property damage,
2 or death resulting from a defect in equipment sold, loaned,
3 donated, or otherwise made available in good faith by the
4 ~~commission~~ Department of Agriculture, Forestry, and Industries
5 to certified volunteer fire departments pursuant to this
6 section. A breathing apparatus that is donated to the
7 ~~commission~~ Department of Agriculture, Forestry, and Industries
8 shall be recertified to the manufacturer's specifications by a
9 technician certified by the manufacturer before it is made
10 available to a volunteer fire department. Any cost incurred by
11 the ~~commission~~ department in recertifying a breathing
12 apparatus shall be reimbursed to ~~the commission~~ it by the
13 volunteer fire department which received the breathing
14 apparatus.

15 "§9-8A-3.

16 "(a) The members of the commission shall consist of
17 the Governor; the Commissioner of Agriculture and Industries;
18 the President of the Alabama Farmers Federation; the President
19 of the Alabama Cattlemen's Association; the Chair of the State
20 Soil and Water Conservation Committee; a member of the Alabama
21 Forestry Commission designated by the Governor; the President
22 of the Alabama Association of Conservation Districts; and two
23 citizens of the state of good reputation who are active
24 farmers or timberland owners or involved in environmental
25 protection appointed by the Governor. Each voting member of
26 the commission, except the two citizens appointed by the
27 Governor, may appoint a designee to represent him or her at

1 all commission meetings. The members of the commission may
2 request that a member replace his or her designee if the
3 designee has been absent from three or more consecutive
4 meetings without good cause. The Chair of the Senate
5 Agriculture, Conservation and Forestry Committee, the Chair of
6 the House Agriculture and Forestry Committee, two members of
7 the House, and two members of the Senate appointed by the
8 Speaker of the House and the Lieutenant Governor,
9 respectively, shall also serve as nonvoting ex officio members
10 of the commission and as an oversight committee to review and
11 report to the Legislature respecting the programs and
12 activities of the commission. The members of the commission
13 appointed by the Governor shall be appointed at the beginning
14 of each organizational session of the Legislature to serve
15 until the next organizational session of the Legislature;
16 provided, however, that the initial appointed members will be
17 appointed promptly following ratification by the qualified
18 electors of the state of the amendment to the Constitution of
19 Alabama of 1901 that was proposed by House Bill 10 introduced
20 at that special session of the Legislature that convened on
21 January 23, 1985. Each member shall hold office for the term
22 of his or her appointment, if he or she is appointed, or as
23 long as he or she serves in one of the positions listed above,
24 and until his or her successor shall have been appointed and
25 qualified.

26 "(b) The Governor shall serve as chair of the
27 commission and the commission shall elect from among its

1 members a vice-chair, a secretary, and such other officers as
2 it may determine. The State Treasurer of Alabama shall serve
3 as treasurer of the commission.

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

1 commission shall be eligible for reappointment without limit
2 as to the number of terms previously served.

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

20 "(e) Regular meetings of the commission shall be
21 held at the time and place fixed by resolution or by law of
22 the commission. Special meetings of the commission shall be
23 held at the call of the chair or whenever three members of the
24 commission so request, in each case upon two days' notice to
25 each member of the commission given in person or by registered
26 letter or telegram. The notice to each member of the
27 commission may be waived by the member of the commission,

1 either before or after the meeting with respect to which
2 notice would otherwise be required. A majority of the voting
3 members of the commission shall constitute a quorum for the
4 transaction of business, and decisions shall be made and
5 resolutions adopted on the basis of a majority of the quorum
6 then present and voting, with each voting member of the
7 commission having a single vote. No vacancy in the membership
8 of the commission or the voluntary disqualification or
9 abstention of any member of the commission shall impair the
10 right of a quorum to exercise all of the powers and duties of
11 the commission. No member or officer of the commission shall
12 receive any salary therefor, but may be reimbursed for
13 necessary travel and the reasonable expenses of performing the
14 duties of office. All proceedings of the commission shall be
15 reduced to writing by the secretary, signed by the chair and
16 at least three members of the commission, recorded in a
17 substantially bound book, and filed in the office of the
18 commission. All proceedings of the commission shall be open to
19 the public, except that executive or secret sessions may be
20 held when the character or good name of a person is involved,
21 and all records of the commission shall be subject to public
22 inspection during business hours. Copies of the proceedings,
23 when certified by the secretary under the seal of the
24 commission, shall be received in all courts as prima facie
25 evidence of the matters and things therein certified.

1 "(f) No member, office, or employee of the
2 commission shall be personally liable for the obligations or
3 acts of the commission.

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

6 "§9-10A-4.

7 "Any management guidelines developed by watershed
8 management authorities to protect forested watersheds shall
9 follow the best management practices established by the
10 Alabama Forestry Commission Division of State Forestry of the
11 Department of Agriculture, Forestry, and Industries as they
12 pertain to forested watersheds.

13 "§9-13-1.

14 "The Governor may, upon the recommendation of the
15 State Forestry Commission and the Commissioner of Agriculture
16 and Industries, accept gifts of land to the state, the same to
17 be held and administered by the ~~State Forestry Commission~~
18 Department of Agriculture, Forestry, and Industries as state
19 forests and to be so used as to demonstrate the practical
20 utility of timber culture. Such gifts must be absolute, except
21 the mineral and mining rights over and under said lands (but
22 no reservation of any timber rights in connection therewith)
23 may be reserved and except for a stipulation that they be held
24 and administered as state forests; and the Attorney General
25 shall see that all deeds of gift or other grants to the state
26 of land mentioned above are properly executed and convey good
27 title before the gift is accepted.

1 "§9-13-3.

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

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

16 "(c) The ~~commission~~ Department of Agriculture,
17 Forestry, and Industries shall be the sole cooperating agency
18 in joint work in the promotion and development of forestry and
19 other matters and interests devolving upon it by law, among
20 all classes of land ownership in the state, in which both the
21 state and the federal government may have financial or
22 administrative participation.

23 "(d) The ~~commission~~ Department of Agriculture,
24 Forestry, and Industries, for the purpose of establishing,
25 developing and maintaining state forests, administrative
26 headquarters sites, tower sites and other areas necessary for
27 its efficient operation, may acquire land by donation,

1 purchase, condemnation or lease, and for these purposes may
2 use such funds as may be available to it and not otherwise
3 obligated and may enter into agreements with the federal
4 government or other agencies and private landowners for
5 acquiring by lease, purchase or otherwise such lands as in its
6 judgment are desirable or necessary.

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

18 "The ~~commission~~ Department of Agriculture, Forestry,
19 and Industries shall have full power and authority to sell,
20 exchange or lease lands under its jurisdiction when in its
21 judgment it is advantageous to the state to do so in the
22 orderly development and management of state forests and other
23 designated areas; provided, however, that said sale, lease or
24 exchange shall not be contrary to the terms of any contract
25 which it has entered into. In the event any state forest lands
26 or assets are sold, proceeds shall be deposited in the Alabama
27 Forestry Fund.

1 "(e) The ~~commission~~ Department of Agriculture,
2 Forestry, and Industries may employ such officers, assistants
3 and employees as may be necessary and, as to persons employed
4 wholly or in part in carrying out the provisions of
5 cooperative agreements with the federal government or other
6 agencies, for such compensation heretofore or hereafter paid
7 may use such contributions or receipts as may be derived from
8 the United States or from any private or philanthropic source.

9 "§9-13-4.

10 "There shall be a fund known as the Alabama Forestry
11 ~~Commission~~ Fund. This fund shall consist of all occupational
12 licenses and privilege taxes imposed by the state for engaging
13 in any business dealing with timber or timber products and all
14 fines and forfeitures arising under the provisions of this
15 chapter, and all appropriations made by the State of Alabama
16 from its General Funds in furtherance of the purposes of this
17 chapter shall be paid into said Alabama Forestry ~~Commission~~
18 Fund. There shall also be paid into said Alabama Forestry
19 ~~Commission~~ Fund all sums accruing to the ~~State Forestry~~
20 ~~Commission~~ Division of State Forestry from whatsoever source.
21 This fund shall be used and expended by the ~~State Forestry~~
22 ~~Commission~~ Department of Agriculture, Forestry, and Industries
23 in accordance with the terms of the gift, bequest,
24 appropriation or donation from which said moneys are derived
25 and, in absence of any such terms, shall be expended by the
26 ~~State Forestry Commission~~ Department of Agriculture, Forestry,
27 and Industries, Division of State Forestry in furtherance of

1 any of the provisions of this chapter. All necessary expenses
2 of the ~~State Forestry Commission~~ Division of State Forestry
3 shall be payable out of said fund on the requisition of the
4 State Forester; provided, that nothing herein contained shall
5 be construed to require the diversion of any funds from any
6 particular purpose for which they were collected, allotted or
7 budgeted if the effect of such diversion would penalize the
8 state in retaining or securing any federal funds or federal
9 assistance, and no funds shall be withdrawn nor expended for
10 any purpose whatsoever unless the same shall have been
11 allotted and budgeted in accordance with the provisions of
12 Article 4 of Chapter 4 of Title 41 of this Code and only in
13 the amounts and for the purposes provided by the Legislature
14 in the general appropriation bill.

15 "§9-13-5.

16 "All sheriffs, deputy sheriffs, constables, marshals
17 and such other persons as may be designated or appointed by
18 the Governor, ~~or by the~~ Commissioner of Agriculture and
19 Industries, or State Forester are hereby declared to be forest
20 wardens, and they shall report to the ~~said~~ Commissioner, State
21 Forester, ~~and to the~~ district attorney for the county in which
22 the same occur any violations of any provisions of this
23 chapter.

24 "§9-13-6.

25 "The Commissioner of Agriculture and Industries and
26 State Forester shall have the power to appoint any person in
27 any area of the state who is skilled in forestry work or fire

1 prevention as a forest fire warden, on a volunteer status,
2 whose duties shall be to prevent and suppress forest fires in
3 his respective locale. All persons so appointed shall receive
4 a duly executed commission signed by the ~~State Forester~~
5 appointing authority and stating on the face thereof the
6 appointee's name and title.

7 "§9-13-8.

8 "At the discretion of the Commissioner of
9 Agriculture and Industries or State Forester, such forest fire
10 wardens may be issued fire-fighting equipment from such
11 equipment as may be available for such purposes to the ~~State~~
12 ~~Forestry Commission~~ Division of State Forestry, and any such
13 equipment so issued may be used only for the suppression of
14 forest fires.

15 "§9-13-9.

16 "The ~~State Forester~~ Commissioner of Agriculture and
17 Industries, with the approval of the state merit board, shall
18 have the power to provide for the compensation to be received
19 by such forest fire wardens if, in his or her judgment, ~~he~~
20 ~~deems~~ such compensation is deemed necessary; provided, that
21 ~~they~~ the forest fire wardens shall receive compensation only
22 for such hours as are spent on fire fighting and for any
23 actual expenses incurred by them in the performance of such
24 duties.

25 "§9-13-10.

26 "All employees of the ~~State Forestry Commission~~
27 Department of Agriculture, Forestry, and Industries appointed

1 as forest law enforcement officers by the Commissioner of
2 Agriculture and Industries or State Forester are hereby
3 constituted peace officers of the State of Alabama with full
4 police power and may exercise such powers anywhere within the
5 state. They are hereby authorized to carry firearms or other
6 weapons when they are actually in the discharge of their
7 duties as such officers as provided by law. They shall be
8 clothed with the power to arrest with or without warrant any
9 person who shall violate any of the laws of the State of
10 Alabama or any rule or regulation of the ~~Alabama Forestry~~
11 ~~Commission~~ Department of Agriculture, Forestry, and Industries
12 and take him or her before a proper court for trial. All
13 employees of the ~~State Forestry Commission~~ Department of
14 Agriculture, Forestry, and Industries , who are appointed as
15 forest law enforcement officers, and all duly appointed
16 officers of the United States whose duty it is to prevent and
17 suppress forest fires are empowered to enter any lands and to
18 construct thereon fire lines, fire lanes or fire breaks, to
19 set back fires thereon if necessary to prevent the further
20 spread of fire then actually burning and to do all other work
21 necessary in the performance of their duties, including the
22 right to enter any lands for the purpose of making
23 investigations for the cause or causes of fires, without
24 liability for trespass or damage therefrom.

25 "§9-13-10.1.

26 "All state agencies, in the performance of their
27 duties and responsibilities to the people of Alabama, are

1 authorized to aid and assist the ~~State Forestry Commission~~
2 Division of State Forestry in the control and suppression of
3 wildfires, on request of the Governor of Alabama, with such
4 requested resources that are reasonably available and needed
5 to cope with the specific situation.

6 "§9-13-11.

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

10 "(1) Willfully, maliciously or intentionally burns,
11 sets fire to, attempts to set fire to, or causes to be burned
12 or any fire to be set to any forest, grass, woodlands, or
13 other inflammable vegetation on any lands not owned, leased,
14 controlled, or in the lawful possession of the person, firm,
15 association, or corporation setting the fire or burning such
16 lands or causing the fire to be set or lands to be burned.

17 "(2) Shall have in his or her possession or shall
18 set, throw or place any device, instrument, or other
19 incendiary paraphernalia, including any time-delay incendiary
20 device, in or adjacent to any forest, grass, woodlands, or
21 other inflammable vegetation, which forest, grass, woodland or
22 other inflammable vegetation is not owned, leased, controlled,
23 or in the lawful possession of the person possessing such
24 device, instrument, or paraphernalia.

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

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

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

10 "(3) Who shall set fire to any brush, stumps, logs,
11 rubbish, fallen timber, grass, stubble, or debris of any sort
12 within or near any forest or woodland, unless the area
13 surrounding said material to be burned shall be cleared of all
14 inflammable material for a reasonably safe distance in all
15 directions and maintained free of all inflammable material so
16 long as such fire shall continue to burn;

17 "(4) Who shall set a fire within or near any forest,
18 woodland, or grassland without clearing the ground immediately
19 around it free from material which will carry fire, or shall
20 leave such fire before it is totally extinguished or start a
21 fire in any forest, woodland, or grassland by throwing away a
22 lighted cigar, cigarette, match or by the use of firearms or
23 in any other manner and leave the same unextinguished;

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

1 "(6) Who shall burn any new ground, field,
2 grasslands, or woodlands, or adjoining woodlands or grasslands
3 of another within any area which has been placed under
4 organized forest fire protection by the ~~State Forestry~~
5 ~~Commission~~ Division of State Forestry without first obtaining
6 verbal authorization from the ~~State Forestry Commission~~
7 Division of State Forestry by obtaining a burning permit
8 number.

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

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

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

24 "b. The person requesting the permit is responsible
25 to keep the fire confined.

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

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

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

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

24 "(e) An area shall be deemed legally placed under
25 organized forest fire protection by the ~~State Forestry~~
26 ~~Commission~~ Division of State Forestry of the ~~State of Alabama~~
27 Department of Agriculture, Forestry, and Industries upon

1 proclamation of the State Forester. Such proclamation shall
2 describe the lands placed in said area and shall be published
3 once a week for two consecutive weeks in a newspaper published
4 in the county where the lands composing said area are located.
5 If there are no newspapers published in the county where said
6 lands are located, then said proclamation shall be published
7 in a newspaper of an adjoining county. In the event the lands
8 composing said area are located in more than one county, such
9 proclamation shall be so published in a newspaper in each
10 county where said lands are located. Beginning with the
11 twelfth day after the first publication of said proclamation
12 in said newspaper or newspapers, the lands described in the
13 proclamation shall be deemed in an area under organized forest
14 fire protection. Upon the trial of any person, firm, or
15 corporation for the violation of any provision of this
16 section, a certified copy of said proclamation executed by the
17 State Forester shall be admissible in evidence and shall be
18 conclusive evidence of the fact that the lands described in
19 said proclamation constitute an area under organized forest
20 fire protection within the meaning of this section.

21 "(f) All moneys collected for any violation of this
22 section as fines, forfeitures, etc., shall go to the Alabama
23 Forestry ~~Commission~~ Fund and shall be used in defraying the
24 expense of the administration of ~~such State Forestry~~
25 ~~Commission~~ the Division of State Forestry.

26 "§9-13-24.

1 "When an arrest for a violation of the provisions of
2 the forestry laws is made by a salaried officer or salaried
3 employee of the ~~State Forestry Commission~~ Department of
4 Agriculture, Forestry, and Industries and the defendant is
5 convicted, there shall be taxed as costs the same fee as the
6 sheriff in this state is entitled to for similar services and,
7 if collected from the defendant, shall be immediately remitted
8 by the trial court directly to the ~~State Forester~~ Commissioner
9 of Agriculture and Industries, and said fee shall be used for
10 the purpose of the administration of the ~~State Forestry~~
11 ~~Commission~~ Division of State Forestry. If the person making
12 the arrest shall be a nonsalaried officer or not an employee
13 of the ~~State Forestry Commission~~ Department of Agriculture,
14 Forestry, and Industries and if said fee is collected from the
15 defendant, such person shall be entitled to said fee and shall
16 receive in addition thereto an informer's fee of one-half the
17 fine in each case where the information furnished by him
18 results in a conviction and the fine is collected and paid
19 into court; provided, however, that in no case shall the
20 amount paid to the informant or party making the affidavit as
21 to the commission of any offense embraced in this chapter
22 exceed the sum of \$25.00. All amounts in excess of \$25.00
23 shall be remitted to the ~~State Forester~~ Commissioner of
24 Agriculture and Industries as provided in this section. No fee
25 shall be allowed in cases of acquittal.

26 "§9-13-40.

1 "It is the declared policy of the state to encourage
2 reforestation of cutover lands and timber culture generally;
3 and to that end and in consideration of the public benefits
4 arising therefrom, the timber growing on lands which shall
5 hereafter be designated by the ~~State Forestry Commission~~
6 Division of State Forestry as auxiliary state forests under
7 the provision of this article shall not be taxable or assessed
8 for taxation by any authority from the time that said lands
9 are so designated until they are withdrawn as auxiliary state
10 forests, and only the land on which said timber grows may be
11 taxed or assessed for taxation as if the ownership of the
12 timber growing thereon had been severed from the ownership of
13 the land, and the valuation of the timber growing on auxiliary
14 state forests shall not be included in the valuation of the
15 shares of stock in any domestic corporation owning such timber
16 in arriving at the valuation of the shares of stock of such
17 corporation for taxation; provided, that said land shall be
18 appraised jointly by the Department of Revenue and the ~~State~~
19 ~~Forestry Commission~~ Division of State Forestry with view to
20 its use for timber production purposes, such appraisal being
21 made with due regard to the fact that the timber yields from
22 such lands require a considerable period of years for maturing
23 and that the valuation determined by such appraisal for the
24 purposes of taxation of the land independently of the timber
25 shall not be increased during the continuance of such land as
26 auxiliary state forests; and provided further, that when the
27 land embraced within an auxiliary state forest does not exceed

1 160 acres, the land shall not be taxed or assessed for
2 taxation.

3 "§9-13-41.

4 "Any owner of lands desiring to devote the same to
5 forest culture and to have the same designated as auxiliary
6 state forests shall file with the ~~State Forestry Commission~~
7 Division of State Forestry an application in writing, which
8 shall be signed by such owner, describing the lands which said
9 owner desires to have designated as auxiliary state forests,
10 stating his willingness to enter into the contract provided
11 for in this article and such other information as the ~~State~~
12 ~~Forestry Commission~~ Division of State Forestry may require and
13 praying that such lands shall be designated by the ~~State~~
14 ~~Forestry Commission~~ Division of State Forestry as auxiliary
15 state forests.

16 "§9-13-42.

17 "The ~~State Forestry Commission~~ Division of State
18 Forestry may, in its discretion, require the applicant to
19 furnish an abstract of title of said lands showing ~~him~~ the
20 applicant to be the owner in fee thereof or other satisfactory
21 proof of title, and all rights of dower or homestead in said
22 lands, as against the operation of said contract, shall be
23 released before the same is approved.

24 "§9-13-43.

25 "Upon the filing of such application, the ~~State~~
26 ~~Forestry Commission~~ Division of State Forestry shall, as soon
27 as practicable, inspect the said land or cause the same to be

1 inspected by the State Forester or some other competent and
2 suitable person; and, if the ~~State Forestry Commission~~
3 Division of State Forestry shall find said lands to be suited
4 for forest culture, it shall certify that fact, together with
5 a copy of said application to the Governor, who shall, if he
6 deems it advisable to do so, thereupon cause the contract
7 provided for in this article to be drawn by the Attorney
8 General, and, upon the execution of the same, by the owner of
9 the land, the Governor shall execute the same for and on
10 behalf of and in the name of the State of Alabama.

11 Said contract shall be executed in quadruplicate.
12 One copy shall be filed with the ~~State Forestry Commission~~
13 Division of State Forestry and one with the Department of
14 Revenue or body exercising its jurisdiction and powers. One
15 copy shall be delivered to the owner of the land, and the
16 fourth shall be filed by the State Forester for record in the
17 probate office of the county or counties in which said land is
18 situated, at the cost of the owner. The Attorney General shall
19 approve the execution of said contracts.

20 "§9-13-44.

21 "The Governor may, at his discretion, upon
22 designation of any lands as auxiliary state forests, under the
23 provisions of this article, on behalf of and in the name of
24 the State of Alabama, enter into a contract by and with the
25 owner of said land and the successors and assigns of said
26 owner, the said covenant to run with the land that, in
27 consideration of the devotion of said land to reforestation

1 and of the public benefits arising therefrom, the timber
2 growing on said land shall not be taxable nor assessed for
3 taxation, directly or indirectly, or by any authority, until
4 said lands are withdrawn as auxiliary state forests and that
5 only the land upon which said timber is grown may be taxed or
6 assessed for taxation during said period and that, if said
7 land is taxed or assessed for taxation, it shall be assessed
8 and valued as if the ownership of the timber had been severed
9 from the ownership of the land; provided, that said land shall
10 be appraised jointly by the Department of Revenue and the
11 ~~State Forestry Commission~~ Division of State Forestry, such
12 appraisal being made with due regard to the fact that the
13 timber yields from such lands require a considerable period of
14 years for maturing and that the valuation determined by such
15 appraisal for the purposes of taxation of the land
16 independently of the timber shall be the valuation of such
17 lands upon and from the effective date of the approval of the
18 contract and shall not be increased during the continuance of
19 such lands as auxiliary state forests and that, if the land
20 included under the contract does not exceed 160 acres, the
21 land shall not be taxed or assessed for taxation.

22 "It shall be agreed in said contract that the owner
23 of said land will devote the same to forest culture and that
24 no use shall be made of said land that will militate against
25 the growth of the timber thereon; that the owner will use
26 diligence in protecting the same against fire in accordance
27 with rules established by the State Forestry Commission and

1 Department of Agriculture, Forestry, and Industries and that
2 the owner will not withdraw said lands as auxiliary state
3 forests for a period of five years after the same are entered
4 as such and will not cut, turpentine or otherwise utilize the
5 timber thereon before the withdrawal of the same as auxiliary
6 state forests, except in accordance with rules formulated by
7 the State Forestry Commission and Department of Agriculture,
8 Forestry, and Industries, which rules and other rules
9 mentioned in this article it is authorized and directed to
10 make.

11 "Upon application of any owner of land comprised
12 within auxiliary state forests heretofore established under
13 contract of current effect, provisions authorized in this
14 section but not included in the original contract may, with
15 the approval of the Governor, be included in a supplemental
16 contract modifying the terms of the original contract.

17 "§9-13-45.

18 "If any owner or the successor in title of any such
19 owner shall violate the provisions of his contract, the
20 Governor may, in his discretion, abrogate the same by a
21 written order to be filed with the Department of Revenue, the
22 ~~State Forestry Commission~~ Division of State Forestry and the
23 said owner or his successor in title. Upon such abrogation,
24 the privilege tax provided for in this article shall at once
25 become due and payable in all respects as if said lands had
26 been legally withdrawn as auxiliary state forests.

27 "§9-13-46.

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

18 "(b) The owner of such lands shall have the right to
19 harvest or otherwise use parts of said timber without
20 withdrawing the land under the rules which said State Forestry
21 Commission and Department of Agriculture, Forestry, and
22 Industries ~~is~~ are directed to make.

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

27 "§9-13-47.

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

13 "§9-13-49.

14 "Said privilege tax shall be paid to the ~~State~~
15 ~~Forestry Commission~~ the Alabama Forestry Fund for use by
16 Division of State Forestry of the Department of Agriculture,
17 Forestry, and Industries and by it reported to the Comptroller
18 and paid into the Treasury, whereupon the Comptroller shall
19 draw and transmit to the tax collector of each county wherein
20 such timber has been appraised and with respect to which such
21 tax has been paid a warrant payable to such tax collector for
22 the full amount of tax paid as to such county. Thereupon the
23 tax collector shall treat and consider the payments so made to
24 himself as if he had collected the same for and on account of
25 state and county taxes duly assessed by the tax assessor upon
26 the timber appraised as provided in this article and shall
27 proceed to apportion, distribute and pay the same as if such

1 taxes were ad valorem taxes assessed against the owner of the
2 timber, after deducting therefrom for himself a commission of
3 two percent upon the amount of such taxes and paying also the
4 tax assessor a commission of two percent thereon. In all
5 counties in which officials are paid on a salary basis, the
6 commissions authorized in this section shall by said officials
7 be paid into the treasury of said county.

8 "§9-13-50.

9 "The ~~State Forestry Commission~~ Division of State
10 Forestry shall keep a book in which shall be recorded all
11 applications for the designation of lands as auxiliary state
12 forests, contracts entered into upon such applications and
13 withdrawals or forfeitures thereof.

14 "§9-13-63.

15 "Any person, firm, or corporation buying,
16 contracting to buy, or otherwise acquiring logs, poles,
17 piling, crossties, pulpwood, veneer bolts, stave bolts, or
18 other unmanufactured or semimanufactured forest products shall
19 keep a written record in this state of every such purchase.
20 The record shall contain the name of the person or persons
21 from whom the product was acquired, the county from which the
22 timber or other forest product was severed, the amount thereof
23 and the date of delivery, which information shall be obtained
24 from the person or persons from whom the product was acquired.
25 This record shall be a true, accurate, and correct statement
26 of the transaction as provided for in this section. Any person
27 who knowingly gives false information to the purchaser of the

1 product or who willfully misstates the facts with intent to
2 defraud is guilty of a misdemeanor and shall be punished by a
3 fine of not less than \$100 nor more than \$1000, or a jail
4 sentence of not less than 10 days nor more than one year or
5 both fine and imprisonment. The purchaser shall be entitled to
6 rely upon the information furnished by the seller. The
7 information given under this section shall be kept by the
8 person or persons acquiring the forest products and shall be
9 available, during business hours, to a duly authorized agent
10 or employee of the ~~State Forestry Commission~~ Division of State
11 Forestry. The record shall be kept available for a period of
12 not less than three years. Any person, firm, or corporation
13 failing to keep the record or in any manner falsifying it is
14 guilty of a misdemeanor and shall be punished by a fine of not
15 less than nor more than \$1000, or a jail sentence of not less
16 than 10 days nor more than a year or both fine and
17 imprisonment.

18 "§9-13-64.

19 "All employees of the ~~State Forestry Commission~~
20 Division of State Forestry, and other employees of the
21 Department of Agriculture, Forestry, and Industries, as
22 designated by the Commissioner of Agriculture and Industries,
23 shall have the powers of peace officers in the enforcing of
24 the provisions of this article. They shall be allowed to enter
25 any lands and to do any work necessary in the performance of
26 their duties without liability for trespass or damage
27 therefrom.

1 "§9-13-65.

2 "All fines collected from violations of Sections
3 9-13-60 and 9-13-63 shall go to the Alabama Forestry
4 ~~Commission~~ Fund.

5 "§9-13-80.

6 "The following words, terms and phrases, when used
7 in this article, shall have the meanings ascribed to them in
8 this section, except where the context clearly indicates a
9 different meaning:

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

13 "~~(2) DEPARTMENT. The Department of Revenue of the~~
14 ~~State of Alabama.~~

15 "~~(3)~~ (2) TAXPAYER. Any person liable for taxes under
16 this article.

17 "~~(4)~~ (3) PRODUCER. Any person engaging or continuing
18 to engage in this state in the business of severing timber or
19 any other forest products from the soil, whether as owner,
20 lessee, concessionaire or contractor. Such definition shall
21 also include any person who assembles or causes to be
22 assembled any forest product for shipment out of the State of
23 Alabama in an unmanufactured condition.

24 "~~(5)~~ (4) FOREST PRODUCTS. Logs, timber, pulpwood,
25 chemical wood, bolts, crossties and switch ties, mine ties,
26 coal mine props, ore mine props, poles, piles, turpentine
27 (crude gum) and stumpwood (tarwood).

1 "~~(6)~~ (5) SEVER. To fell, cut or otherwise separate
2 from the soil; provided, that for the purpose of this article,
3 any person who is the owner or lessee of timber and is also
4 the processor thereof or a manufacturer of products derived
5 therefrom shall be deemed the person engaged in severing such
6 timber from the soil, notwithstanding the fact that the
7 severance is made by an independent contractor or otherwise.

8 "~~(7)~~ ~~COMMISSIONER. The Commissioner of Revenue of~~
9 ~~the State of Alabama.~~

10 "~~(8)~~ (6) MANUFACTURER. As applied to forest products
11 suitable for manufacture into lumber, the person who operates
12 the sawmill or plant in which such products are so
13 manufactured into lumber; as applied to pulpwood, chemical
14 wood and bolts, the person who operates the paper mill,
15 chemical plant or other plant in which such forest products
16 are processed; as applied to crossties, switch ties, mine
17 ties, props, poles and piles, the person who purchases from
18 the producer; as applied to turpentine, the person who
19 processes or cooks the crude gum; as applied to stumpwood, the
20 person who operates the plant or retort in which such product
21 is processed.

22 "~~(9)~~ (7) CONCENTRATION YARD. A place where lumber is
23 brought or received within the State of Alabama in a green or
24 rough form or condition for manufacturing or for processing or
25 for resale.

26 "§9-13-84.

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

20 "There is hereby continuously appropriated the
21 receipts from the taxes levied in this article to the ~~State~~
22 ~~Forestry Commission~~ Department of Agriculture, Forestry, and
23 Industries for the use of the ~~State Forestry Commission~~
24 Division of State Forestry. Such amount of money as shall be
25 appropriated for each fiscal year by the Legislature to the
26 Department of Revenue with which to pay the salaries, the cost
27 of operation and the management of the said department shall

1 be deducted, as a first charge thereon, from the taxes
2 collected under and pursuant to said article; provided,
3 however, that the expenditure of said sum so appropriated
4 shall be budgeted and allotted pursuant to Article 4 of
5 Chapter 4, Title 41 and limited to the amount appropriated to
6 defray the expenses of operating said department for each
7 fiscal year; ~~provided further, however, that for the fiscal~~
8 ~~years ending September 30, 1989, and September 30, 1990, the~~
9 ~~portion of the receipts allocated to the Forestry Commission~~
10 ~~is hereby appropriated for use in their fire control program.~~

11 "(b) After the effective date of this act, all funds
12 remaining in the current special State Forestry Fund #0332 of
13 the State Forestry Commission shall be transferred to the
14 Special State Forestry Fund of the Department of Agriculture,
15 Forestry, and Industries, Division of State Forestry.

16 "§9-13-103.

17 "If the ~~department~~ Department of Revenue finds that
18 a person liable for taxes under any provisions of this article
19 designs quickly to depart from the state or to remove his
20 property therefrom, or to conceal himself or his property
21 therein or to do any other act tending to prejudice or to
22 render wholly or partly ineffectual proceedings to collect
23 such tax unless such proceedings are brought without delay,
24 the ~~department~~ Department of Revenue shall cause notice of
25 such finding to be given such person together with a demand
26 for an immediate return and immediate payment of such taxes.
27 Thereupon such taxes shall become immediately due and payable.

1 If such person is not in default in making such return or
2 paying any taxes prescribed by this article and furnishes
3 evidence satisfactory to the ~~department~~ Department of Revenue
4 under regulations to be prescribed by the ~~department~~
5 Department of Revenue that he will duly return and pay the
6 taxes to which the ~~department's~~ Department of Revenue's
7 finding relates, then such tax shall not be payable prior to
8 the time otherwise fixed for payment. If such person fails to
9 appear and make such showing, then the ~~department~~ Department
10 of Revenue shall make such assessment final and execution may
11 immediately issue as is provided in this article.

12 "§9-13-104.

13 "When requested by the ~~commissioner~~ Commissioner of
14 Revenue, all transporters of forest products out of, within or
15 across the State of Alabama shall be required to furnish said
16 commissioner, under oath and upon forms prescribed by him, any
17 and all information relative to the transportation of such
18 forest products, and such reports shall contain, in addition
19 to other required information, the name of the shipper, the
20 date of shipment, the quantity and type or character of such
21 forest products, stated in units or measurements applicable to
22 such forest products, the point of receipt or shipment and the
23 point of destination; provided, that in the case of common
24 carriers using bills of lading or way bills prescribed or
25 approved by the interstate commerce commission, such common
26 carriers shall only be required to keep the usual records at

1 the office or offices in this state where such records are
2 usually kept.

3 "§9-13-122.

4 "Whenever the State Forester determines that there
5 exists an infestation or infection injurious to timber of
6 forest growth on privately owned lands and that said
7 infestation or infection is of such a nature as to be a menace
8 to the timber on forestlands of adjacent owners, the State
9 Forester, with the approval of the ~~State Forestry Commission~~
10 Commissioner of Agriculture and Industries, may declare the
11 existence of a control zone and describe and fix the control
12 zone boundaries.

13 "§9-13-124.

14 "Whenever the ~~State Forestry Commission~~ State
15 Forester determines that insect or disease control work within
16 the designated control zone is no longer necessary or
17 feasible, then ~~the he or she~~ State Forestry Commission shall
18 ~~instruct the state forester by~~ issue a written order to
19 dissolve the control zone.

20 "§9-13-125.

21 "In order to accomplish the suppression, eradication
22 and destruction of such tree infestation or infection as
23 outlined in this article, the ~~State Forestry Commission~~
24 Commissioner of Agriculture and Industries may enter into
25 cooperative agreements with the federal government and other
26 public or private agencies and with forest landowners using

1 any such funds as may be pledged in such agreements for the
2 suppression of infestation or infection in forest trees.

3 "§9-13-126.

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

21 "§9-13-140.

22 "Whenever conditions exist in any county or counties
23 in this state which produce extraordinary danger from fire,
24 the ~~State Forestry Commission~~ Commissioner of Agriculture and
25 Industries, with approval of the Governor, may by regulation
26 declare a drought emergency condition in such county or
27 counties.

1 "§9-13-141.

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

16 "§9-13-161.

17 "For the purpose of receiving the financial and
18 supervisory cooperation of the ~~State Forestry Commission~~
19 Division of State Forestry of the ~~State of Alabama~~ Department
20 of Agriculture, Forestry, and Industries in forest protection,
21 any county commission is empowered, authorized and required to
22 assess and levy a special annual tax not to exceed \$.04 per
23 acre against the forested acreage of the county subject to the
24 conditions set forth in Section 9-13-163.

25 "§9-13-162.

26 "The ~~State Forestry Commission~~ State Forester is
27 hereby empowered and directed to establish and designate such

1 forest protection areas prior to the submission of the
2 petition provided for in Section 9-13-163.

3 "§9-13-163.

4 "For the purpose of receiving the financial and
5 supervisory cooperation of the ~~State Forestry Commission~~
6 Division of State Forestry of the ~~State of Alabama~~ Department
7 of Agriculture, Forestry, and Industries in forest protection,
8 the county commission is required to make, assess and levy a
9 special annual tax upon all said lands in the county, or any
10 definitely described portion thereof, immediately upon receipt
11 of a petition so requesting, signed by a majority of the
12 freeholders of the county, or any definitely described portion
13 thereof, said area to be known as a forest protection area.

14 "§9-13-164.

15 "The ~~State Forestry Commission~~ State Forester is
16 hereby empowered and directed to furnish to the county
17 commission of the county in which it is proposed to establish
18 a forest protection area a list of the landowners within said
19 proposed forest protection area, said list to show the total
20 amount of forestland owned by each landowner subject to the
21 forest protection tax within said forest protection area.

22 "§9-13-166.

23 "The tax so assessed shall be collected as other
24 taxes are collected and remitted to the state Treasurer and
25 placed in a "Forest Protection Fund" to be expended by the
26 ~~State Forestry Commission~~ Division of State Forestry of the
27 ~~State of Alabama~~ Department of Agriculture, Forestry, and

1 Industries for forest fire protection in the county, or any
2 definitely described portion thereof, against which the tax
3 has been assessed.

4 "§9-13-167.

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

12 "§9-13-181.

13 "The county commission of any county in this state
14 is authorized, when the need therefor exists, to provide in
15 the manner specified in this division protection against
16 forest fires in such county by participating in the ~~State~~
17 ~~Forestry Commission's~~ Division of State Forestry's fire
18 protection program.

19 "§9-13-182.

20 "Any county commission which provides forest fire
21 protection to the persons and property of its county by
22 participating in the ~~State Forestry Commission's~~ Division of
23 State Forestry's fire protection program may in the manner
24 specified in this division assess the whole or any part of the
25 cost of such fire protection program, not in excess of \$.05
26 per acre, to the owners of forestland in the county; provided,
27 that such assessment is not greater than the benefit accruing

1 to such forestland due to the availability of such fire
2 protection.

3 "§9-13-185.

4 "All moneys accruing to any county from the
5 assessments as provided in this division shall be placed in
6 the county treasury or depository, as the case may be, to the
7 credit of a special fire protection fund, which fund shall be
8 used or disbursed by said county commission only in
9 participating in the ~~State Forestry Commission's~~ Division of
10 State Forestry's fire protection program within such county
11 under such procedures and policies as may be prescribed by the
12 State Forestry Commission and Department of Agriculture,
13 Forestry, and Industries. Any unexpended balance in said fund
14 at the end of any fiscal year shall remain therein for use
15 during the ensuing fiscal year.

16 "§9-13-189.

17 "As used in this article, the following words shall
18 have the meanings stated below, unless the context requires
19 otherwise:

20 "(1) ~~COMMISSION. The Alabama Forestry Commission.~~
21 DEPARTMENT. The Department of Agriculture, Forestry, and
22 Industries.

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

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

4 "(4) PERSON. Any individual, partnership,
5 corporation, company, society, or association, or other
6 business entity.

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

10 "§9-13-190.

11 "The forestry and fire prevention program provided
12 for in this article shall be administered by the ~~Alabama~~
13 ~~Forestry Commission~~ Division of State Forestry. The commission
14 and Department of Agriculture, Forestry, and Industries shall
15 have the authority to adopt such rules and regulations as it
16 deems necessary to effectuate the purposes of this article.

17 "§9-13-192.

18 "The charge, fee, or assessment will be levied and
19 collected in the same manner as ad valorem taxes are levied
20 and collected. All revenues or moneys collected under the
21 provisions of this article shall be distributed by the office
22 of the county tax collector, or person charged with the
23 collection of taxes, to the ~~commission~~ department's Division
24 of State Forestry. The first assessment and collection of the
25 levy provided for herein shall be during and for the fiscal
26 (tax) year beginning October 1 next following the satisfaction

1 of all prerequisites required herein for imposition of the
2 levy herein provided.

3 "§9-13-193.

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

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

12 "(c) All affected owners or lessees of forest land
13 shall be entitled to vote in any such referendum. The
14 ~~commission~~ department shall determine any questions of
15 eligibility to vote and shall establish rules and regulations
16 pertaining to the vote.

17 "(d) If a majority of those voting at the referendum
18 vote in favor of the assessment, then the charge, fee or
19 assessment shall be collected from the owners or lessees of
20 forest land. The finance charge, fee or assessment levied by
21 this article shall not be effective until a majority vote is
22 obtained according to guidelines established by the ~~commission~~
23 department.

24 "(e) The finance charge, fee or assessment shall be
25 due and payable at the same time as county ad valorem taxes.
26 The assessments collected in each county under this article
27 shall be promptly remitted to the ~~commission~~ department under

1 such terms and conditions as the State Forester and
2 Commissioner of Agriculture and Industries shall deem
3 necessary to ensure that such assessments are used in a sound
4 forestry program and for the prevention of and protection
5 against forest fire.

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

21 "§9-13-194.

22 "The arrangements for the place, time and management
23 of any referendum held under this article shall be under the
24 direction of the ~~commission~~ department. The ~~commission~~
25 department shall bear all expenses incurred in conducting the
26 referendum, including the furnishing of ballots and arranging
27 for the necessary poll holders.

1 "§9-13-195.

2 "In the event the referendum conducted under this
3 article fails to receive the required number of affirmative
4 votes, the ~~commission~~ department may call another referendum
5 after the expiration of two years.

6 "§9-13-196.

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

12 "(b) Any finance charge, fee, or assessment levied
13 shall constitute a lien on the property against which it is
14 levied. In case of default in the payment of such finance
15 charge, fee, or assessment, the subject land may be sold in
16 the same manner and under the same conditions that lands are
17 sold for the satisfaction of liens for county ad valorem
18 taxes, provided, however, no sale of the subject land may
19 occur within three years from the date of said default, and
20 redemption from such sale may be effected in the same manner
21 as is provided by law for redemption where land is sold for
22 nonpayment of ad valorem taxes.

23 "§9-13-201.

24 "The expenses incurred by the ~~advisory committee~~
25 Department of Agriculture, Forestry, and Industries in
26 attending meetings of the Southeastern Interstate Forest Fire
27 Protection Compact shall be payable out of the Alabama

1 Forestry ~~Commission~~ Fund. Such expenses shall include travel
2 costs and other necessary expenses of the advisory committee
3 members of the State of Alabama to and from meetings of the
4 compact or its duly constituted sections or committees.

5 "§9-13-225.

6 "When any judgment of condemnation or forfeiture is
7 made in any case filed under the provisions of this section,
8 the judge making such judgment shall order and direct that
9 said vehicle and equipment be forfeited or awarded to the
10 ~~State Forester~~ Commissioner of Agriculture and Industries to
11 be sold or used by him in the enforcement of the law.

12 "~~And said The~~ order provided for herein, in the
13 event that no appeal is taken within 15 days from the
14 rendition thereof, shall be carried out and executed. The
15 court, at its discretion, shall direct in said judgment that
16 the cost of the proceedings be paid by the person(s) in whose
17 possession said vehicle and equipment were found when seized,
18 or by any party or parties that claim to own said vehicle and
19 equipment, or any interest therein, and who contested the
20 condemnation and forfeiture thereof. The ~~State Forester~~
21 Commissioner of Agriculture and Industries shall keep a
22 permanent record of all such vehicles and equipment awarded to
23 him as provided for herein, to be accounted for as other
24 public property.

25 "§9-13-226.

26 "In the event the seized items are sold, the
27 proceeds from the sale shall be used, first, for payment of

1 all proper expenses of the proceedings for forfeiture and
2 sale, including expenses of seizure, maintenance or of
3 custody, advertising and court costs; and the remaining
4 proceeds from such sale shall be in the property of the
5 ~~Alabama Forestry Commission~~ Department of Agriculture,
6 Forestry, and Industries or other entities whose law
7 enforcement agencies or departments are determined by the
8 ~~Alabama Forestry Commission~~ Commissioner of Agriculture and
9 Industries to have been participants in the investigation
10 resulting in the seizure. Such award and distribution shall be
11 made on the basis of the percentage(s) as determined by the
12 ~~State Forester~~ Commissioner of Agriculture and Industries
13 which the respective agencies or departments contributed to
14 the police work resulting in the seizure.

15 "§9-13-272.

16 "As used in this article, the following words shall
17 have the following meanings:

18 "(1) CERTIFIED PRESCRIBED BURN MANAGER. An
19 individual who successfully completes a certification program
20 approved by the Alabama Forestry Commission and Division of
21 State Forestry of the Department of Agriculture, Forestry, and
22 Industries.

23 "(2) PRESCRIBED BURNING. The controlled application
24 of fire to naturally occurring vegetative fuels for
25 ecological, silvicultural, agricultural and wildlife
26 management purposes under specified environmental conditions
27 and the following of appropriate precautionary measures which

1 cause the fire to be confined to a predetermined area and
2 accomplishes the planned land management objectives.

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

6 "§9-13-273.

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

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

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

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

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

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

25 "(c) The Alabama Forestry Commission and Department
26 of Agriculture, Forestry, and Industries may promulgate rules

1 for the certification of prescribed burn managers and
2 guidelines for a prescribed burn prescription.

3 "(d) The ~~Alabama Forestry Commission~~ Division of
4 State Forestry may charge and collect fees and other payments
5 from persons applying for certification or training as a
6 prescribed burn manager as may be necessary to provide
7 training required for certification as a prescribed burn
8 manager and to carry out other administrative aspects of this
9 article; however the expenditure of any fees charged by the
10 ~~Forestry Commission~~ Division of State Forestry under this
11 subsection shall be budgeted and allotted pursuant to the
12 Budget Management Act and Article 4 of Chapter 4 of Title 41.

13 "§9-15-3.

14 "It shall be the duty of the Department of
15 Conservation and Natural Resources as to all unused lands
16 owned absolutely by the state to determine which of said lands
17 are most suitable to be devoted to forest culture and to make
18 a list of such lands and file the same in the office of the
19 Department of Finance, and the lands, as shown on such list,
20 shall thereafter, at the direction of the Governor, be devoted
21 to forest culture or to the purposes of state parks under the
22 administration of the ~~State Forestry Commission~~ Division of
23 State Forestry of the Department of Agriculture, Forestry, and
24 Industries or the Division of Parks, Department of
25 Conservation and Natural Resources, as state forests or state
26 parks.

27 "§9-15-30.

1 "(a) Title to all lands of the swamp and overflowed
2 category or swamp and overflowed indemnity lands, which are,
3 subsequent to September 5, 1951, patented to the State of
4 Alabama by the federal government and recorded in the office
5 of the Secretary of State, shall be vested in the Division of
6 Lands of the Department of Conservation and Natural Resources.

7 "(b) The Commissioner of Conservation and Natural
8 Resources shall utilize such lands for the purpose or purposes
9 which he deems to be most expedient and beneficial. He is
10 hereby authorized to practice forestry upon such lands and may
11 lease such lands for the exploration or extraction of oil, gas
12 or other minerals. Said land shall be supervised and managed
13 in the same manner as other lands which are under the
14 supervision of the Department of Conservation and Natural
15 Resources are managed.

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

20 "(d) The revenue derived from the sale, lease,
21 management or utilization of such lands shall be covered into
22 the State Treasury by the Commissioner of Conservation and
23 Natural Resources to the credit of either the State Lands
24 Fund, the Alabama Forestry ~~Commission~~ Fund or State Park Fund
25 as the Commissioner of Conservation and Natural Resources
26 deems appropriate and for the best interest of the Department
27 of Conservation and Natural Resources.

1 "(e) This section is not intended to and does not
2 transfer or affect title to those lands of this category or
3 nature which have been previously patented to the state and
4 which have been recorded in the office of the Secretary of
5 State. Such titles shall remain vested in the institution or
6 department in which they are at present vested.

7 "§9-15-82.

8 "(a) This article shall not apply to the transfers
9 of real property between departments, boards, bureaus,
10 commissions, institutions, corporations, or agencies of the
11 state. These transfers may be made by mutual agreements
12 between the chief executive officers of the respective
13 departments with the approval of the Governor. This article
14 shall not apply to the leasing or sale of timber from unused
15 lands under Section 9-15-1 et seq.; to the leasing or sale of
16 timber from school lands and swamp and overflowed lands under
17 Section 9-15-30 et seq.; to the leasing of oil, gas, and other
18 minerals under Section 9-17-60 et seq.; real property sold by
19 the Department of Revenue under tax sales and redemptions; to
20 the sale of property by the Alabama Historical Commission
21 under Section 41-9-249(7); to reversions made under Section
22 31-4-18; to the sale or conveyance of real property by the
23 Alabama Housing Finance Authority; to the sale or lease of any
24 interest in real property owned for investment purposes by any
25 trust fund administered by the Division of Risk Management; or
26 to property traded in right of way negotiations or sales of
27 excess right of way or uneconomic remnants by the State

1 Department of Transportation. Notwithstanding any other
2 provisions of this article, the ~~Alabama Forestry Commission~~
3 Division of State Forestry of the Department of Agriculture,
4 Forestry, and Industries shall have the authority to conduct
5 real property sales in accordance with this article without
6 going through the Lands Division. In so doing, the ~~Alabama~~
7 ~~Forestry Commission~~ Division of State Forestry shall comply
8 with all other provisions of this article. This article shall
9 not apply to the granting of easements, rights-of-way for
10 utilities, roads, streets, and sidewalks where there is no
11 competitive market. Notwithstanding any other provision of
12 this article, institutions and systems of higher education
13 with separately constituted boards of trustees or those
14 institutions of higher education subject to the supervision
15 and authority of the State Board of Education that have
16 written policies and procedures governing transfers of
17 interest in real property have the authority to conduct real
18 property sales and leases by public auction or publicly sought
19 sealed bid in accordance with procedures in the article for
20 advertising and receiving bids, without going through the
21 Lands Division of the state Department of Conservation and
22 Natural Resources. Furthermore, in those cases in which it can
23 be economically justified and it is deemed to be in the best
24 interest of the institution or system and the State of Alabama
25 to offer an interest in real property for sale or lease
26 through a listing with a duly licensed real estate broker who
27 shall publicize the offer in accordance with customary

1 practices or through negotiation after publicly announced
2 requests for proposals to sell or lease the property are made,
3 rather than through a procedure otherwise described in this
4 article, the institution or system may do so, provided that a
5 written declaration setting forth the specific reasons why it
6 is deemed to be in the best interest of the institution or
7 system and the State of Alabama to make specific sale or lease
8 in question in such manner is made by an agent of the
9 institution authorized by the board of trustees or the State
10 Board of Education, and subsequently ratified by the board of
11 trustees or the State Board of Education and the document
12 shall be retained and made a part of the permanent file and
13 shall be open to public inspection. Sales and leases
14 transacted as described in this section shall be deemed to be
15 in compliance with all provisions of this article. Ground
16 leases and leases of facilities by institutions of higher
17 education to social or professional organizations, faculty
18 members, employees, or for institution-related purposes which
19 are designed to enhance the operation of the institution and
20 are declared to be in the best interest of the institution by
21 the board of trustees or the State Board of Education, are
22 exempt from the provisions of this article. Such declaration
23 shall be maintained as aforesaid.

24 "(b) Except as set out hereinafter, nothing herein
25 contained shall be construed to apply in any manner to the
26 sale or lease of any real property or any interest therein
27 owned in whole or in part by any county or municipal board of

1 education, any county or municipal government or any of their
2 respective boards, agencies, departments, corporations, or
3 instrumentalities including corporations and/or boards in
4 regard to which any county or municipal governing body is a
5 determining or appointing authority. Provided that nothing
6 herein contained shall be construed to apply in any manner to
7 the sale or lease of any real property or interest therein
8 owned by the State of Alabama and the departments, boards,
9 bureaus, commissions, instrumentalities, corporations, and
10 agencies of the state to the United States government, any
11 county or municipal board of education, any county or
12 municipal governing body or any of their respective boards,
13 agencies, departments, corporations, or instrumentalities
14 including corporations and/or boards in regard to which any
15 county or municipal governing body is a determining or
16 appointing authority, subject to the condition that such
17 property or any interest therein is not resold, leased, or
18 otherwise transferred in whole or in part, within three years,
19 to any private person, firm, or corporation without compliance
20 with the provisions of this article. Provided, however, that
21 if the property is to be sold within three years from the date
22 it was acquired, the state shall have the right to repurchase
23 the property at the price it was sold by the state. Provided,
24 further, that all such transactions between the United States
25 government, any county or municipal board of education, any
26 county or municipal government, or any of their respective
27 boards, agencies, departments, corporations, or

1 instrumentalities including corporations or boards and the
2 state or any department, board, bureau, commissions,
3 instrumentalities, corporations, and agencies of the state
4 shall have the approval of the Governor and written notice of
5 such transaction shall be given to the Lands Division of the
6 Department of Conservation and Natural Resources at least 30
7 days before the closing of such transaction.

8 "(c) Notwithstanding any other provision of this
9 article, this article shall not apply to lease-leaseback
10 transactions entered into by institutions and systems of
11 higher education with separately constituted boards of
12 trustees provided that any such institution or system of
13 higher education shall at all times remain the owner of any
14 real property the subject of any such lease-leaseback
15 transaction.

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

21 "§11-84-2.

22 "~~The State Forestry Commission~~ Division of State
23 Forestry of the Department of Agriculture, Forestry, and
24 Industries is hereby authorized and it shall have the power to
25 supply from its forest tree nursery or nurseries such forest
26 tree seedlings and transplants as may be necessary and
27 suitable for reforesting any part or all of any lands so

1 acquired or now owned and so administered by any such county,
2 city, or town and to furnish such technical assistance and
3 supervision as ~~the said State Forestry Commission~~ it may deem
4 necessary for the proper management and administration of such
5 lands and forest thereon free of cost to the counties, cities,
6 and towns; provided, that the respective counties, cities, and
7 towns shall agree to administer such lands in accordance with
8 the practices and principles of scientific forestry as
9 determined by ~~said State Forestry Commission~~ the Division of
10 State Forestry.

11 "§23-1-293.

12 "(a) The Designating Committee shall consist of a
13 state legislator to be appointed by the Governor, a state
14 Senator appointed by the President Pro Tempore of the Senate,
15 a member of the House of Representatives appointed by the
16 Speaker of the House, and the heads, or their official
17 designees, of the following seven departments:

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

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

20 "(3) The Alabama Historical Commission.

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

22 "(5) The Alabama Department of Economic and
23 Community Affairs.

24 "(6) The Alabama Department of Conservation and
25 Natural Resources.

1 "(7) The Alabama ~~Forestry Commission~~ Department of
2 Agriculture, Forestry, and Industries, Division of State
3 Forestry.

4 "(b) The Designating Committee shall perform the
5 following duties:

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

9 "(2) Advise the Governor and the Legislature of each
10 designation.

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

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

15 "§31-9C-2.

16 "(a) There is created the Alabama First Responder
17 Wireless Commission, which shall be responsible for promoting
18 the efficient use of public resources to ensure that law
19 enforcement, fire and rescue services, and essential public
20 health and emergency support personnel have effective
21 communication services available in emergency situations, and
22 to ensure the rapid restoration of such communication services
23 in the event of disruption caused by natural disaster,
24 terrorist attack, or other public emergency.

25 "(b) The commission shall consist of the following
26 members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 "(22) The President of the Alabama Association of
16 9-1-1 Districts or his or her designee.

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

19 "(24) The Chairperson of the Alabama Forestry
20 Commission or his or her designee.

21 "(25) The Chairperson of the Federal Communication
22 Commission Region 1 700 Mhz Regional Planning Committee or his
23 or her designee.

24 "(26) The Statewide Interoperability Coordinator for
25 Alabama or his or her designee.

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

1 "(28) The Director of the Alabama Department of
2 Agriculture, Forestry, and Industries or his or her designee.

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

5 "(d) By October 1, 2013, the Director of the Alabama
6 Department of Homeland Security shall call a meeting of the
7 commission in the City of Montgomery, Alabama, to elect from
8 its membership a chair, vice chair, and other officers as the
9 director deems necessary. The commission shall adopt rules to
10 govern its proceedings but shall meet at least quarterly. A
11 majority of the membership of the commission shall constitute
12 a quorum for all meetings. A written record shall be
13 maintained of all meetings.

14 "(e) Members of the commission shall receive
15 reimbursement for travel expenses when approved by the chair
16 and incurred in the performance of their duties but no other
17 compensation.

18 "(f) The commission may employ or contract for an
19 executive director, who shall serve at the pleasure of the
20 commission and who shall be responsible directly to the
21 commission for the general supervision and execution of the
22 work of the commission. The commission shall fix his or her
23 compensation, with the approval of the Governor, and shall
24 further designate his or her duties and authority.

25 "(g) The commission may employ, on a part-time or
26 full-time basis, such engineers, attorneys, laborers,
27 technicians, or administrative employees and supervisory or

1 professional personnel as may be necessary or advisable to
2 carry out in the most efficient and beneficial manner the
3 purposes and provisions of this chapter. All permanent
4 full-time employees, other than the executive director, shall
5 be subject to the state Merit System.

6 "§32-6-272.

7 "(a) The distinctive license plates here provided
8 for shall be prepared by the Commissioner of Revenue and shall
9 be issued through the judge of probate, license commissioner,
10 or other license issuing official of the several counties of
11 the state in like manner as are other motor vehicle license
12 plates or tags and such officers shall be entitled to their
13 regular fees for such service.

14 "(b) The ~~Alabama Forestry Commission~~ Division of
15 State Forestry of the Department of Agriculture, Forestry, and
16 Industries shall prepare a list of all members of certified
17 volunteer fire departments and the Firefighters' Personnel
18 Standards and Education Commission shall prepare a list of all
19 members of paid or part-paid fire departments. The ~~Alabama~~
20 ~~Forestry Commission~~ Division of State Forestry shall also add
21 to the list any retired volunteer firefighter retired from a
22 volunteer fire department in another state who submits proof
23 to the ~~commission~~ division of eligibility pursuant to this
24 division. The ~~Forestry Commission~~ Division of State Forestry
25 and the Firefighters' Personnel Standards and Education
26 Commission shall submit to the judge of probate, license
27 commissioner, or other license issuing official of each county

1 by December 1 of each year the lists of members of fire
2 departments.

3 "(c) An applicant for a distinctive plate shall
4 present to the issuing official proof of his or her
5 identification, and the firefighter shall be issued the
6 requested number of distinctive license plates or tags upon
7 the payment of the regular license fee for tags, as provided
8 by law, but shall not be required to pay the three dollar (\$3)
9 fee. The distinctive license plates or tags so issued shall be
10 used only upon and for personally-owned, private, passenger
11 vehicles, to include station wagons and pick-up trucks,
12 registered in the name of the firefighter making application
13 therefor, and when so issued to the applicant shall be used
14 upon the vehicle for which issued in lieu of the standard
15 license plates or license tags normally issued for such
16 vehicle.

17 "(d) Any person who joins a volunteer, paid, or
18 part-paid fire department after December 1 of any year or any
19 person who is mistakenly omitted from the lists prepared as
20 described above may obtain a distinctive plate by presenting
21 to the license issuing official proof of his or her membership
22 in a fire department by means of a certificate signed by the
23 chief of the department on a form prescribed by the ~~Alabama~~
24 ~~Forestry Commission~~ Division of State Forestry.

25 "(e) Anyone who is proven to have either falsely
26 obtained or certified an individual to obtain a distinctive
27 firefighter license plate shall be guilty of a Class C

1 misdemeanor, and upon conviction, shall be punished according
2 to law.

3 "(f) A distinctive license plate shall be provided,
4 upon written request, to a widow or widower of either of a
5 paid, part-paid, or a volunteer firefighter who dies in the
6 line of duty. For purposes of this subsection, a death in the
7 line of duty is determined by a circumstance in which a
8 municipal firefighter's death would result in a death benefit
9 under Section 11-43-144.

10 "§32-6-410.

11 "Upon application to the judge of probate or license
12 commissioner, compliance with motor vehicle registration and
13 licensing laws, payment of regular fees required by law for
14 license tags or plates for private passenger or pleasure motor
15 vehicles, and payment of an additional fee of fifty dollars
16 (\$50), owners of motor vehicles who are residents of Alabama
17 shall be issued distinctive "Alabama Forests" license tags and
18 plates. These tags or plates shall be valid for five years,
19 and shall then be replaced with either conventional or
20 personalized tags or plates. Payment of required license fees
21 and taxes for the years during which a new tag or plate is not
22 issued shall be evidenced as provided for in Section 32-6-63.
23 The distinctive "Alabama Forests" license tags or plates shall
24 be produced and designed by the Alabama Department of Revenue
25 with the advice and consent of the ~~Alabama Forestry Commission~~
26 Division of State Forestry of the Department of Agriculture,
27 Forestry, and Industries. The tags or plates shall be issued,

1 printed, and processed like other distinctive and personalized
2 tags or plates provided for in this chapter.

3 "§32-6-411.

4 "(a) There is hereby established a separate special
5 revenue trust fund in the State Treasury to be known as the
6 "Forest Stewardship Education Fund," whose purpose is to
7 promote the professional management of trees and related
8 resources and to educate the general public regarding the
9 contribution that trees and related resources make to the
10 economy and environmental quality of this state.

11 "(b) Proceeds from the additional revenues generated
12 by the fifty dollars (\$50) for the "Alabama Forests" tags or
13 plates, less administrative costs, shall be submitted monthly
14 by the Alabama state Comptroller to the Forest Stewardship
15 Education Fund. Receipts collected under the provisions of
16 this division are to be deposited in this fund and used only
17 to carry out the provisions of this division. Such receipts
18 shall be disbursed only by warrant of the state Comptroller
19 upon the State Treasurer, upon itemized vouchers approved by
20 the State Forester; provided that no funds shall be withdrawn
21 or expended except as budgeted and allotted according to the
22 provisions of Sections 41-4-80 through 41-4-96 and 41-19-1
23 through 41-19-12, and only in amounts as stipulated in the
24 general appropriations bill or other appropriation bills. The
25 additional fees represent a charitable contribution from the
26 purchaser to the ~~Alabama Forestry Commission~~ Division of State
27 Forestry of the Department of Agriculture, Forestry, and

1 Industries. The funds may be used by the ~~Alabama Forestry~~
2 ~~Commission~~ Division of State Forestry of the Department of
3 Agriculture, Forestry, and Industries or may be used through
4 grants from the ~~Alabama Forestry Commission~~ Department of
5 Agriculture, Forestry, and Industries to other organizations.

6 "(c) After the effective date of this act, all funds
7 remaining in the Forest Stewardship Education Fund #0798 shall
8 be transferred to the Forest Stewardship Education Fund of the
9 Department of Agriculture, Forestry, and Industries, as
10 established by this section.

11 "§32-6-413.

12 "(a) The Alabama Forest Stewardship Education Fund
13 shall be administered by the Alabama Forest Stewardship
14 Education Committee. The committee shall be appointed by the
15 ~~Alabama Forestry Commission~~ Commissioner of Agriculture and
16 Industries, upon advice from the State Forester, and composed
17 of the following members:

18 "(1) One member of the Alabama Association of
19 Consulting Foresters.

20 "(2) One member of the Alabama Treasure Forest
21 Landowners Association.

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

23 "(4) One member of the Society of American
24 Foresters.

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

26 "(6) One member of the Alabama Forest Owners
27 Association.

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

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

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

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

9 "(b) The first six members who are appointed to the
10 committee shall initially serve two-year terms. At the
11 expiration of the two-year terms, the members will serve
12 staggered three-year terms as designated by the chair of the
13 committee. Each of the members appointed from the association,
14 society, or federation listed in subdivisions (1) through (6)
15 of subsection (a) shall be appointed by the ~~Alabama Forestry~~
16 ~~Commission~~ Commissioner of Agriculture and Industries from a
17 list of three names submitted by the State Forester.

18 "§36-16-11.

19 "There is hereby expressly exempt from Sections
20 36-16-8 to 36-16-10, inclusive, all livestock, animals, farm
21 and agricultural products and property owned or used by, or in
22 connection with, or under control of, all public schools,
23 universities, colleges, trade schools, Alabama Institute for
24 Deaf and Blind, State Library Service, and all fire control or
25 fire rescue equipment acquired by the ~~Alabama Forestry~~
26 ~~Commission~~ Division of State Forestry of the Department of
27 Agriculture, Forestry, and Industries from sources other than

1 state agencies and subsequently donated to volunteer fire
2 departments pursuant to Section 9-3-19; provided, Sections
3 36-16-8 to 36-16-10, inclusive, shall not apply to the Alabama
4 hospitals for the insane and the Partlow State School and
5 Hospital.

6 "§36-21-8.

7 "Any person who, at the time of retirement, is in
8 good standing and employed by the Department of Conservation
9 and Natural Resources, the Alcoholic Beverage Control Board,
10 ~~the State Forestry Commission~~ Division of State Forestry of
11 the Department of Agriculture, Forestry, and Industries, the
12 Alabama Criminal Justice Information Center, the Public
13 Service Commission, campus police at a state institution, or
14 any other state agency which requires its officers to be Peace
15 Officers' Standards and Training Commission certified as a law
16 enforcement officer or investigator, or by the Department of
17 Public Safety as a State Capitol Police Officer shall receive,
18 as part of his or her retirement benefits, without cost, his
19 or her badge and pistol.

20 "§36-27-59.

21 "(a) When used in this section, the following terms
22 shall have the following meanings, unless the context clearly
23 indicates otherwise:

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

1 "(2) FIREFIGHTER. A full-time firefighter employed
2 with the State of Alabama, a municipal fire department, or a
3 fire district who has a level one minimum standard
4 certification by the Firefighters Personnel Standards and
5 Education Commission, or a firefighter employed by the ~~Alabama~~
6 ~~Forestry Commission~~ Division of State Forestry of the
7 Department of Agriculture, Forestry, and Industries who has
8 been certified by the State Forester as having met the wild
9 land firefighter training standard of the National Wildfire
10 Coordinating Group.

11 "(3) LAW ENFORCEMENT OFFICER. A full-time law
12 enforcement officer, not covered as a state policeman,
13 employed with any state agency, department, board, commission,
14 or institution or a full-time law enforcement officer employed
15 by a local unit of the Employees' Retirement System under
16 Section 36-27-6 who is certified as a law enforcement officer
17 by the Alabama Peace Officers' Standards and Training
18 Commission.

19 "(b) (1) Any firefighter, law enforcement officer, or
20 correctional officer covered under the Employees' Retirement
21 System or the Teachers' Retirement System as a Tier I plan
22 member, upon attainment of the requisite years of creditable
23 service or who otherwise qualifies for service or disability
24 retirement, shall be awarded one year of hazardous duty time
25 for every five years of service as a firefighter, a law
26 enforcement officer, or a correctional officer provided that
27 the person has made the additional contribution provided in

1 subdivision (2) or paid the additional contribution required
2 in subsection (c) for each year of service used in determining
3 hazardous duty time for the person. Proportional credit shall
4 be awarded for any period of service less than five years.

5 "(2) Effective January 1, 2001, and each pay period
6 thereafter, each active employee who is a firefighter, law
7 enforcement officer, or correctional officer, as defined in
8 subsection (a), shall contribute to the Teachers' or
9 Employees' Retirement System of Alabama six percent of his or
10 her earnable compensation. For all pay dates beginning on or
11 after October 1, 2011, each active employee who is a
12 firefighter, law enforcement officer, or correctional officer,
13 as defined in subsection (a), except those employees
14 participating pursuant to Section 36-27-6, shall contribute to
15 the Teachers' or Employees' Retirement System of Alabama eight
16 and one-quarter percent (8.25%) of his or her earnable
17 compensation. For all pay dates beginning on or after October
18 1, 2012, each active employee who is a Tier I plan member and
19 who is a firefighter, law enforcement officer, or correctional
20 officer, as defined in subsection (a), except those employees
21 participating pursuant to Section 36-27-6, shall contribute to
22 the Teachers' or Employees' Retirement System of Alabama eight
23 and one-half percent (8.5%) of his or her earnable
24 compensation. Any employer participating under Section
25 36-27-6, by adoption of a resolution, may elect for the
26 increases in employee contributions provided by Act 2011-676

1 to be withheld from the earnable compensation of employees of
2 the employer.

3 "(c) Any member of the Employees' Retirement System
4 or the Teachers' Retirement System eligible under subsection
5 (b) may receive credit for his or her eligible prior service
6 provided the member pays to the Secretary-Treasurer of the
7 Employees' Retirement System or the Secretary-Treasurer of the
8 Teachers' Retirement System one percent of his or her current
9 annual earnable compensation or previous year's annual
10 earnable compensation, whichever is higher, for each year of
11 claimed credit within two years of January 1, 2001, except
12 that any firefighter employed by the ~~Alabama Forestry~~
13 ~~Commission~~ Division of State Forestry of the Department of
14 Agriculture, Forestry, and Industries shall make such payment
15 within two years of December 28, 2001. Any member
16 participating in the Employees' Retirement System under
17 Section 36-27-6, who has eligible prior service under this
18 section and who also had no prior eligibility to purchase
19 prior service credit under this subsection, may purchase prior
20 service credit under this section at the same rate provided in
21 subsection (b) within one year of the effective date of his or
22 her enrollment with the Employees' Retirement System or within
23 one year of August 1, 2004. The member may purchase his or her
24 claimed credit in increments of five years, unless the total
25 service credit is less than five years, in which case the
26 service shall be purchased in its entirety. The member shall
27 provide certification from each employing agency, on forms

1 prescribed by the Teachers' or Employees' Retirement System,
2 of each year of claimed service, as a prerequisite to payment
3 under this section.

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

6 "§36-30-1.

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

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

12 "(2) COMPENSATION. The money benefits paid on
13 account of injury or death which occurred during the course of
14 employment or activity as a peace officer or firefighter and
15 is in the nature of workers' compensation.

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

19 "(4) DIRECT AND PROXIMATE RESULT OF A HEART ATTACK
20 OR STROKE. Death resulting from a heart attack or stroke
21 caused by engaging or participating in a situation while on
22 duty involving nonroutine stressful or strenuous physical law
23 enforcement, fire suppression, rescue, hazardous material
24 response, emergency medical service, prison security, disaster
25 relief, other emergency medical response activity, or
26 participation in a training exercise which involved nonroutine
27 stressful or strenuous physical activity; and the heart attack

1 or stroke is suffered while still on that duty after so
2 engaging or participating or not more than 24 hours after so
3 engaging or participating.

4 "(5) FIREFIGHTER or FIREFIGHTERS. A member or
5 members of a paid or volunteer fire department of a city,
6 town, county, or other subdivision of the state or of a public
7 corporation organized for the purpose of providing water,
8 water systems, fire protection services, or fire protection
9 facilities in the state; and shall include the chief,
10 assistant chief, wardens, engineers, captains, firefighters,
11 and all other officers and employees of such departments who
12 actually engage in fire fighting or in rendering first aid in
13 case of drownings or asphyxiation at the scene of action.

14 "(6) PEACE OFFICER. All sheriffs, deputy sheriffs,
15 constables, municipal police officers, municipal policemen,
16 state and town marshals, members of the highway patrol, state
17 troopers, Alcoholic Beverage Control Board Enforcement
18 Division agents, enforcement officers of the Public Service
19 Commission, revenue agents, and persons who are required by
20 law to comply with the provisions of the Peace Officers'
21 Minimum Standards, employees of the Board of Corrections,
22 highway camp guards, law enforcement officers of the
23 Department of Conservation and Natural Resources, all law
24 enforcement officers of the ~~Alabama Forestry Commission~~
25 Division of State Forestry of the Department of Agriculture,
26 Forestry, and Industries, livestock theft investigators of the
27 Department of Agriculture, Forestry, and Industries, Capitol

1 security guards, narcotic agents and inspectors of the State
2 Board of Health, any other state, county, or municipal officer
3 engaged in quelling a riot, or civil disturbance, and
4 university police officers.

5 "(b) For the purposes of this chapter, the following
6 described persons shall be conclusively presumed to be wholly
7 dependent:

8 "(1) Spouse, unless it be shown that the spouse was
9 voluntarily living apart from the peace officer or firefighter
10 at the time of death, or unless it be shown that the peace
11 officer or firefighter was not in any way contributing to the
12 spouse's support and had not in any way contributed to the
13 spouse's support for more than 12 months next preceding the
14 occurrence of the injury causing death.

15 "(2) Minor children under the age of 18 years and
16 those over 18 if physically and mentally incapacitated from
17 earning.

18 "(3) Spouse, child, mother, father, grandmother,
19 grandfather, sister, brother, mother-in-law, and father-in-law
20 who were wholly supported by a deceased peace officer or
21 firefighter at the time of his or her death and for a
22 reasonable period of time prior thereto shall be considered
23 his or her dependents and payment of compensation may be made
24 to them as hereinafter authorized.

25 "(c) If a paid or volunteer firefighter, peace
26 officer, certified police officer, or reserve law enforcement
27 officer is killed while engaged in the performance of his or

1 her duties and there are no designated beneficiaries, then the
2 compensation shall be paid to his or her dependents or partial
3 dependents in the manner prescribed by Section 36-30-3, and if
4 there are none, the compensation shall be paid to his or her
5 non-dependent children, and if there are none, the
6 compensation shall be paid to his or her parents, and if there
7 are none, the compensation shall be paid to the estate of the
8 deceased.

9 "(d) Any member of the class named in subdivision
10 (3) of subsection (b) who regularly derived part of his or her
11 support from the earnings of the deceased peace officer or the
12 deceased firefighter, as the case may be, at the time of his
13 or her death and for a reasonable time immediately prior
14 thereto shall be considered his or her partial dependent and
15 payment of compensation may be made to such partial dependent
16 as hereinafter authorized.

17 "§36-30-2.

18 "(a) In the event a peace officer, or a firefighter,
19 or a volunteer firefighter, who is a member of an organized
20 volunteer fire department registered with the ~~Alabama Forestry~~
21 ~~Commission~~ Division of State Forestry of the Department of
22 Agriculture, Forestry, and Industries, is killed, either
23 accidentally or deliberately, or dies as a result of injuries
24 received while engaged in the performance of his or her
25 duties, or dies as a direct and proximate result of a heart
26 attack or stroke, his or her beneficiaries or dependents shall
27 be entitled to compensation in the amount of one hundred

1 thousand dollars (\$100,000) to be paid from the State Treasury
2 as provided in Section 36-30-3, unless such death was caused
3 by the willful misconduct of the officer or was due to his or
4 her own intoxication or his or her willful failure or refusal
5 to use safety appliances provided by his or her employer or
6 his or her willful refusal or neglect to perform a statutory
7 duty or any other willful violation of a law or his or her
8 willful breach of a reasonable rule or regulation governing
9 the performance of his or her duties or his or her employment
10 of which rule or regulation he or she had knowledge. Any peace
11 officer, or any firefighter, or volunteer firefighter whose
12 death results proximately from an injury received while
13 performing his or her duties shall, for the purposes of this
14 article, be deemed to have been killed while in the
15 performance of such duties. If the State Health Officer
16 determines from all available evidence that a volunteer
17 firefighter, who is a member of an organized volunteer fire
18 department registered with the ~~Alabama Forestry Commission~~
19 Division of State Forestry of the Department of Agriculture,
20 Forestry, and Industries, has become totally disabled as a
21 result of any injury received while engaged in the performance
22 of his or her fire-fighting duties and the disability is
23 likely to continue for more than 12 months from the date the
24 injury is incurred, then the firefighter shall be entitled to
25 receive disability compensation in the amount of one hundred
26 thousand dollars (\$100,000) to be paid from the State Treasury
27 as provided in Section 36-30-3. The term total disability

1 shall be interpreted to mean that the injured party is
2 medically disabled to the extent that he or she cannot perform
3 the duties of the job occupation or profession in which he or
4 she was engaging at the time the injury was sustained. The
5 State Health Officer may seek the assistance of any state
6 agency in making the determination of disability and the state
7 agencies shall cooperate with the State Health Officer in such
8 regard. The State Health Officer shall render a decision
9 within 30 days of the time a claim is filed. If such volunteer
10 firefighter disagrees with any officer, he or she may appeal
11 the determination to the State Board of Adjustment in
12 accordance with such board's procedures for such appeals.

13 "(b) Beginning in calendar year 2009, the
14 compensation amounts payable under this section shall be
15 adjusted on January 1 of each year to reflect any increase
16 during the preceding calendar year in the consumer price index
17 as published by the U.S. Department of Labor, Bureau of Labor
18 Statistics. The adjustment shall equal the percentage change
19 in the consumer price index during the preceding calendar
20 year.

21 "§36-32-1.

22 "For the purpose of this chapter, the following
23 words and phrases shall have the following meanings,
24 respectively, unless the context clearly indicates the
25 contrary:

26 "(1) ALABAMA FIRE COLLEGE. The independent public
27 institution of postsecondary education established by this

1 chapter and operated under the general control and supervision
2 of the Alabama Firefighters' Personnel Standards and Education
3 Commission for the purposes of educating, training, and
4 certifying firefighters and trainees in fire prevention and
5 suppression, emergency medical services, and related fields.
6 All assets owned by the Alabama Fire College and the Alabama
7 Firefighters' Personnel Standards and Education Commission,
8 upon passage of Act 2012-207, shall remain the property of the
9 state and shall be titled in the name of the Alabama
10 Firefighters' Personnel Standards and Education Commission.

11 "(2) COMMISSION. The Alabama Firefighters' Personnel
12 Standards and Education Commission established by this
13 chapter.

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

17 "(4) FIRE-FIGHTING AGENCY. Any agency charged with
18 the responsibility of detecting, combating, and preventing
19 damage to property and lives by fires, but excluding the
20 ~~Alabama State Forestry Commission~~ Division of State Forestry
21 of the Department of Agriculture, Forestry, and Industries.

22 "(5) FIRE PROTECTION PERSONNEL and FIREFIGHTER. Any
23 person permanently employed in fire administration, fire
24 prevention, fire suppression, fire education, arson
25 investigation, and emergency medical services, but excluding
26 employees of the ~~Alabama State Forestry Commission~~ Division of

1 State Forestry of the Department of Agriculture, Forestry, and
2 Industries.

3 "(6) VOLUNTEER FIREFIGHTER. Any person who is not
4 permanently employed as fire protection personnel or
5 firefighter but who otherwise engages in fire administration,
6 fire prevention, fire suppression, fire education, arson
7 investigation, and emergency medical services.

8 "(7) TRAINEE. A firefighter who has not been
9 certified by the commission as having met the minimum basic
10 training as set forth by Section 36-32-7 and by the rules and
11 regulations adopted by the commission.

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

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

17 "§40-7-25.1.

18 "(a) For ad valorem tax years beginning on and after
19 October 1, 1978, with respect to taxable property defined in
20 Section 40-8-1, as amended, as Class III property and upon
21 request by the owner of such property as hereinafter provided,
22 the assessor shall base his appraisal of the value of such
23 property on its current use on October 1 in any taxable year
24 and not on its fair and reasonable market value. Failure of an
25 owner of Class III property to request appraisal at current
26 use value shall mean that the property shall be valued on its
27 fair and reasonable market value as otherwise provided in this

1 title until such time as the owner thereof shall request
2 valuation on the basis of current use value. As used in this
3 chapter, "current use value" shall be deemed to be the value
4 of eligible taxable property based on the use being made of
5 that property on October 1 of any taxable year; provided, that
6 no consideration shall be taken of the prospective value such
7 property might have if it were put to some other possible use.
8 It is not the intent of the Legislature to establish in this
9 section any presumption as to the fair and reasonable market
10 value of any property, or any minimum such value. This section
11 shall govern only determination of the current use value of
12 eligible property with respect to which a timely request for
13 appraisal at current use value shall have been made.

14 "(b) In determining the current use value, on and
15 after October 1, 1981, of eligible taxable property the owner
16 of which shall elect current use valuation of such property
17 hereunder, the assessor shall utilize the standard value
18 method of current use valuation outlined herein. (No new
19 application form need be filed under Section 40-7-25.2 in
20 order for this method to be utilized with respect to property
21 the owner of which, prior to October 1, 1981, shall have
22 elected to have had assessed at the ratio of its assessed
23 value to its current use value, and which property was in fact
24 so assessed; however, the tax assessor of the county in which
25 the property is located may request of the owner such
26 additional information as may be required to compute current
27 use value hereunder.) To utilize the standard value method of

1 current use valuation, the tax assessor shall first determine
2 the character of the property with respect to which current
3 use valuation is elected as agricultural (which
4 characterization shall cover all of the types of real property
5 described in subdivision (3) of subsection (b) of Section
6 40-8-1 with the exception of real property used for the
7 growing and sale of timber and forest products), forest
8 (meaning real property used for the growing and sale of timber
9 and forest products), residential (as defined in subdivision
10 (2) of subsection (b) of Section 40-8-1, or historic building
11 and site (as defined in subdivision (6) of subsection (b) of
12 Section 40-8-1). With respect to Class III property consisting
13 of parcels of five acres or less, the owners of which shall
14 have elected current use valuation respecting those parcels,
15 the tax assessor may require the submission of additional data
16 as may be necessary to establish that the use being made of
17 the parcels of property in question is agricultural, forest,
18 or residential or historic building and site, as the case may
19 be; such data may include site management plans from the
20 ~~Alabama Forestry Commission~~ Division of State Forestry of the
21 Department of Agriculture, Forestry, and Industries,
22 photographs and surveys, or verification of use from the
23 county farm agent or the U.S. Soil Conservation Service.

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

	Soil Group	Agricultural Productivity Rating	Forest Productivity Rating
1			
2	1	Good	Good
3	2	Good	Good
4	3	Average	Average
5	4	Average	Average
6	5	Average	Average
7	6	Poor	Average
8	7	Nonproductive	Poor
9	8	Good	Good
10	9	Poor	Average
11	10	Nonproductive	Nonproductive

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

21 "(1) SOIL GROUP #1. Nearly level soils on uplands;
22 mostly deep and well drained (zero to two percent slopes).

1 Soils in this group have no limitations that significantly
2 restrict their use for agriculture. They are well suited to a
3 wide range of plants and may be used for cultivated crops,
4 small grains, hay crops, pasture, or woodland. They have
5 moderate to high available water capacity and are responsive
6 to fertilization.

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

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

1 "(4) SOIL GROUP #4. Gently sloping to sloping soils
2 on uplands (two to six percent slopes). Soils in this group
3 have moderate limitations that restrict their use for
4 agriculture. The choice of plants may be restricted on some
5 soils but as a group they are well suited for cultivated
6 crops, small grains, hay crops, pasture, or woodland.
7 Limitations can be overcome by conventional practices but the
8 soils require careful management to prevent deterioration and
9 maintain maximum crop yields. Limitations include one or more
10 of the following: Slopes of about two to six percent, a
11 somewhat restricted rooting zone, very slow permeability of
12 the subsoil, and low available water capacity. Most soils in
13 this group are responsive to fertilization.

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

1 "(6) SOIL GROUP #6. Moderately steep soils on
2 uplands (10 to 15 percent slopes). Soils in this group have
3 very severe limitations that restrict their use for
4 agriculture. The choice of plants is restricted and very
5 careful management is required to prevent soil deterioration,
6 protect crops, and to maintain crop yields. Soils in this
7 group are generally poorly suited for row crops and small
8 grains. They are suited to pasture and woodland but steep
9 slopes restrict their use for hay crops. Limitations include
10 one or more of the following: slopes of about 10 to 15
11 percent, shallow rooting depth, low available water capacity,
12 and surface stoniness that interferes with tillage. Some sandy
13 soils in this group have low fertility levels that are not
14 easily corrected by fertilization.

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

24 "(8) SOIL GROUP #8. Bottomland soils that are well
25 suited for cultivated crops, hay crops, and pasture. Subject
26 to occasional water overflow with only slight damage to crops.

1 Soil wetness is normally correctable by surface drainage.
2 Soils in this group are well suited for woodland.

3 "(9) SOIL GROUP #9. Bottomland soils subject to
4 frequent overflow with severe crop damage. Excessive wetness
5 that persists after drainage restricts the use of these soils
6 to mainly pasture and woodland. Woodland growth potential is
7 excellent but equipment limitations and seedling mortality
8 limit intensive forest management.

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

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

19 "(1) AGRICULTURAL PROPERTY. The current use standard
20 value for agricultural property in the state shall be
21 determined in the following manner. The owner of agricultural
22 property desiring to elect current use valuation shall submit
23 to the assessor satisfactory evidence indicating the soil
24 group or groups, as defined herein, applicable to the property
25 in question. Such evidence may, with respect to property
26 located in counties for which countywide soil survey maps are
27 not available from the U.S. Soil Conservation Service, include

1 a soil survey map describing the soils of the property in
2 question prepared by the U.S. Soil Conservation Service or
3 other governmental or private soil mapping agency. The
4 Department of Revenue, utilizing statistics from the Alabama
5 Crop and Livestock Reporting Service, the Alabama Cooperative
6 Extension Service and the Alabama Agricultural Experiment
7 Station, shall determine annually not later than November 15
8 (except that, for the tax year beginning October 1, 1981, the
9 determination shall be made 30 days after April 20, 1982), for
10 use in assessing property for taxation as of the immediately
11 preceding October 1, the current use standard value for
12 agricultural property as follows:

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

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

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

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

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

1 calendar years since 1973 for which figures are available,
2 such rate to be reduced by the lesser of four and one-half
3 percent or the difference between such rate and two percent.

4 "The figure obtained using this formula, increased
5 by 20 percent with respect to property having a productivity
6 rating of good, decreased by 30 percent with respect to
7 property having a productivity rating of poor, and by 75
8 percent with respect to property having productivity rating of
9 nonproductive, and unchanged with respect to property having a
10 productivity rating of average, shall be the current use
11 standard values per acre of property in agricultural use in
12 the state with respect to which current use valuation is
13 elected by the owner thereof; provided, however, that such
14 current use standard values per acre as computed hereunder
15 shall, for the first tax year for which values are computed
16 pursuant to the standard value method provided herein, be
17 computed without utilizing any statistics or interest rates
18 available for the calendar year 1981, and all calculations
19 hereunder for the tax year beginning October 1, 1981, shall be
20 made as if such 1981 statistics and interest rates were not
21 available; and provided further that for each tax year
22 following the first tax year for which values are computed
23 pursuant to the standard value method provided herein, with
24 respect to property of each productivity rating, the current
25 use standard values per acre shall be adjusted so that such
26 standard values shall not be less than 100 percent of such
27 standard values as computed for the first tax year for which

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

1 "(2) FOREST PROPERTY. The current use standard value
2 for forest property in the state shall be determined in the
3 following manner. The owner of timberland desiring to elect
4 current use valuation shall submit to the assessor
5 satisfactory evidence indicating the soil group or groups, as
6 defined herein, applicable to the property in question. Such
7 evidence may, with respect to property located in counties for
8 which county-wide soil survey maps are not available from the
9 U.S. Soil Conservation Service, include a soil survey map
10 describing the soils of the property in question prepared by
11 the U.S. Soil Conservation Service or other governmental or
12 private soil mapping agency. For each calendar year
13 immediately preceding October 1 in each year the ~~Alabama~~
14 ~~Forestry Commission~~ Division of State Forestry of the
15 Department of Agriculture, Forestry, and Industries shall
16 determine the average pulpwood price per cord received by
17 timber growers in the state by estimating the average pine
18 pulpwood price per cord and the average hardwood pulpwood
19 price per cord received in the state during such year and
20 determining the weighted average of those two average prices,
21 weighting those prices on the basis of the ratio that the
22 approximate number of cords of each of those two types of
23 pulpwood harvested in Alabama bears to the total cords of both
24 of such types of pulpwood harvested in Alabama, and provide
25 that information to the Department of Revenue. The Department
26 of Revenue shall utilize timber yields of 1.38 cords per acre
27 per year, 1.05 cords per acre per year, .75 cords per acre per

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

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

1 (including preliminary statistics) at the time such
2 determinations are made as required herein; the determinations
3 so made by the commission and the department shall not be
4 subject to change solely because such statistics are later
5 revised, corrected, or otherwise altered by the sources
6 thereof, including the ~~commission~~ Division of State Forestry
7 and the New Orleans District Federal Land Bank.

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

1 valorem tax purposes utilizing the assessment ratio or ratios
2 then applicable to Class III property.

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

26 "§41-4-33.1.

1 "(a) All surplus property owned by the state to be
2 disposed of by sale at auction by the Finance Department shall
3 first be screened by the ~~Forestry Commission~~ Division of State
4 Forestry of the Department of Agriculture, Forestry, and
5 Industries to determine if such property may be of use by
6 volunteer fire departments for specific use in fire
7 suppression activities. If the ~~Forestry Commission~~ Division of
8 State Forestry finds such property to be useful for such
9 purposes, then, with the approval of the state Finance
10 Director, such property shall be transferred to the ~~Forestry~~
11 ~~Commission~~ Division of State Forestry. All such property shall
12 be loaned to the volunteer fire departments.

13 "(b) Any property transferred to a volunteer fire
14 department under the provisions of this section shall be used
15 exclusively for fire protection purposes. The use of any such
16 property other than on the business of the volunteer fire
17 department is expressly prohibited. Any violation of the
18 provision of this section shall be a Class A misdemeanor
19 punishable as provided under Title 13A.

20 "(c) Final disposition of all properties loaned by
21 the ~~Forestry Commission~~ Division of State Forestry as a result
22 of this section shall rest with the Finance Department of the
23 state.

24 "§41-6A-8.

25 "(a) There is hereby created and established the
26 Energy Advisory Council. For the purposes of this chapter the

1 term "council" means the "Energy Advisory Council." The
2 council shall be composed of the following:

3 "(1) Two members of the state Senate designated by
4 the President of the Senate;

5 "(2) Two members of the state House of
6 Representatives designated by the Speaker of the House of
7 Representatives;

8 "(3) Four representatives from state institutions of
9 higher learning designated by the Governor, provided, however,
10 that no two representatives shall be from the same
11 institution, and provided, further, that one representative
12 shall be from an historically black institution;

13 "(4) Three representatives of the citizens of the
14 state, one designated by the Governor, one by the President of
15 the Senate and one by the Speaker of the House of
16 Representatives;

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

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

21 "(6) One representative of the Public Service
22 Commission designated by the commission;

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

25 "(8) One representative of the petroleum industry,
26 designated by the Governor;

1 "(9) One representative from the private
2 investor-owned electric utility industry and one
3 representative from the rural electric cooperatives;

4 "(10) One representative of the coal industry,
5 designated by the Governor;

6 "(11) One representative of agriculture to be
7 designated by the Commissioner of Agriculture and Industries
8 and one representative of private, nonindustrial forestry to
9 be designated by the ~~Alabama Forestry Commission~~ Commissioner
10 of Agriculture and Industries;

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

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

15 "(14) One representative of county government to be
16 designated by the Association of County Commissioners of
17 Alabama;

18 "(15) One representative of registered professional
19 engineers nominated by the Joint Engineers Council of Alabama,
20 Inc.;

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

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

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

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

3 "(c) The director of the department shall serve ex
4 officio as secretary to the council. The council shall meet as
5 soon as practicable after May 19, 1980, and shall choose from
6 among its members a chairman and a vice-chairman. The council
7 shall meet at least twice annually, at the call of the
8 chairman, or when at least seven members of the council
9 officially and in writing request the secretary of the council
10 to call a meeting.

11 "(d) Members of the council shall serve without
12 compensation.

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

18 "§41-23-141.

19 "(a) There shall also be created within the Alabama
20 Department of Economic and Community Affairs an Alabama Trails
21 Commission Advisory Board which shall advise the commission in
22 the execution of the Alabama Trails Commission's powers and
23 duties under this article. The advisory board of directors
24 shall be composed of the following:

25 "(1) Two Senators appointed by the Lieutenant
26 Governor.

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

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

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

7 "(5) One member appointed by the State ~~Forestry~~
8 ~~Commission~~ Forester.

9 "(6) One member appointed by the Commissioner of
10 Agriculture and Industries.

11 "(7) One member appointed by the State Health
12 Officer.

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

15 "(9) One member appointed by the U.S. Forest
16 Service.

17 "(10) One member who shall be a representative of
18 the power industry appointed by the Alabama Power Company and
19 the Tennessee Valley Authority. Membership shall alternate
20 between the Alabama Power Company and the Tennessee Valley
21 Authority every two years.

22 "(11) One member appointed by the Alabama Farmers
23 Federation.

24 "(12) One member appointed by the Army Corps of
25 Engineers.

26 "(13) One member appointed by the Natural Resources
27 Conservation Services.

1 "(b) The term of all Alabama Trails Commission
2 Advisory Board appointees shall be for two years unless
3 otherwise specified. The appointees of the Governor, the
4 Lieutenant Governor, and the Speaker of the House of
5 Representatives may be reappointed for no more than two
6 consecutive terms. The members of the Alabama Trails
7 Commission Advisory Board shall serve until a successor is
8 appointed.

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

13 Section 2. (a) On the effective date of this act,
14 the Department of Agriculture and Industries shall be renamed
15 the Department of Agriculture, Forestry and Industries.

16 (b) Notwithstanding any other provision of law,
17 whenever any act, section of the Code of Alabama 1975, or any
18 other provision of law makes reference, either direct or in
19 context, to the Department of Agriculture and Industries, it
20 shall be deemed a reference to the Department of Agriculture,
21 Forestry, and Industries.

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

1 (b) Unless specifically prohibited or otherwise
2 provided for by this act, the functions and duties of the
3 Commissioner of Agriculture and Industries, with respect to
4 this act, shall be as follows:

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

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

12 (3) To maintain, supervise, operate and control all
13 state forests;

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

1 publication of data with respect to the timber and forest
2 resources or any other matters as provided in this act;

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

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

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

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

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

22 (b) Unless otherwise specified, whenever any act,
23 Section of the Code of Alabama 1975, or any other provision of
24 law, including any local law and Amendment 511 of the
25 Constitution of Alabama 1901, makes reference, either direct
26 or in context, to the "Alabama Forestry Commission" or "State
27 Forestry Commission", it shall be deemed a reference to the

1 Division of State Forestry of the Department of Agriculture,
2 Forestry, and Industries.

3 (c) There shall be full cooperation of the State
4 Forestry Commission, Department of Agriculture and Industries,
5 all other state agencies and departments, and their officers,
6 directors, and employees, to carry out the provisions of this
7 act.

8 Section 5. Section 9-3-16 of the Code of Alabama
9 1975, is hereby repealed.

10 Section 6. This act shall become effective on
11 October 1, 2014 following its passage and approval by the
12 Governor, or its otherwise becoming law.