

1 SB411  
2 155440-1  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 26-FEB-14

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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 ~~advise the Commissioner of Agriculture and~~  
10 ~~Industries and State Forester on ways to protect, conserve and~~  
11 increase the timber and forest resources of this state and to  
12 administer all laws relating to timber and forestry and the  
13 protection, conservation and increase of such resources;

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

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

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

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

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

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

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

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

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

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

6           ~~"§9-3-5.~~

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

25           "The State Forester of Alabama shall be appointed by  
26 the Commissioner of Agriculture and Industries, the Governor  
27 of Alabama, and the President of the Alabama Forestry

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

21 "§9-3-6.

22 "The ~~commission shall~~ Commissioner of Agriculture  
23 and Industries, with approval of the State Forestry  
24 Commission, may also appoint, with the advice and consent of  
25 the Governor, an Assistant State Forester, who shall hold at  
26 least a bachelor degree in forestry with considerable forestry  
27 experience. ~~The~~ If so appointed, the Assistant State Forester

1 shall serve as the chief assistant to the State Forester. The  
2 Assistant State Forester's salary shall be set by the  
3 ~~commission,~~ Commissioner of Agriculture and Industries and he  
4 or she shall be paid ~~his~~ actual expenses when traveling on  
5 official business of the ~~commission~~ Department of Agriculture,  
6 Forestry, and Industries. Until otherwise provided for by the  
7 commission and the Commissioner of Agriculture and Industries,  
8 the present Assistant State Forester shall continue to serve  
9 under the Commissioner of Agriculture and Industries.

10 "§9-3-7.

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

16 "§9-3-8.

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

22 "§9-3-9.

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

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

7 "§9-3-10.

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

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

23 "§9-3-10.1.

24 "(a) There is hereby established an Emergency Forest  
25 Fire, Insect and Disease Fund into which there is  
26 automatically appropriated \$180,000.00 annually at the  
27 beginning of each state fiscal year. The state Comptroller

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

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

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

26 "§9-3-11.

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

5            "§9-3-12.

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

27            "§9-3-13.

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

7           "§9-3-14.

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

13          "§9-3-15.

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

20          "§9-3-17.

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

25                 "(1) The group shall be organized and incorporated  
26 under the laws of the State of Alabama as a nonprofit  
27 organization or as an authority of a legal subdivision. All

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

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

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

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

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

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

20 "2. 150 feet of pre-connected 1 1/2 inch fire hose  
21 with suitable fog/stream nozzle attached.

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

26 "d. One 24 foot extension ladder with a 12 foot roof  
27 ladder.

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

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

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

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

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

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

24            "(d) The ~~Alabama Forestry Commission~~ Division of  
25 State Forestry shall be the state ~~agency~~ entity delegated as  
26 certifying authority under this section and shall certify all

1 departments which are cooperators with ~~that commission~~ the  
2 division.

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

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

12 "§9-3-19.

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

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

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

19 "§9-8A-3.

20 "(a) The members of the commission shall consist of  
21 the Governor; the Commissioner of Agriculture and Industries;  
22 the President of the Alabama Farmers Federation; the President  
23 of the Alabama Cattlemen's Association; the Chair of the State  
24 Soil and Water Conservation Committee; a member of the Alabama  
25 Forestry Commission designated by the Governor; the President  
26 of the Alabama Association of Conservation Districts; and two  
27 citizens of the state of good reputation who are active

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

1 and until his or her successor shall have been appointed and  
2 qualified.

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

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

1 the expiration of the immediately preceding term which he or  
2 she has been serving, his or her new term of office shall be  
3 deemed to have commenced at noon on the date on which the  
4 immediately preceding term shall have expired. Members of the  
5 commission shall be eligible for reappointment without limit  
6 as to the number of terms previously served.

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

24 "(e) Regular meetings of the commission shall be  
25 held at the time and place fixed by resolution or by law of  
26 the commission. Special meetings of the commission shall be  
27 held at the call of the chair or whenever three members of the

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

1 commission, shall be received in all courts as prima facie  
2 evidence of the matters and things therein certified.

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

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

8 "§9-10A-4.

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

15 "§9-13-1.

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

1 of land mentioned above are properly executed and convey good  
2 title before the gift is accepted.

3 "§9-13-3.

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

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

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

25 "(d) The ~~commission~~ Department of Agriculture,  
26 Forestry, and Industries, for the purpose of establishing,  
27 developing and maintaining state forests, administrative

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

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

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

1 or assets are sold, proceeds shall be deposited in the Alabama  
2 Forestry Fund.

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

11 "§9-13-4.

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

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

17 "§9-13-5.

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

26 "§9-13-6.

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

10           "§9-13-8.

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

18           "§9-13-9.

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

1                   "§9-13-10.

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

1                   "§9-13-10.1.

2                   "All state agencies, in the performance of their  
3 duties and responsibilities to the people of Alabama, are  
4 authorized to aid and assist the ~~State Forestry Commission~~  
5 Division of State Forestry in the control and suppression of  
6 wildfires, on request of the Governor of Alabama, with such  
7 requested resources that are reasonably available and needed  
8 to cope with the specific situation.

9                   "§9-13-11.

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

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

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

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

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

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

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

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

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

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

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

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

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

1            "b. The person requesting the permit is responsible  
2 to keep the fire confined.

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

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

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

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

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

25           "(f) All moneys collected for any violation of this  
26 section as fines, forfeitures, etc., shall go to the Alabama  
27 Forestry ~~Commission~~ Fund and shall be used in defraying the

1 expense of the administration of ~~such State Forestry~~  
2 ~~Commission~~ the Division of State Forestry.

3 "§9-13-24.

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

1 Agriculture and Industries as provided in this section. No fee  
2 shall be allowed in cases of acquittal.

3 "§9-13-40.

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

1 shall not be increased during the continuance of such land as  
2 auxiliary state forests; and provided further, that when the  
3 land embraced within an auxiliary state forest does not exceed  
4 160 acres, the land shall not be taxed or assessed for  
5 taxation.

6 "§9-13-41.

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

19 "§9-13-42.

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

27 "§9-13-43.

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

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

23           "§9-13-44.

24           "The Governor may, at his discretion, upon  
25 designation of any lands as auxiliary state forests, under the  
26 provisions of this article, on behalf of and in the name of  
27 the State of Alabama, enter into a contract by and with the

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

25 "It shall be agreed in said contract that the owner  
26 of said land will devote the same to forest culture and that  
27 no use shall be made of said land that will militate against

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

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

20 "§9-13-45.

21 "If any owner or the successor in title of any such  
22 owner shall violate the provisions of his contract, the  
23 Governor may, in his discretion, abrogate the same by a  
24 written order to be filed with the Department of Revenue, the  
25 ~~State Forestry Commission~~ Division of State Forestry and the  
26 said owner or his successor in title. Upon such abrogation,  
27 the privilege tax provided for in this article shall at once

1 become due and payable in all respects as if said lands had  
2 been legally withdrawn as auxiliary state forests.

3 "§9-13-46.

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

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

26 "(c) In either event, the privilege tax provided for  
27 in this article shall be paid on the value of the timber

1 withdrawn or harvested at the time of said withdrawal or  
2 harvesting.

3 "§9-13-47.

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

16 "§9-13-49.

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

1 state and county taxes duly assessed by the tax assessor upon  
2 the timber appraised as provided in this article and shall  
3 proceed to apportion, distribute and pay the same as if such  
4 taxes were ad valorem taxes assessed against the owner of the  
5 timber, after deducting therefrom for himself a commission of  
6 two percent upon the amount of such taxes and paying also the  
7 tax assessor a commission of two percent thereon. In all  
8 counties in which officials are paid on a salary basis, the  
9 commissions authorized in this section shall by said officials  
10 be paid into the treasury of said county.

11 "§9-13-50.

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

17 "§9-13-63.

18 "Any person, firm, or corporation buying,  
19 contracting to buy, or otherwise acquiring logs, poles,  
20 piling, crossties, pulpwood, veneer bolts, stave bolts, or  
21 other unmanufactured or semimanufactured forest products shall  
22 keep a written record in this state of every such purchase.  
23 The record shall contain the name of the person or persons  
24 from whom the product was acquired, the county from which the  
25 timber or other forest product was severed, the amount thereof  
26 and the date of delivery, which information shall be obtained  
27 from the person or persons from whom the product was acquired.

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

21 "§9-13-64.

22 "All employees of the ~~State Forestry Commission~~  
23 Division of State Forestry, and other employees of the  
24 Department of Agriculture, Forestry, and Industries, as  
25 designated by the Commissioner of Agriculture and Industries,  
26 shall have the powers of peace officers in the enforcing of  
27 the provisions of this article. They shall be allowed to enter

1 any lands and to do any work necessary in the performance of  
2 their duties without liability for trespass or damage  
3 therefrom.

4 "§9-13-65.

5 "All fines collected from violations of Sections  
6 9-13-60 and 9-13-63 shall go to the Alabama Forestry  
7 ~~Commission~~ Fund.

8 "§9-13-80.

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

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

16 "~~(2) DEPARTMENT. The Department of Revenue of the~~  
17 ~~State of Alabama.~~

18 "~~(3)~~ (2) TAXPAYER. Any person liable for taxes under  
19 this article.

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

1           "~~(5)~~ (4) FOREST PRODUCTS. Logs, timber, pulpwood,  
2           chemical wood, bolts, crossties and switch ties, mine ties,  
3           coal mine props, ore mine props, poles, piles, turpentine  
4           (crude gum) and stumpwood (tarwood).

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

12          "~~(7)~~ ~~COMMISSIONER. The Commissioner of Revenue of~~  
13          ~~the State of Alabama.~~

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

26          "~~(9)~~ (7) CONCENTRATION YARD. A place where lumber is  
27          brought or received within the State of Alabama in a green or

1 rough form or condition for manufacturing or for processing or  
2 for resale.

3 "§9-13-84.

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

23 "There is hereby continuously appropriated the  
24 receipts from the taxes levied in this article to the ~~State~~  
25 ~~Forestry Commission~~ Department of Agriculture, Forestry, and  
26 Industries for the use of the ~~State Forestry Commission~~  
27 Division of State Forestry. Such amount of money as shall be

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

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

19 "§9-13-103.

20 "If the ~~department~~ Department of Revenue finds that  
21 a person liable for taxes under any provisions of this article  
22 designs quickly to depart from the state or to remove his  
23 property therefrom, or to conceal himself or his property  
24 therein or to do any other act tending to prejudice or to  
25 render wholly or partly ineffectual proceedings to collect  
26 such tax unless such proceedings are brought without delay,  
27 the ~~department~~ Department of Revenue shall cause notice of

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

15 "§9-13-104.

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

1 approved by the interstate commerce commission, such common  
2 carriers shall only be required to keep the usual records at  
3 the office or offices in this state where such records are  
4 usually kept.

5 "§9-13-122.

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

15 "§9-13-124.

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

22 "§9-13-125.

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

1 public or private agencies and with forest landowners using  
2 any such funds as may be pledged in such agreements for the  
3 suppression of infestation or infection in forest trees.

4 "§9-13-126.

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

22 "§9-13-140.

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

1 declare a drought emergency condition in such county or  
2 counties.

3 "§9-13-141.

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

18 "§9-13-161.

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

27 "§9-13-162.

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

5           "§9-13-163.

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

16           "§9-13-164.

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

24           "§9-13-166.

25           "The tax so assessed shall be collected as other  
26 taxes are collected and remitted to the state Treasurer and  
27 placed in a "Forest Protection Fund" to be expended by the

1 ~~State Forestry Commission~~ Division of State Forestry of the  
2 ~~State of Alabama~~ Department of Agriculture, Forestry, and  
3 Industries for forest fire protection in the county, or any  
4 definitely described portion thereof, against which the tax  
5 has been assessed.

6 "§9-13-167.

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

14 "§9-13-181.

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

21 "§9-13-182.

22 "Any county commission which provides forest fire  
23 protection to the persons and property of its county by  
24 participating in the ~~State Forestry Commission's~~ Division of  
25 State Forestry's fire protection program may in the manner  
26 specified in this division assess the whole or any part of the  
27 cost of such fire protection program, not in excess of \$.05

1 per acre, to the owners of forestland in the county; provided,  
2 that such assessment is not greater than the benefit accruing  
3 to such forestland due to the availability of such fire  
4 protection.

5 "§9-13-185.

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

18 "§9-13-189.

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

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

25 "(2) FOREST LAND. Any land which supports a forest  
26 growth or which is being used or reserved for any forest  
27 purpose and is classified as Class III forest property in

1 Section 40-8-1(b)(1), but excludes land within the city limits  
2 of any incorporated municipality.

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

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

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

12 "§9-13-190.

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

19 "§9-13-192.

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

1 (tax) year beginning October 1 next following the satisfaction  
2 of all prerequisites required herein for imposition of the  
3 levy herein provided.

4 "§9-13-193.

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

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

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

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

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

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

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

22 "§9-13-194.

23 "The arrangements for the place, time and management  
24 of any referendum held under this article shall be under the  
25 direction of the ~~commission~~ department. The ~~commission~~  
26 department shall bear all expenses incurred in conducting the

1 referendum, including the furnishing of ballots and arranging  
2 for the necessary poll holders.

3 "§9-13-195.

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

8 "§9-13-196.

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

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

25 "§9-13-201.

26 "The expenses incurred by the ~~advisory committee~~  
27 Department of Agriculture, Forestry, and Industries in

1 attending meetings of the Southeastern Interstate Forest Fire  
2 Protection Compact shall be payable out of the Alabama  
3 Forestry ~~Commission~~ Fund. Such expenses shall include travel  
4 costs and other necessary expenses of the advisory committee  
5 members of the State of Alabama to and from meetings of the  
6 compact or its duly constituted sections or committees.

7 "§9-13-225.

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

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

27 "§9-13-226.

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

17            "§9-13-272.

18            "As used in this article, the following words shall  
19 have the following meanings:

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

25            "(2) PRESCRIBED BURNING. The controlled application  
26 of fire to naturally occurring vegetative fuels for  
27 ecological, silvicultural, agricultural and wildlife

1 management purposes under specified environmental conditions  
2 and the following of appropriate precautionary measures which  
3 cause the fire to be confined to a predetermined area and  
4 accomplishes the planned land management objectives.

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

8 "§9-13-273.

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

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

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

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

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

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

1           "(c) The Alabama Forestry Commission and Department  
2 of Agriculture, Forestry, and Industries may promulgate rules  
3 for the certification of prescribed burn managers and  
4 guidelines for a prescribed burn prescription.

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

15           "§9-15-3.

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

1 Conservation and Natural Resources, as state forests or state  
2 parks.

3 "§9-15-30.

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

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

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

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

1 as the Commissioner of Conservation and Natural Resources  
2 deems appropriate and for the best interest of the Department  
3 of Conservation and Natural Resources.

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

10 "§9-15-82.

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

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

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

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

1 further, that all such transactions between the United States  
2 government, any county or municipal board of education, any  
3 county or municipal government, or any of their respective  
4 boards, agencies, departments, corporations, or  
5 instrumentalities including corporations or boards and the  
6 state or any department, board, bureau, commissions,  
7 instrumentalities, corporations, and agencies of the state  
8 shall have the approval of the Governor and written notice of  
9 such transaction shall be given to the Lands Division of the  
10 Department of Conservation and Natural Resources at least 30  
11 days before the closing of such transaction.

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

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

25 "§11-84-2.

26 "The State Forestry Commission Division of State  
27 Forestry of the Department of Agriculture, Forestry, and

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

15 "§23-1-293.

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

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

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

24 "(3) The Alabama Historical Commission.

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

26 "(5) The Alabama Department of Economic and  
27 Community Affairs.

1                   "(6) The Alabama Department of Conservation and  
2 Natural Resources.

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

6                   "(b) The Designating Committee shall perform the  
7 following duties:

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

11                   "(2) Advise the Governor and the Legislature of each  
12 designation.

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

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

17                   "§31-9C-2.

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

1                   "(b) The commission shall consist of the following  
2 members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           "(22) The President of the Alabama Association of  
18 9-1-1 Districts or his or her designee.

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

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

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

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

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

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

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

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

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

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

1           "(g) The commission may employ, on a part-time or  
2 full-time basis, such engineers, attorneys, laborers,  
3 technicians, or administrative employees and supervisory or  
4 professional personnel as may be necessary or advisable to  
5 carry out in the most efficient and beneficial manner the  
6 purposes and provisions of this chapter. All permanent  
7 full-time employees, other than the executive director, shall  
8 be subject to the state Merit System.

9           "§32-6-272.

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

17           "(b) The ~~Alabama Forestry Commission~~ Division of  
18 State Forestry of the Department of Agriculture, Forestry, and  
19 Industries shall prepare a list of all members of certified  
20 volunteer fire departments and the Firefighters' Personnel  
21 Standards and Education Commission shall prepare a list of all  
22 members of paid or part-paid fire departments. The ~~Forestry~~  
23 ~~Commission~~ Division of State Forestry and the Firefighters'  
24 Personnel Standards and Education Commission shall submit to  
25 the judge of probate, license commissioner, or other license  
26 issuing official of each county by December 1 of each year the  
27 lists of members of fire departments.

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

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

23           "(e) Anyone who is proven to have either falsely  
24 obtained or certified an individual to obtain a distinctive  
25 firefighter license plate shall be guilty of a Class C  
26 misdemeanor, and upon conviction, shall be punished according  
27 to law.

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

8           "§32-6-410.

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

1           "§32-6-411.

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

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

1 Agriculture, Forestry, and Industries or may be used through  
2 grants from the ~~Alabama Forestry Commission~~ Department of  
3 Agriculture, Forestry, and Industries to other organizations.

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

9 "§32-6-413.

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

16 "(1) One member of the Alabama Association of  
17 Consulting Foresters.

18 "(2) One member of the Alabama Treasure Forest  
19 Landowners Association.

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

21 "(4) One member of the Society of American  
22 Foresters.

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

24 "(6) One member of the Alabama Forest Owners  
25 Association.

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

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

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

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

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

16           "§36-16-11.

17           "There is hereby expressly exempt from Sections  
18 36-16-8 to 36-16-10, inclusive, all livestock, animals, farm  
19 and agricultural products and property owned or used by, or in  
20 connection with, or under control of, all public schools,  
21 universities, colleges, trade schools, Alabama Institute for  
22 Deaf and Blind, State Library Service, and all fire control or  
23 fire rescue equipment acquired by the ~~Alabama Forestry~~  
24 ~~Commission~~ Division of State Forestry of the Department of  
25 Agriculture, Forestry, and Industries from sources other than  
26 state agencies and subsequently donated to volunteer fire  
27 departments pursuant to Section 9-3-19; provided, Sections

1 36-16-8 to 36-16-10, inclusive, shall not apply to the Alabama  
2 hospitals for the insane and the Partlow State School and  
3 Hospital.

4 "§36-21-8.

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

18 "§36-27-59.

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

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

25 "(2) FIREFIGHTER. A full-time firefighter employed  
26 with the State of Alabama, a municipal fire department, or a  
27 fire district who has a level one minimum standard

1 certification by the Firefighters Personnel Standards and  
2 Education Commission, or a firefighter employed by the ~~Alabama~~  
3 ~~Forestry Commission~~ Division of State Forestry of the  
4 Department of Agriculture, Forestry, and Industries who has  
5 been certified by the State Forester as having met the wild  
6 land firefighter training standard of the National Wildfire  
7 Coordinating Group.

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

16 "(b) (1) Any firefighter, law enforcement officer, or  
17 correctional officer covered under the Employees' Retirement  
18 System or the Teachers' Retirement System as a Tier I plan  
19 member, upon attainment of the requisite years of creditable  
20 service or who otherwise qualifies for service or disability  
21 retirement, shall be awarded one year of hazardous duty time  
22 for every five years of service as a firefighter, a law  
23 enforcement officer, or a correctional officer provided that  
24 the person has made the additional contribution provided in  
25 subdivision (2) or paid the additional contribution required  
26 in subsection (c) for each year of service used in determining

1 hazardous duty time for the person. Proportional credit shall  
2 be awarded for any period of service less than five years.

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

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

1 of each year of claimed service, as a prerequisite to payment  
2 under this section.

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

5 "§36-30-1.

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

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

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

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

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

1 engaging or participating or not more than 24 hours after so  
2 engaging or participating.

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

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

1 Health, any other state, county, or municipal officer engaged  
2 in quelling a riot, or civil disturbance, and university  
3 police officers.

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

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

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

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

24 "(c) If a paid or volunteer firefighter, peace  
25 officer, certified police officer, or reserve law enforcement  
26 officer is killed while engaged in the performance of his or  
27 her duties and there are no designated beneficiaries, then the

1 compensation shall be paid to his or her dependents or partial  
2 dependents in the manner prescribed by Section 36-30-3, and if  
3 there are none, the compensation shall be paid to his or her  
4 non-dependent children, and if there are none, the  
5 compensation shall be paid to his or her parents, and if there  
6 are none, the compensation shall be paid to the estate of the  
7 deceased.

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

16 "§36-30-2.

17 "(a) In the event a peace officer, or a firefighter,  
18 or a volunteer firefighter, who is a member of an organized  
19 volunteer fire department registered with the ~~Alabama Forestry~~  
20 ~~Commission~~ Division of State Forestry of the Department of  
21 Agriculture, Forestry, and Industries, is killed, either  
22 accidentally or deliberately, or dies as a result of injuries  
23 received while engaged in the performance of his or her  
24 duties, or dies as a direct and proximate result of a heart  
25 attack or stroke, his or her beneficiaries or dependents shall  
26 be entitled to compensation in the amount of one hundred  
27 thousand dollars (\$100,000) to be paid from the State Treasury

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

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

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

20 "§36-32-1.

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

25 "(1) ALABAMA FIRE COLLEGE. The independent public  
26 institution of postsecondary education established by this  
27 chapter and operated under the general control and supervision

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

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

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

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

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

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

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

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

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

15           "§40-7-25.1.

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

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

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

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

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

	Soil Group	Agricultural Productivity Rating	Forest Productivity
1			ing
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.