

1 SB199  
2 190167-1  
3 By Senator Albritton  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 23-JAN-18

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8 SYNOPSIS: This bill would authorize the Alabama  
9 Forestry Commission to adopt rules concerning state  
10 forests and other lands it controls and would  
11 provide penalties for violations.

12 Amendment 621 of the Constitution of Alabama  
13 of 1901, now appearing as Section 111.05 of the  
14 Official Recompilation of the Constitution of  
15 Alabama of 1901, as amended, prohibits a general  
16 law whose purpose or effect would be to require a  
17 new or increased expenditure of local funds from  
18 becoming effective with regard to a local  
19 governmental entity without enactment by a 2/3 vote  
20 unless: it comes within one of a number of  
21 specified exceptions; it is approved by the  
22 affected entity; or the Legislature appropriates  
23 funds, or provides a local source of revenue, to  
24 the entity for the purpose.

25 The purpose or effect of this bill would be  
26 to require a new or increased expenditure of local  
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local  
2 governmental entity or enactment by a 2/3 vote to  
3 become effective because it comes within one of the  
4 specified exceptions contained in the amendment.

5  
6 A BILL  
7 TO BE ENTITLED  
8 AN ACT  
9

10 Relating to the Alabama Forestry Commission; to add  
11 Section 9-13-10.2 to the Code of Alabama 1975; to authorize  
12 the commission to adopt rules concerning state forests and  
13 other land it controls; to provide penalties; and in  
14 connection therewith to have as its purpose or effect the  
15 requirement of a new or increased expenditure of local funds  
16 within the meaning of Amendment 621 of the Constitution of  
17 Alabama of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of Alabama of 1901,  
19 as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 9-13-10.2 is added to the Code of  
22 Alabama 1975, to read as follows:

23 §9-13-10.2.

24 (a) (1) The State Forestry Commission may adopt,  
25 alter, amend, or repeal rules governing the preservation,  
26 protection, and use of state forests and any other lands  
27 owned, leased, or otherwise controlled by the commission.

1           (2) Any person who violates a rule adopted pursuant  
2 to this act shall be guilty of a Class C misdemeanor and shall  
3 be fined not less than fifty dollars (\$50) nor more than five  
4 hundred dollars (\$500) for each offense, and may be required  
5 to pay all costs of the proceedings.

6           (3) When collected, all fines shall be paid to the  
7 Office of the State Forester to be delivered to the State  
8 Treasurer and placed in the Alabama Forestry Commission Fund.

9           (b) The State Forester and any employee of the State  
10 Forestry Commission so designated by the State Forester shall  
11 have and is vested with the authority to defer charges and  
12 issue a citation against a person for violating a rule adopted  
13 pursuant to this act or for the violation of any other  
14 provision of this article.

15           Section 2. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621, now  
19 appearing as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, as amended, because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

23           Section 3. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.