

HB267 INTRODUCED



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



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4 SYNOPSIS:

5 Under existing law, the State Forester is
6 provided with actual expenses when traveling on
7 official business of the State Forestry Commission.

8 This bill would authorize the State Forester to
9 earn annual and sick leave and receive reimbursement
10 for travel as if he or she were a state employee.

11 Under existing law, an employee of the Alabama
12 Forestry Commission may be appointed by the commission
13 as a forest law enforcement officer with full police
14 power and authorization to carry firearms.

15 This bill would remove the ability of the
16 commission to appoint forest law enforcement officers.

17 Under existing law, burning permits may be
18 obtained under certain conditions and after following
19 certain criteria.

20 This bill would refine the requirements to
21 obtain a burn permit and when the State Forester may
22 decline a burn permit.

23 This bill would also create a Class B
24 misdemeanor for conducting a prescribed burn without
25 first obtaining a burn permit.

26 Under existing law, any violation of fire
27 prevention measures during drought conditions may
28 result in a fine between \$250 and \$500 and a jail



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29 sentence of less than six months.

30 This bill would make any violation a Class B
31 misdemeanor.

32 Under existing law, vehicles and equipment
33 seized after an arrest for violations of law involving
34 timber or forest products are required to be delivered
35 to regional foresters.

36 This bill would require seized vehicles and
37 equipment to be delivered to the State Forester or his
38 or her designee.

39 This bill would repeal provisions that governed
40 the appointment, duties, and compensation of forest
41 fire wardens.

42 This bill would repeal provisions that provide
43 procedures and penalties for certain violations of fire
44 prevention measures.

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48 A BILL

49 TO BE ENTITLED

50 AN ACT

51

52 Relating to the State Forestry Commission; to amend
53 Sections 9-3-5, 9-3-7, 9-13-3, 9-13-10, 9-13-11, 9-13-12,
54 9-13-140, 9-13-141, 9-13-142, 9-13-221, and 9-13-225, Code of
55 Alabama 1975, and to add Sections 9-3-5.1 and 9-13-11.1 to the
56 Code of Alabama 1975; to authorize the State Forester to earn



57 sick and annual leave and receive reimbursement from travel;
58 to remove the ability of the commission to appoint forest law
59 enforcement officers; to refine the procedure for obtaining a
60 burn permit; to provide penalties for conducting a prescribed
61 burn without a permit; to provide penalties for violations of
62 fire prevention measures in drought conditions; to require
63 seized vehicles and equipment to be delivered to the State
64 Forester or his or her designee; and to repeal Sections
65 9-13-5, 9-13-6, 9-13-7, 9-13-8, 9-13-9, 9-13-13, 9-13-14,
66 9-13-15, 9-13-24, 9-13-64, 9-13-223, and 9-13-226, Code of
67 Alabama 1975, which govern forest fire wardens and provide
68 procedures and penalties for the violation of certain fire
69 prevention measures.

70 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

71 Section 1. Sections 9-3-5, 9-3-7, 9-13-3, 9-13-10,
72 9-13-11, 9-13-12, 9-13-140, 9-13-141, 9-13-142, 9-13-221, and
73 9-13-225, Code of Alabama 1975, are amended to read as
74 follows:

75 "§9-3-5

76 It shall be the duty of the Alabama Forestry Commission
77 to appoint with the advice and consent of the Governor a State
78 Forester who shall serve as the executive secretary and
79 administrative officer for the commission. The ~~person~~
80 selected individual appointed as the State Forester must have earned
81 a minimum of a bachelor of science degree in forestry and must
82 be licensed and registered under the forestry laws of Alabama
83 with considerable experience in the forestry field. The State
84 Forester shall receive a salary as fixed by the commission and



85 shall serve at the pleasure of the commission ~~and shall~~
86 ~~receive actual expenses. Notwithstanding any other provisions~~
87 ~~of law, the State Forester shall earn and may use annual and~~
88 ~~sick leave and receive reimbursement when traveling on~~
89 ~~official business of the commission, as if he or she were an~~
90 ~~employee in the classified or unclassified service of the~~
91 ~~state. The State Forester shall in no other way be subject to~~
92 ~~or receive benefits of the state Merit System. Until otherwise~~
93 ~~provided for by the commission, the present State Forester of~~
94 ~~the Division of Forestry of the Department of Conservation and~~
95 ~~Natural Resources shall continue to serve as the State~~
96 ~~Forester under the commission.~~ The State Forester shall devote
97 his or her full time to the duties of ~~his~~ the office. He or she
98 shall be required to take the oath of office and give bond in
99 the sum of fifty thousand dollars (\$50,000)~~.00~~."

100 "§9-3-7

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

106 (b) Notwithstanding any other provisions of law, no
107 construction or maintenance projects involving commission
108 offices or facilities shall be subject to the jurisdiction or
109 oversight of the Division of Construction Management within
110 the Department of Finance unless the cost of the project
111 exceeds seven hundred fifty thousand dollars (\$750,000). The
112 Division of Construction Management shall retain its authority



113 to adopt a uniform minimum building standards code that will
114 apply to such projects costing seven hundred fifty thousand
115 dollars (\$750,000) or less."

116 "§9-13-3

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

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

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

139 (d) (1) The commission, for the purpose of establishing, developing, and maintaining state forests, ~~administrative~~



141 ~~headquarters sites~~sites for offices or facilities, tower
142 sites, and other areas necessary for its efficient operation,
143 may acquire land by donation, purchase, condemnation, or
144 lease, and for these purposes may ~~use~~expend such funds ~~as may~~
145 ~~be~~available to ~~it~~the commission and not otherwise obligated,
146 and may enter into agreements with the federal government or
147 other agencies and private landowners for acquiring by lease,
148 purchase, or otherwise such lands as ~~in its judgment are the~~
149 commission deems desirable or necessary.

150 (2) When lands are acquired or leased under this
151 section, the commission ~~is authorized to make expenditures~~
152 ~~from~~may expend any funds available to the commission and not
153 otherwise obligated, for the management, development, and
154 utilization of such ~~areas~~lands, to sell or otherwise dispose
155 of products from such lands, to have sole charge of all state
156 forests and other lands that have been acquired hereunder, and
157 to ~~have authority to make such~~adopt rules and regulations for
158 the management, administration, occupancy, and use of ~~said~~
159 ~~lands and all property and things of whatsoever nature therein~~
160 ~~or thereon as it shall find necessary~~property in state forests
161 and lands acquired by the commission.

162 (3) The commission ~~shall have full power and authority~~
163 ~~to~~may sell, exchange, or lease lands under its jurisdiction
164 when in its judgment it is advantageous to the state to do so
165 in the orderly development and management of state forests and
166 other designated areas; ~~provided, however, that said sale,~~
167 ~~lease or exchange shall not be contrary to the terms of any~~
168 ~~contract which it has entered into.~~ Any sale or lease of lands



169 by the commission is subject to Article 3 of Chapter 15 of
170 Title 9 except for the sale or lease of land that has an
171 appraised or assessed value not exceeding fifty thousand
172 (\$50,000).

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

182 "§9-13-10

183 ~~All employees of the State Forestry Commission~~
184 ~~appointed as forest law enforcement officers by the State~~
185 ~~Forester are hereby constituted peace officers of the State of~~
186 ~~Alabama with full police power and may exercise such powers~~
187 ~~anywhere within the state. They are hereby authorized to carry~~
188 ~~firearms or other weapons when they are actually in the~~
189 ~~discharge of their duties as such officers as provided by law.~~
190 ~~They shall be clothed with the power to arrest with or without~~
191 ~~warrant any person who shall violate any of the laws of the~~
192 ~~State of Alabama or any rule or regulation of the Alabama~~
193 ~~Forestry Commission and take him before a proper court for~~
194 ~~trial.~~ All employees of the State Forestry Commission and all
195 duly appointed officers of the United States whose duty it is
196 to prevent and suppress forest fires are empowered to enter



197 any lands and to construct ~~thereon~~ fire lines, fire lanes, or
198 ~~fire breaks~~firebreaks, to set back fires ~~thereon~~ if necessary
199 to prevent the further spread of fire then actually burning the
200 and to do all other work necessary in the performance of their
201 duties, ~~including the right to enter any lands for the purpose~~
202 ~~of making investigations for the cause or causes of fires,~~
203 without liability for trespass or damage ~~therefrom~~."

204 "§9-13-11

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

207 (1) Willfully, maliciously, or intentionally ~~burns~~burn,
208 ~~sets~~set fire to, ~~attempts~~attempt to set fire to, or
209 ~~causes~~cause to be burned or any fire to be set to any forest,
210 grass, woodlands, or other inflammable vegetation on any lands
211 not owned, leased, controlled, or in the lawful possession of
212 the person, ~~firm, association, or corporation~~ setting the fire
213 or burning such lands or causing the fire to be set or lands
214 to be burned.

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

223 (b) It shall be a Class B misdemeanor for any person, ~~to~~
224



225 ~~firm, association, or corporation~~ to do any of the following:

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

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

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

242 (4) ~~Who shall set~~Set a fire within or near any forest,
243 woodland, or grassland without clearing the ground immediately
244 around it free from material ~~which~~that will carry fire~~,~~ or
245 ~~shall~~ leave such fire before ~~it~~the fire is totally
246 extinguished~~,~~ or start a fire in any forest, woodland, or
247 grassland by throwing away a lighted cigar, cigarette, or
248 match or by the use of firearms or in any other manner and
249 leave the same unextinguished~~+~~.

250 (5) ~~Who shall destroy~~Destroy, remove, injure, or deface
251 any fire warning or notices or deface any inscription or
252 devices comprising such notices~~+~~.



253 (6) ~~Who shall burn any new ground, field, grasslands,~~
254 ~~or woodlands, or adjoining woodlands or grasslands of another~~
255 ~~within any area which has been placed under organized forest~~
256 ~~fire protection by the State Forestry Commission~~Conduct any
257 prescribed burning, as defined in 9-13-272(2), without first
258 obtaining ~~verbal authorization~~ burn permit from the State
259 Forestry Commission ~~by obtaining a burning permit number~~.

260 (c) It shall be a Class A misdemeanor for any person to
261 recklessly or with wanton disregard for the safety of persons
262 or property burn, set fire to, attempt to set fire to, or
263 cause to be burned or any fire to be set to any forest, grass,
264 woodlands, or other inflammable vegetation on any lands not
265 owned, leased, controlled, or in the lawful possession of the
266 person setting the fire or burning such lands or causing the
267 fire to be set or lands to be burned without the permission of
268 the lawful owner.

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

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

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

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

279 (2) ~~Burning permits will be issued if the individual~~
280 ~~requesting the permit states that the above criteria will be~~



281 ~~met unless the State Forester shall declare a fire alert.~~
282 ~~Under fire alert conditions the State Forester may allow~~
283 ~~issuance of permits at his or her discretion, taking into~~
284 ~~account the number of fires burning in the district, current~~
285 ~~and projected weather conditions, the ability of the person~~
286 ~~seeking the permit to contain the fire and that individual's~~
287 ~~knowledge of fire behavior, and other factors which may affect~~
288 ~~fires and fire behavior. A fire alert will be issued by the~~
289 ~~State Forester for any district or portion of a district that~~
290 ~~in the opinion of the State Forester, has existing conditions~~
291 ~~which produce extraordinary danger from fire or smoke.~~

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

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

301 ~~(e) An area shall be deemed legally placed under~~
302 ~~organized forest fire protection by the State Forestry~~
303 ~~Commission of the State of Alabama upon proclamation of the~~
304 ~~State Forester. Such proclamation shall describe the lands~~
305 ~~placed in said area and shall be published once a week for two~~
306 ~~consecutive weeks in a newspaper published in the county where~~
307 ~~the lands composing said area are located. If there are no~~
308 ~~newspapers published in the county where said lands are~~



309 ~~located, then said proclamation shall be published in a~~
310 ~~newspaper of an adjoining county. In the event the lands~~
311 ~~composing said area are located in more than one county, such~~
312 ~~proclamation shall be so published in a newspaper in each~~
313 ~~county where said lands are located. Beginning with the~~
314 ~~twelfth day after the first publication of said proclamation~~
315 ~~in said newspaper or newspapers, the lands described in the~~
316 ~~proclamation shall be deemed in an area under organized forest~~
317 ~~fire protection. Upon the trial of any person, firm, or~~
318 ~~corporation for the violation of any provision of this~~
319 ~~section, a certified copy of said proclamation executed by the~~
320 ~~State Forester shall be admissible in evidence and shall be~~
321 ~~conclusive evidence of the fact that the lands described in~~
322 ~~said proclamation constitute an area under organized forest~~
323 ~~fire protection within the meaning of this section.~~

324 ~~(f)~~ (d) All ~~monies~~monies collected for any violation of
325 this section as fines, or forfeitures, etc., shall ~~go to be~~
326 deposited into the Alabama Forestry Commission Fund and shall
327 be used in defraying the expense of the administration of
328 ~~such~~the State Forestry Commission."

329 "§9-13-12

330 Any fire burning uncontrolled on any forested, cutover,
331 brushland, or grassland area is ~~hereby declared to be~~ a public
332 nuisance by reason of its menace to life and property. Any
333 person, firm, association or corporation responsible either
334 for the starting or the existence of such a fire ~~is hereby~~
335 ~~required to~~shall make a reasonable effort to control or
336 extinguish ~~it~~the fire as soon as he or she has knowledge



337 ~~thereof, and if such person, firm, association or corporation~~
338 ~~shall refuse or neglect to do so, any of the fire. Any~~
339 organized fire suppression force may suppress the nuisance
340 ~~thus constituted~~ by controlling and extinguishing the fire,
341 and the cost ~~thereof~~ may be recovered from ~~said the~~ person,
342 ~~firm, association or corporation~~ responsible for the starting
343 or existence of ~~such the~~ fire."

344 "§9-13-140

345 Whenever conditions exist in any county or counties in
346 this state which produce extraordinary danger from fire, the
347 State Forestry Commission, with approval of the Governor, may
348 by ~~regulation declare~~order, declare a ~~drought~~wildfire
349 emergency condition in ~~such the~~ county or counties."

350 "§9-13-141

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

364 "§9-13-142



365 Any person violating any provision of this article
366 shall be guilty of a Class B misdemeanor ~~and, upon conviction~~
367 ~~thereof, shall be fined not less than \$250.00 nor more than~~
368 ~~\$500.00 and, at the discretion of the court, may be sentenced~~
369 ~~to the county jail for a period not exceeding six months."~~

370 "§9-13-221

371 (a) It shall be the duty of any sheriff, ~~policeman,~~
372 ~~forestry officer, police officer,~~ or other peace officer or law
373 enforcement officer in the State of Alabama ~~or~~ who is arresting
374 any person ~~who is~~ charged with violating or attempting to
375 violate Section 9-13-60 or any felony laws of the State of
376 Alabama involving timber or forest products or transactions
377 pertaining thereto, to seize any vehicle and equipment used,
378 which is in the possession or under control of the person or
379 persons charged with violating the laws, and to deliver ~~any~~
380 ~~such the~~ seized vehicle and equipment, to the ~~regional forester~~
381 ~~of the forestry region in which the arrest is made~~ State
382 Forester or his or her designee. The person receiving any
383 vehicle and equipment from the arresting officer shall keep
384 ~~it~~ the vehicle and equipment in a safe place and in as good
385 condition as when received, until disposed of ~~as hereinafter~~
386 ~~provided~~.

387 (b) The seizure of vehicles and equipment provided in
388 this section is authorized only when the arrest is for a crime
389 involving the theft of timber harvesting equipment or the
390 parts thereof, the harvesting, removal, transportation, or
391 disposal of any forest products, or any other transactions
392 related to forest products or timber harvesting equipment or



393 any part or parts from timber harvesting equipment."

394 "§9-13-222

395 Within five days after the arrest or final conviction
396 of any person for violating Section 9-13-60 or any felony laws
~~of the State of Alabama outlined~~described in this
397 ~~article~~Section 9-13-221, the person ~~receiving possession of who~~
398 seizes any vehicle and equipment, ~~seized as aforesaid as~~
399 required by Section 9-13-221, shall report the seizure and
400 detention of the vehicle and equipment to the district
401 attorney or other prosecuting official, giving a full
402 description of ~~such~~the vehicle and equipment, any
403 identification number, make and model ~~thereof~~, the name of the
404 person in whose possession ~~it~~the vehicle or equipment was
405 found when seized, the person, if any, making claim to ~~same~~the
406 vehicle or equipment or any interest ~~therein~~in the vehicle or
407 equipment if the name can be ascertained or is known, ~~and~~ the
408 date and place of the seizure, and a statement of the
409 circumstances surrounding the seizing of the property."

410 "§9-13-225

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

418 (b) ~~And said order, in the event that~~If no appeal is
419 taken within 15 days ~~from the rendition thereof, after the~~



421 order is made, the order shall be carried out and executed.
422 The court, at its discretion, shall direct ~~in said judgment~~
423 that the cost of the proceedings be paid by the
424 ~~person(s)~~person or persons in whose possession ~~said~~the vehicle
425 and equipment were found when seized, or by any party or
426 parties that claim to own ~~said~~the vehicle and equipment, or
427 any interest therein, and who contested the condemnation and
428 forfeiture ~~thereof~~. The State Forester shall keep a permanent
429 record of all ~~such~~ vehicles and equipment forfeited and
430 awarded to ~~him as provided for herein, to~~ the State Forester
431 and the vehicles and equipment shall be accounted for as other
432 public property."

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

435 §9-3-5.1

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

441 §9-13-11.1

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

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



449 issuing permits electronically.

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

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

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

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

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

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

473 (2) The person requesting the burn permit is seeking to
474 conduct a prescribed burn in any area for which the State
475 Forester has issued a wildfire alert. Under these
476 circumstances, the State Forester shall take into account the



477 current number of wildfires in the area and the state
478 generally, current and projected weather conditions, the
479 knowledge, training, and ability of the person seeking the
480 burn permit to control and contain the prescribed burn, and
481 any other factors relevant to determining whether issuing the
482 requested burn permit might create an unreasonable risk of
483 injury to individuals or property.

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

490 (f) If it is determined that a burn permit was issued
491 based on any false declaration by the person who requested the
492 burn permit, the burn permit may be revoked by the State
493 Forestry Commission.

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

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

504 (i) If a burn permit is revoked by the State Forestry

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505 Commission, any continuation of a prescribed burn conducted
506 pursuant to the burn permit, except actions by the person
507 conducting the prescribed burn to contain, suppress, or
508 otherwise control a prescribed burn that was commenced before
509 the burn permit was revoked, shall be treated as if no legal
510 authorization had been obtained.

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

513 Section 3. Sections 9-13-5, 9-13-6, 9-13-7, 9-13-8, and
514 9-13-9, Code of Alabama 1975, providing for the appointment,
515 duties, and compensation of forest fire wardens; Sections
516 9-13-13, 9-13-14, and 9-13-15, Code of Alabama 1975,
517 prohibiting certain conduct as a precaution against the spread
518 of fire; and Sections 9-13-24, 9-13-64, 9-13-223, and
519 9-13-226, Code of Alabama 1975, establishing the powers and
520 duties of employees, fees for arresting officers, and
521 procedures regarding the reporting of and award of property
522 after timber theft, are repealed.

523 Section 4. This act shall become effective on October
524 1, 2026.