

## HB267 INTRODUCED



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



## 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



## HB267 INTRODUCED

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.

45  
46  
47  
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



## HB267 INTRODUCED

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§9-3-5

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



## HB267 INTRODUCED

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

"§9-3-7

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

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



## HB267 INTRODUCED

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

"§9-13-3

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

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

(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.

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



## HB267 INTRODUCED

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

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

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



## HB267 INTRODUCED

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

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

"§9-13-10

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





## HB267 INTRODUCED

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

"§9-13-11

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

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

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

(b) It shall be a Class B misdemeanor for any person, ~~or~~



## HB267 INTRODUCED

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

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

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

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

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

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



## HB267 INTRODUCED

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

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

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

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

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

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

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



## HB267 INTRODUCED

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

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

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

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



## HB267 INTRODUCED

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

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

"§9-13-12

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



## HB267 INTRODUCED

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

"§9-13-140

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

"§9-13-141

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

"§9-13-142



## HB267 INTRODUCED

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

"§9-13-221

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

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



## HB267 INTRODUCED

any part or parts from timber harvesting equipment."

"§9-13-222

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

"§9-13-225

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

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





## HB267 INTRODUCED

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

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

### §9-3-5.1

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

### §9-13-11.1

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

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



## HB267 INTRODUCED

issuing permits electronically.

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

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

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

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

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

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

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



## HB267 INTRODUCED

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

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

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

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

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

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



## HB267 INTRODUCED

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

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

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

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