

1 HB487
2 129009-1
3 By Representatives Tuggle, Roberts, Fincher, Shiver, Jackson,
4 Davis, Baker, Johnson (R), Hurst, Buttram, Williams (J),
5 Clouse, Boothe, Lee, Chesteen, Williams (P), Brown, Vance,
6 Hammon, Merrill, Moore (B), McMillan, Mitchell, Johnson (K),
7 Beech, Jones, Gaston, Greer, Bridges, Patterson, Williams (D),
8 Long, Rich, Johnson (W), Baughn, Boman, Morrow and Todd
9 RFD: Agriculture and Forestry
10 First Read: 07-APR-11

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8 SYNOPSIS: Under existing law, the county commission of
9 a county has general superintendence of the public
10 roads. The Attorney General has issued an opinion
11 that this authority authorizes a county commission
12 to regulate timber harvesters using county roads.

13 This bill would specify that a county
14 commission may adopt a uniform notice requirement
15 for timber harvesters prior to timber operations.
16 The failure to comply with the requirement would be
17 punishable by a civil fine for each violation. The
18 bill would prohibit any other notice, permit,
19 license, or security to use public roads in the
20 county to haul forest products.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To add Section 23-1-80.1 to the Code of Alabama
27 1975, to authorize the county commission of a county to adopt

1 an ordinance requiring persons and firms using county roads
2 while conducting timber harvest operations in the county to
3 file prior notice of the operation; and to provide for civil
4 fines for violations.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 23-1-80.1 is added to the Code of
7 Alabama 1975, to read as follows:

8 §23-1-80.1.

9 (a) A county commission, by ordinance or resolution,
10 may require all persons or firms harvesting standing timber in
11 any unincorporated area of the county for delivery as
12 pulpwood, logs, poles, posts, or wood chips to any wood yard
13 or processing plant to provide notice of the harvesting
14 operation to the county commission prior to cutting any of the
15 timber.

16 (b) Any ordinance or resolution adopted pursuant to
17 subsection (a) shall require prior written notice by any
18 person or firm harvesting timber for each separate tract to be
19 harvested consisting of 10 acres or more. The notice shall be
20 in the form prescribed by the county commission and shall
21 consist of only the following:

22 (1) A map or legal description of the area which
23 identifies the location of the tract to be harvested and
24 identifies those trucks which will be traveling to and from
25 the tract for purposes of picking up and hauling loads of cut
26 forest products, the main point of ingress to the tract from a

1 public road, and the main point of egress from the tract to a
2 public road.

3 (2) The expected routes upon county roads related to
4 the harvest operation.

5 (3) The name, address, and daytime telephone number
6 of the person or firm contracted to purchase the standing
7 timber.

8 (4) The notice shall be submitted to the regular
9 office of the county commission and may be submitted in
10 person, by transmission of an electronic record via
11 telefacsimile or electronic mail, by regular mail, or by other
12 means as approved by the county commission.

13 (c) If the proposed routes and points of ingress and
14 egress otherwise comply with state law concerning the use of
15 public roads, the county commission may deny permission for
16 the use of the proposed locations only pursuant to existing
17 authority based on grounds of public safety.

18 (d) The notice shall be effective for the harvesting
19 operation on the tract upon filing of the notice with the
20 county commission and until the person or firm giving the
21 notice has completed the harvesting operation for the tract.
22 Notwithstanding the foregoing, any subsequent change in
23 material facts required to be provided in the notice shall be
24 reported to the county commission or its designated agent
25 within three business days after the change.

26 (e) The notice requirements in this act shall be
27 applicable to any timber harvested on or after the effective

1 date of the ordinance or resolution adopted pursuant to this
2 section.

3 (f) The county commission may punish a violation of
4 the notice requirements of any ordinance or resolution adopted
5 pursuant to this section by a civil fine not exceeding five
6 hundred dollars (\$500) for each violation. The county
7 commission shall give notice and an opportunity for a hearing
8 prior to the levy of a fine pursuant to this subsection.

9 (g) Except as provided by this section, a county may
10 not require any person or firm harvesting standing timber in
11 the county or hauling timber for delivery as pulpwood, logs,
12 poles, posts, or wood chips to any wood yard or processing
13 plant to provide any other notice of the activity, acquire any
14 other permit or license, or post any security as a condition
15 of using the public roads in the county to haul forest
16 products.

17 (h) Compliance with the notice provisions by persons
18 or firms affected shall not operate to relieve such persons or
19 firms from liability for damages which may arise from their
20 use of public roads in the county.

21 Section 2. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 3. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.