

2018 Regular Session

HOUSE BILL NO. 859

BY REPRESENTATIVE MCFARLAND

AGRICULTURE/FOREST DEPT: Requires permits for timber hauling

1 AN ACT

2 To enact R.S. 3:4274(A)(6), 4278.4, and 4278.5, relative to timber hauling; to provide for
3 powers of the Louisiana Forestry Commission; to establish a timber hauling permit
4 and applicable fees; to provide for the distribution of funds; to provide for
5 rulemaking; to prohibit local governments from restricting the transportation of
6 timber; to provide for reimbursement for road repair; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 3:4274(A)(6), 4278.4, and 4278.5 are hereby enacted to read as
10 follows:

11 §4274. Powers and duties of commission

12 A. The commission shall:

13 * * *

14 (6) Conduct a hearing for the discipline of any individual who is issued a
15 citation for failure to obtain a timber hauling permit pursuant to R.S. 3:4278.4 and
16 make recommendations to the commissioner on appropriate discipline and fines.

17 * * *

18 §4278.4. Timber hauling permit; fees

19 A. No person shall operate a vehicle in Louisiana for the purpose of hauling
20 timber unless that person has a timber hauling permit for that vehicle issued by the

1 department. The permit shall be valid for two years, beginning on January first of
2 each odd-numbered calendar year and expiring on December thirty-first of each
3 even-numbered calendar year. The permit may be purchased at any time of the year
4 for the current permit period.

5 B. The department shall establish a biennial permit fee in an amount not to
6 exceed two hundred dollars.

7 C. Any individual who fails to obtain a permit may be issued a citation by
8 a forestry enforcement officer.

9 D. The cost of operating the permit system shall be deducted by the
10 department from the permit fees and shall not exceed five percent of the total amount
11 of fees collected.

12 E. The remaining funds generated by the permit system shall be distributed
13 to parish treasuries at a percentage equal to that of the respective parish annual
14 timber production as reflected in the Louisiana Timber and Pulpwood Production
15 Report published by the department. The funds shall be dispersed by the end of the
16 first quarter of the calendar year following the release of the report.

17 F. Funds distributed to a parish from the permit system shall only be used for
18 road maintenance within that specific parish.

19 G. The department, in consultation with the Louisiana Forestry Commission,
20 shall promulgate rules and regulations in accordance with the Administrative
21 Procedure Act to implement the provisions of this Section.

22 §4278.5. Prohibition on local government timber hauling restrictions;
23 reimbursement for road damage

24 A. After January 1, 2019, no local governing authority shall enact any
25 ordinance or regulation concerning in any way the transportation of harvested timber.

26 B. All timber harvesting contractors shall report the location of the harvest
27 site to a parish designee and the contractor, or an employee designated by the
28 contractor, shall be available for road inspection before and after timber harvesting
29 operations to determine road damage resulting from the timber harvesting operation.

- 1 C. The timber harvesting contractor and the timber owner shall be required
2 to reimburse the parish government for road repair materials required to repair road
3 damage resulting from timber harvesting operations if mutually agreed upon by the
4 parish designee, timber harvesting contractor, and timber owner. The total amount
5 reimbursed by the timber harvesting contractor and the timber owner shall not
6 exceed two thousand five hundred dollars per harvesting location site. No parish
7 shall collect any reimbursement unless the fees from the timber hauling permit and
8 the timber severance tax allocated to the parishes by Article VII, Section (4)(D) of
9 the Constitution of Louisiana have been exhausted on road maintenance.
- 10 D. The department shall have the authority to view, inspect, and audit any
11 and all documents and records associated with timber severance tax collection and
12 reporting at any facility or business buying or selling timber in Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 859 Original

2018 Regular Session

McFarland

Abstract: Establishes a timber hauling permit and provides for distribution of funds and additional reimbursement for road repair due to damage resulting from the transportation of timber.

Present law specifies the powers and duties of the La. Forestry Commission.

Proposed law adds the authority for the commission to hold disciplinary hearings for any individual who has been issued a citation for failure to not obtain a timber hauling permit and make recommendations to the commissioner of agriculture on discipline and fines.

Proposed law creates a timber hauling permit to be issued by the Dept. of Agriculture to every vehicle hauling timber in the state.

Proposed law requires that the permit be renewed every two years at a cost of not more than \$200.

Proposed law authorizes forestry enforcement officers to issue citations to individuals who fail to obtain the permit.

Proposed law allows the department to allocate 5% of permit fees to operating costs and requires distribution of the remaining funds to parishes based on their annual timber production to be used solely for road repair.

Proposed law prohibits any local government from enacting timber hauling regulations after Jan. 1, 2019.

Proposed law allows parishes to collect additional reimbursement for road repair materials from timber hauling contractors and timber owners, contingent on agreement of the parties, only if all timber hauling permit funds and severance taxes have been exhausted on road maintenance.

Proposed law limits the total reimbursement to up to \$2,500 for each timber harvesting site.

Proposed law authorizes the department to audit all documents relating to timber severance tax collection.

(Adds R.S. 3:4274(A)(6), 4278.4, and 4278.5)