## SLS 24RS-384

## ORIGINAL

2024 Regular Session

SENATE BILL NO. 81

BY SENATOR ALLAIN

FORESTRY. Provides for prescribed burning by non-certified prescribed burn managers. (gov sig)

1	AN ACT
2	To enact R.S. 3:17.1, relative to prescribed burning by non-certified prescribed burn
3	managers; to provide relative to permits from the office of forestry; to provide for
4	permit requirements; to provide for the authorization of the commissioner of
5	agriculture and forestry to promulgate rules and regulations; to provide for certain
6	fees; to provide for penalties; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 3:17.1 is hereby enacted to read as follows:
9	§17.1. Prescribed burning by non-certified prescribed burn managers
10	A. Any prescribed burning that is not conducted in accordance with the
11	provisions of R.S. 3:17 shall require a permit from the office of forestry prior
12	to burning.
13	<b>B.</b> An applicant for a permit shall, at a minimum, provide the office of
14	forestry with the location and the time of the proposed burn. Such information
15	may be provided and the permit may be obtained by a telephone call to the
16	office of forestry. Upon approval, a permit shall be issued which will grant
17	permission for the prescribed burning to take place.

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	C. The commissioner of agriculture and forestry is authorized to
2	promulgate rules and regulations in accordance with the Administrative
3	<u>Procedure Act to carry out the intent and purposes of this Section, including but</u>
4	not limited to the adoption of a permit fee not to exceed twenty-five dollars and
5	the information required from the applicant.
6	<b>D. Prescribed burning conducted in accordance with the provisions of</b>
7	this Section shall not entitle the prescribed burner with a rebuttable
8	presumption of non-negligence.
9	<b>E.</b> The provisions of this Section shall not apply to the burning of leaf
10	piles, yard debris, or hand-piled natural vegetation.
11	<b>F. Any person who violates this Section or any rule or regulation adopted</b>
12	pursuant to this Section may be subject to a civil penalty not to exceed two
13	hundred fifty dollars for a first offense and a civil penalty not to exceed five
14	hundred dollars for a second or subsequent offense. Civil penalties may only be
15	assessed by a ruling of the commissioner held in accordance with the
16	Administrative Procedure Act.
17	Section 2. This Act shall become effective upon signature by the governor or, if not
18	signed by the governor, upon expiration of the time for bills to become law without signature
19	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20	vetoed by the governor and subsequently approved by the legislature, this Act shall become
21	effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Mary Frances Aucoin.

SB 81 Original

## DIGEST 2024 Regular Session

Allain

<u>Proposed law</u> provides that any prescribed burning done not in accordance with <u>present law</u> must have a permit from the office of forestry prior to burning.

<u>Proposed law</u> provides that an applicant must, at minimum, provide the office of forestry with the location and time of the proposed burn when applying for a permit. The applicant can provide this information by a telephone call to the office of forestry.

<u>Proposed law</u> authorizes the commissioner of agriculture and forestry to promulgate rules and regulations in accordance with the Administrative Procedure Act, including the adoption

Page 2 of 3

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of a permit fee not to exceed \$25 and the information required from the applicant.

<u>Proposed law</u> does not entitle the prescribed burner with a rebuttable presumption of nonnegligence.

<u>Proposed law</u> exempts the need for a permit when burning of leaf piles, yard debris, or handpiled natural vegetation.

<u>Proposed law</u> provides for a civil penalty not to exceed \$250 for a first offense and a civil penalty not to exceed \$500 for a second or subsequent offense.

<u>Proposed law</u> provides that civil penalties may only be assessed by a ruling of the commissioner in accordance with the Administrative Procedure Act.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 3:17.1)