

SENATE BILL NO. 81

BY SENATOR ALLAIN

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. The provisions of this Section shall only be applicable to any**
11 **prescribed burning that is not conducted in accordance with the provisions of**
12 **R.S. 3:17. As used in this Section, "non-certified prescribed burn manager"**
13 **means an individual that has not successfully completed the certification**
14 **program of the Louisiana State University Agricultural Center or other**
15 **approved program and is not certified by the Department of Agriculture and**
16 **Forestry.**

17 **B. A non-certified prescribed burn manager, prior to conducting a**
18 **prescribed burn, shall provide the office of forestry with the location, date, and**
19 **time of the prescribed burn. The office of forestry shall review the information**
20 **and the non-certified prescribed burn manager shall agree to follow the relevant**
21 **smoke management guidelines as approved by the department in order for the**
22 **notification to be accepted.**

23 **C. The commissioner of agriculture and forestry is authorized to**
24 **promulgate rules and regulations in accordance with the Administrative**
25 **Procedure Act to carry out the intent and purposes of this Section.**

26 **D. Prescribed burning conducted in accordance with the provisions of**
27 **this Section shall not entitle the non-certified prescribed burn manager with a**

1 **rebuttable presumption of non-negligence.**

2 **E. The provisions of this Section shall not apply to the burning of leaf**
3 **piles, yard debris, or hand-piled natural vegetation.**

4 **F. Any person who violates this Section or any rule or regulation adopted**
5 **pursuant to this Section may be subject to a civil penalty not to exceed two**
6 **hundred fifty dollars for a first offense and a civil penalty not to exceed five**
7 **hundred dollars for a second or subsequent offense. Civil penalties may only be**
8 **assessed by a ruling of the commissioner based upon an adjudicatory hearing**
9 **held in accordance with the Administrative Procedure Act.**

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____